

# Rumble for the Robes

**Miguel Estrada is no household name. But both parties see his bid for a judgeship as an issue in 2004**

By Debra Rosenberg  
NEWSWEEK

March 24 issue — When George W. Bush nominated him to the U.S. Court of Appeals for the District of Columbia in May 2001, Miguel Estrada seemed like a shoo-in.

A 41-YEAR-OLD Honduran immigrant with a solid resume, he'd clerked for Supreme Court Justice Anthony Kennedy, served as a federal prosecutor during Bush I and then as assistant solicitor general in the Clinton administration. As a trial lawyer, he didn't even have the kind of incriminating paper trail that sometimes derails judges and law professors. Democrats who suspected he was ultraconservative had no proof.

But they found a way to block his path anyway. They complained that Estrada was evasive during hearings last fall and, looking for evidence of his right-wing views, demanded internal memos from his days at the Justice Department (the administration has refused to hand them over). Last week his nomination remained bogged down in the Senate—where, for the second time, Republicans failed to muster the votes to advance it.

Estrada's trial by fire is becoming an increasingly familiar drama in Washington. Ever since the contentious hearings over conservative Judge Robert Bork's Supreme Court nomination in 1987, senators have engaged in a quiet game of retribution over judicial candidates. The Senate is supposed to offer "advice and consent" in the president's selection of federal judges. But over the years, the two parties have blamed each other for trying to pack the courts with ideologues—and both have done their share of foot-dragging to slow the process. This time, Democrats oppose Estrada not because they disagree with him on the issues, but because they don't have enough information to know what he believes. They worry that if he's confirmed he could be another "stealth nominee" who, like Clarence Thomas, could make an appealin g pick for the Supreme Court.

Although it takes only a simple majority to confirm a nominee, quirky rules allow senators to stall the process unless there are 60 votes to shut off debate. Last month Democrats launched a filibuster against Estrada—but it's hardly the 24/7 talkathon out of "Mr. Smith Goes to Washington." In today's low-profile drama, senators pause for other business. Though the battle has been overshadowed by the brewing war with Iraq, it has sent the normally collegial Senate into partisan bickering. "I don't think there's any question the Senate is broken," says Judiciary chairman Orrin Hatch.

Both parties hope the standoff will galvanize their political base. The White House wants to use it in the ground war of the 2004 campaign. GOP strategists concede that, so far, most voters don't even know who Miguel Estrada is. But they hope to portray Democrats as anti-Hispanic obstructionists. "I'm not saying it'll be a top-tier issue, but if we run an ad campaign we can get people fired up," says GOP consultant Charlie Black. One likely battleground: Florida, where the White House is encouraging Housing Secretary Mel Martinez to run for the Senate seat now occupied by Democratic presidential hopeful (and filibuster supporter) Bob Graham.

Democrats bristle at the idea that they're anti-Hispanic. "What idiocy," says Texas Rep. Charlie Gonzales, a member of the Congressional Hispanic Caucus, which, along with a number of Latino legal and activist groups, have lined up against Estrada. He says his constituents care more about Iraq, prescription-drug coverage and immigration.

Last week Bush asked the Senate to outlaw filibusters on nominees and hold "timely" votes on his judicial picks. A few senators are quietly trying to find an endgame. Hatch, who predicts Estrada will eventually be confirmed, also hints he has "procedural ways" to end the filibuster. But with more controversial nominees in the pipeline—Bush resubmitted nominations for Priscilla Owen and Charles Pickering, both rejected by Democrats last fall—tension is only likely to rise. If the fight is this heated over an appellate judge, Bush can only imagine the battle he'll face if he tries to fill a vacancy on the Supreme Court.

Sean Rushton



Executive Director  
Committee for Justice  
202-661-6372 phone  
202-487-6439 mobile  
[www.committeeforjustice.org](http://www.committeeforjustice.org)

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**From:** CN=Noel J. Francisco/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/17/2003 3:02:31 AM  
**Subject:** : Did Clement give you the Michigan Q's?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:17-MAR-2003 08:02:31.00  
SUBJECT:: Did Clement give you the Michigan Q's?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/17/2003 3:29:57 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:17-MAR-2003 08:29:57.00  
SUBJECT: :  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I put an email on the NH Senators visit on your chair. I need to nail  
down whether they will be able to participate-can you let me know?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Paul B. Dyck/WHO/EOP@EOP [ WHO ] <Paul B. Dyck>  
**Sent:** 3/17/2003 3:42:56 AM  
**Subject:** : RE: Joe Klock

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 17-MAR-2003 08:42:56.00  
SUBJECT: : RE: Joe Klock  
TO: Paul B. Dyck ( CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

got it

Paul B. Dyck  
03/17/2003 06:39:12 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: Joe Klock

fyi from Gov. Bush on Klock below

----- Forwarded by Paul B. Dyck/WHO/EOP on 03/17/2003  
06:38 AM -----

Kathleen Shanahan <kathleen@jeb.org>  
03/16/2003 01:19:54 PM  
Please respond to kathleen@jeb.org  
Record Type: Record

To: Paul B. Dyck/WHO/EOP@EOP  
cc:  
Subject: RE: Joe Klock

the you in gov's note is WH  
joe k is seeking political viability by brokering...

k

-----Original Message-----  
From: Jeb Bush [mailto:jeb@jeb.org]  
Sent: Friday, March 14, 2003 9:22 PM  
To: Kathleen Shanahan; Paul\_B.\_Dyck@who.eop.gov  
Subject: RE: Joe Klock

I think you should go directly to graham. He is only struggling for  
political  
purposes.

Jeb Bush

REV\_00112042

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Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

-----Original Message-----

From: Kathleen Shanahan

Sent: Friday, March 14, 2003 8:46 AM

To: Paul\_B.\_Dyck@who.eop.gov

Cc: Jeb Bush

Subject: RE: Joe Klock

sorry just saw

gov - what say you?

---

**From:** CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/17/2003 4:34:36 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:17-MAR-2003 09:34:36.00  
SUBJECT:: Re:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Last Wendesday - I will bring down again.

Brett M. Kavanaugh  
03/17/2003 09:25:22 AM  
Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re:

I do not have this? When did you leave?

Alicia W. Davis  
03/17/2003 08:25:26 AM  
Record Type: Record

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

I put an email on the NH Senators visit on your chair. I need to nail down whether they will be able to participate-can you let me know?

---

**From:** CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ]  
**To:** Israel Hernandez/WHO/EOP@Exchange [ WHO ] <Israel Hernandez>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** John J. Healey/WHO/EOP@EOP [ WHO ] <John J. Healey>  
**Sent:** 3/17/2003 4:38:48 AM  
**Subject:** : You can officially ignore me

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:17-MAR-2003 09:38:48.00  
SUBJECT:: You can officially ignore me  
TO:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:John J. Healey ( CN=John J. Healey/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The NH Senators issue I have been harrassing you about is now a moot point-as-in typical fashion-they have canceled the event.

Have a great day!

-AWD

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alicia W. Davis/WHO/EOP@EOP [ WHO ] <Alicia W. Davis>  
**Sent:** 3/17/2003 4:41:05 AM  
**Subject:** : Re: You can officially ignore me

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:17-MAR-2003 09:41:05.00  
SUBJECT:: Re: You can officially ignore me  
TO:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I prefer to unofficially ignore you.

Alicia W. Davis  
03/17/2003 09:34:16 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Israel  
Hernandez/WHO/EOP@Exchange  
cc: John J. Healey/WHO/EOP@EOP  
Subject: You can officially ignore me

The NH Senators issue I have been harrassing you about is now a moot point-as-in typical fashion-they have canceled the event.

Have a great day!

-AWD



---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Joel D. Kaplan/WHO/EOP@Exchange@EOP [ WHO ] <Joel D. Kaplan>  
**Sent:** 3/17/2003 9:21:56 AM  
**Subject:** : S.148 putting Ridge in presidential line of succession

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:17-MAR-2003 14:21:56.00  
SUBJECT:: S.148 putting Ridge in presidential line of succession  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Will someone look at this and let me know our thoughts....there is some interest in moving this through committee..Thanks.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 3/17/2003 9:26:10 AM  
**Subject:** : S.148 putting Ridge in presidential line of succession

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:17-MAR-2003 14:26:10.00  
SUBJECT:: S.148 putting Ridge in presidential line of succession  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

can you get me copy of this bill  
----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
03/17/2003 02:26 PM -----

Wendy J. Grubbs  
03/17/2003 02:21:55 PM  
Record Type: Record

To: Joel D. Kaplan/WHO/EOP@Exchange@EOP, Brett M.  
Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: S.148 putting Ridge in presidential line of succession

Will someone look at this and let me know our thoughts....there is some  
interest in moving this through committee..Thanks.

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Carolene Langie Office of Global Communications/WHO/EOP@EOP [ WHO ] <Carolene Langie Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 3/17/2003 5:31:58 AM  
**Subject:** : White House Global Messenger - 03/17/03  
**Attachments:** P\_PK6QE003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )

CREATION DATE/TIME:17-MAR-2003 10:31:58.00

SUBJECT:: White House Global Messenger - 03/17/03

TO:Carolene Langie Office of Global Communications ( CN=Carolene Langie Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

(See attached file: GM 3-17-03 FINAL.doc)

THE GLOBAL MESSENGER  
Monday, March 17, 2003

\*\*\*\*\*KEY POINTS FROM THE PRESIDENT'S STATEMENT AT THE AZORES\*\*\*\*\*

\*Monday is a moment of truth for the world. Many nations have voiced a commitment to peace and security, and now must show that commitment by supporting the immediate and unconditional disarmament of Saddam Hussein.

\*Saddam Hussein is a threat to the security of free nations. He is a danger to his neighbors and a sponsor of terrorism. He's an obstacle to progress in the Middle East, and for decades has been the cruel oppressor of the Iraq people.

\*Fifteen years ago, Saddam Hussein launched a chemical weapons attack on the Iraqi village of Halabja, killing thousands without mercy or shame. Saddam has proven he is capable of any crime. We must not permit his crimes to reach across the world.

\*Saddam Hussein has a history of mass murder and possesses the weapons of mass murder. He agreed to disarm of these weapons over a decade ago.

\*UN Security Council Resolution 1441 demanded once again Iraq's full and immediate disarmament, and promised serious consequences if the regime refused to comply. That resolution was passed unanimously and its logic is inescapable; the Iraqi regime will disarm itself, or the Iraqi regime will be disarmed by force.

\*Iraq's liberation would be the beginning, not the end, of our commitment to its people. We will supply humanitarian relief, bring economic sanctions to a swift close, and work for the long-term recovery of Iraq's economy. And Iraq's natural resources would be used for the benefit of their owners, the Iraqi people.

REV\_00112055

\*Iraq has the potential to be a great nation. Her people are skilled and educated. We're committed to the goal of a unified and democratic Iraq where members of all ethnic and religious groups are treated with dignity and respect.

\*To achieve this vision, we will work closely with the international community, including the UN and our coalition partners. If military force is required, we'll seek new Security Council resolutions to encourage broad participation in the process of helping the Iraqi people build a free Iraq.

\*\*\*\*\*KEY QUOTES FROM THE AZORES\*\*\*\*\*

KEY QUOTES FROM THE AZORES SUMMIT, 3-16-03

"The UN must mean something. Remember Rwanda, or Kosovo. The UN didn't do its job. And we hope [Monday] the UN will do its job....I will work hard to see to it that at least from our perspective, that the UN is able to be a responsibility body, and when it says something, it means it."  
-President Bush

"We will support representative government that unites Iraq on the democratic basis of human rights and the rule of law....[And] we will help rebuild Iraq not because of the problems of conflict, where if it comes to that, we will do everything we can to minimize the suffering of the Iraqi people, but...because of the appalling legacy that the rule of Saddam has left the Iraqi people."  
-British Prime Minister Blair

"If Saddam Hussein wants to disarm and avoid the serious consequences that he has been warned about by the United Nations, he can do so....[H]is is the sole responsibility."  
-Spanish President Aznar

\*\*\*\*\*KEY QUOTES\*\*\*\*\*

"[T]he objective of many of the Iraqi people, and the opposition, as well, too, is to establish a broadly representative government in Iraq that has due regard for the various groups and for the human rights, protects the territory and integrity of Iraq....And the United States and the international community...have a vested interest in seeing to it that if, in fact, Saddam Hussein leaves, that a new government has stood up that meets those and satisfies those various standards."  
Vice President Cheney, interview on CBS's Face the Nation, 3-16-03

THE WHITE HOUSE  
Office of Global Communications

For more information log on to <http://www.whitehouse.gov/ogc>

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You have previously expressed interest in obtaining news and information from

the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.

- GM 3-17-03 FINAL.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_PK6QE003\_WHO.TXT\_1>



# THE GLOBAL MESSENGER

Monday, March 17, 2003



## **KEY QUOTES FROM THE AZORES SUMMIT, 3-16-03**

"The UN must mean something. Remember Rwanda, or Kosovo. The UN didn't do its job. And we hope [Monday] the UN will do its job....I will work hard to see to it that at least from our perspective, that the UN is able to be a responsible body, and when it says something, it means it."

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## **KEY QUOTES**

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**Vice President Cheney, interview on CBS's Face the Nation, 3-16-03**

## **KEY POINTS FROM THE PRESIDENT'S STATEMENT AT THE AZORES SUMMIT**

- Monday is a moment of truth for the world. Many nations have voiced a commitment to peace and security, and now must show that commitment by supporting the immediate and unconditional disarmament of Saddam Hussein.
- Saddam Hussein is a threat to the security of free nations. He is a danger to his neighbors and a sponsor of terrorism. He's an obstacle to progress in the Middle East, and for decades has been the cruel oppressor of the Iraqi people.
- Fifteen years ago, Saddam Hussein launched a chemical weapons attack on the Iraqi village of Halabja, killing thousands without mercy or shame. Saddam has proven he is capable of any crime. We must not permit his crimes to reach across the world.
- Saddam Hussein has a history of mass murder and possesses the weapons of mass murder. He agreed to disarm of these weapons over a decade ago.
- UN Security Council Resolution 1441 demanded once again Iraq's full and immediate disarmament, and promised serious consequences if the regime refused to comply. That resolution was passed unanimously and its logic is inescapable; the Iraqi regime will disarm itself, or the Iraqi regime will be disarmed by force.
- Iraq's liberation would be the beginning, not the end, of our commitment to its people. We will supply humanitarian relief, bring economic sanctions to a swift close, and work for the long-term recovery of Iraq's economy. And Iraq's natural resources would be used for the benefit of their owners, the Iraqi people.
- Iraq has the potential to be a great nation. Her people are skilled and educated. We're committed to the goal of a unified and democratic Iraq where members of all ethnic and religious groups are treated with dignity and respect.
- To achieve this vision, we will work closely with the international community, including the UN and our coalition partners. If military force is required, we'll seek new Security Council resolutions to encourage broad participation in the process of helping the Iraqi people build a free Iraq.

**THE WHITE HOUSE**  
**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00112058

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**From:** Davis, Alicia W.  
**To:** <Kavanaugh, Brett M.>;<Hernandez, Israel>  
**CC:** <Healey, John J.>  
**Sent:** 3/17/2003 9:32:35 AM  
**Subject:** You can officially ignore me

The NH Senators issue I have been harrassing you about is now a moot point-as-in typical fashion-they have canceled the event.

Have a great day!

-AWD

---

**From:** Kavanaugh, Brett M.  
**To:** <Holbrook, Ashley>;<Jones, Alison>  
**Sent:** 3/17/2003 9:53:21 AM  
**Subject:** is mtg with pickering still occurring



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**From:** Holbrook, Ashley  
**To:** <Kavanaugh, Brett M.>  
**CC:** <Jones, Alison>  
**Sent:** 3/17/2003 10:00:02 AM  
**Subject:** RE: is mtg with pickering still occurring

Yes.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, March 17, 2003 9:53 AM  
**To:** Holbrook, Ashley ; Jones, Alison  
**Subject:** is mtg with pickering still occurring

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Helgard C. Walker/WHO/EOP@EOP [ WHO ] <Helgard C. Walker>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 3/17/2003 6:37:12 AM  
**Subject:** : Newsweek story re Estrada

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 17-MAR-2003 11:37:12.00  
SUBJECT: : Newsweek story re Estrada  
TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

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Miguel Estrada is no household name. But both parties see his bid for a judgeship as an issue in 2004

By Debra Rosenberg  
NEWSWEEK

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A 41-YEAR-OLD Honduran immigrant with a solid resume, he'd clerked for Supreme Court Justice Anthony Kennedy, served as a federal prosecutor during Bush I and then as assistant solicitor general in the Clinton administration. As a trial lawyer, he didn't even have the kind of incriminating paper trail that sometimes derails judges and law professors. Democrats who suspected he was ultraconservative had no proof.

But they found a way to block his path anyway. They complained that Estrada was evasive during hearings last fall and, looking for evidence of his right-wing views, demanded internal memos from his days at the Justice Department (the administration has refused to hand them over). Last week his nomination remained bogged down in the Senate-where, for the second time, Republicans failed to muster the votes to advance it.

Estrada's trial by fire is becoming an increasingly familiar

drama in Washington. Ever since the contentious hearings over conservative Judge Robert Bork's Supreme Court nomination in 1987, senators have engaged in a quiet game of retribution over judicial candidates. The Senate is supposed to offer "advice and consent" in the president's selection of federal judges. But over the years, the two parties have blamed each other for trying to pack the courts with ideologues-and both have done their share of foot-dragging to slow the process. This time, Democrats oppose Estrada not because they disagree with him on the issues, but because they don't have enough information to know what he believes. They worry that if he's confirmed he could be another "stealth nominee" who, like Clarence Thomas, could make an appealing pick for the Supreme Court.

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---

**From:** CN=Noel J. Francisco/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/17/2003 6:44:35 AM  
**Subject:** : Michigan TP's

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:17-MAR-2003 11:44:35.00  
SUBJECT:: Michigan TP's  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I few weeks ago, I sent you Michigan talking points I did for ARG. Do you know if there is a current set of short-form talking points? Leg Affairs is looking for some. (I have draft versions, but not the final ones).

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Walker, Helgard C.>; <Newstead, Jennifer G.>; <Bartolomucci, H. Christopher>; <Sampson, Kyle>; <Francisco, Noel J.>; <Powell, Benjamin A.>; <Ulyot, Theodore W.>  
**Sent:** 3/17/2003 11:31:25 AM  
**Subject:** Newsweek story re Estrada

Rumble for the Robes

Miguel Estrada is no household name. But both parties see his bid for a judgeship as an issue in 2004

By Debra Rosenberg

NEWSWEEK

March 24 issue - When George W. Bush nominated him to the U.S. Court of Appeals for the District of Columbia in May 2001, Miguel Estrada seemed like a shoo-in.

A 41-YEAR-OLD Honduran immigrant with a solid resume, he'd clerked for Supreme Court Justice Anthony Kennedy, served as a federal prosecutor during Bush I and then as assistant solicitor general in the Clinton administration. As a trial lawyer, he didn't even have the kind of incriminating paper trail that sometimes derails judges and law professors. Democrats who suspected he was ultraconservative had no proof.

But they found a way to block his path anyway. They complained that Estrada was evasive during hearings last fall and, looking for evidence of his right-wing views, demanded internal memos from his days at the Justice Department (the administration has refused to hand them over). Last week his nomination remained bogged down in the Senate-where, for the second time, Republicans failed to muster the votes to advance it.

Estrada's trial by fire is becoming an increasingly familiar drama in Washington. Ever since the contentious hearings over conservative Judge Robert Bork's Supreme Court nomination in 1987, senators have engaged in a quiet game of retribution over judicial

candidates. The Senate is supposed to offer "advice and consent" in the president's selection of federal judges. But over the years, the two parties have blamed each other for trying to pack the courts with ideologues-and both have done their share of foot-dragging to slow the process. This time, Democrats oppose Estrada not because they disagree with him on the issues, but because they don't have enough information to know what he believes. They worry that if he's confirmed he could be another "stealth nominee" who, like Clarence Thomas, could make an appealing pick for the Supreme Court.

Although it takes only a simple majority to confirm a nominee, quirky rules allow senators to stall the process unless there are 60 votes to shut off debate. Last month Democrats launched a filibuster against Estrada-but it's hardly the 24/7 talkathon out of "Mr. Smith Goes to Washington." In today's low-profile drama, senators pause for other business. Though the battle has been overshadowed by the brewing war with Iraq, it has sent the normally collegial Senate into partisan bickering. "I don't think there's any question the Senate is broken," says Judiciary chairman Orrin Hatch.

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more about Iraq, prescription-drug coverage and immigration.

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>  
**CC:** kyle sampson/who/eop@eop [ WHO ] <kyle sampson>  
**Sent:** 3/17/2003 11:34:29 AM  
**Subject:** : Re: Was there an asbestos meeting around here last week?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:17-MAR-2003 16:34:29.00  
SUBJECT:: Re: Was there an asbestos meeting around here last week?  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:kyle sampson ( CN=kyle sampson/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

There was a meeting where some company came in and gave its views (those have occurred before). I also talked to Margaret Pederlin. Why?

Wendy J. Grubbs  
03/17/2003 04:32:55 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Kyle Sampson/WHO/EOP@EOP  
cc:  
Subject: Was there an asbestos meeting around here last week?



**From:** Leitch, David G.  
**To:** <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<Bartolomucci, H. Christopher>;<Powell, Benjamin A.>;<Newstead, Jennifer G.>;<Walker, Helgard C.>;<Ullyot, Theodore W.>;<Francisco, Noel J.>;<Sampson, Kyle>  
**Sent:** 3/17/2003 11:52:05 AM  
**Subject:**  
**Attachments:** page\_2002\_comment.gif; spacer.gif; spacer\_5x8\_transparent.gif; t.gif



[E-mail Author](#)  
[Send to a Friend](#)  
[Print](#)  
[Request.ServerVariables\("URL"\)>Print](#)  
[Version](#)

March 17, 2003, 9:25 a.m.

## Strategy Revealed!

A parody.

By Robert Alt



here seems to be a lot of confusion surrounding the judicial confirmations imbroglio. As luck would have it, I happened to stumble across what appears to be a strategy memo, shedding some light on the opposition to these nominees.

**To: Teddy & Tom**

**From: Your friend for the American way**

**Re: Talking Points**

So far, so good with the filibuster. Here's a recap of points to emphasize:

### **We Don't Know Anything About Miguel Estrada Because He Won't Answer our Questions . . .**

Sure, Mr. Estrada answered over 125 questions during his marathon confirmation hearing, but what does that really tell us? O.K., I know that some of the questions asked were intended to bait Mr. Estrada to ignore the judicial-canon prohibitions regarding announcing how you would decide future cases (for example, Senator Leahy's question asking whether considering race or gender in hiring or selection would meet the strict scrutiny standard of *Adarand v. Pena*, despite the fact that this is an open question before the D.C. Circuit), but it was all in good fun. And never mind the fact that despite multiple invitations, few of you have actually submitted written questions to Mr. Estrada. Senator Blanche Lincoln did [note to TD: make sure she loses her parking spot]. Boy, I hope no one ever asks what these "unanswered questions" are . . . that would be a tough one. If that happens, the key is to repeat phrases like "Estrada hasn't filled out his application."

### **If Only He Would Turn Over the Justice Department Memos . . .**

Yes, we all know that the memos are probably about as revealing as a burka . . . but that's why it's brilliant. You see, the Justice Department knows that they can't turn them over. But I don't need to tell you that: you've seen the letter signed by every living solicitor general saying what a terrible idea this is. Just keep on citing to the Bork hearings as a precedent, and soon you may be able to call those hearings "fair" without snickering.

### **Estrada Is A Right-Wing Extremist . . .**

Forget everything we said about not knowing anything about Estrada. We know that he's an extremist. "How?" you may ask. Well, his old boss at the DOJ, Paul Bender, told us so. Yes, this is the same Paul Bender who gave him outstanding reviews, praising his legal analysis, but we can ignore that. And yes, this is the same Paul Bender who was such a liberal lightning rod that career staffers complained to the press that he had a tendency to "impugn people's work and their motives and their integrity," but no one really remembers that. And yes, this is the same Paul Bender who was chief counsel to a committee that recommended the abolition of pornography

laws, and is thought responsible for the Clinton DOJ's more liberal position on child pornography. Let's try not to mention that last one.

Teddy, you seemed concerned about the contradiction here between not knowing anything, and at the same time saying that we know Estrada is an extremist. Just follow TD's lead: After the last vote, he said both things in the course of the same article, and no one even blinked.

### **We're Not Anti-Hispanic or Anti-Woman**

Of course we're not. Who could possibly get that impression? Sure, we call Estrada a "Hispanic Clarence Thomas" and hold press conferences denouncing him as "not really Hispanic," but that doesn't make us *anti*-Hispanic. We're very pro-Hispanic, so long as we're sure we can count on you to issue what we deem to be Hispanic decisions.

Some people are stating that we've subjected Estrada to a double standard. Whatever you do, don't let people figure out that you peppered Estrada with over 100 questions because the D.C. Circuit is sooo important, but then when you had another D.C. Circuit nominee before you (who happened to be White), you chose to all-but-ignore him and instead to direct virtually all your questions to a Sixth Circuit nominee. If that comes to light, just blame the fact that there were three nominees before the committee. That really forced you to ask questions only of the Sixth Circuit nominee, after all.

Then there are all those accusations that you treat women candidates differently. Sure, Michael McConnell wrote that *Roe* is illegitimate and he gets confirmed, while Justice Owen applies Supreme Court precedent and gets voted down in committee. But it serves her right. Doesn't she understand how she's supposed to rule? Whatever you do, make sure that people don't realize that she never actually ruled against *Roe* and has made it clear that she would uphold it.

Oh, and while we're on the subject of how the Senate is treating women nominees, could you make sure that Senator Feinstein stops calling Justice Cook "Mrs. Cook?" She did it three times on the floor the other day. Pretty soon, people might start noticing, and that would be embarrassing.

I really don't know how anyone could honestly accuse the Democrats of being insensitive to minorities. I mean, sure, you opposed the Civil Rights Act, and you are the only party with a former Klansman and three former segregationists in Congress, but that's all old news. Don't people realize that when you are the party of Cynthia McKinney and James Moran, sensitivity comes as easy to you as, well, spelling and foreign policy.

Keep up the good work. Soon we'll be able to fill the bench with people we can count on.

— *Robert Alt is a fellow in constitutional studies and Jurisprudence at the Ashbrook Center.*

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**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/17/2003 11:32:55 AM  
**Subject:** : Was there an asbestos meeting around here last week?

##### Begin Original ARMS Header #####  
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CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:17-MAR-2003 16:32:55.00  
SUBJECT:: Was there an asbestos meeting around here last week?  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
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**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/17/2003 11:40:22 AM  
**Subject:** : Re: Was there an asbestos meeting around here last week?

##### Begin Original ARMS Header #####  
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CREATION DATE/TIME:17-MAR-2003 16:40:22.00  
SUBJECT:: Re: Was there an asbestos meeting around here last week?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Senate staffer for Nickles heard that there was one...

Brett M. Kavanaugh  
03/17/2003 04:29:57 PM  
Record Type: Record

To: Wendy J. Grubbs/WHO/EOP@EOP  
cc: kyle sampson/who/eop@eop  
bcc:  
Subject: Re: Was there an asbestos meeting around here last week?

There was a meeting where some company came in and gave its views (those have occurred before). I also talked to Margaret Pederlin. Why?

Wendy J. Grubbs  
03/17/2003 04:32:55 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Kyle Sampson/WHO/EOP@EOP  
cc:  
Subject: Was there an asbestos meeting around here last week?

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 3/17/2003 11:41:01 AM  
**Subject:** : Re: Was there an asbestos meeting around here last week?

##### Begin Original ARMS Header #####  
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CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 17-MAR-2003 16:41:01.00  
SUBJECT: : Re: Was there an asbestos meeting around here last week?  
TO: Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

what kind of one?

Wendy J. Grubbs  
03/17/2003 04:40:20 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Was there an asbestos meeting around here last week?

Senate staffer for Nickles heard that there was one...

Brett M. Kavanaugh  
03/17/2003 04:29:57 PM  
Record Type: Record

To: Wendy J. Grubbs/WHO/EOP@EOP  
cc: kyle sampson/who/eop@eop  
bcc:  
Subject: Re: Was there an asbestos meeting around here last week?

There was a meeting where some company came in and gave its views (those have occurred before). I also talked to Margaret Pederlin. Why?

Wendy J. Grubbs  
03/17/2003 04:32:55 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Kyle Sampson/WHO/EOP@EOP  
cc:  
Subject: Was there an asbestos meeting around here last week?



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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** William T. Griffin/WHO/EOP@EOP [ WHO ] <William T. Griffin>  
**Sent:** 3/17/2003 12:05:47 PM  
**Subject:** : what time again

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CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:17-MAR-2003 17:05:47.00  
SUBJECT:: what time again  
TO:William T. Griffin ( CN=William T. Griffin/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
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**From:** Skelly, Layton  
**To:** heather.mcnaught@usdoj.gov <Gilbert, Alan>; heather.mcnaught@usdoj.gov <Hall, Philo D.>; paula.stannard@hhs.gov <paula.stannard@hhs.gov>; peter.urbanowicz@hhs.gov <peter.urbanowicz@hhs.gov>; viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>; alex.azar@hhs.gov <alex.azar@hhs.gov>; john.hoff@hhs.gov <john.hoff@hhs.gov>; jennifer.young@hhs.gov <jennifer.young@hhs.gov>; jennifer.young@hhs.gov <Schacht, Diana L.>; jennifer.young@hhs.gov <Badger, William D.>; jennifer.young@hhs.gov <Jensen, Amy>; jennifer.young@hhs.gov <Loper, Ginger G.>; jennifer.young@hhs.gov <Grubbs, Wendy J.>; jennifer.young@hhs.gov <Lefkowitz, Jay P.>; jennifer.young@hhs.gov <Perry, Philip J.>; jennifer.young@hhs.gov <Silverberg, Kristen>; jennifer.young@hhs.gov <Deleire, Thomas C.>; jennifer.young@hhs.gov <Kavanaugh, Brett M.>; zurawski-paul@dol.gov <zurawski-paul@dol.gov>; zurawski-paul@dol.gov <Young, Tracy>; zurawski-paul@dol.gov <Besanceney, Brian R.>; marc.kesselman@usdoj.gov <marc.kesselman@usdoj.gov>  
**CC:** <Skelly, Layton>; pamela.roller@hhs.gov <pamela.roller@hhs.gov>; joyce.b-moore@hhs.gov <joyce.b-moore@hhs.gov>; marie.belt@hhs.gov <marie.belt@hhs.gov>; marie.belt@hhs.gov <Winland, Emily>; marie.belt@hhs.gov <Smith, Marty P.>; marie.belt@hhs.gov <Vestewig, Lauren J.>; marie.belt@hhs.gov <Lineberry, Stephen M.>; dana.ceasar@hhs.gov <dana.ceasar@hhs.gov>; india.luckett@hhs.gov <india.luckett@hhs.gov>; scriver-langford-lat@dol.gov <scriber-langford-lat@dol.gov>; heather.mcnaught@usdoj.gov <heather.mcnaught@usdoj.gov>  
**Sent:** 3/17/2003 4:09:20 PM  
**Subject:** weekly Medical Liability meeting

This is a reminder that we are on for the weekly Medical Liability Working Group meeting tomorrow (3/18) at 10:00 in room 211. Thank you.

Layton

456-5085



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**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Walker, Helgard C.>; <Newstead, Jennifer G.>; <Bartolomucci, H. Christopher>; <Sampson, Kyle>; <Francisco, Noel J.>; <Powell, Benjamin A.>; <Ulyot, Theodore W.>  
**Sent:** 3/17/2003 5:19:28 PM  
**Subject:** from Wash Times

## Keeping 2004 in focus

Donald Lambro

White House political adviser Karl Rove and Housing and Urban Development Secretary Mel Martinez met last week to discuss challenging Florida Sen. Bob Graham in the 2004 election.

Whether Mr. Martinez could beat the popular former governor and three-term senator remains doubtful, but that may not be the chief reason Mr. Rove wants the HUD secretary on the Florida ballot.

What this really boils down to are three things: the state's huge Hispanic vote, Mr. Graham's refusal to break with the Democrats' filibuster against Miguel Estrada's nomination to the D.C. Circuit U.S. Court of Appeals, and improving President Bush's chances of carrying a pivotal state he barely won in 2000.

Mounting evidence shows a Bush-guided GOP is making inroads into the Hispanic vote, especially in Florida. Republicans won 35 percent of the Hispanic vote nationally last November and President Bush's brother, Florida Gov. Jeb Bush, won 40 percent of that vote in his state. Cuban-born Mr. Martinez would be expected to do even better than that.

Despite Florida's reputation as one of the nation's most Republican-leaning states, it remains a wild card in presidential politics. But the Democrats' opposition to Mr. Estrada, a Honduran immigrant who has become a Latino success story, could put the state firmly into George Bush's column.

The longer the Democrats block a majority vote on Mr. Estrada (he has at least 55 votes for confirmation), the angrier Hispanics and Latinos become. Mr. Rove knows that anger could mean votes for Mr. Martinez and for Mr. Bush.

Administration sources tell me Mr. Rove has promised Mr. Martinez the full support of the White House, including presidential fund-raising and campaign appearances.

The White House says it has clamped down on presidential politics while the country faces a war with Iraq. However, Mr. Rove is already working behind the scenes on next year's elections, recruiting Senate candidates in key states and preparing for Mr. Bush's campaign.

In an exclusive interview in his West Wing office, the president's chief campaign strategist refused to talk about what he is doing, but makes it clear presidential politics is never far from his mind.

Whomever wins the Democratic presidential nomination is going to pose a serious challenge to Mr. Bush's re-election bid, he says. "I think at the end of the day, whoever emerges from the Democratic process of selecting a candidate for president will be strong."

"Nine times out of 10 the process of selecting the presidential candidate strengthens the eventual

nominee, not weakens him," he says. In other words, for every George McGovern, there are many more Jimmy Carters and Bill Clintons.

It is a lesson Mr. Rove remembers very well, as does Mr. Bush, whose father was trounced by Mr. Clinton in 1992.

Yes, most of the presidential field is made up of liberal, Northeast candidates who are outside of the political mainstream, but Mr. Rove doesn't underestimate any of them. That is because winning the presidential nomination can turn a weakling into a muscular candidate. Add that to the harm a slumping economy is doing to Mr. Bush's popularity and the president could be in trouble.

Need proof? How about Michael Dukakis and Walter Mondale?

Massachusetts Gov. Michael Dukakis was a disastrous, left-wing Democrat who gave weekend furloughs to imprisoned criminals and went down to defeat.

But when Mr. Dukakis won the nomination in 1988, polls showed him in a dead heat with Mr. Bush's father.

Walter Mondale, who lost 49 states to Ronald Reagan, was within striking distance of winning in the spring of 1984.

Mr. Rove believes that the country is shifting in favor of the Republicans. "For me, the most incredible number is the number of state legislative races we won last year. We should have lost an average of 350 seats that the White House parties have suffered in the first off-year elections. Instead we gained 195 seats."

This is the first time the GOP has had a majority of the state legislative seats since 1954, and the largest number since 1928.

Winning the Senate and picking up House seats were important, but this can be "explained away" by good recruitment, the president's fund-raising and a strong national message.

"Something more substantial is going on in these state races," Mr. Rove says. "It's very hard to affect the outcome of those [races] on a national scale. To have this kind of result almost across the board, it's a pretty remarkable thing."

Mr. Rove resists any predictions this trend will continue, but he thinks there is a big reform movement going on in American politics. The once-solid black Democratic vote is becoming more diverse. Hispanics are voting for Republicans in larger numbers from New York to Texas. The "ownership class" feels threatened by the Democrats' zeal for taxation.

Many other factors are at work here, but he thinks Mr. Bush is helping to make the Republican Party more inclusive and more palatable for people to vote for. "Only time will tell how permanent, how durable and how big this is."

*Donald Lambro, chief political correspondent for The Washington Times, is a nationally syndicated columnist.*

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Courtney S. Elwood/OVP/EOP@EOP [ OVP ] <Courtney S. Elwood>  
**Sent:** 3/18/2003 4:00:46 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
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CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-MAR-2003 09:00:46.00  
SUBJECT::  
TO:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

left message for SS gc double-checking that they have not received  
anything in recent months. will let you know.

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Carolene Langie Office of Global Communications/WHO/EOP@EOP [ WHO ] <Carolene Langie Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 3/18/2003 5:45:18 AM  
**Subject:** : IN CASE YOU MISSED IT: Powerful Piece by Ann Clywd, MP

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SUBJECT:: IN CASE YOU MISSED IT: Powerful Piece by Ann Clywd, MP  
TO:Carolene Langie Office of Global Communications ( CN=Carolene Langie Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

See men shredded, then say you don't back war  
By Ann Clwyd

The London Times

Tuesday, March 18, 2003

"There was a machine designed for shredding plastic. Men were dropped into it and we were again made to watch. Sometimes they went in head first and died quickly. Sometimes they went in feet first and died screaming. It was horrible. I saw 30 people die like this. Their remains would be placed in plastic bags and we were told they would be used as fish food . . . on one occasion, I saw Qusay [President Saddam Hussein's youngest son] personally supervise these murders."

This is one of the many witness statements that were taken by researchers from Indict -- the organisation I chair -- to provide evidence for legal cases against specific Iraqi individuals for war crimes, crimes against humanity and genocide. This account was taken in the past two weeks.

Another witness told us about practices of the security services towards women:  
"Women were suspended by their hair as their families watched; men were forced to watch as their wives were raped... women were suspended by their legs while they were menstruating until their periods were over, a procedure designed to cause humiliation."

The accounts Indict has heard over the past six years are disgusting and horrifying. Our task is not merely passively to record what we are told but to challenge it as well, so that the evidence we produce is of the highest quality. All witnesses swear that their statements are true and sign them.

For these humanitarian reasons alone, it is essential to liberate the people of

Iraq from the regime of Saddam. The 17 UN resolutions passed since 1991 on Iraq include Resolution 688, which calls for an end to repression of Iraqi civilians. It has been ignored. Torture, execution and ethnic-cleansing are everyday life in Saddam's Iraq.

Were it not for the no-fly zones in the south and north of Iraq -- which some people still claim are illegal -- the Kurds and the Shia would no doubt still be attacked by Iraqi helicopter gunships.

For more than 20 years, senior Iraqi officials have committed genocide, war crimes and crimes against humanity. This list includes far more than the gassing of 5,000 in Halabja and other villages in 1988. It includes serial war crimes during the Iran-Iraq war; the genocidal Anfal campaign against the Iraqi Kurds in 1987-88; the invasion of Kuwait and the killing of more than 1,000 Kuwaiti civilians; the violent suppression, which I witnessed, of the 1991 Kurdish uprising that led to 30,000 or more civilian deaths; the draining of the Southern Marshes during the 1990s, which ethnically cleansed thousands of Shias; and the summary executions of thousands of political opponents.

Many Iraqis wonder why the world applauded the military intervention that eventually rescued the Cambodians from Pol Pot and the Ugandans from Idi Amin when these took place without UN help. They ask why the world has ignored the crimes against them?

All these crimes have been recorded in detail by the UN, the US, Kuwaiti, British, Iranian and other Governments and groups such as Human Rights Watch, Amnesty and Indict. Yet the Security Council has failed to set up a war crimes tribunal on Iraq because of opposition from France, China and Russia. As a result, no Iraqi official has ever been indicted for some of the worst crimes of the 20th century. I have said incessantly that I would have preferred such a tribunal to war. But the time for offering Saddam incentives and more time is over.

I do not have a monopoly on wisdom or morality. But I know one thing. This evil, fascist regime must come to an end. With or without the help of the Security Council, and with or without the backing of the Labour Party in the House of Commons tonight.

The author is Labour MP for Cynon Valley.

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**From:** CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/18/2003 3:23:23 AM  
**Subject:** : Do you have Pate's memo?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )  
CREATION DATE/TIME:18-MAR-2003 08:23:23.00  
SUBJECT:: Do you have Pate's memo?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

.

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 3/18/2003 3:45:16 AM  
**Subject:** : will our 55 be present and voting today?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-MAR-2003 08:45:16.00  
SUBJECT:: will our 55 be present and voting today?  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/18/2003 3:51:43 AM  
**Subject:** : Re: will our 55 be present and voting today?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-MAR-2003 08:51:43.00  
SUBJECT:: Re: will our 55 be present and voting today?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I cannot guarantee attendance but the vote is now at noon before weekly lunches so that helps. I will check but there isn't much that can be done, but frist gets this so every effort is being made so our guys can be here.

.



---

**From:** CN=Courtney S. Elwood/OU=OVP/O=EOP [ OVP ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/18/2003 4:42:35 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP [ OVP ] )  
CREATION DATE/TIME:18-MAR-2003 09:42:35.00  
SUBJECT:: Re:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks Brett.

Brett M. Kavanaugh  
03/18/2003 08:56:15 AM  
Record Type: Record

To: Courtney S. Elwood/OVP/EOP@EOP  
cc:  
Subject:

left message for SS gc double-checking that they have not received anything in recent months. will let you know.

---

**From:** CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange [ OPD ]  
**To:** Elizabeth S. Dougherty/OPD/EOP@EOP [ OPD ] <Elizabeth S. Dougherty>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jess Sharp/OPD/EOP@EOP [ OPD ] <Jess Sharp>  
**CC:** Jay P. Lefkowitz/OPD/EOP@Exchange [ OPD ] <Jay P. Lefkowitz>;Layton Skelly/OPD/EOP@EOP [ OPD ] <Layton Skelly>  
**Sent:** 3/18/2003 5:22:24 AM  
**Subject:** : Antitrust call today at 11:30

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Lauren J. Vestewig ( CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange [ OPD ] )  
CREATION DATE/TIME:18-MAR-2003 10:22:24.00  
SUBJECT:: Antitrust call today at 11:30  
TO:Elizabeth S. Dougherty ( CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jess Sharp ( CN=Jess Sharp/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ:UNKNOWN  
CC:Layton Skelly ( CN=Layton Skelly/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Provided Hew Pate can participate, there will be a conference call today at 11:30.; (I'll shoot you another email to confirm around 11.); Kirk Van Tine will also join.; Thanks.;;;

---

**From:** CN=Elizabeth S. Dougherty/OU=OPD/O=EOP [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/18/2003 5:41:58 AM  
**Subject:** : FW: Antitrust call today at 11:30

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Elizabeth S. Dougherty ( CN=Elizabeth S. Dougherty/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME:18-MAR-2003 10:41:58.00  
SUBJECT:: FW: Antitrust call today at 11:30  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Hi Brett! Should Noel be on this too?

----- Forwarded by Elizabeth S. Dougherty/OPD/EOP on  
03/18/2003 10:41 AM -----

From: Lauren J. Vestewig/OPD/EOP@Exchange on 03/18/2003 10:29:04 AM  
Record Type: Record

To: Elizabeth S. Dougherty/OPD/EOP@EOP, Brett M.  
Kavanaugh/WHO/EOP@EOP, Jess Sharp/OPD/EOP@EOP  
cc: Layton Skelly/OPD/EOP@EOP  
Subject: FW: Antitrust call today at 11:30

Make this 11:20.; Thanks.

-----Original Message-----

From: Vestewig, Lauren J.  
Sent: Tuesday, March 18, 2003 10:22 AM  
To: Sharp, Jess; Dougherty, Elizabeth S.; Kavanaugh, Brett M.  
Cc: Skelly, Layton; Lefkowitz, Jay P.  
Subject: Antitrust call today at 11:30

Provided Hew Pate can participate, there will be a conference call today  
at 11:30.; (I'll shoot you another email to confirm around 11.); Kirk Van  
Tine will also join.; Thanks.;;;

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Lauren J. Vestewig/OPD/EOP@Exchange [ OPD ] <Lauren J. Vestewig>  
**CC:** jay p. lefkowitz/opd/eop@exchange [ OPD ] <jay p. lefkowitz>;elizabeth s. dougherty/opd/eop@eop [ OPD ] <elizabeth s. dougherty>;layton skelly/opd/eop@eop [ OPD ] <layton skelly>;jess sharp/opd/eop@eop [ OPD ] <jess sharp>  
**Sent:** 3/18/2003 6:14:14 AM  
**Subject:** : Re: Conference call

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-MAR-2003 11:14:14.00  
SUBJECT:: Re: Conference call  
TO:Lauren J. Vestewig ( CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ:UNKNOWN  
CC:jay p. lefkowitz ( CN=jay p. lefkowitz/OU=opd/O=eop@exchange [ OPD ] )  
READ:UNKNOWN  
CC:elizabeth s. dougherty ( CN=elizabeth s. dougherty/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:layton skelly ( CN=layton skelly/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:jess sharp ( CN=jess sharp/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

He may be on a plane back from NY.

From: Lauren J. Vestewig/OPD/EOP@Exchange on 03/18/2003 11:13:04 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Jess Sharp/OPD/EOP@EOP,  
Elizabeth S. Dougherty/OPD/EOP@EOP  
cc: Layton Skelly/OPD/EOP@EOP, Jay P. Lefkowitz/OPD/EOP@Exchange  
Subject: Conference call

Still no word from Hew Pate.; If;I hear from him, I will hook you all into  
a call at 11:20.; If not,;I'll be in contact to set something else up.;  
Thanks.

---

**From:** CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/18/2003 6:19:38 AM  
**Subject:** : RE: Conference call

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Lauren J. Vestewig ( CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange [ OPD ] )  
CREATION DATE/TIME:18-MAR-2003 11:19:38.00  
SUBJECT:: RE: Conference call  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Ok. It may not happen before 1 then. Jay is speaking at Kirkland and Hew will be on a plane in a few minutes. Do you want me to set something up this afternoon or will it be moot after the 1:00?

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, March 18, 2003 11:13 AM  
To: Vestewig, Lauren J.  
Subject: RE: Conference call

I think Hew needs to be on the call.

From: Lauren J. Vestewig/OPD/EOP@Exchange on 03/18/2003 11:16:37 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: Conference call

Or do you want Peggy Ward to sit in? She is Hew's counsel.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, March 18, 2003 11:10 AM  
To: Vestewig, Lauren J.  
Cc: Sharp, Jess; Dougherty, Elizabeth S.; Skelly, Layton; Lefkowitz, Jay P.  
Subject: Re: Conference call

He may be on a plane back from NY.

From: Lauren J. Vestewig/OPD/EOP@Exchange on 03/18/2003 11:13:04 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Jess Sharp/OPD/EOP@EOP, Elizabeth S. Dougherty/OPD/EOP@EOP  
cc: Layton Skelly/OPD/EOP@EOP, Jay P. Lefkowitz/OPD/EOP@Exchange  
Subject: Conference call

Still no word from Hew Pate. If I hear from him, I will hook you all into a call at 11:20. If not, I'll be in contact to set something else up.  
Thanks.

REV\_00112139



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**From:** Vestewig, Lauren J.  
**To:** <Sharp, Jess>;<Dougherty, Elizabeth S.>;<Kavanaugh, Brett M.>  
**CC:** <Skelly, Layton>;<Lefkowitz, Jay P.>  
**Sent:** 3/18/2003 10:22:13 AM  
**Subject:** Antitrust call today at 11:30

Provided Hew Pate can participate, there will be a conference call today at 11:30. (I'll shoot you another email to confirm around 11.) Kirk Van Tine will also join. Thanks.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Lauren J. Vestewig/OPD/EOP@Exchange [ OPD ] <Lauren J. Vestewig>  
**Sent:** 3/18/2003 6:25:07 AM  
**Subject:** : RE: Conference call

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-MAR-2003 11:25:07.00  
SUBJECT:: RE: Conference call  
TO:Lauren J. Vestewig ( CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Jay suggested we also could do it at 4??

From: Lauren J. Vestewig/OPD/EOP@Exchange on 03/18/2003 11:19:08 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: Conference call

Ok. It may not happen before 1 then. Jay is speaking at Kirkland and Hew will be on a plane in a few minutes. Do you want me to set something up this afternoon or will it be moot after the 1:00?

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Tuesday, March 18, 2003 11:13 AM  
To: Vestewig, Lauren J.  
Subject: RE: Conference call

I think Hew needs to be on the call.

From: Lauren J. Vestewig/OPD/EOP@Exchange on 03/18/2003 11:16:37 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: Conference call

Or do you want Peggy Ward to sit in? She is Hew's counsel.

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Tuesday, March 18, 2003 11:10 AM  
To: Vestewig, Lauren J.  
Cc: Sharp, Jess; Dougherty, Elizabeth S.; Skelly, Layton; Lefkowitz, Jay P.  
Subject: Re: Conference call

He may be on a plane back from NY.



From: Lauren J. Vestewig/OPD/EOP@Exchange on 03/18/2003 11:13:04 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Jess Sharp/OPD/EOP@EOP,  
Elizabeth S. Dougherty/OPD/EOP@EOP  
cc: Layton Skelly/OPD/EOP@EOP, Jay P. Lefkowitz/OPD/EOP@Exchange  
Subject: Conference call

Still no word from Hew Pate. If I hear from him, I will hook you all into  
a call at 11:20. If not, I'll be in contact to set something else up.  
Thanks.

---

**From:** Kavanaugh, Brett M.  
**To:** <Vestewig, Lauren J.>  
**CC:** <Sharp, Jess>;<Dougherty, Elizabeth S.>;<Skelly, Layton>;<Lefkowitz, Jay P.>  
**Sent:** 3/18/2003 11:09:44 AM  
**Subject:** Re: Conference call

He may be on a plane back from NY.

From: Lauren J. Vestewig/OPD/EOP@Exchange on 03/18/2003 11:13:04 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Jess Sharp/OPD/EOP@EOP, Elizabeth S. Dougherty/OPD/EOP@EOP

cc: Layton Skelly/OPD/EOP@EOP, Jay P. Lefkowitz/OPD/EOP@Exchange

Subject: Conference call

Still no word from Hew Pate. If I hear from him, I will hook you all into a call at 11:20. If not, I'll be in contact to set something else up. Thanks.

---

**From:** Kavanaugh, Brett M.  
**To:** <Vestewig, Lauren J.>  
**Sent:** 3/18/2003 11:13:18 AM  
**Subject:** RE: Conference call

I think Hew needs to be on the call.

From: Lauren J. Vestewig/OPD/EOP@Exchange on 03/18/2003 11:16:37 AM

Record Type: Record

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

cc:

Subject: RE: Conference call

Or do you want Peggy Ward to sit in? She is Hew's counsel.

-----Original Message-----

**From:** Kavanaugh, Brett M.

**Sent:** Tuesday, March 18, 2003 11:10 AM

**To:** Vestewig, Lauren J.

**Cc:** Sharp, Jess; Dougherty, Elizabeth S.; Skelly, Layton; Lefkowitz, Jay P.

**Subject:** Re: Conference call

He may be on a plane back from NY.

From: Lauren J. Vestewig/OPD/EOP@Exchange on 03/18/2003 11:13:04 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Jess Sharp/OPD/EOP@EOP, Elizabeth S. Dougherty/OPD/EOP@EOP

cc: Layton Skelly/OPD/EOP@EOP, Jay P. Lefkowitz/OPD/EOP@Exchange

Subject: Conference call

Still no word from Hew Pate. If I hear from him, I will hook you all into a call at 11:20. If not, I'll be in

REV\_00112148

contact to set something else up. Thanks.

---

**From:** Vestewig, Lauren J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/18/2003 11:15:52 AM  
**Subject:** RE: Conference call

Do you want to get on a call without him?

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, March 18, 2003 11:10 AM  
**To:** Vestewig, Lauren J.  
**Cc:** Sharp, Jess; Dougherty, Elizabeth S.; Skelly, Layton; Lefkowitz, Jay P.  
**Subject:** Re: Conference call

He may be on a plane back from NY.

From: Lauren J. Vestewig/OPD/EOP@Exchange on 03/18/2003 11:13:04 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Jess Sharp/OPD/EOP@EOP, Elizabeth S. Dougherty/OPD/EOP@EOP  
cc: Layton Skelly/OPD/EOP@EOP, Jay P. Lefkowitz/OPD/EOP@Exchange  
Subject: Conference call

Still no word from Hew Pate. If I hear from him, I will hook you all into a call at 11:20. If not, I'll be in contact to set something else up. Thanks.

---

**From:** Vestewig, Lauren J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/18/2003 11:19:08 AM  
**Subject:** RE: Conference call

Ok. It may not happen before 1 then. Jay is speaking at Kirkland and Hew will be on a plane in a few minutes. Do you want me to set something up this afternoon or will it be moot after the 1:00?

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, March 18, 2003 11:13 AM  
**To:** Vestewig, Lauren J.  
**Subject:** RE: Conference call

I think Hew needs to be on the call.

From: Lauren J. Vestewig/OPD/EOP@Exchange on 03/18/2003 11:16:37 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: Conference call

Or do you want Peggy Ward to sit in? She is Hew's counsel.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, March 18, 2003 11:10 AM  
**To:** Vestewig, Lauren J.  
**Cc:** Sharp, Jess; Dougherty, Elizabeth S.; Skelly, Layton; Lefkowitz, Jay P.  
**Subject:** Re: Conference call

He may be on a plane back from NY.

From: Lauren J. Vestewig/OPD/EOP@Exchange on 03/18/2003 11:13:04 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Jess Sharp/OPD/EOP@EOP, Elizabeth S. Dougherty/OPD/EOP@EOP  
cc: Layton Skelly/OPD/EOP@EOP, Jay P. Lefkowitz/OPD/EOP@Exchange  
Subject: Conference call

Still no word from Hew Pate. If I hear from him, I will hook you all into a call at 11:20. If not, I'll be in contact to set something else up. Thanks.

REV\_00112152



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**From:** Kavanaugh, Brett M.  
**To:** <Vestewig, Lauren J.>  
**Sent:** 3/18/2003 11:20:37 AM  
**Subject:** RE: Conference call

Jay suggested we also could do it at 4??

From: Lauren J. Vestewig/OPD/EOP@Exchange on 03/18/2003 11:19:08 AM

Record Type: Record

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

cc:

Subject: RE: Conference call

Ok. It may not happen before 1 then. Jay is speaking at Kirkland and Hew will be on a plane in a few minutes. Do you want me to set something up this afternoon or will it be moot after the 1:00?

-----Original Message-----

**From:** Kavanaugh, Brett M.

**Sent:** Tuesday, March 18, 2003 11:13 AM

**To:** Vestewig, Lauren J.

**Subject:** RE: Conference call

I think Hew needs to be on the call.

From: Lauren J. Vestewig/OPD/EOP@Exchange on 03/18/2003 11:16:37 AM

Record Type: Record

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

cc:

Subject: RE: Conference call

Or do you want Peggy Ward to sit in? She is Hew's counsel.

-----Original Message-----

**From:** Kavanaugh, Brett M.

REV\_00112154



**Sent:** Tuesday, March 18, 2003 11:10 AM

**To:** Vestewig, Lauren J.

**Cc:** Sharp, Jess; Dougherty, Elizabeth S.; Skelly, Layton; Lefkowitz, Jay P.

**Subject:** Re: Conference call

He may be on a plane back from NY.

From: Lauren J. Vestewig/OPD/EOP@Exchange on 03/18/2003 11:13:04 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Jess Sharp/OPD/EOP@EOP, Elizabeth S. Dougherty/OPD/EOP@EOP

cc: Layton Skelly/OPD/EOP@EOP, Jay P. Lefkowitz/OPD/EOP@Exchange

Subject: Conference call

Still no word from Hew Pate. If I hear from him, I will hook you all into a call at 11:20. If not, I'll be in contact to set something else up. Thanks.

---

**From:** CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>; Mercedes M. Viana/WHO/EOP@EOP [ WHO ] <Mercedes M. Viana>; Leonard B. Rodriguez/WHO/EOP@EOP [ WHO ] <Leonard B. Rodriguez>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Paul B. Dyck/WHO/EOP@EOP [ WHO ] <Paul B. Dyck>  
**Sent:** 3/18/2003 7:55:47 AM  
**Subject:** : Orlando Sentinel (3/18/03) OP-ED by Secretary Martinez re: Graham wrong to block vote on Estrada

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 18-MAR-2003 12:55:47.00  
SUBJECT:: Orlando Sentinel (3/18/03) OP-ED by Secretary Martinez re: Graham wrong to block vote on Estrada  
TO: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Mercedes M. Viana ( CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Leonard B. Rodriguez ( CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Paul B. Dyck ( CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Martinez: Graham wrong to block vote on Estrada

By Mel Martinez | Special to the Sentinel  
Posted March 18, 2003

I am disappointed by Sen. Bob Graham's vote last week to impede the nomination of Miguel Estrada.

President Bush has twice nominated Estrada to become the first Hispanic on the D.C. Circuit Court of Appeals, an honor for which he is eminently qualified. Unfortunately, the Democratic leadership has denied him a confirmation vote since the spring of 2001.

Graham's vote on Thursday to maintain the filibuster is not in keeping with his long tradition of supporting the interests of Hispanics, who represent a large portion of his constituency.

Graham and the 42 Democrats who joined him have a constitutional responsibility to hold an up-or-down vote on all judicial nominees within a reasonable time frame. For this obstructionist bloc, it seems, partisanship trumps responsibility.

I applaud Senate Majority Leader Bill Frist and the Republican leadership for holding their ground and scheduling repeated votes to break the filibuster. It is time for Graham and his colleagues to stand up and vote "yes" or "no" and then explain to their constituents why they voted the way that they did.

For Hispanics and other immigrants, the opportunity to serve this great nation in public office is part of their American Dream. I know. At the age of 15, I fled Castro's Cuba, seeking a better life in the United States. Soon, I was eager to give something back to my adopted country.

Estrada and I share a similar path in our quest for the American Dream. At the age of 17, and with minimal English-language skills, the young Estrada emigrated from his native Honduras, seeking a better life and opportunity in this country. Hard work and determination enabled him to graduate with

highest honors from Columbia University and then earn a law degree, also with honors, from Harvard Law School.

After college, Estrada served as a clerk to U.S. Supreme Court Justice Anthony Kennedy and later worked for both Republican and Democratic administrations at the Department of Justice, including five years in the solicitor general's office. He has appeared 15 times before the Supreme Court, winning 10 of his cases. Recognizing his legal skills and experience, the American Bar Association unanimously gave Estrada its highest rating.

Despite these impressive credentials, many Senate Democrats have obstructed the confirmation process. Twice, they have voted to continue their filibuster and block an up-or-down vote on this outstanding nominee.

Denying Estrada a vote goes against the spirit of the Constitution's "advise and consent" clause and, I would add, against the spirit of America. Estrada, and millions of others like him, came to America because this is a land of opportunity. We should never stand in the way of qualified individuals willing to commit to public service.

I urge Sen. Graham to reconsider his actions and allow this great American success story to receive the vote that he deserves.

Mel Martinez, a lawyer in Orlando for 25 years and a former chairman of Orange County, is secretary of Housing and Urban Development. He wrote this commentary for the Orlando Sentinel.

---

**From:** Cohen, Bruce (Judiciary) <Bruce\_Cohen@Judiciary.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** jamie.e.brown@usdoj.gov [ UNKNOWN ] <jamie.e.brown@usdoj.gov>  
**Sent:** 3/18/2003 12:12:08 PM  
**Subject:** : RE: letter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Cohen, Bruce (Judiciary)" <Bruce\_Cohen@Judiciary.senate.gov> ( "Cohen, Bruce  
(Judiciary)" <Bruce\_Cohen@Judiciary.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:18-MAR-2003 17:12:08.00  
SUBJECT:: RE: letter  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:jamie.e.brown@usdoj.gov ( jamie.e.brown@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks.

This is the first communication I can remember ever getting from you.  
Whole new worlds are opening. bac

-----Original Message-----

From: Brett\_M.\_Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Tuesday, March 18, 2003 4:37 PM  
To: Cohen, Bruce (Judiciary)  
Cc: jamie.e.brown@usdoj.gov  
Subject: letter

Bruce:

I understand that you were seeking a copy of this 2/24 letter from  
Judge  
Gonzales, particularly the sentence at the end of the third paragraph.  
Thanks  
very much.

Brett

(See attached file: Gonzales letter to Sen. Schumer 2 24 03.pdf)

REV\_00112160

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**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Walker, Helgard C.>; <Newstead, Jennifer G.>; <Bartolomucci, H. Christopher>; <Sampson, Kyle>; <Francisco, Noel J.>; <Powell, Benjamin A.>; <Ulliot, Theodore W.>  
**Sent:** 3/18/2003 12:24:03 PM  
**Subject:** Cloture vote was 55-45

---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/18/2003 12:27:28 PM  
**Subject:** : Can you do the Wednesday meetings?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-MAR-2003 17:27:28.00  
SUBJECT:: Can you do the Wednesday meetings?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/18/2003 8:52:50 AM  
**Subject:** : Where's the meeting?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:18-MAR-2003 13:52:50.00  
SUBJECT:: Where's the meeting?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

.

---

**From:** Sean Rushton <SRushton@CommitteeforJustice.org>  
**To:** SRushton@CommitteeforJustice.org [ UNKNOWN ] <SRushton@CommitteeforJustice.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 3/18/2003 8:56:32 AM  
**Subject:** : CFJ on third cloture vote.  
**Attachments:** P\_QO2SE003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Sean Rushton <SRushton@CommitteeforJustice.org> ( Sean Rushton  
<SRushton@CommitteeforJustice.org> [ UNKNOWN ] )  
CREATION DATE/TIME:18-MAR-2003 13:56:32.00  
SUBJECT:: CFJ on third cloture vote.  
TO:SRushton@CommitteeforJustice.org ( SRushton@CommitteeforJustice.org [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

THE COMMITTEE FOR JUSTICE

[www.committeeforjustice.org](http://www.committeeforjustice.org) <<http://www.committeeforjustice.org/>>

Contact: Sean Rushton

(202) 481-6850

March 18, 2003

CFJ Chastises Democrats for Unprecedented Third Cloture Vote

"Startlingly Irresponsible," says C. Boyden Gray.

Washington, D.C. - The Committee for Justice (CFJ), a group supporting the President's judicial nominees, today criticized Democrats in the U.S. Senate for their unprecedented 41-day filibuster of DC Circuit Court nominee Miguel Estrada.

"With today's third unsuccessful cloture vote, Senate Democrats pass yet another historic and infamous extraordinary milestone," CFJ Chairman C. Boyden Gray said. "Miguel Estrada is the first judicial nominee to face a prolonged filibuster, which effectively has changed the Senate's confirmation rules from a majority 51 to a super-majority 60 votes. And now he has the ill-fortune to become the first court nominee in history to sustain a third cloture vote on the floor of the U.S. Senate."

"The Democrats have clearly made obstructing Miguel Estrada a matter of party loyalty within their caucus," Gray continued. "Such tactics may play well among the far-left interest groups, but voters will be reminded on Election Day who blocked this superb Hispanic nominee from the floor vote to which he was entitled by 200 years of Senate precedent. Their cynicism with Mr. Estrada's nomination is shocking."

"Despite what Tom Daschle and Ted Kennedy argue, President Bush is following an entirely legitimate course on the judiciary," Gray also



said. "He is well within his rights to nominate the qualified candidates of his choosing to the federal courts, subject to the Senate's advice and consent. Each nominee then deserves an up or down vote before the entire Senate."

"To date, every one of the President's judicial nominees has had the votes to pass by majority on the Senate floor," Gray concluded. "So much for the charge that the President's nominees are 'out of the mainstream.'"

The Committee for Justice was created to support the President's judicial nominees.

###

Sean Rushton

Executive Director

Committee for Justice

202-661-6372 phone

202-487-6439 mobile

[www.committeeforjustice.org](http://www.committeeforjustice.org)

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_Q02SE003\_WHO.TXT\_1>

THE COMMITTEE FOR JUSTICE

[www.committeeforjustice.org](http://www.committeeforjustice.org)

Contact: Sean Rushton

(202) 481-6850

March 18, 2003

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# # #

Sean Rushton  
Executive Director  
Committee for Justice  
202-661-6372 phone  
202-487-6439 mobile  
[www.committeeforjustice.org](http://www.committeeforjustice.org)

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Carolene Langie Office of Global Communications/WHO/EOP@EOP [ WHO ] <Carolene Langie Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 3/18/2003 12:56:43 PM  
**Subject:** : White House Global Messenger - 03/19/03  
**Attachments:** P\_OVKSE003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )

CREATION DATE/TIME:18-MAR-2003 17:56:43.00

SUBJECT:: White House Global Messenger - 03/19/03

TO:Carolene Langie Office of Global Communications ( CN=Carolene Langie Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

(See attached file: GM 3-19-03 FINAL.doc)

THE GLOBAL MESSENGER

Wednesday, March 19, 2003

\*\*\*\*\*KEY POINTS FROM THE PRESIDENT'S REMARKS ON IRAQ 3-17-03\*\*\*\*\*

\*Events in Iraq have now reached the final days of decision. Peaceful efforts to disarm the Iraqi regime have failed because we are not dealing with peaceful men.

\*The Iraqi regime continues to conceal some of the most lethal weapons ever devised. It has used weapons of mass destruction. It has a history of reckless aggression and a deep hatred for America and our friends. And it has aided terrorists, including al-Qaida. Using chemical, biological, or one day, nuclear weapons, obtained with the help of Iraq, terrorists could kill thousands, or more.

\*The United States and other nations did nothing to deserve or invite this threat, but we will do everything to defeat it.

\*The UN Security Council unanimously passed Resolution 1441, finding Iraq in material breach and vowing serious consequences if Iraq did not fully and immediately disarm. Today, no nation claims that Iraq has disarmed.

\*Some permanent members of the Security Council announced they would veto any resolution that compels disarmament. The Security Council has not lived up to its responsibilities - so we will rise to ours.

\*Should Saddam Hussein choose confrontation, the American people can know every measure has been taken to avoid war - and every measure will be taken to win it.

\*In a free Iraq, there will be no more wars of aggression against neighbors...no more poison factories...no more executions of dissidents...no more torture chambers and rape rooms.

REV\_00112174

\*In desperation, Saddam Hussein and terrorist groups might try to conduct terrorist operations.

\*We are acting to protect our homeland. Should enemies strike our country, they would be attempting to shift our attention with panic, and weaken our morale with fear. In this, they would fail.

\*The greatest power of freedom is to overcome hatred and violence, and turn the creative gifts of men and women to the pursuits of peace. Free nations have a duty to defend our people by uniting against the violent. America and our allies accept that responsibility.

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Standard Time Unless Noted  
Subject to Change

12:15pm White House Briefing by Ari Fleischer

12:30pm State Department Briefing by Richard Boucher

\*\*\*\*\*INTERNATIONAL SUPPORT\*\*\*\*\*

"Though very limited, there is still a room for peaceful solution. This depends entirely upon the decision of Iraqi President Saddam Hussein....If the United States is obliged to resort to use of force in cooperation with the United Kingdom and other countries, the Japanese government will support this decision."  
Japanese Prime Minister Koizumi, in statement, 3-18-03

"America has given strong leadership to the world on the issue of Iraq....Alliances are two-way processes and...we should not leave it to the United States to do all of the heavy lifting just because they are the world's superpower."  
Australian Prime Minister Howard, in speech, 3-18-03

The results of a Kuwaiti public opinion survey released yesterday found that 89.6 percent of those surveyed support removing Saddam's government, with just 8.2 percent opposing a regime change.  
Source: The Media and Dialogue Center, American University in Kuwait, 3-17-03

\*\*\*\*\*KEY QUOTES\*\*\*\*\*

"The brutality of the repression - the death and torture camps, the barbaric prisons for political opponents, the routine beatings for anyone or their families suspected of disloyalty - are well documented...Just last week, someone slandering Saddam was tied to a lamp post in a street in Baghdad, his tongue cut out, mutilated and left to bleed to death, as a warning to others."  
British Prime Minister Blair, in speech, 3-18-03

THE WHITE HOUSE  
Office of Global Communications

For more information log on to <http://www.whitehouse.gov/ogc>

\*\*\*\*\*

You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information

about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.

- GM 3-19-03 FINAL.doc

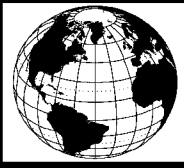
ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_OVKSE003\_WHO.TXT\_1>



# THE GLOBAL MESSENGER

Wednesday, March 19, 2003



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All Times Eastern Standard Time. Subject to Change

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Fleischer
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## **KEY QUOTES**

"The brutality of the repression -- the death and torture camps, the barbaric prisons for political opponents, the routine beatings for anyone or their families suspected of disloyalty -- are well documented....Just last week, someone slandering Saddam was tied to a lamp post in a street in Baghdad, his tongue cut out, mutilated and left to bleed to death, as a warning to others."

**British Prime Minister Blair, in speech, 3-18-03**

## **KEY POINTS FROM THE PRESIDENT'S REMARKS ON IRAQ, 3-17-03**

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- The Iraqi regime continues to conceal some of the most lethal weapons ever devised. It has used weapons of mass destruction. It has a history of reckless aggression and a deep hatred for America and our friends. And it has aided terrorists, including al-Qaida. Using chemical, biological, or one day, nuclear weapons, obtained with the help of Iraq, terrorists could kill thousands, or more.
- The United States and other nations did nothing to deserve or invite this threat, but we will do everything to defeat it.
- The UN Security Council unanimously passed Resolution 1441, finding Iraq in material breach and vowing serious consequences if Iraq did not fully and immediately disarm. Today, no nation claims that Iraq has disarmed.
- Some permanent members of the Security Council announced they would veto any resolution that compels disarmament. The Security Council has not lived up to its responsibilities -- so we will rise to ours.
- Should Saddam Hussein choose confrontation, the American people can know every measure has been taken to avoid war -- and every measure will be taken to win it.
- In a free Iraq, there will be no more wars of aggression against neighbors ... no more poison factories ... no more executions of dissidents ... no more torture chambers and rape rooms.
- In desperation, Saddam Hussein and terrorist groups might try to conduct terrorist operations.
- We are acting to protect our homeland. Should enemies strike our country, they would be attempting to shift our attention with panic, and weaken our morale with fear. In this, they would fail.
- The greatest power of freedom is to overcome hatred and violence, and turn the creative gifts of men and women to the pursuits of peace. Free nations have a duty to defend our people by uniting against the violent. America and our allies accept that responsibility.

**THE WHITE HOUSE**  
**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00112177

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>  
**Sent:** 3/18/2003 9:26:24 AM  
**Subject:** : Re: Where's the meeting?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-MAR-2003 14:26:24.00  
SUBJECT:: Re: Where's the meeting?  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

248, as you now know! nothing much new happened, although it took an hour  
and 15 minutes. will fill you in.

From: David G. Leitch/WHO/EOP@Exchange on 03/18/2003 01:45:36 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Where's the meeting?

.

---

**From:** Sampson, Kyle  
**To:** adam.charnes@usdoj.gov <Gonzales, Alberto R.>  
**CC:** <Leitch, David G.>; <Kavanaugh, Brett M.>; viet.dinh@usdoj.gov  
<viet.dinh@usdoj.gov>; adam.charnes@usdoj.gov <adam.charnes@usdoj.gov>  
**Sent:** 3/18/2003 1:31:27 PM  
**Subject:** Mosman

## Mosman should answer question

**It's easy to overestimate a clerk's role in a Supreme Court prospect should explain position**

**decision, but judicial**

The  
Oregonian  
March 17, 2003

The 67,000-strong Basic Rights Oregon, which works to protect the civil rights of gays, lesbians and other sexual minorities, has raised a question about the judicial philosophy of U.S. Attorney Michael Mosman. Does he believe the Constitution grants gay adults the right to have sex in their own homes?

Or does he believe they have no Constitutional right to privacy? The question has arisen because Mosman, by all accounts an outstanding legal scholar, is now a candidate for a federal judgeship. Intense scrutiny of such candidates' views is rare, but in Mosman's case, there is a public record that has caused concern. Mosman was clerking for U.S. Supreme Court Justice Lewis Powell in 1986, when Powell supplied the swing vote in *Bowers v. Hardwick*. That dubious decision, notorious among homosexuals, upheld Georgia's antisodomy laws.

Mosman, in memos to Justice Powell, warned that striking down Georgia's laws against some sexual acts between consenting adults in their own homes could expand the constitutional concept of privacy unwisely. The courts have applied privacy rights narrowly, he wrote, for protection of marriage, family and procreation.

A respected biography of Powell contends that Mosman played a significant role in shaping Powell's thinking. In our view, whatever influence Mosman might have had amounts to no more than a legal thread, and is immaterial to his fitness to serve on the federal bench. What matters are his views now.

The opinion was issued 17 years ago, after all, and many people involved -- including Justice Powell himself before his death -- have repudiated it. In a later case, even the Georgia Supreme Court struck down the state's antisodomy statutes as unconstitutional. People do grow and change, and jurisprudence can be said to do the same. The question now is not Mosman's influence back then, but how Mosman's thinking on constitutional privacy rights and gay rights has evolved in the intervening years. It's a valid question.

Mosman should answer it. It's true that judicial candidates, like judges, feel constrained by ethical canons that prevent them from saying how they would rule in a future case. Open-mindedness and the ability to set aside personal views in favor of a rigorous interpretation of case law are prized in a judge. But we believe it's perfectly possible for Mosman to explain his general thinking while staying within the confines of ethical restraints.

If he is nominated by President Bush, and confirmed, Mosman could win a lifetime appointment to the U.S. District Court, a job that currently pays \$154,700 a year. His appointment could conceivably be the first leap in a judicial career ending in a higher court. And that would not be a bad outcome. He appears to be an excellent candidate.

Sen. Gordon Smith, R-Oregon, has put forward Mosman's name along with those of two other prospects. So Smith needs to make sure he obtains some answers, as well. A judicial candidate's views on privacy rights are of more than academic interest, not only to Basic Rights Oregon, but also to everyone else in our state.



---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/18/2003 1:45:36 PM  
**Subject:** Where's the meeting?

---

**From:** Vestewig, Lauren J.  
**To:** <Allgood, Lauren K.>;<Sharp, Jess>;<Dougherty, Elizabeth S.>;<Kavanaugh, Brett M.>  
**CC:** <Skelly, Layton>  
**Sent:** 3/18/2003 2:09:18 PM  
**Subject:** Meeting tomorrow

There will be a meeting tomorrow at 11:15 in Jay's office to discuss airline issues. Kirk Van Tine and Hew Pate will also attend. Thanks.

---

**From:** CN=William T. Griffin/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Scott Stanzel/WHO/EOP@EOP [ WHO ] <Scott Stanzel>; Jeanie S. Mamo/WHO/EOP@EOP [ WHO ] <Jeanie S. Mamo>; Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 3/18/2003 12:24:55 PM  
**Subject:** : ESTRADA EDITORIAL FROM SIOUX FALLS ARGUS LEADER

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:William T. Griffin ( CN=William T. Griffin/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-MAR-2003 17:24:55.00  
SUBJECT:: ESTRADA EDITORIAL FROM SIOUX FALLS ARGUS LEADER  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Scott Stanzel ( CN=Scott Stanzel/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

ARGUS LEADER (Sioux Falls, SD)

Estrada deserves full Senate vote  
Editorial Board  
Argus Leader  
published: 3/18/2003  
It's time for a Senate vote on federal appeals court nominee Miguel Estrada.

Twice, the Senate has failed to stop a filibuster, which is preventing that vote and dividing our nation.

Both sides must compromise.

Democrats say they want to ask Estrada more questions and have access to his working papers from the time he was in the Justice Department.

Estrada already has been quizzed by the Senate Judiciary Committee, so there seems little need. But if that's what it takes to get a vote, then do it. Democrats must ask the specific questions - in writing, if that is how it must be done - and the Bush administration must turn over those papers.

Do that, and there no longer will be an excuse for the filibuster.

But let's not kid ourselves about what really is going on. Democrats don't want Estrada on the U.S. Court of Appeals for the District of Columbia. They say that he's too conservative. Say that he opposes abortion. Say whatever you want - most Democrats in the Senate don't want him.

They also know that if the nomination goes to the floor, Estrada will win.

The filibuster is the only way to stall that and maybe force the Bush administration into sending over a different nominee.

We've had enough of that.

Get the questions out in the open and ask them. Estrada should answer them.

And then, let's get on with the vote.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 3/18/2003 12:38:57 PM  
**Subject:** : do you have those FAXes

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-MAR-2003 17:38:57.00  
SUBJECT:: do you have those FAXes  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Annette E. Rooney/OMB/EOP [ OMB ] <Annette E. Rooney>  
**Sent:** 3/18/2003 1:37:16 PM  
**Subject:** RECEIVED: Compensation for Victims of Terrorism

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-MAR-2003 18:37:16.00  
SUBJECT:RECEIVED: Compensation for Victims of Terrorism  
TO:Annette E. Rooney ( CN=Annette E. Rooney/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

RETURN RECEIPT

Your Document:  
Compensation for Victims of Terrorism  
was successfully received by:  
CN=Brett M. Kavanaugh/OU=WHO/O=EOP  
at:  
03/18/2003 06:37:15 PM

---

**From:** Grubbs, Wendy J.  
**To:** Susan.Butler@mail.house.gov <Susan.Butler@mail.house.gov>  
**CC:** <Ojakli, Ziad>;<Kavanaugh, Brett M.>  
**Sent:** 3/18/2003 5:56:16 PM  
**Subject:** It was a pleasure to meet you and your boss yesterday...

I will work with Maken on Hatch's staff to see what the best timing for a hearing will be. As we discussed it will either be right before April recess or in early May.

Will you confirm with me the senators your boss plans to visit and the date and times of those meetings? I will do my best to attend with you if that is okay.

Please keep me posted on all developments and I will do the same. Thanks again, Wendy

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jay P. Lefkowitz/OPD/EOP@Exchange@EOP [ OPD ] <Jay P. Lefkowitz>  
**Sent:** 3/18/2003 2:59:29 PM  
**Subject:** : OMB has some concerns, as you probably heard

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-MAR-2003 19:59:29.00  
SUBJECT:: OMB has some concerns, as you probably heard  
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>  
**Sent:** 3/18/2003 3:12:58 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-MAR-2003 20:12:58.00  
SUBJECT::  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

[http://www.uscourts.gov/Press\\_Releases/303judconf.pdf](http://www.uscourts.gov/Press_Releases/303judconf.pdf)



---

**From:** CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/18/2003 3:14:23 PM  
**Subject:** : Re: OMB has some concerns, as you probably heard

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )  
CREATION DATE/TIME:18-MAR-2003 20:14:23.00  
SUBJECT:: Re: OMB has some concerns, as you probably heard  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Jphn turned off the state idea.

.

-----Original Message-----

From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>  
To: Lefkowitz, Jay P. <Jay\_P.Lefkowitz@cpd.eop.gov>  
Sent: Tue Mar 18 19:54:40 2003  
Subject: OMB has some concerns, as you probably heard

---

**From:** Kavanaugh, Brett M.  
**To:** <Lefkowitz, Jay P.>  
**Sent:** 3/18/2003 7:54:40 PM  
**Subject:** OMB has some concerns, as you probably heard

---

**From:** Lefkowitz, Jay P.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/18/2003 8:00:24 PM  
**Subject:** RE: OMB has some concerns, as you probably heard

Yes

Think I cleared them up, but will follow up with them

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, March 18, 2003 7:55 PM  
**To:** Lefkowitz, Jay P.  
**Subject:** OMB has some concerns, as you probably heard

---

**From:** Lefkowitz, Jay P.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/18/2003 8:14:07 PM  
**Subject:** Re: OMB has some concerns, as you probably heard

Jphn turned off the state idea.

.

-----Original Message-----

From: Kavanaugh, Brett M.  
To: Lefkowitz, Jay P.  
Sent: Tue Mar 18 19:54:40 2003  
Subject: OMB has some concerns, as you probably heard

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>  
**Sent:** 3/19/2003 5:58:51 AM  
**Subject:** : RE: quick question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 19-MAR-2003 10:58:51.00  
SUBJECT:: RE: quick question  
TO: "Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> ( "Benczkowski, Brian A"  
<Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

have you completed that other doc from yesterday?

"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov>  
03/19/2003 10:37:50 AM  
Record Type: Record

To: "'Miranda, Manuel (Frist)'" <Manuel\_Miranda@frist.senate.gov>, Brett  
M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: quick question

Looks like ours.

-----Original Message-----  
From: Miranda, Manuel (Frist) [mailto:Manuel\_Miranda@frist.senate.gov]  
Sent: Wednesday, March 19, 2003 10:36 AM  
To: Benczkowski, Brian A; Brett\_M.\_Kavanaugh@who.eop.gov  
Subject: quick question

Was the attached produced by DOJ or the Committee?

---

**From:** Kavanaugh, Brett M.  
**To:** <Lefkowitz, Jay P.>  
**Sent:** 3/19/2003 9:15:06 AM  
**Subject:**

is there a draft combined set of talking points yet?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Cohen, Bruce (Judiciary) <Bruce\_Cohen@Judiciary.senate.gov>  
**Sent:** 3/19/2003 9:17:25 AM  
**Subject:** : RE: letter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAR-2003 14:17:25.00  
SUBJECT:: RE: letter  
TO:"Cohen, Bruce (Judiciary)" <Bruce\_Cohen@Judiciary.senate.gov> ( "Cohen, Bruce  
(Judiciary)" <Bruce\_Cohen@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I think that's right. Anyway, always here to be of assistance.

"Cohen, Bruce (Judiciary)" <Bruce\_Cohen@Judiciary.senate.gov>  
03/18/2003 05:10:12 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: jamie.e.brown@usdoj.gov  
Subject: RE: letter

Thanks.  
This is the first communication I can remember ever getting from you.  
Whole new worlds are opening. bac

-----Original Message-----  
From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Tuesday, March 18, 2003 4:37 PM  
To: Cohen, Bruce (Judiciary)  
Cc: jamie.e.brown@usdoj.gov  
Subject: letter

Bruce:

I understand that you were seeking a copy of this 2/24 letter from  
Judge  
Gonzales, particularly the sentence at the end of the third paragraph.  
Thanks  
very much.

Brett

(See attached file: Gonzales letter to Sen. Schumer 2 24 03.pdf)

REV\_00112230

---

**From:** Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; 'Miranda, Manuel (Frist)' <Manuel\_Miranda@frist.senate.gov>  
**Sent:** 3/19/2003 5:38:58 AM  
**Subject:** : RE: quick question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> ( "Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:19-MAR-2003 10:38:58.00  
SUBJECT:: RE: quick question  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:''Miranda, Manuel (Frist)'' <Manuel\_Miranda@frist.senate.gov> ( ''Miranda, Manuel (Frist)'' <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Looks like ours.

-----Original Message-----

From: Miranda, Manuel (Frist) [mailto:Manuel\_Miranda@frist.senate.gov]  
Sent: Wednesday, March 19, 2003 10:36 AM  
To: Benczkowski, Brian A; Brett\_M.\_Kavanaugh@who.eop.gov  
Subject: quick question

Was the attached produced by DOJ or the Committee?



---

**From:** Lefkowitz, Jay P.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/19/2003 9:53:49 AM  
**Subject:** Re:

Will send it soon. Am coming back from hill.

-----Original Message-----

From: Kavanaugh, Brett M.  
To: Lefkowitz, Jay P.  
Sent: Wed Mar 19 09:15:06 2003  
Subject:

is there a draft combined set of talking points yet?

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/19/2003 6:26:38 AM  
**Subject:** : RE: quick question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:19-MAR-2003 11:26:38.00  
SUBJECT:: RE: quick question  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I wanted to see who I should look to for assurance that it is updated and all inclusive. I have OK for Frist to give his first lengthy speech and stab this dragon.

What was you worry?

-----Original Message-----  
From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett M. Kavanaugh@who.eop.gov]  
Sent: Wednesday, March 19, 2003 10:54 AM  
To: Miranda, Manuel (Frist)  
Subject: Re: quick question

why?

(Embedded  
image moved "Miranda, Manuel (Frist)"  
to file: <Manuel\_Miranda@frist.senate.gov>  
pic14691.pcx) 03/19/2003 10:35:54 AM

Record Type: Record

To: "Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov>, Brett M. Kavanaugh/WHO/EOP@EOP

cc:  
Subject: quick question

Was the attached produced by DOJ or the Committee?

Message

**From:** Miranda, Manuel (Frist) ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
[Manuel\_Miranda@frist.senate.gov]  
**Sent:** 3/19/2003 10:39:39 AM  
**To:** Kmiec, Douglas ( "Kmiec, Douglas" <[REDACTED] PRA 6 [REDACTED]> [ UNKNOWN ] ); Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] ); Gaziano, Todd ( "Gaziano, Todd" <todd.gaziano@heritage.org> [ UNKNOWN ] ) [todd.gaziano@heritage.org]  
**Subject:** : today/ number  
**Attachments:** P\_4KDTE003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:19-MAR-2003 11:39:39.00  
SUBJECT:: today/ number  
TO:"Kmiec, Douglas" <[REDACTED] PRA 6 [REDACTED]> ( "Kmiec, Douglas" <[REDACTED] PRA 6 [REDACTED]> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Gaziano, Todd" <todd.gaziano@heritage.org> ( "Gaziano, Todd" <todd.gaziano@heritage.org> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Todd, what is the number Dean Kmiec should use?

Dean Kmiec, where can we reach you.

Todd, is it the case you can only have one outsider on conference call?

In case Brett cannot come down.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_4KDTE003\_WHO.TXT\_1>

Todd, what is the number Dean Kmiec should use?

Dean Kmiec, where can we reach you.< /span>< /span>

Todd, is it the case you can only have one outsider on conference call? In case Brett cannot come down.

---

**From:** CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/19/2003 6:51:08 AM  
**Subject:** : FW: MESSAGE MEETING IS CANCELLED FOR TODAY

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-MAR-2003 11:51:08.00  
SUBJECT:: FW: MESSAGE MEETING IS CANCELLED FOR TODAY  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;  
-----Original Message-----  
From: Ritacco, Krista L.  
Sent: Wednesday, March 19, 2003 11:38 AM  
To: Yunker, Jacob H.; Allgood, Lauren K.; Barrales, Ruben S.; Bennett, Melissa S.; Besanceney, Brian R.; Buchan, Claire ; Burkhart, Shannon; Campbell, Anne E.; Christie, Ronald I.; Ciafardini, Andrew D.; Conde, Roberta L.; Cooper, Rory S.; DeFrancis, Suzy; Devenish, Nicolle; Duffy, Trent D.; Ellison, Kimberly; Eskew, Tucker A.; Figg, Kara G.; Gerdelman, Sue H.; Gillmor, Eleanor L.; Grant, Britt; Gray, Adrian G.; Hamilton, Parker B.; Healy, Erin E.; Hennessey, Keith; Hernandez, Israel; Hughes, A. Merrill; Ingle, Edward; Jackson, Barry S.; Kaplan, Joel; Kozberg, Lindsey C.; Kyle, Ross M.; Lefkowitz, Jay P.; Lineberry, Stephen M.; Litkenhaus, Colleen; Lockart, Sarah K.; Mallea, Jose; Martin, Catherine J.; McClellan, Scott ; McDonald, Rebekah; McQuade, Vickie A.; Mehlman, Ken; Middlemas, A. Morgan; Millerwise, Jennifer; Montiel, Charlotte L.; Nelson, Carolyn; Nipper, Wendy L.; Parell, Christie; Pelletier, Eric C.; Perez, Anna M.; Ralston, Susan B.; Reese, Shelley; Riecke, January M.; Rodriguez, Noelia ; Rogers, Edwina C.; Rust, Kathryn E.; Ryun, Catharine A.; Sforza, Scott N.; Silverberg, Kristen; Smith, Heidi M.; Snee, Ashley; Spagnoli, Deborah A.; Towe, Jim; Vestewig, Lauren J.; Walters, Katherine M.; Wehner, Peter H.; Westine, Lezlee J.; Williams, Mary C.; Wozniak, Natalie S.  
Subject: MESSAGE MEETING IS CANCELLED FOR TODAY

We will reconvene next week.

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/19/2003 11:51:37 AM  
**Subject:** : Re: Fed Ex

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAR-2003 16:51:37.00  
SUBJECT:: Re: Fed Ex  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The 2 binders have been sent via Fed-Ex, next day delivery.

jg

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>; Jeanie S. Mamo/WHO/EOP@EOP [ WHO ] <Jeanie S. Mamo>; Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 3/19/2003 12:08:30 PM  
**Subject:** : Lincoln (Neb) Journal Star editorial

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 19-MAR-2003 17:08:30.00  
SUBJECT:: Lincoln (Neb) Journal Star editorial  
TO: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Confirmation process needs to be reformed  
The U.S. Senate should reform the process by which it confirms nominees to the federal judiciary.  
The current impasse over the nomination of Miguel Estrada is evidence of the partisan bottleneck that too often blocks the filling of important positions in the federal judiciary.  
On Tuesday, Democrats for the third time held off a Republican attempt to break the filibuster that prevents Estrada's nomination from moving to a final vote.  
Sen. Chuck Hagel was a member of the unbroken Republican bloc that voted to end the filibuster. Sen. Ben Nelson was one of only four Democrats who joined the Republicans.  
The case is unusual in several respects. Appointments to the U.S. Circuit Court of Appeals seldom generate this much heat. A lower court nomination has never been blocked by filibuster. Also atypical is the use of a filibuster to force a nominee to provide information.  
Senate Democrats believe Estrada is a stealth candidate with dangerously conservative views, quite possibly anti-abortion and anti-affirmative action. But Estrada has never taken a public stand on either of those controversial issues.  
So Democrats want access to confidential memos Estrada wrote while he worked in the U.S. Justice Department. Every living U.S. solicitor general, whether Democrat or Republican, has written in opposition to the demand on the grounds the office deliberations must remain confidential in order its ability to vigorously defend U.S. interests.  
Estrada emigrated from Honduras to the United States as a 17-year-old. By all accounts a brilliant legal mind, Estrada carved out a stellar career including a stint as a clerk at the U.S. Supreme Court and 15 appearances before the court as an attorney.  
To give the Democrats their due, suspicions that Estrada is pro-life and conservative must have some basis in fact. Estrada might not have left a paper trail, but over the years colleagues undoubtedly learned his views. But in recent decades U.S. Senators have become too accustomed to creating gridlock on judicial nominations. Republicans did it in the Clinton administration and Democrats are doing it now. "It's payback on top of payback on top of payback," complained freshman Sen. Mark Pryor, D-Ark. Currently the Judicial Conference of the United States, which oversees administration of the courts, has declared 29 of the 55 judicial vacancies have been open so long they are "judicial emergencies."  
What's needed is a process that sets timelines for hearings, committee votes and a vote on the Senate floor no matter who is in the White House. That might benefit Republicans now, but it would benefit Democrats the next time the balance of power switches in Washington.

Message Sent

To:

---

Alberto R. Gonzales/WHO/EOP@Exchange@EOP  
David G. Leitch/WHO/EOP@Exchange@EOP  
Helgard C. Walker/WHO/EOP@EOP  
Jennifer G. Newstead/WHO/EOP@EOP  
H. Christopher Bartolomucci/WHO/EOP@EOP  
Kyle Sampson/WHO/EOP@EOP  
Noel J. Francisco/WHO/EOP@EOP  
Benjamin A. Powell/WHO/EOP@EOP  
Theodore W. Ulliot/WHO/EOP@EOP



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** G. Timothy Saunders/WHO/EOP [ WHO ] <G. Timothy Saunders>  
**Sent:** 3/19/2003 12:18:58 PM  
**Subject:** RECEIVED: Re: Status of EO 12958

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAR-2003 17:18:58.00  
SUBJECT:RECEIVED: Re: Status of EO 12958  
TO:G. Timothy Saunders ( CN=G. Timothy Saunders/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

RETURN RECEIPT

Your Document:  
Re: Status of EO 12958  
was successfully received by:  
CN=Brett M. Kavanaugh/OU=WHO/O=EOP  
at:  
03/19/2003 05:18:56 PM

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/19/2003 9:08:59 AM  
**Subject:** : RE: staffing

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-MAR-2003 14:08:59.00  
SUBJECT:: RE: staffing  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Okay.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, March 19, 2003 2:02 PM  
To: Bumatay, Patrick J.  
Subject: staffing

I should get the draft executive orders on Iraqi assets and classified information when they come through staffing. Thx.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 3/19/2003 9:17:32 AM  
**Subject:** : Fed Ex

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAR-2003 14:17:32.00  
SUBJECT:: Fed Ex  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

need you to Fed Ex something for me to Judge Carolyn Kuhl in California.  
please talk to me.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 3/19/2003 9:41:22 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAR-2003 14:41:22.00  
SUBJECT: :  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can we think about making the web site an all-purpose a-to-z  
resource on judges that could be used by media, supporters, and others.  
Let's discuss at your convenience.

<http://www.whitehouse.gov/infocus/judicialnominees/>

---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**Sent:** 3/19/2003 2:34:20 PM  
**Subject:**

Can we think about making the web site an all-purpose a-to-z resource on judges that could be used by media, supporters, and others. Let's discuss at your convenience.

<http://www.whitehouse.gov/infocus/judicialnominees/>

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>; Jeanie S. Mamo/WHO/EOP@EOP [ WHO ] <Jeanie S. Mamo>; Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 3/19/2003 12:10:13 PM  
**Subject:** : RESEND: Lincoln (Neb) Journal Star editorial

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 19-MAR-2003 17:10:13.00  
SUBJECT:: RESEND: Lincoln (Neb) Journal Star editorial  
TO: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Confirmation process needs to be reformed  
The U.S. Senate should reform the process by which it confirms nominees to the federal judiciary.  
The current impasse over the nomination of Miguel Estrada is evidence of the partisan bottleneck that too often blocks the filling of important positions in the federal judiciary.  
On Tuesday, Democrats for the third time held off a Republican attempt to break the filibuster that prevents Estrada's nomination from moving to a final vote.  
Sen. Chuck Hagel was a member of the unbroken Republican bloc that voted to end the filibuster. Sen. Ben Nelson was one of only four Democrats who joined the Republicans.  
The case is unusual in several respects. Appointments to the U.S. Circuit Court of Appeals seldom generate this much heat. A lower court nomination has never been blocked by filibuster. Also atypical is the use of a filibuster to force a nominee to provide information.  
Senate Democrats believe Estrada is a stealth candidate with dangerously conservative views, quite possibly anti-abortion and anti-affirmative action. But Estrada has never taken a public stand on either of those controversial issues.  
So Democrats want access to confidential memos Estrada wrote while he worked in the U.S. Justice Department. Every living U.S. solicitor general, whether Democrat or Republican, has written in opposition to the demand on the grounds the office deliberations must remain confidential in order its ability to vigorously defend U.S. interests.  
Estrada emigrated from Honduras to the United States as a 17-year-old. By all accounts a brilliant legal mind, Estrada carved out a stellar career including a stint as a clerk at the U.S. Supreme Court and 15 appearances before the court as an attorney.  
To give the Democrats their due, suspicions that Estrada is pro-life and conservative must have some basis in fact. Estrada might not have left a paper trail, but over the years colleagues undoubtedly learned his views. But in recent decades U.S. Senators have become too accustomed to creating gridlock on judicial nominations. Republicans did it in the Clinton administration and Democrats are doing it now. "It's payback on top of payback on top of payback," complained freshman Sen. Mark Pryor, D-Ark. Currently the Judicial Conference of the United States, which oversees administration of the courts, has declared 29 of the 55 judicial vacancies have been open so long they are "judicial emergencies."  
What's needed is a process that sets timelines for hearings, committee votes and a vote on the Senate floor no matter who is in the White House. That might benefit Republicans now, but it would benefit Democrats the next time the balance of power switches in Washington.



---

**From:** Sean Rushton <SRushton@CommitteeforJustice.org>  
**To:** SRushton@CommitteeforJustice.org [ UNKNOWN ] <SRushton@CommitteeforJustice.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 3/19/2003 1:28:54 PM  
**Subject:** : Owen.  
**Attachments:** P\_KM3UE003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Sean Rushton <SRushton@CommitteeforJustice.org> ( Sean Rushton  
<SRushton@CommitteeforJustice.org> [ UNKNOWN ] )  
CREATION DATE/TIME:19-MAR-2003 18:28:54.00  
SUBJECT:: Owen.  
TO:SRushton@CommitteeforJustice.org ( SRushton@CommitteeforJustice.org [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Two Times a Justice

Priscilla Owen gets another chance to explain the proper role of the judiciary.  
From the March 17, 2003 Dallas Morning News:  
By Terry Eastland

WHATEVER ELSE HAPPENS in the life of Priscilla Owen, the Texas Supreme Court justice has made history. Of a sort. Two years ago, President Bush nominated her for a seat on the 5th U.S. Circuit Court of Appeals. The Senate Judiciary Committee finally gave her a hearing in July and then--on a party-line, 10-to-9 vote--rejected her nomination. In January, Bush resubmitted her name, and last week she sat for a second time before the Judiciary Committee.

Justice Owen thus became the first judicial nominee ever to be defeated in committee only to see her name resubmitted and then to be given another hearing. The resurrection of her nomination obviously was made possible by the midterm elections. Had Senate control not shifted to the Republicans--had the Senate remained Democratic--Owen probably wouldn't have been renominated.

At the start of last week's hearing, Republican Sen. Orrin Hatch, now the Judiciary Committee chairman, remarked that Justice Owen "is perhaps the best sitting judge I have ever seen nominated." Senators, it is fair to say, have a gene that inclines them to hyperbole. But Owen is a good state judge and remains an excellent nominee for the 5th Circuit.

Not that committee Democrats can be expected finally to grasp that. As can be seen from last week's hearing, they remain wedded to wrong ideas about judging, not least that judging is best understood in terms of actual results.

Take, for example, Sen. Edward Kennedy, who (as he did in July) faulted Owen for failing to achieve "balance" in her votes on cases involving worker rights, environmental rights and civil rights. Properly understood, however, judging is about the process a judge uses to decide cases, not about making sure the outcomes or results "balance." Justice Owen argued against "balanced" judging in her exchange with Kennedy:



"I can assure you that I do not ever try to achieve a result. I don't look at whether I want one side to win or the other side, or one segment of the population to be favored over another. That is not my job. And I certainly don't keep score and say, 'OK, you know . . . 50 percent of this side has to win 50 percent of the time, and every six months or so we've got to even the score here.' That's not what judging is about. That is not what I do."

Later, Democratic Sen. Richard Durbin asked Owen to identify opinions of hers "that aren't popular with the established power structure in Texas." For Durbin, apparently, judging is at least to some extent about its popularity or lack thereof.

Owen politely asked Durbin to define what he meant by the "established power structure," whereupon he moved to other matters. But if Durbin had listened to Owen's answer to Kennedy, he would have known that, for her, judging isn't about trying to favor "one segment of the population" over another. He also would have heard her say what judging properly is:

"What I try to do as a judge is to put aside personal feelings. . . . The question is what does the law say, what does the law require. . . . I judge cases by what is right, not by what is politically correct."

Notably, Durbin showed little interest when, in answer to his question, "where would you place yourself on the spectrum between judicial activism and strict construction," Owen discussed the process she uses in interpreting the state's constitution and statutes. As she explained it, that process starts with a reading of the text itself but also may require looking at related texts, pertinent history and case law. For Durbin and too many Democratic senators, process is, well, boring. Yet process is what judging intensely involves.

The Judiciary Committee will vote on the Owen nomination--perhaps as early as this week. You can assume the Democrats, claiming that Owen favors business and is hostile to abortion rights, again will vote "no." Because they constitute a minority, however, they won't be able to stop her nomination in committee. It will go to the Senate floor, where, Sen. Kay Bailey Hutchison says, "I hope it won't be filibustered."

If it is, expect Durbin and his colleagues to speak of Justice Owen's "bias" against the causes they hold dear, notwithstanding that it is her bias in favor of trying fairly to interpret the law that is her most compelling qualification.

Terry Eastland is publisher of The Weekly Standard and a regular contributor to Viewpoints.

Sean Rushton

Executive Director

Committee for Justice

202-661-6372 phone

202-487-6439 mobile

[www.committeeforjustice.org](http://www.committeeforjustice.org)

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_KM3UE003\_WHO.TXT\_1>

REV\_00112299



## Two Times a Justice

Priscilla Owen gets another chance to explain the proper role of the judiciary.

From the March 17, 2003 Dallas Morning News:

By Terry Eastland

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If it is, expect Durbin and his colleagues to speak of Justice Owen's "bias" against the causes they hold dear, notwithstanding that it is her bias in favor of trying fairly to interpret the law that is her most compelling qualification.

*Terry Eastland is publisher of The Weekly Standard and a regular contributor to Viewpoints.*

Sean Rushton  
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Committee for Justice  
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202-487-6439 mobile  
[www.committeeforjustice.org](http://www.committeeforjustice.org)

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Theodore W. Ulliot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliot>  
**Sent:** 3/19/2003 1:58:34 PM  
**Subject:** : reminder to send back copy of 11-7 letter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAR-2003 18:58:34.00  
SUBJECT:: reminder to send back copy of 11-7 letter  
TO:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 3/20/2003 1:21:25 AM  
**Subject:** : TRANSCRIPT - STATEMENT BY IRAQI PRESIDENT SADDAM HUSSEIN FOLLOWING BEGINNING OF ATTACKS AGAINST IRAQ

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:20-MAR-2003 06:21:25.00

SUBJECT:: TRANSCRIPT - STATEMENT BY IRAQI PRESIDENT SADDAM HUSSEIN FOLLOWING BEGINNING OF ATTACKS AGAINST IRAQ

BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

STATEMENT BY IRAQI PRESIDENT SADDAM HUSSEIN FOLLOWING BEGINNING OF ATTACKS AGAINST IRAQ (NOTE: REMARKS ARE THROUGH INTERPRETER)  
12:32 A.M. EST, THURSDAY, MARCH 20, 2003

;

PRESIDENT HUSSEIN: In the name of God, most merciful, most compassionate, those who are (fought ?), as they are treated unjustly, were granted permission to fight, and God will give them victory. (Audio break from source.)

;;;;; (In progress) -- 20th of March 2003, corresponding to 17th of the Muharram of 1422 Hejri (ph), the criminal -- the criminal junior Bush committed, he and his aides, his crime that he was threatening Iraq with and humanity as well. His criminal act comes from -- and the act of those who helped him and his followers, this is added to the series their shameful crimes against Iraq and humanity. This is a start for other additional crimes.

;;;;; All Iraqis and those who care in our nation, sacrificing for you and for the values of our nation and the banners of fighting and for its religion and for the soul, the family, the son. And here, I will not repeat what should be said. It is a duty of all people, good people -- repeat what has to be done to protect and defend this dear nation and the values and sacreds.

;;;;; But I will say for -- to each -- this is a must on all of us, but I say, on any of us, on each of us in the family of Iraq, the believing, the honest family that is being treated unjustly by its enemy. On all of us, on each of us we have to remember what was said and what was pledged, and these days will go as God wills. This will add -- these days will add to your record, your bright record, all you male and female dignified people. This is your share of dignity and victory, and everything that will raise the status before God and will let the infidels down. The enemies of humanity and God.

;;;;; And that you will be victorious, oh Iraqis. And with you are -- victorious (sic) will be with you are the people of the sons of your nation. And you are victorious with the will of God. And you enemies will be in humiliation and defeat, God willing.

;;;;; Go you sword. I'm not -- draw your sword, and I'm not afraid.

;;;;; Draw your sword, the enemy is making a fuss, and the enemy will not be stopped, except by -- let the reigns be let go any way, but hope is there. Let thunder storms go, until the guidance appears and injustice goes away. And let dawn be the way to confront all bad. And pull your trigger, and keep the fire on. Draw your sword. No one will be victorious unless he is a man, and a brave man. And prepare a banner and call for the

way of God that the wound will heal quickly.

;;;;; Dear friends, those who fight evil in the world, peace be upon you. You notice how Bush, the careless, underestimated your values that you declared against the war, and your call, your honest call for peace. And he committed this shameful crime this day. We pledge in our name and in the name of the command and leadership and the name of the people, the fighting people and its heroic army in its history and record of civilization, we pledge that we will confront the invaders, and we will get them to, God willing, to the limit where they will lose their patience and they will lost any hope in accomplishing what they were driven to by the Zionists, the criminal Zionists and those who have agendas. They will go to the lowest levels, and they will be defeated, a defeat that we hope for them after they went far in injustice and evil.

;;;;; We love peace, and we are working towards this peace. Iraq will be victorious, will win. And with Iraq, our nation and humanity will win, and evil will suffer from what makes it incapable of doing any evil or crime at a level similar to the American/Zionists alliance against nations and at the forefront is our dignified nation, Arab nation. God is great. God is great.

;;;;; At the beginning -- at the forefront is our nation. God is great. God is great. And live long Iraq and Palestine. God is great. God is great. And our Arab nation, dignified nation, let that nation live and the human brotherhood, let it live with those who love peace and security and the right of people in freedom according to justice and equality. God is great, and let the losers lose. Let Iraq live. Long live jihad, and long live Palestine.

END.

;

---

**From:** CN=Paul B. Dyck/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Katherine M. Walters/WHO/EOP@EOP [ WHO ] <Katherine M. Walters>; Joseph W. Fricks III/WHO/EOP@EOP [ WHO ] <Joseph W. Fricks III>; Ken Mehlman/WHO/EOP@EOP [ WHO ] <Ken Mehlman>  
**Sent:** 3/20/2003 5:57:46 AM  
**Subject:** : Garland County (AR) Lincoln Day Dinner

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Paul B. Dyck ( CN=Paul B. Dyck/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 20-MAR-2003 10:57:46.00  
SUBJECT:: Garland County (AR) Lincoln Day Dinner  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
CC: Katherine M. Walters ( CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
CC: Joseph W. Fricks III ( CN=Joseph W. Fricks III/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
CC: Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Brett - as discussed, an invitation to the Garland County LDD in Hot Springs, AR (4/15) was sent out without our knowledge and without us having ever seen it. In the flyer, there were three errors:  
1) Ken's name is misspelled;  
2) It used Ken's official title on a political invite; and  
3) It referred to Ken as the "expected chairman of the George W. Bush re-election committee in 2004."

Per your instruction, we notified the party that this had gone out without WH approval and was inaccurate. They will proceed with the event, but will run any other printed materials by us before sending out. Please let me know if there is any other action that we should take. Thanks.



---

**From:** Leitch, David G.  
**To:** <Francisco, Noel J.>; <Gonzales, Alberto R.>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 3/20/2003 6:51:56 AM  
**Subject:** RE: Michigan Case Oral Argument Questions

I've just printed these out and will try to look at them this morning.

-----Original Message-----

**From:** Francisco, Noel J.  
**Sent:** Wednesday, March 19, 2003 10:42 PM  
**To:** Gonzales, Alberto R.; Leitch, David G.  
**Cc:** Kavanaugh, Brett M.  
**Subject:** Michigan Case Oral Argument Questions

Judge and David -- Just wondering if you'd had a chance to review this. Noel

----- Forwarded by Noel J. Francisco/WHO/EOP on 03/19/2003 10:46 PM -----



Noel J. Francisco  
03/17/2003 04:14:42 PM  
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@Exchange@EOP, David G. Leitch/WHO/EOP@Exchange@EOP  
cc: Brett M. Kavanaugh/WHO/EOP@EOP  
Subject: Michigan Case Oral Argument Questions

The SG's Office provided us with a list of 20 possible questions for which they would like us to provide draft answers. The attached document, which incorporates Brett's comments, contains a draft of these answers. It also contains a few additional questions that may arise and draft answers thereto. Once we have everyone's thoughts we can transmit this back to the SG's Office.

Judge -- Should I share these with Jay? Or would you prefer to review them first?

Thanks,  
Noel

<< File: Michigan Oral Argument Questions.doc >>

---

**From:** Gottesman, Blake  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/20/2003 8:22:21 AM  
**Subject:** can you pls call me re: quick work-related question when you get a chance? x6-1886. thanks.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Helgard C. Walker/WHO/EOP@EOP [ WHO ] <Helgard C. Walker>  
**Sent:** 3/20/2003 4:31:39 AM  
**Subject:** : SAVE THE DATE

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-MAR-2003 09:31:39.00  
SUBJECT:: SAVE THE DATE  
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

where is it

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
03/20/2003 09:31 AM -----

From: Patrick J. Bumatay/WHO/EOP@Exchange on 03/20/2003 09:29:27 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: SAVE THE DATE

Please save next Thursday, March 27th from 6 - 8 pm for Helgi's going away party.; More information to follow very shortly...  
;  
Thanks

Message Sent

To: \_\_\_\_\_  
H. Christopher Bartolomucci/WHO/EOP@EOP  
Theodore W. Ulliyot/WHO/EOP@EOP  
Kyle Sampson/WHO/EOP@EOP  
Benjamin A. Powell/WHO/EOP@EOP  
Nanette Everson/WHO/EOP@EOP  
Jennifer G. Newstead/WHO/EOP@EOP  
Noel J. Francisco/WHO/EOP@EOP  
Brett M. Kavanaugh/WHO/EOP@EOP  
James W. Carroll/WHO/EOP@EOP  
David G. Leitch/WHO/EOP@Exchange  
Alberto R. Gonzales/WHO/EOP@Exchange  
Charlotte L. Montiel/WHO/EOP@Exchange  
Carolyn Nelson/WHO/EOP@Exchange  
Jonathan F. Ganter/WHO/EOP@EOP  
J. Elizabeth Farrell/WHO/EOP@EOP  
Hana F. Brilliant/WHO/EOP@EOP  
Allison L. Riepenhoff/WHO/EOP@EOP  
John B. Bellinger/NSC/EOP@EOP  
Courtney S. Elwood/OVP/EOP@EOP  
David S. Addington/OVP/EOP@EOP  
Edward McNally/WHO/EOP@EOP

REV\_00112337

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Helgard C. Walker/WHO/EOP@EOP [ WHO ] <Helgard C. Walker>  
**Sent:** 3/20/2003 4:35:02 AM  
**Subject:** : Re: SAVE THE DATE

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-MAR-2003 09:35:02.00  
SUBJECT:: Re: SAVE THE DATE  
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

just wondering why the place was not included in the initial e-mail

Helgard C. Walker  
03/20/2003 09:28:54 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: SAVE THE DATE

he SAID more info to follow shortly...

it's at hay adams, off the record bar. does that meet with your approval?  
:)

Brett M. Kavanaugh  
03/20/2003 09:27:05 AM  
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP  
cc:  
Subject: SAVE THE DATE

where is it

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
03/20/2003 09:31 AM -----

From: Patrick J. Bumatay/WHO/EOP@Exchange on 03/20/2003 09:29:27 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: SAVE THE DATE

Please save next Thursday, March 27th from 6 - 8 pm for Helgi's going away party.; More information to follow very shortly...  
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REV\_00112338

Message Sent

To:

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H. Christopher Bartolomucci/WHO/EOP@EOP  
Theodore W. Ulliot/WHO/EOP@EOP  
Kyle Sampson/WHO/EOP@EOP  
Benjamin A. Powell/WHO/EOP@EOP  
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Courtney S. Elwood/OVP/EOP@EOP  
David S. Addington/OVP/EOP@EOP  
Edward McNally/WHO/EOP@EOP

REV\_00112339

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**From:** CN=Helgard C. Walker/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/20/2003 4:36:41 AM  
**Subject:** : Re: SAVE THE DATE

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-MAR-2003 09:36:41.00  
SUBJECT:: Re: SAVE THE DATE  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

cuz you don't need to know location in order to SAVE THE DATE, just the date (and time)...

Brett M. Kavanaugh  
03/20/2003 09:30:29 AM  
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: SAVE THE DATE

just wondering why the place was not included in the initial e-mail

Helgard C. Walker  
03/20/2003 09:28:54 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: SAVE THE DATE

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Brett M. Kavanaugh  
03/20/2003 09:27:05 AM  
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP  
cc:  
Subject: SAVE THE DATE

where is it

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
03/20/2003 09:31 AM -----

REV\_00112340

From: Patrick J. Bumatay/WHO/EOP@Exchange on 03/20/2003 09:29:27 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: SAVE THE DATE

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Theodore W. Ulliyot/WHO/EOP@EOP  
Kyle Sampson/WHO/EOP@EOP  
Benjamin A. Powell/WHO/EOP@EOP  
Nanette Everson/WHO/EOP@EOP  
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John B. Bellinger/NSC/EOP@EOP  
Courtney S. Elwood/OVP/EOP@EOP  
David S. Addington/OVP/EOP@EOP  
Edward McNally/WHO/EOP@EOP

REV\_00112341

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Helgard C. Walker/WHO/EOP@EOP [ WHO ] <Helgard C. Walker>  
**Sent:** 3/20/2003 5:17:11 AM  
**Subject:** : Re: SAVE THE DATE

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-MAR-2003 10:17:11.00  
SUBJECT:: Re: SAVE THE DATE  
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

bingo!! that makes sense! sorry I am foggy this morning!

Helgard C. Walker  
03/20/2003 09:43:03 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: SAVE THE DATE

b/c there is going to be a larger email group that receives the main one,  
and i guess patrick just wanted to let the office, our core group, know to  
go ahead and hold the time on their calendars

Brett M. Kavanaugh  
03/20/2003 09:33:47 AM  
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: SAVE THE DATE

ok, just wondering why there are multiple emails if we already know all  
the info

Helgard C. Walker  
03/20/2003 09:32:25 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: SAVE THE DATE

cuz you don't need to know location in order to SAVE THE DATE, just the



date (and time)...

Brett M. Kavanaugh  
03/20/2003 09:30:29 AM  
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: SAVE THE DATE

just wondering why the place was not included in the initial e-mail

Helgard C. Walker  
03/20/2003 09:28:54 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: SAVE THE DATE

he SAID more info to follow shortly...

it's at hay adams, off the record bar. does that meet with your approval?  
:)

Brett M. Kavanaugh  
03/20/2003 09:27:05 AM  
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP  
cc:  
Subject: SAVE THE DATE

where is it  
----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
03/20/2003 09:31 AM -----

From: Patrick J. Bumatay/WHO/EOP@Exchange on 03/20/2003 09:29:27 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: SAVE THE DATE

Please save next Thursday, March 27th from 6 - 8 pm for Helgi's going away party.; More information to follow very shortly...  
;  
Thanks

Message Sent  
To:  
H. Christopher Bartolomucci/WHO/EOP@EOP  
Theodore W. Ulliyot/WHO/EOP@EOP  
Kyle Sampson/WHO/EOP@EOP  
Benjamin A. Powell/WHO/EOP@EOP  
Nanette Everson/WHO/EOP@EOP  
Jennifer G. Newstead/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP  
Brett M. Kavanaugh/WHO/EOP@EOP  
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Courtney S. Elwood/OVP/EOP@EOP  
David S. Addington/OVP/EOP@EOP  
Edward McNally/WHO/EOP@EOP

---

**From:** CN=Helgard C. Walker/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/20/2003 5:27:20 AM  
**Subject:** : Re: SAVE THE DATE

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-MAR-2003 10:27:20.00  
SUBJECT:: Re: SAVE THE DATE  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

phew

hope you can come! i am inviting ashley too.

Brett M. Kavanaugh  
03/20/2003 10:03:07 AM  
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: SAVE THE DATE

bingo!! that makes sense! sorry I am foggy this morning!

Helgard C. Walker  
03/20/2003 09:43:03 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: SAVE THE DATE

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03/20/2003 09:33:47 AM  
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP  
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Helgard C. Walker  
03/20/2003 09:32:25 AM  
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To: Brett M. Kavanaugh/WHO/EOP@EOP  
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Brett M. Kavanaugh  
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Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP  
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Helgard C. Walker  
03/20/2003 09:28:54 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
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Brett M. Kavanaugh  
03/20/2003 09:27:05 AM  
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP  
cc:  
Subject: SAVE THE DATE

where is it

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
03/20/2003 09:31 AM -----

From: Patrick J. Bumatay/WHO/EOP@Exchange on 03/20/2003 09:29:27 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: SAVE THE DATE

REV\_00112353

Please save next Thursday, March 27th from 6 - 8 pm for Helgi's going away party.; More information to follow very shortly...

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Thanks

Message Sent

To:

---

H. Christopher Bartolomucci/WHO/EOP@EOP  
Theodore W. Ulliyot/WHO/EOP@EOP  
Kyle Sampson/WHO/EOP@EOP  
Benjamin A. Powell/WHO/EOP@EOP  
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Courtney S. Elwood/OVP/EOP@EOP  
David S. Addington/OVP/EOP@EOP  
Edward McNally/WHO/EOP@EOP

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**From:** CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/20/2003 6:06:00 AM  
**Subject:** : I assume it's Section 201, right? do you have copy>?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )  
CREATION DATE/TIME:20-MAR-2003 11:06:00.00  
SUBJECT:: I assume it's Section 201, right? do you have copy>?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jay P. Lefkowitz/OPD/EOP@Exchange@EOP [ OPD ] <Jay P. Lefkowitz>  
**Sent:** 3/20/2003 6:12:06 AM  
**Subject:** : I left message for Philbin to make sure he reads same

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-MAR-2003 11:12:06.00  
SUBJECT:: I left message for Philbin to make sure he reads same  
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 3/20/2003 6:46:53 AM  
**Subject:** : TRANSCRIPT - Secretary Rumsfeld and General Myers Briefing 03/20/03

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:20-MAR-2003 11:46:53.00  
SUBJECT:: TRANSCRIPT - Secretary Rumsfeld and General Myers Briefing 03/20/03  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

DEFENSE DEPARTMENT OPERATIONAL UPDATE BRIEFING  
BRIEFERS: SECRETARY OF DEFENSE DONALD RUMSFELD; AND GENERAL RICHARD MYERS,  
CHAIRMAN, JOINT CHIEFS OF STAFF

PENTAGON BRIEFING ROOM, ARLINGTON, VIRGINIA  
11:06 A.M. EST, THURSDAY, MARCH 20, 2003

;

SEC. RUMSFELD: Good morning. The United States and the international community have made every effort to avoid war. Diplomacy and sanctions over more than a decade have not worked. And now, by rejecting president Bush's ultimatum, the Iraqi regime has chosen military conflict over peaceful disarmament.

;;;;; Coalition forces hit a senior Iraqi leadership compound last evening. The damage assessment on the compound is pending. That was the first. It will likely not be the last. The days of the Saddam Hussein regime are numbered.

;;;;; We continue to feel that there's no need for a broader conflict if the Iraqi leaders act to save themselves and to prevent such further conflict.

;;;;; What will follow will not be a repeat of any other conflict. It will be of a force and scope and scale that has been beyond what has been seen before. The Iraqi soldiers and officers must ask themselves whether they want to die fighting for a doomed regime or do they want to survive, help the Iraqi people in the liberation of their country and play a role in a new, free Iraq.

;;;;; If Saddam Hussein or his generals issue orders to use weapons of mass destruction, whether on coalition forces, Free Iraqi forces, neighboring countries or innocent Iraqi civilians as they have done before, those orders should not be followed.

;;;;; Do not follow orders to destroy dams or flood villages. Do not follow orders to destroy your country's oil, which is the Iraqi people's, and they will need it to rebuild their country when that regime is gone. Following such orders would be to commit crimes against the Iraqi people. See those orders for what they are -- the last desperate gasp of a dying regime. Those who follow orders to commit such crimes will be found and they will be punished. War crimes will be prosecuted, and it will be no excuse to say, "I was just following orders." Any official involved in such crimes will forfeit hope of amnesty or leniency with respect to past actions.

;;;;; Military units that want to live and act with honor should listen to coalition radio broadcasts to receive instructions as to how you may demonstrate that you do not intend to fight. You will have a place in a free Iraq if you do the right thing. But if you follow Saddam Hussein's



orders, you will share his fate. And the choice is yours.

;;;;; To the Iraqi people, let me say that the day of your liberation will soon be at hand. Coalition forces will take every precaution to protect innocent civilians. Once hostilities begin, stay in your homes and listen to coalition radio stations for instructions on what to do to remain safe and out of the line of fire. Iraqi civilians: Do not go to work. Stay away from military targets and any facilities where Saddam Hussein has moved military assets.

;;;;; Arrangements are being made to care for refugees and displaced persons inside of Iraq.

;;;;; There is no need for Iraqis to flee across their borders into neighboring countries. Listen for instructions on how to get food, water and medical supplies. Iraq belongs to the Iraqi people. And once Saddam Hussein's regime is removed, we intend to see that functional and political authority is placed in the hands of Iraqis as quickly as is possible. Coalition forces will stay only as long as necessary to finish the job, and not a day longer.

;;;;; Let me say a word about our coalition. Already more than 35 nations have publicly associated themselves with the coalition effort in Iraq, and that does not include a large number of other countries that are helping in very important ways but some of which prefer to do so privately at this time. As with the case in Afghanistan, our policy is to accept help from countries on a basis that is comfortable to them and let them characterize how, in fact, they are helping the coalition.

;;;;; As the operation unfolds, the number of countries publicly associating themselves with the coalition is likely to grow, just as it has with Operation Enduring Freedom. The coalition in Iraq includes countries from every part of the world, including a large number of Muslim-majority countries. Some are supporting the effort publicly; others are doing so privately.

;;;;; This is not a war against a people. It is not a war against a country. It is most certainly not a war against a religion.

;;;;; It is a war against a regime.

;;;;; Many countries have committed combat and combat support forces to the effort in Iraq. Others are providing access, basing, overflight, refueling, force protection and intelligence-sharing. Still others have pledged to participate in stability operations and post-Saddam reconstruction efforts. When the situation on the ground permits, the humanitarian activities will go forward promptly. Each coalition member is playing a critical role in the liberation of a repressed people and the disarmament of a dangerous regime.

;;;;; Finally, to those in our government, let me say a word about security of operational details. It's essential that everyone with access to classified operational details exercise discipline. There is no excuse for anyone revealing sensitive information that will almost certainly put the lives of men and women in uniform at risk. At a time when coalition forces are poised for battle, any compromise of classified information that gives the enemy knowledge of the positions of our forces or the plans or the timing of future operations can result in the death of coalition servicemen and -women. Don't do it.

;;;;; Let me close by saying that war is the last choice; let there be no doubt. The American people can take comfort in knowing that their country has done everything humanly possible to avoid war and to secure Iraq's peaceful disarmament. We have the greatest fighting forces on the face of the Earth. Our nation is blessed to have so many brave men and women who voluntarily risk their lives to protect our country.

;;;;; As they prepare for battle, the prayers of all Americans are with

them and with their families.

;;;;; The coalition against Iraq, called Operation Iraq Freedom, is large and growing. This is not a unilateral action, as is being characterized in the media. Indeed, the coalition in this activity is larger than the coalition that existed during the Gulf War in 1991. And that coalition -- those forces are ready and they will prevail. The Iraqi regime will be removed, and with it, the threat it poses to this country and to the world.

;;;;; General Myers?

;;;;; GEN. MYERS: Thank you, Mr. Secretary.

;;;;; Let me add just a few remarks to what the secretary said about operation security. As we approach large-scale operations, our responsibility is to give the troops the best opportunity for success and to protect their lives as best as possible. There are military preparatory actions that need to be accomplished before any major attack. That said, we still want to preserve tactical surprise as much as possible. So we will not confirm or deny any preparatory actions, whether accurate or inaccurate. We will acknowledge the obvious if those actions become visible, but give little details, as the secretary just did on the strike on an Iraqi leadership target. Many of these preparatory actions in the hours ahead are vital to the lives of our troops and the safety and security of Iraq's neighbors. I know our nation and our friends and allies will understand and support these efforts.

;;;;; There's been much talk about how easy this conflict could be. Let me assure you that we do not regard combat as an easy task. Warfare is dangerous, we will have casualties. But I'll tell you that our troops are the best trained and the best led in the world. They understand their mission to defend America, and they will carry out their mission successfully.

;;;;; Let me reassure you that when full-scale combat operations begin, we will make the appropriate announcement and provide information on some of those preparatory actions that were accomplished.

;;;;; Finally, to join in with the secretary, we wish Godspeed to all the soldiers, sailors, airmen, Marines, Coast Guardsmen, and civilians from the U.S. and our coalition forces who may find themselves in harm's way.

;;;;; With that, we'll take your questions.

;;;;; Q General Myers, you had said earlier that Saddam Hussein is not a target of the war. How do you reconcile that with the first strikes being cruise missile strikes on where Saddam Hussein might be?

;;;;; GEN. MYERS: Regime leadership command and control is a legitimate target in any conflict, and that was the target that was struck last night.

;;;;; SEC. RUMSFELD: Charlie?

;;;;; Q Mr. Secretary, two quick ones, if I may. Did you have information --

;;;;; SEC. RUMSFELD: With all this crowd, why don't we just try one?

;;;;; Q All right. You said a leadership compound was hit. Did you have information Saddam might have been there?

;;;;; And quickly, there are also reports from southern Iraq that oil fires have begun. Is there any information that the Iraqis might have begun setting their oil fields on fire?

;;;;; SEC. RUMSFELD: I thought we agreed on just one.

;;;;; Q All right, let's go with the oil one.

;;;;; SEC. RUMSFELD: The -- I -- we're not on the ground. I have seen indication and reports from people that there may be -- that the Iraqi regime may have set fire to as many as three or four of the oil wells in the south. And we're in the process of attempting to get additional information on that.

;;;;; (To General Myers) Is that your information as well?

;;;;; GEN. MYERS: That's correct.

;;;;; Q Do you plan to try and move quickly to stop that, if --

;;;;; SEC. RUMSFELD: Needless to say, it is a crime for that regime to be destroying the riches of the Iraqi people. And -- but I'm not going to get into operational details.

;;;;; GEN. MYERS: And the people that are carrying it out from the regime are part of that crime.

;;;;; Q When you --

;;;;; GEN. MYERS: Are part of that crime.

;;;;; Q Are what, sir?

;;;;; GEN. MYERS: They're part of that crime, the people that are carrying this out, carrying these orders out.

;;;;; SEC. RUMSFELD: Yes?

;;;;; Q Mr. Secretary, if indeed we missed Saddam last night, what does that do to the Iraqi spirit? And does it provide an early propaganda victory for the regime?

;;;;; SEC. RUMSFELD: You know, I'm not into the tick-tock of every hour and every minute. We have a serious task before us and it is to remove that regime and find the weapons of mass destruction, and replace it with a government that does not want those weapons and will not threaten its neighbor and will maintain a single country. This is a process that takes some time, and it will ebb and flow. And when it's over, the regime will be gone.

;;;;; Q Mr. Secretary, you and other officials have emphasized how massive the actual attack on Iraq will be once it starts, urging the Iraqi military not to fight. Is it also your hope that some elements of the military might remove Saddam themselves? And how would you assess the chance of that?

;;;;; SEC. RUMSFELD: I don't think it's possible to assess the chances, but there's no question that the people of Iraq and the people of the region have to know that his days are numbered, he's not going to be there. In some period of time, he's gone and that regime is gone, to the great benefit of the Iraqi people. They'll be liberated. There are various ways it could happen. One way is that the people of Iraq close to him could decide that he's no longer of value to the country -- which would be the understatement of the morning. He could decide it's time to leave and he'd prefer to stay alive and find a way to escape.

;;;;; There will be Iraqis that will surrender.

;;;;; There will be Iraqis that offer to help us. There will be Iraqis who offer not only to help us but to help liberate the country and to free the Iraqi people. That -- the more of them there are and the -- the greater the chance that the war will be limited and less broad.

;;;;;;;; Q Mr. Secretary --

;;;;;;;; SEC. RUMSFELD: The fewer there are, the risk's that it will be broader and more difficult, take more time, and more lives will be lost.

;;;;;;;; Q Mr. Secretary, what evidence do you have that it's actually working, that there are actually Iraqis who are heeding this call to --

;;;;;;;; SEC. RUMSFELD: We have evidence.

;;;;;;;; Q And what sort of evidence is that?

;;;;;;;; SEC. RUMSFELD: Good evidence.

;;;;;;;; Yes?

;;;;;;;; Q Mr. Secretary, the White House last night --

;;;;;;;; Q Mr. Secretary, do you have reason to believe that Saddam Hussein was at the compound that was struck last night, or his sons, for that matter?

;;;;;;;; SEC. RUMSFELD: We had what I would characterize as very good intelligence that it was a senior Iraqi leadership compound. We do not know what the battle damage assessment will be when that type of information is available to us. We -- and I'll leave it right there.

;;;;;;;; Pam?

;;;;;;;; Q Mr. Secretary, at about the same time that this strike began in Iraq, there was a new assault launched in southern Afghanistan, involving several thousand troops from 82nd Airborne. Is that a coincidence, or is that an intentional message to show that this war in Iraq is not taking away any attention from the war against al Qaeda?

;;;;;;;; SEC. RUMSFELD: Well, I don't know that I'd say there's a connection.

;;;;;;;; GEN. MYERS: There --

;;;;;;;; SEC. RUMSFELD: It isn't taking anything away from the war against al Qaeda. And indeed the pressure will be helpful because there have been and are al Qaeda in that country.

;;;;;;;; GEN. MYERS: It is a separate operation, it is not connected, and would have been coincidence.

;;;;;;;; Q Mr. Secretary, last night at the White House --

;;;;;;;; Q General Myers, could you tell us --

;;;;;;;; SEC. RUMSFELD: We're going to have this question and then your question, and then that'll be it.

;;;;;;;; Q Thank you.

;;;;;;;; Q Mr. Secretary, do you believe in fact that the man on the tape that was run on Iraqi TV last night was, in fact, Saddam Hussein?

;;;;;;;; SEC. RUMSFELD: There is debate about that. I have no inside information.

;;;;;;;; Q Have you seen any indication that his son, Uday, has taken control of the country?

;;;;;;;; SEC. RUMSFELD: No.

;;;;;;;; Q Mr. Secretary, at the White House last night, a senior White

House official after the president spoke said that the decision to make the strike was made some time between 6:30 and 7:00 Eastern time. It's apparent that that decision to strike was not in line with what we have been led to believe about the war plan. Was the intelligence you got fragile enough where you felt you had to go at that moment and not start with, say, shock and awe or some other phase of the war?

;;;;; SEC. RUMSFELD: Well, Dick, calibrate me, but the first thing I'd say is I don't believe you have the war plan -- (laughter) -- a fact which does not make me unhappy. (Laughter.)

;;;;; Second, any war plan reflects the reality that one would take opportunities that present themselves. And certainly, there's no war -- a war plan is something that is a plan that's developed before things start. And the minute things start, one has to take account of the realities that you find in the world. And that is what was done last evening. That is what will be done today and tomorrow and the next day. And to not do that would be a terrible mistake.

;;;;; GEN. MYERS: Having intel agencies and armed forces that are flexible is key to victory, and that's what you saw.

;;;;; (Cross talk.)

;;;;; SEC. RUMSFELD: I really -- really wasn't kidding when I said I think that that will be the last question.

;;;;; Let me just make a comment. I did not answer a question as fully as I might have about do we have evidence that it's working. I often try to put myself in other people's shoes and ask myself, in this case, for example, an Iraqi citizen or Iraqi army soldier or an Iraqi officer, or even a Special Republican Guard official, or even people closer to Saddam Hussein. What they have to be seeing is a good deal of evidence that the Iraqi people want to be liberated. We see a great deal of evidence of that. It's a natural human tendency for people that have been brutally repressed. It manifests itself in a host of ways. We see evidence of military personnel, some have already surrendered in Kuwait. We are in communication with still more people who are officials of the military at various levels -- the regular army, the Special Republican -- the Republican Guard, the Special Republican Guard, who are increasingly aware that it's going to happen, he's going to be gone.

;;;;; And what they are probably doing -- I can't do this perfectly, but as I try to put myself in their shoes -- they have to be fearful of that regime because that regime kills people every day to enforce obedience and discipline. So they have to be fearful of the regime. On the other hand, once they are persuaded that that regime is history, it is going, it will not be there, in some reasonably finite period of time they will be gone, then their behavior begins to tip and change. And the -- when I said we have good evidence, we have not only good evidence but we have broad and deep evidence that suggests that there are people going through that decision-making process throughout that country today, and that is a good thing.

;;;;; Thank you very much.

END.

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**From:** Kavanaugh, Brett M.  
**To:** <Lefkowitz, Jay P.>  
**Sent:** 3/20/2003 11:03:50 AM  
**Subject:** Re: I assume it's Section 201, right? do you have copy>?

just sent; thx

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 03/20/2003 11:05:17 AM

Record Type: Record

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

cc:

Subject: I assume it's Section 201, right? do you have copy>?

---

**From:** Lefkowitz, Jay P.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/20/2003 11:05:17 AM  
**Subject:** I assume it's Section 201, right? do you have copy>?

---

**From:** Kavanaugh, Brett M.  
**To:** <Lefkowitz, Jay P.>  
**Sent:** 3/20/2003 11:07:12 AM  
**Subject:** I left message for Philbin to make sure he reads same



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** brian.a.benczkowski@usdoj.gov [ UNKNOWN ]  
<brian.a.benczkowski@usdoj.gov>;adam.charnes@usdoj.gov [ UNKNOWN ]  
<adam.charnes@usdoj.gov>;viet.dinh@usdoj.gov [ UNKNOWN ] <viet.dinh@usdoj.gov>  
**Sent:** 3/20/2003 7:17:46 AM  
**Subject:** : will send draft letter to Sen. Boxer shortly

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-MAR-2003 12:17:46.00  
SUBJECT:: will send draft letter to Sen. Boxer shortly  
TO:brian.a.benczkowski@usdoj.gov ( brian.a.benczkowski@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:adam.charnes@usdoj.gov ( adam.charnes@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:viet.dinh@usdoj.gov ( viet.dinh@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 3/20/2003 7:28:16 AM  
**Subject:** : Byron York on Michigan situation

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 20-MAR-2003 12:28:16.00  
SUBJECT: : Byron York on Michigan situation  
TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Much More Democratic Obstruction  
Democrats move to kill an entire slate of Bush nominees.

lthough it was overshadowed by the beginning of war, on Capitol Hill Wednesday there was a major escalation in the conflict between Senate Democrats and the White House over the president's judicial nominees.

The escalation had nothing to do with the ongoing Democratic filibuster over appeals-court candidate Miguel Estrada. Instead, it involved a Democratic decision to block, and, at least for the moment, kill a total of four Bush nominees to the federal courts of appeals. Acting in concert, Michigan Democratic Sens. Carl Levin and Debbie Stabenow told the Judiciary Committee they will block the nominations of Richard Griffin, David McKeague, Susan Bieke Neilson, and Henry Saad to the Sixth Circuit Court of Appeals. In addition, Levin and Stabenow said they will block the nomination of Thomas Ludington to a seat on the U.S. District Court. That means the two senators are attempting to kill every Bush nominee from the state of Michigan. Levin and Stabenow stopped the nominations by returning negative blue slips, which are the documents in which senators indicate approval or disapproval of judicial nominees from their home states. Blue slips are a Senate custom with a long and controversial history, but both parties concede it is nearly impossible for a nominee of either party to win confirmation over the objections of both of his or her home-state senators. That means the nominations of Griffin, McKeague, Neilson, Saad, and Ludington are effectively dead. It was an extraordinary move on the part of Levin and Stabenow, a kind of Wednesday-night massacre that sent Republicans scrambling to research whether such wholesale obstruction had any precedent in Senate history, and what a GOP response might be. The move is all the more remarkable because much of the Sixth Circuit is in what the Administrative Office of the U.S. Courts calls a "judicial emergency." The court normally has 16 members, but half of those seats are now empty. The Levin/Stabenow maneuver is the culmination of a conflict that has been years in the making and involves Democratic accusations that Republicans mistreated appeals court nominees selected by President Clinton. When President Bush took office, Levin and Stabenow demanded that he renominate two Clinton appeals court nominees from Michigan, Helene White and Kathleen McCree Lewis, whose nominations had not been acted on by the GOP-controlled Senate. White is married to Sen. Levin's cousin. In a letter sent yesterday to White House counsel Alberto Gonzales, Levin, and Stabenow wrote, "On more than one occasion, the White House counsel has stated that some nominees during the previous administration were wrongly treated....We have said repeatedly that it would be wrong for the

president to seek confirmation of his nominees to the Michigan seats on the Sixth Circuit before the acknowledged wrong was corrected."

The White House has refused the demand, saying that it would be an unprecedented surrender of the president's constitutional authority to nominate federal judges.

The story of Levin's and Stabenow's demands and the White House's response are extensively documented in two letters written by Gonzales more than a year ago. One was to the Senate Judiciary Committee's then-chairman Patrick Leahy on August 17, 2001, and the other was to Levin and Stabenow on November 2, 2001.

"Although I understand [Levin's and Stabenow's] desire to have the president renominate two of President Clinton's candidates for the court of appeals...we believe it would be unfair to expect the president to do so," Gonzales wrote to Leahy that August. "The net result of our discussions is an apparent standoff in which the two Michigan senators are attempting (inappropriately, in my view) to use the threat of negative blue slips against President Bush's Michigan circuit nominees to compel the president to renominate Clinton nominees based on grievances in which President Bush played no part."

Despite the Democrats' threats, the White House stood firm. Gonzales continued: "To my knowledge, before President Bush renominated Roger Gregory to the Fourth Circuit, no president had ever nominated to a court of appeals an individual previously nominated to the court of appeals by his predecessor from a different party. For any senator to insist that this extraordinary and historic act be repeated is simply not fair. Appointments to the federal courts of appeals are uniquely matters of presidential prerogative."

Finally, Gonzales gave Leahy a bit of history. "More than 50 nominations to the federal courts lapsed without Senate action at the end of the previous Bush administration in 1992," Gonzales wrote, "including a nominee to the Sixth Circuit from Michigan, John Smietanka, who had waited almost a year for a hearing and never received one. No one ever attempted to claim that fairness or any other consideration obliged President Clinton to resubmit these names, and he did not."

Although Gonzales suggested there was room for compromise in the standoff, there was no solution. In fact, Levin and Stabenow significantly ratcheted up their demands, threatening to block not only nominees from their own state, but also for the entire Sixth Circuit, which includes Ohio, Kentucky, and Tennessee in addition to Michigan. The White House still refused to budge, calling the threat a distortion of the Senate's constitutional advise and consent role.

Negotiations between the two sides continued in the fall of 2001. Levin and Stabenow wanted the president to set up a bipartisan commission to select judicial candidates from Michigan (something Bush had done in California, but only to select lower, district court nominees; the president pointedly said that circuit court nominees would be chosen by the White House alone.) The White House again refused, and in November 2001, Gonzales laid out the administration's argument at length, this time directly to Levin and Stabenow.

"I would hope that you would...acknowledge and respect the powers of appointment that rightfully belong to President Bush under the Constitution and would not continue to insist on unprecedented devices that would trench upon those powers," Gonzales wrote. "Circuit court appointments are uniquely matters of presidential prerogative, and nowhere in the nation has the president surrendered his power to select circuit court nominees to a commission, bipartisan or otherwise."

Gonzales expanded on the theme of fairness that he had begun in his earlier letter to Leahy. "We note that the record of unfair treatment of Michigan judicial nominees may not be as one-sided as your letter suggests," Gonzales wrote. "At the end of President George H.W. Bush's administration, two Michigan nominees to the federal courts, John Smietanka and Henry Saad, were denied hearings by the Democratic Senate and failed to attain confirmation. Neither man ever claimed a right to be renominated by the new administration, and all participants in the process accepted and adhered to the time-honored understanding that the accumulated inventory of judicial vacancies at the start of a new presidential term was the new president's to fill."

Gonzales said the White House had offered to consider the two failed

Clinton circuit court nominees, White and Lewis, for nomination to lower federal courts. "In our view, this was a proposal that reflected exceptional generosity, good faith, and respectful bipartisanship," Gonzales wrote. "Indeed, no similar generosity was ever shown to John Smietanka or Henry Saad during the previous administration." In the end, none of the talking did any good, and yesterday, Levin and Stabenow blocked every nominee from Michigan. The move suggests that the Democratic strategy to block Bush judges extends far beyond selected targets like Miguel Estrada and Priscilla Owen. Indeed, it appears that Democrats may plan to use a variety of techniques to try to block every, or nearly every, Bush nominee to the federal appeals courts.

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**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/20/2003 1:17:01 PM  
**Subject:** : RE: did Cohen show?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:20-MAR-2003 18:17:01.00  
SUBJECT:: RE: did Cohen show?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Nope. He drove here, and was surprised when they wouldn't let his car in,  
so he went back. What a knucklehead.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, March 20, 2003 6:11 PM  
To: Leitch, David G.  
Subject: did Cohen show?

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>  
**Sent:** 3/20/2003 10:32:14 AM  
**Subject:** : thanks for your read; we made a couple of those suggested changes

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-MAR-2003 15:32:14.00  
SUBJECT:: thanks for your read; we made a couple of those suggested changes  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/20/2003 10:39:19 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:20-MAR-2003 15:39:19.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

You are so high maintenance.

Of course.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, March 20, 2003 3:28 PM  
To: Nelson, Carolyn  
Subject: Re:

can you send me PDF with his signature

From: Carolyn Nelson/WHO/EOP@Exchange on 03/20/2003 03:30:08 PM  
Record Type: Record

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

<< File: judges letter kuhl 3 18 03 102 FINAL.pdf >>

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Patrick J. Bumatay/WHO/EOP@Exchange@EOP [ WHO ] <Patrick J. Bumatay>  
**Sent:** 3/20/2003 12:22:29 PM  
**Subject:** : who would be ready to nominate at first of week?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-MAR-2003 17:22:29.00  
SUBJECT:: who would be ready to nominate at first of week?  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####



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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 3/20/2003 1:17:33 PM  
**Subject:** : did Cohen show?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-MAR-2003 18:17:33.00  
SUBJECT:: did Cohen show?  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>  
**Sent:** 3/20/2003 1:27:32 PM  
**Subject:** : RE: did Cohen show?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-MAR-2003 18:27:32.00  
SUBJECT:: RE: did Cohen show?  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

That is one of the most ridiculous things I have heard. First, he drives and expects to park here in the middle of a war. Second, then he decides not to park in a garage on Penn but just leaves.

From: David G. Leitch/WHO/EOP@Exchange on 03/20/2003 06:17:12 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: did Cohen show?

Nope. He drove here, and was surprised when they wouldn't let his car in, so he went back. What a knucklehead.

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Thursday, March 20, 2003 6:11 PM  
To: Leitch, David G.  
Subject: did Cohen show?

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/20/2003 1:28:09 PM  
**Subject:** : RE: did Cohen show?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:20-MAR-2003 18:28:09.00  
SUBJECT:: RE: did Cohen show?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

He's a clown.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, March 20, 2003 6:23 PM  
To: Leitch, David G.  
Subject: RE: did Cohen show?

That is one of the most ridiculous things I have heard. First, he drives and expects to park here in the middle of a war. Second, then he decides not to park in a garage on Penn but just leaves.

From: David G. Leitch/WHO/EOP@Exchange on 03/20/2003 06:17:12 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: did Cohen show?

Nope. He drove here, and was surprised when they wouldn't let his car in, so he went back. What a knucklehead.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, March 20, 2003 6:11 PM  
To: Leitch, David G.  
Subject: did Cohen show?

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**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>  
**Sent:** 3/20/2003 6:10:57 PM  
**Subject:** did Cohen show?

---

**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>  
**Sent:** 3/20/2003 6:23:01 PM  
**Subject:** RE: did Cohen show?

That is one of the most ridiculous things I have heard. First, he drives and expects to park here in the middle of a war. Second, then he decides not to park in a garage on Penn but just leaves.

From: David G. Leitch/WHO/EOP@Exchange on 03/20/2003 06:17:12 PM

Record Type: Record

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

cc:

Subject: RE: did Cohen show?

Nope. He drove here, and was surprised when they wouldn't let his car in, so he went back. What a knucklehead.

-----Original Message-----

**From:** Kavanaugh, Brett M.

**Sent:** Thursday, March 20, 2003 6:11 PM

**To:** Leitch, David G.

**Subject:** did Cohen show?

---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/20/2003 6:28:19 PM  
**Subject:** RE: did Cohen show?

He's a clown.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Thursday, March 20, 2003 6:23 PM  
**To:** Leitch, David G.  
**Subject:** RE: did Cohen show?

That is one of the most ridiculous things I have heard. First, he drives and expects to park here in the middle of a war. Second, then he decides not to park in a garage on Penn but just leaves.

From: David G. Leitch/WHO/EOP@Exchange on 03/20/2003 06:17:12 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: did Cohen show?

Nope. He drove here, and was surprised when they wouldn't let his car in, so he went back. What a knucklehead.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Thursday, March 20, 2003 6:11 PM  
**To:** Leitch, David G.  
**Subject:** did Cohen show?

---

**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 3/21/2003 3:12:02 AM  
**Subject:** : TRANSCRIPT - Daschle on Early Show -- CBS 03/21/03

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:21-MAR-2003 08:12:02.00  
SUBJECT:: TRANSCRIPT - Daschle on Early Show -- CBS 03/21/03  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

CBS "EARLY SHOW" INTERVIEW WITH: SENATE MINORITY LEADER TOM DASCHLE (D-SD)

7:11 A.M. (EST), FRIDAY, MARCH 21, 2003

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HARRY SMITH: Last night the Senate unanimously approved a resolution in support of American troops and President Bush. The House is expected to pass similar legislation today.

;;;;; Senate Minority Leader Tom Daschle is at the Capitol this morning. He joins us. Good morning.

SEN. DASCHLE: Good morning, Harry.

MR. SMITH: What was that moment last night when the Senate unanimously passed that resolution?

SEN. DASCHLE: Well, I think it was a wonderful opportunity for us to demonstrate that whatever differences we have had before this started are gone as we consider now the support for our troops, our admiration for what they're doing, and our great expectation and hope that they'll return safely having succeeded in their mission.

;;;;; We also indicated our support for the commander-in-chief and expressed our appreciation to Tony Blair and the leadership that he's shown. So it was a rare moment these days in Congress, but it was a good one.

MR. SMITH: You are under a certain amount of criticism, especially directly from the White House, as the day before the war actually began, you talked about the failure of diplomacy. Did you feel along the way, and especially in the hours after that, that some Republicans were actually questioning your patriotism?

SEN. DASCHLE: Well, I did, Harry. I think that it's unfortunate that in this time when we're fighting for democracy, there are some in this country who would squelch it. But that's behind us. I think now the most important thing we can do is to show the unity and show our support and show our great appreciation for the work and the effort of our troops.

MR. SMITH: As a member of the United States Senate, sometimes you're privy to information that isn't necessarily available to some of us. What are things that you're hearing? There are indices that you may have available to you that give you some sort of extra illumination in terms of how the war effort is going.

SEN. DASCHLE: Well, you all do such a great job these days. I'm not sure there's much that the general public doesn't know that we know. I think it's a good opportunity for us really to be briefed on a regular basis. We were briefed last night by the secretary of Defense. We're going to be

briefed again this morning by members of both the Defense Department as well as the CIA.

;;;;; So we're being briefed, but it's in large measure maybe a little more specificity and a little more confirmation of the things that you're reporting quite regularly this morning.

MR. SMITH: There have been a number of protests around the country; dozens and dozens of arrests specifically in San Francisco. Talk to me a minute about the idea of people using civil disobedience at a time like this, tying up police and other law enforcement officials, especially at a time when we're at heightened security alert.

;SEN. DASCHLE: Well, I know that it poses some very serious challenges for our law enforcement and first responders. I think that is a real concern. But, again, this is a democracy. I may disagree with their position or their tactics, but in a democracy I think we have to expect some of that. The freedom to express oneself is really what we're fighting about in Iraq.

;;;;; So, as I say, I think that while it does pose some very serious problems, I think those are problems to be expected under circumstances like this.

MR. SMITH: All right, Senator Daschle, thanks for your time today; appreciate it.

SEN.DASCHLE: My pleasure, Harry.

END.

;



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**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>  
**Sent:** 3/21/2003 3:15:37 AM  
**Subject:** : meeting reminder

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:21-MAR-2003 08:15:37.00  
SUBJECT:: meeting reminder  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Today @ 1pm with Judge and David re: Michigan.

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**From:** Nelson, Carolyn  
**To:** <Francisco, Noel J.>; <Kavanaugh, Brett M.>  
**Sent:** 3/21/2003 8:13:50 AM  
**Subject:** meeting reminder

Today @ 1pm with Judge and David re: Michigan.

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**From:** Kirk Blalock <kblalock@fierce-isakowitz.com>  
**To:** <Schacht, Diana L.>;<Silverberg, Kristen>;<Warsh, Kevin>;<Kavanaugh, Brett M.>  
**Sent:** 3/21/2003 8:23:20 AM  
**Subject:** Insurer response to ASG paper - FOR YOUR USE ONLY  
**Attachments:** ASG proposal - insurance perspective.doc

# **Asbestos Study Group (ASG) Asbestos Trust Fund: An Insurance Perspective**

**Insurers strongly support federal asbestos litigation reform, and look forward to working with the members of the Senate Judiciary Committee to achieve this goal. This legislation should provide fair compensation, clear legal rules, and financial certainty.**

## **I. If ever an issue was ripe for congressional action, it is asbestos litigation reform.**

Fortunately, there is growing bipartisan consensus that Congress must act in 2003. Property-casualty insurers strongly support legislation to fix the asbestos litigation system. We have provided to the Chairman and the Committee legislation which, at its core, would create a standard to only pay medical claims for those who are truly sick, liberalize the statute of limitations for asbestos claims, eliminate huge claim consolidation actions that lead to shotgun settlements, and prevent abusive forum shopping. We have developed additional reforms to address other serious legal abuses, some of which have emerged or worsened since our legislative proposal was first developed.

## **II. Responding to the Asbestos Study Group paper.**

The ASG recently gave Senate Judiciary Committee Chairman Hatch a paper describing an alternative administrative approach to reform. This concept paper outlines the structural framework for a privately funded, no-fault claims facility. While the ASG has undertaken a considerable amount of time and effort in developing a more informative paper, many significant issues remain unanswered.

On the positive side, the ASG paper appears to contain several legal reforms favored by insurers, including national medical criteria, occupational exposure requirements, collateral source offsets, caps on damage awards (in the form of scheduled payment requirements), and removal of asbestos claims from state courts. However, it also leaves many critical questions unanswered, including: benefit levels, allocation of financial responsibility among businesses and insurers, potential impact on businesses, insurers, and uncompensated claimants if the fund runs out of money; the future role of courts with respect to review of individual claim decisions; and transition issues from the current state tort system to an administrative trust fund system.

Notwithstanding these uncertainties, insurers stand ready to work with ASG and others to resolve issues and reach a successful conclusion.

## **III. Some important, unique attributes of the insurance mechanism must be understood.**

- **Liability insurance is a promise to pay a future claims obligation of a specific policyholder, should it become due.** Insurers calculate rates and establish necessary reserves based on projections of their own policyholders' obligations. Translating this individual policyholder-driven indemnification obligation into a system of scheduled payments from a trust fund, without regard to a specific policyholder's obligations, is conceptually at odds with the insurance contract defining insurer responsibilities. As there is no obvious way to translate the individual obligations of an insurance contract into the group obligations of a trust fund, it is not possible to evaluate whether any trust fund approach is viable until specifics are provided regarding, for example, eligibility requirements, benefit levels, funding and insurer participation. Once specifics are provided, insurers stand ready to reach a constructive resolution of this issue.
- **The insurance industry actually consists of several sub-sectors, including primary insurers (providing coverage on a first-dollar basis or after a deductible is met); excess insurers (who provide higher layers of coverage directly to the policyholder; and reinsurers (contractually obliged to reimburse primary and excess carriers for a portion of liability payments they are**

**legally obligated to make).** The insurance industry comprises a relatively small number of companies as compared to the thousands of manufacturing companies that are currently involved in the pending legislation. The financial impact on insurers versus manufacturing companies may be different and, therefore, careful consideration should be given to the methodology adopted. Further, each segment of the industry faces relatively different levels of asbestos exposure for each policyholder, and different “time value of money” concepts and expectations as to probable losses are built into their financial models.

- **The financial viability of the insurance mechanism depends on all sectors playing their role.** Many insurers are concerned that reinsurers may refuse to provide reimbursement for trust fund payments based on a mathematical formula. We believe that reinsurers will strenuously assert that the reinsurance contract does not obligate reinsurers to reimburse primary insurers for payments made to a trust fund, especially when those payments are based on the concept of “rough justice,” rather than the policyholders’ actual liability claims obligations. Although the ASG proposal suggests legislation “would address reinsurance issues,” the proposal does not specify how it would do so. Most U.S. primary insurers rely heavily on reinsurance to assist them in meeting their asbestos claims liabilities, and they would suffer financially if such reinsurance were uncollectible.

**IV. Several operational issues arise with allocating payments for an asbestos claims trust fund across the insurance industry. These issues arise out of good faith business concerns on the part of insurance companies that recognize the enormity of the asbestos litigation problem.**

- **A dollar of premium does not equal a dollar of asbestos exposure.** Premiums are based upon an assessment of the risk to be insured at the time of issuance of the policy. Many policies were issued decades ago. There is no precedent for allocating liability based on historic premiums. Also, companies that insured past defendant-manufacturers are in a different position than those insuring future defendants-manufacturers and so-called peripheral defendants.
- **Most policyholders have multiple insurers and insurance arrangements.** Given the long latency associated with asbestos disease, decades of policies are involved. Many insureds changed insurers over the years; even for those who did not, there may be different policy language, different policy limits, and different reinsurers. There is no precedent for using mathematical formulae to capture this complexity in an equitable way.
- **Primary and excess policies face different levels of risk compared to premium volume.** The insurance industry includes both primary and excess layers of coverage. Each sector has a different ratio of premium dollar/exposure dollar, dependent on the policyholder in question. There is no precedent for establishing a formula that reflects these complexities.
- **Different insurers have employed different settlement strategies.** Over the past 20 years of asbestos litigation, insurers have maintained a variety of different strategies in defending policyholders and litigating coverage questions. As a result, some believe that they have addressed more of their potential asbestos liability; they would be reluctant to participate in any funding scheme that does not take this into account. Still other insurers would maintain that a more aggressive litigation strategy has reduced their potential asbestos liability and would want this recognized in a funding scheme.

**Insurers are open to suggestions from ASG or others about how to resolve the uncertainty cited in this paper. We stand committed to engaging constructively with all stakeholders to achieve federal asbestos litigation reforms.**

---

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/21/2003 4:23:12 AM  
**Subject:** : call or come see me

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 21-MAR-2003 09:23:12.00  
SUBJECT: : call or come see me  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/21/2003 9:50:26 AM  
**Subject:** EO

Are you the guy to talk to about the EO on document classification? Please give me a call. Thank you!

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Ashley Snee/WHO/EOP@EOP [ WHO ] <Ashley Snee>  
**Sent:** 3/21/2003 6:00:35 AM  
**Subject:** : Re: EO

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 21-MAR-2003 11:00:35.00  
SUBJECT:: Re: EO  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Will do in few minutes.

.

----- Original Message -----  
From: Ashley Snee/WHO/EOP@Exchange  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 03/21/2003 09:50:26 AM  
Subject: EO

Are you the guy to talk to about the EO on document classification?;  
Please give me a call.; Thank you!



---

**From:** CN=John Kramerer/OU=WHO/O=EOP [ WHO ]  
**To:** J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Helgard C. Walker/WHO/EOP@EOP [ WHO ] <Helgard C. Walker>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Hana F. Brilliant/WHO/EOP@EOP [ WHO ] <Hana F. Brilliant>; Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>  
**Sent:** 3/21/2003 6:21:31 AM  
**Subject:** : Absences and End dates

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: John Kramerer ( CN=John Kramerer/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 21-MAR-2003 11:21:31.00

SUBJECT: : Absences and End dates

TO: J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Hana F. Brilliant ( CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Brian Kelsey will be out of the office next week (March 24-28) attending a political candidate's school. I will likely be concluding my own tour of intern duty next Friday, March 28. Brian will continue as an intern into April.

John Kammerer

**From:** CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ]  
**To:** kyle sampson/who/eop@eop [ WHO ] <kyle sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>  
**Sent:** 3/21/2003 6:46:57 AM  
**Subject:** : Fw: OFF SITE/CRYSTAL  
**Attachments:** P\_LHQWE003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:21-MAR-2003 11:46:57.00

SUBJECT:: Fw: OFF SITE/CRYSTAL

TO:kyle sampson ( CN=kyle sampson/OU=who/O=eop@eop [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

.

----- Original Message -----

From:<DRKern@whmo.mil>

To:<DRKern@whmo.mil>,

Kurt D. Volker/NSC/EOP@EOP,

Elizabeth S. Dougherty/OPD/EOP@EOP,

H. Christopher Bartolomucci/WHO/EOP@EOP,

Philip R. Dame/OMB/EOP@EOP,

Richard G. Irwin/WHO/EOP@EOP,

PRA 6

Daniel J. Keniry/WHO/EOP@EOP,

Eric C. Pelletier/WHO/EOP@EOP,

Gregory L. Schulte/NSC/EOP@EOP,

Jon S. Laurich/OA/EOP@EOP,

Jeffrey G. Thompson/OA/EOP@EOP

Cc:<MHMiller@whmo.mil>,

Linda M. Gambatesa/WHO/EOP@EOP,

Colleen Litkenhaus/WHO/EOP@EOP,

Timothy Campen/OA/EOP@EOP

Date: 03/21/2003 11:45:11 AM

Subject: RE: OFF SITE/CRYSTAL

All - Thanks for the support this week.

We will be at the offsite all next week with company beginning at 8:00am

Monday. Please continue to provide a rotation of folks.

Eric - Working on getting Michael Allen read in. With him in the rotation, understand you could provide a presence at the offsite with the other 3 that you have. Please let me know.

Thanks

Dab Kern

7-1450

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_LHQWE003\_WHO.TXT\_1>

REV\_00112498

All - Thanks for the support this week.

We will be at the offsite all next week with company beginning at 8:00am Monday. Please continue to provide a rotation of folks.

Eric - Working on getting Michael Allen read in. With him in the rotation, understand you could provide a presence at the offsite with the other 3 that you have. Please let me know .

Thanks

Dab Kern  
7-1450

---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>;<Kavanaugh, Brett M.>  
**Sent:** 3/21/2003 11:00:25 AM  
**Subject:** Re: EO

Will do in few minutes.

.

----- Original Message -----

From: Ashley Snee/WHO/EOP@Exchange

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

Cc:

Date: 03/21/2003 09:50:26 AM

Subject: EO

Are you the guy to talk to about the EO on document classification? Please give me a call. Thank you!

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/21/2003 11:01:53 AM  
**Subject:**

Snee is trying to track you down.

Also, I have a sensitive document to pass to you from ARG. Let me know when you're back and I'll bring it over.

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/21/2003 7:10:56 AM  
**Subject:** : RE: EO

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:21-MAR-2003 12:10:56.00  
SUBJECT:: RE: EO  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Will do what - you will call me or the Pres will sign?

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Friday, March 21, 2003 11:00 AM  
To: Snee, Ashley; Kavanaugh, Brett M.  
Subject: Re: EO

Will do in few minutes.

.

----- Original Message -----

From:Ashley Snee/WHO/EOP@Exchange  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 03/21/2003 09:50:26 AM  
Subject: EO

Are you the guy to talk to about the EO on document classification?  
Please give me a call. Thank you!

---

**From:** CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/21/2003 7:11:00 AM  
**Subject:** : FW: Reuters - Marines Briefly Raise U.S. Flag Over Iraqi Port

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
CREATION DATE/TIME:21-MAR-2003 12:11:00.00  
SUBJECT:: FW: Reuters - Marines Briefly Raise U.S. Flag Over Iraqi Port  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Check out my jarheads.; As always, very aggressive move, but probably not the guys you want to take your diplomatic advice from.

-----Original Message-----

From: Bravo, Brian  
Sent: Friday, March 21, 2003 11:04 AM  
Subject: Reuters - Marines Briefly Raise U.S. Flag Over Iraqi Port

Marines Briefly Raise U.S. Flag Over Iraqi Port

By Adrian Croft

UMM QASR, Iraq (Reuters) - U.S. Marines briefly raised the Stars and Stripes flag over the new port area of Umm Qasr on Friday after facing tougher than expected resistance in and around the southern Iraq port.

Reuters correspondent Adrian Croft, traveling with the Marines, saw troops lower an Iraqi flag soon after they arrived at the port complex, replacing it with the U.S. flag.

Some time later, Marines returned and removed the Stars and Stripes. No reason was given for the decision, but Washington has consistently stressed that invading U.S. forces want to liberate Iraq, not occupy it.

U.S. troops moved into the huge port area to hunt for Iraqi soldiers who might be hidden in the site. A dozen Marine helicopters landed on a massive parking lot inside the perimeter fence to bring in reinforcements.

"The (new) port is about 40 percent secure. There is still shooting going on," said Marine Captain Rick Crevier from Placerville, California, one of the operation's commanders.

He added the old port, one mile away, was still under observation.

U.S. Marines poured over the Kuwaiti border just after dawn heading for Umm Qasr, but were almost immediately pinned down in a two-hour firefight with Iraqi soldiers armed with machineguns and anti-tank rockets.

The Marines called in tanks and artillery fire to clear their path.

STIFF RESISTANCE

Asked if the resistance was stiffer than expected, Crevier said: "Yes, a lot more. We had some dug in troops and we were starting to receive some mortar fire."

He added one Marine was slightly injured by broken glass.

He had no information about Iraqi casualties, but the bodies of two men in civilian clothes were seen lying in the streets as a U.S. armored convoy moved to the port area.

A third man sat in the road bleeding heavily. Nearby, two cars were ablaze.

U.S. commanders said they were keen to secure Umm Qasr, Iraq's largest commercial port, because they wanted to use it to bring in humanitarian aid.

When Marines arrived at the port they were met by a huge portrait of Saddam Hussein, showing a younger version of the Iraqi President wearing a Western suit, which was hung next to the main entrance.

Hours later, the picture had been cut out of its frame and spirited away, allegedly by a Marine looking for a war trophy.

;



---

**From:** CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/21/2003 12:16:58 PM  
**Subject:** : RE: Repub. Main St Partnership

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Melissa S. Bennett ( CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:21-MAR-2003 17:16:58.00  
SUBJECT:: RE: Repub. Main St Partnership  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Sorry for you it took so much figuring!!!! Thanks for your help.  
MB

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Friday, March 21, 2003 5:08 PM  
To: Bennett, Melissa S.  
Subject: Repub. Main St Partnership

OK, we are done and everyone has signed off. Sec. Card may receive the award and speak at the event.

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/21/2003 12:46:41 PM  
**Subject:** : RE: Members Mtg Prep

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:21-MAR-2003 17:46:41.00  
SUBJECT:: RE: Members Mtg Prep  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

OK, now Mitch is suggesting next week. I will aim for Tuesday of next week.

-----Original Message-----  
From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Friday, March 21, 2003 5:40 PM  
To: Miranda, Manuel (Frist)  
Subject: RE: Members Mtg Prep

Tuesday is better.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
03/21/2003  
05:40 PM -----

From: Carolyn Nelson/WHO/EOP@Exchange on 03/21/2003 04:03:19 PM

Record Type: Record

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

cc:  
Subject: RE: Members Mtg Prep

Tuesday looks better.

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Friday, March 21, 2003 3:55 PM  
To: Nelson, Carolyn  
Subject: Members Mtg Prep

can Judge do a Senators' meeting on judges either Tuesday at 4 or Thursday at 4?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
03/21/2003  
03:59 PM -----

|-----+-----|  
| (Embedded | |  
| image moved | "Miranda, Manuel (Frist)" |

REV\_00112510

to file:	<Manuel\_Miranda@frist.senate.gov>
pic00579.pcx	03/21/2003 03:48:27 PM
)	
-----+-----	

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Members Mtg Prep

(Embedded image moved to file: pic10260.pcx)  
In preparation for a Members' Meeting on Judicial Nomination to be held  
sometime next week, we would like to meet on Monday at 3 pm to discuss  
the agenda.

Place in the Capitol TBA.

(Embedded image moved to file: pic29298.pcx) - att1.htm << File:  
att1.htm >>

Message Sent

To: \_\_\_\_\_

"Delrahim, Makan (Judiciary)"  
<Makan\_Delrahim@Judiciary.senate.gov>

"Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov>

"Comisac, RenaJohnson (Judiciary)"  
<Rena\_Johnson\_Comisac@Judiciary.senate.gov>

"Higgins, Stephen (Judiciary)"  
<Stephen\_Higgins@Judiciary.senate.gov>

"Smith, William (Judiciary)"  
<William\_Smith@Judiciary.senate.gov>

"Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov>

"Abegg, John (McConnell)" <John\_Abegg@mccconnell.senate.gov>

"Gumerson, Katie (RPC)" <Katie\_Gumerson@RPC.Senate.Gov>

"Ledeen, Barbara (Republican-Conf)"  
<Barbara\_Ledeen@src.senate.gov>

"Rodgers, Mark (Republican-Conf)"  
<Mark\_Rodgers@src.senate.gov>

"Vogel, Alex (Frist)" <Alex\_Vogel@frist.senate.gov>

"Ueland, Eric (Frist)" <Eric\_Ueland@frist.senate.gov>

REV\_00112511

"Wichterman, Bill (Frist)"  
<Bill\_Wichterman@frist.senate.gov>

Brett M. Kavanaugh/WHO/EOP@EOP

Wendy J. Grubbs/WHO/EOP@EOP

"Snell, BethAnn (Judiciary)"  
<BethAnn\_Snell@Judiciary.senate.gov>

"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov>

"Goodling, Monica" <Monica.Goodling@usdoj.gov>

"Stevenson, Bob (Frist)" <Bob\_Stevenson@frist.senate.gov>

Abel Guerra/WHO/EOP@EOP

Leonard B. Rodriguez/WHO/EOP@EOP

Mercedes M. Viana/WHO/EOP@EOP

"Gold, Martin (Frist)" <Martin\_Gold@frist.senate.gov>

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** brian.a.benczkowski@usdoj.gov @ inet [ UNKNOWN ] <brian.a.benczkowski@usdoj.gov @ inet>  
**Sent:** 3/21/2003 2:13:13 PM  
**Subject:** : RE: Members Mtg Prep  
**Attachments:** P\_YIKXE003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 21-MAR-2003 19:13:13.00

SUBJECT: : RE: Members Mtg Prep

TO: brian.a.benczkowski@usdoj.gov @ inet ( brian.a.benczkowski@usdoj.gov @ inet [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Is the conflict the Prado briefing?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
03/21/2003 07:12 PM -----

"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov>

03/21/2003 07:11:14 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: RE: Members Mtg Prep

Due to the conflicting DOJ briefing on nominees, and other conflicts we will meet at 5 pm on Monday. Room in the capitol TBA

-----Original Message-----

From: Miranda, Manuel (Frist)

Sent: Friday, March 21, 2003 3:48 PM

To: Delrahim, Makan (Judiciary); Dahl, Alex (Judiciary); Comisac, RenaJohnson (Judiciary); Higgins, Stephen (Judiciary); Smith, William (Judiciary); Ho, James (Judiciary); Abegg, John (McConnell); Gumerson, Katie (RPC); Ledeen, Barbara (Republican-Conf); Rodgers, Mark (Republican-Conf); Vogel, Alex (Frist); Ueland, Eric (Frist); Wichterman, Bill (Frist); 'Brett M. Kavanaugh@who.eop.gov'; 'Wendy Grubbs (E-mail)'; Snell, BethAnn (Judiciary); 'Benczkowski, Brian A'; Goodling, Monica; Stevenson, Bob (Frist); Abel\_Guerra@who.eop.gov; Leonard\_B.\_Rodriguez@who.eop.gov; Mercedes\_M.\_Viana@who.eop.gov; Gold, Martin (Frist)

Subject: Members Mtg Prep

In preparation for a Members' Meeting on Judicial Nomination to be held sometime next week, we would like to meet on Monday at 3 pm to discuss the agenda.

Place in the Capitol TBA.

- att1.htm

Message Sent

To: \_\_\_\_\_

REV\_00112516

"Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov>  
"Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov>  
"Comisac, RenaJohnson (Judiciary)"  
<Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
"Higgins, Stephen (Judiciary)" <Stephen\_Higgins@Judiciary.senate.gov>  
"Smith, William (Judiciary)" <William\_Smith@Judiciary.senate.gov>  
"Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov>  
"Abegg, John (McConnell)" <John\_Abegg@mcconnell.senate.gov>  
"Gumerson, Katie (RPC)" <Katie\_Gumerson@RPC.Senate.Gov>  
"Ledeen, Barbara (Republican-Conf)" <Barbara\_Ledeen@src.senate.gov>  
"Rodgers, Mark (Republican-Conf)" <Mark\_Rodgers@src.senate.gov>  
"Vogel, Alex (Frist)" <Alex\_Vogel@frist.senate.gov>  
"Ueland, Eric (Frist)" <Eric\_Ueland@frist.senate.gov>  
"Wichterman, Bill (Frist)" <Bill\_Wichterman@frist.senate.gov>  
Brett M. Kavanaugh/WHO/EOP@EOP  
Wendy J. Grubbs/WHO/EOP@EOP  
"Snell, BethAnn (Judiciary)" <BethAnn\_Snell@Judiciary.senate.gov>  
"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov>  
"Goodling, Monica" <Monica.Goodling@usdoj.gov>  
"Stevenson, Bob (Frist)" <Bob\_Stevenson@frist.senate.gov>  
Abel Guerra/WHO/EOP@EOP  
Leonard B. Rodriguez/WHO/EOP@EOP  
Mercedes M. Viana/WHO/EOP@EOP  
"Gold, Martin (Frist)" <Martin\_Gold@frist.senate.gov>

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_YIKXE003\_WHO.TXT\_1>

Due to the conflicting DOJ briefing on nominees, and other conflicts we will meet at 5 pm on Monday. Room in the capitol TBA

-----Original Message-----

**From:** Miranda, Manuel (Frist)

**Sent:** Friday, March 21, 2003 3:48 PM<span style='font-size:10.0pt;font-family:Tahoma'>

**To:** Delrahim, Makan (Judiciary); Dahl, Alex (Judiciary); Comisar, RenaJohnson (Judiciary); Higgins, Stephen (Judiciary); Smith, William (Judiciary); Ho, James (Judiciary); Abegg, John (McConnell); Gumerson, Katie (RPC); Ledeen, Barbara (Republican-Conf); Rodgers, Mark (Republican-Conf); Vogel, Alex (Frist); Ueland, Eric (Frist); Wichterman, Bill (Frist); 'Brett\_M.\_Kavanaugh@who.eop.gov'; 'Wendy Grubbs (E-mail)'; Snell, BethAnn (Judiciary); 'Benczkowski, Brian A'; Goodling, Monica; Stevenson, Bob (Frist); Abel\_Guerra@who.eop.gov; Leonard\_B.\_Rodriguez@who.eop.gov; Mercedes\_M.\_Viana@who.eop.gov; Gold, Martin (Frist)

**Subject:** Members Mtg Prep </font>

In preparation for a Members' Meeting on Judicial Nomination to be held sometime next week, we would like to meet on Monday at 3 pm to discuss the agenda.

Place in the Capitol TBA.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 3/21/2003 10:59:31 AM  
**Subject:** : Members Mtg Prep  
**Attachments:** P\_BGAXE003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 21-MAR-2003 15:59:31.00  
SUBJECT: : Members Mtg Prep  
TO: Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

can Judge do a Senators' meeting on judges either Tuesday at 4 or Thursday at 4?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
03/21/2003 03:59 PM -----

"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov>  
03/21/2003 03:48:27 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: Members Mtg Prep

In preparation for a Members' Meeting on Judicial Nomination to be held sometime next week, we would like to meet on Monday at 3 pm to discuss the agenda.

Place in the Capitol TBA.

- att1.htm

Message Sent

To:  
"Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov>  
"Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov>  
"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
"Higgins, Stephen (Judiciary)" <Stephen\_Higgins@Judiciary.senate.gov>  
"Smith, William (Judiciary)" <William\_Smith@Judiciary.senate.gov>  
"Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov>  
"Abegg, John (McConnell)" <John\_Abegg@mcconnell.senate.gov>  
"Gumerson, Katie (RPC)" <Katie\_Gumerson@RPC.Senate.Gov>  
"Ledeem, Barbara (Republican-Conf)" <Barbara\_Ledeem@src.senate.gov>  
"Rodgers, Mark (Republican-Conf)" <Mark\_Rodgers@src.senate.gov>  
"Vogel, Alex (Frist)" <Alex\_Vogel@frist.senate.gov>  
"Ueland, Eric (Frist)" <Eric\_Ueland@frist.senate.gov>  
"Wichterman, Bill (Frist)" <Bill\_Wichterman@frist.senate.gov>  
Brett M. Kavanaugh/WHO/EOP@EOP  
Wendy J. Grubbs/WHO/EOP@EOP  
"Snell, BethAnn (Judiciary)" <BethAnn\_Snell@Judiciary.senate.gov>  
"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov>

REV\_00112524



"Goodling, Monica" <Monica.Goodling@usdoj.gov>  
"Stevenson, Bob (Frist)" <Bob\_Stevenson@frist.senate.gov>  
Abel Guerra/WHO/EOP@EOP  
Leonard B. Rodriguez/WHO/EOP@EOP  
Mercedes M. Viana/WHO/EOP@EOP  
"Gold, Martin (Frist)" <Martin\_Gold@frist.senate.gov>

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_BGAXE003\_WHO.TXT\_1>

In preparation for a Members' Meeting on Judicial Nomination to be held sometime next week, we would like to meet on Monday at 3 pm to discuss the agenda.

Place in the Capitol TBA.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Melissa S. Bennett/WHO/EOP@Exchange@EOP [ WHO ] <Melissa S. Bennett>  
**Sent:** 3/21/2003 12:15:28 PM  
**Subject:** : Repub. Main St Partnership

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-MAR-2003 17:15:28.00  
SUBJECT:: Repub. Main St Partnership  
TO:Melissa S. Bennett ( CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

OK, we are done and everyone has signed off. Sec. Card may receive the award and speak at the event.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange@EOP [ WHO ] <Colleen Litkenhaus>  
**Sent:** 3/21/2003 12:29:38 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-MAR-2003 17:29:38.00  
SUBJECT::  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

were you kidding (maybe not??). I thought the only issue that was outstanding was OHS budget, which I understood was still being discussed as policy issue with many folks after I discussed with Ed McNally?? but please let me know!

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Joel Kaplan/WHO/EOP@Exchange [ UNKNOWN ] <Joel Kaplan>  
**Sent:** 3/21/2003 12:45:34 PM  
**Subject:** : Re: FW: Reuters - Marines Briefly Raise U.S. Flag Over Iraqi Port

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-MAR-2003 17:45:34.00  
SUBJECT:: Re: FW: Reuters - Marines Briefly Raise U.S. Flag Over Iraqi Port  
TO:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

sweet

From: Joel Kaplan/WHO/EOP@Exchange on 03/21/2003 11:08:14 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: FW: Reuters - Marines Briefly Raise U.S. Flag Over Iraqi Port

Check out my jarheads.; As always, very aggressive move, but probably not the guys you want to take your diplomatic advice from.

-----Original Message-----

From: Bravo, Brian  
Sent: Friday, March 21, 2003 11:04 AM  
Subject: Reuters - Marines Briefly Raise U.S. Flag Over Iraqi Port

Marines Briefly Raise U.S. Flag Over Iraqi Port

By Adrian Croft

UMM QASR, Iraq (Reuters) - U.S. Marines briefly raised the Stars and Stripes flag over the new port area of Umm Qasr on Friday after facing tougher than expected resistance in and around the southern Iraq port.

Reuters correspondent Adrian Croft, traveling with the Marines, saw troops lower an Iraqi flag soon after they arrived at the port complex, replacing it with the U.S. flag.

Some time later, Marines returned and removed the Stars and Stripes. No reason was given for the decision, but Washington has consistently stressed that invading U.S. forces want to liberate Iraq, not occupy it.

U.S. troops moved into the huge port area to hunt for Iraqi soldiers who might be hidden in the site. A dozen Marine helicopters landed on a massive parking lot inside the perimeter fence to bring in reinforcements.

"The (new) port is about 40 percent secure. There is still shooting going on," said Marine Captain Rick Crevier from Placerville, California, one of the operation's commanders.

He added the old port, one mile away, was still under observation.

U.S. Marines poured over the Kuwaiti border just after dawn heading for Umm Qasr, but were almost immediately pinned down in a two-hour firefight with Iraqi soldiers armed with machineguns and anti-tank rockets.

The Marines called in tanks and artillery fire to clear their path.

#### STIFF RESISTANCE

Asked if the resistance was stiffer than expected, Crevier said: "Yes, a lot more. We had some dug in troops and we were starting to receive some mortar fire."

He added one Marine was slightly injured by broken glass.

He had no information about Iraqi casualties, but the bodies of two men in civilian clothes were seen lying in the streets as a U.S. armored convoy moved to the port area.

A third man sat in the road bleeding heavily. Nearby, two cars were ablaze.

U.S. commanders said they were keen to secure Umm Qasr, Iraq's largest commercial port, because they wanted to use it to bring in humanitarian aid.

When Marines arrived at the port they were met by a huge portrait of Saddam Hussein, showing a younger version of the Iraqi President wearing a Western suit, which was hung next to the main entrance.

Hours later, the picture had been cut out of its frame and spirited away, allegedly by a Marine looking for a war trophy.

;

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jay P. Lefkowitz/OPD/EOP@Exchange@EOP [ OPD ] <Jay P. Lefkowitz>  
**Sent:** 3/21/2003 12:57:03 PM  
**Subject:** : do we have any publicly available tp's on frozen assets order?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-MAR-2003 17:57:03.00  
SUBJECT:: do we have any publicly available tp's on frozen assets order?  
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Kavanaugh, Brett M.  
**To:** <Bennett, Melissa S.>  
**Sent:** 3/21/2003 5:08:06 PM  
**Subject:** Repub. Main St Partnership

OK, we are done and everyone has signed off. Sec. Card may receive the award and speak at the event.



---

**From:** Bennett, Melissa S.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/21/2003 5:16:51 PM  
**Subject:** RE: Repub. Main St Partnership

Sorry for you it took so much figuring!!!! Thanks for your help.  
MB

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Friday, March 21, 2003 5:08 PM  
**To:** Bennett, Melissa S.  
**Subject:** Repub. Main St Partnership

OK, we are done and everyone has signed off. Sec. Card may receive the award and speak at the event.

---

**From:** Kavanaugh, Brett M.  
**To:** <Lefkowitz, Jay P.>  
**Sent:** 3/21/2003 5:52:02 PM  
**Subject:** do we have any publicly available tp's on frozen assets order?

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Mercedes M. Viana/WHO/EOP@EOP [ WHO ] <Mercedes M. Viana>; Abel Guerra/WHO /EOP@EOP [ WHO ] <Abel Guerra>; Goodling, Monica <Monica.Goodling@usdoj.gov>; Snell, BethAnn (Judiciary) <BethAnn\_Snell@Judiciary.senate.gov>; Brett M. Kavanaugh/WHO /EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Ueland, Eric (Frist) <Eric\_Ueland@frist.senate.gov>; Rodgers, Mark (Republican-Conf) <Mark\_Rodgers@src.senate.gov>; Gumerson, Katie (RPC) <Katie\_Gumerson@RPC.Senate.Gov>; Ho, James (Judiciary) <James\_Ho@Judiciary.senate.gov>; Higgins, Stephen (Judiciary) <Stephen\_Higgins@Judiciary.senate.gov>; Dahl, Alex (Judiciary) <Alex\_Dahl@Judiciary.senate.gov>; Gold, Martin (Frist) <Martin\_Gold@frist.senate.gov>; Leonard B. Rodriguez/WHO/EOP@EOP [ WHO ] <Leonard B. Rodriguez>; Stevenson, Bob (Frist) <Bob\_Stevenson@frist.senate.gov>; Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>; Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>; Wichterman, Bill (Frist) <Bill\_Wichterman@frist.senate.gov>; Vogel, Alex (Frist) <Alex\_Vogel@frist.senate.gov>; Ledeen, Barbara (Republican-Conf) <Barbara\_Ledeen@src.senate.gov>; Abegg, John (McConnell) <John\_Abegg@mcconnell.senate.gov>; Smith, William (Judiciary) <William\_Smith@Judiciary.senate.gov>; Comisac, RenaJohnson (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>; Delrahim, Makan (Judiciary) <Makan\_Delrahim@Judiciary.senate.gov>  
**Sent:** 3/21/2003 2:12:28 PM  
**Subject:** : RE: Members Mtg Prep  
**Attachments:** P\_JIKXE003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:21-MAR-2003 19:12:28.00  
SUBJECT:: RE: Members Mtg Prep  
TO:Mercedes M. Viana ( CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Abel Guerra ( CN=Abel Guerra/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Goodling, Monica" <Monica.Goodling@usdoj.gov> ( "Goodling, Monica" <Monica.Goodling@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Snell, BethAnn (Judiciary)" <BethAnn\_Snell@Judiciary.senate.gov> ( "Snell, BethAnn (Judiciary)" <BethAnn\_Snell@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Ueland, Eric (Frist)" <Eric\_Ueland@frist.senate.gov> ( "Ueland, Eric (Frist)" <Eric\_Ueland@frist.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Rodgers, Mark (Republican-Conf)" <Mark\_Rodgers@src.senate.gov> ( "Rodgers, Mark (Republican-Conf)" <Mark\_Rodgers@src.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Gumerson, Katie (RPC)" <Katie\_Gumerson@RPC.Senate.Gov> ( "Gumerson, Katie (RPC)" <Katie\_Gumerson@RPC.Senate.Gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> ( "Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Higgins, Stephen (Judiciary)" <Stephen\_Higgins@Judiciary.senate.gov> ( "Higgins, Stephen (Judiciary)" <Stephen\_Higgins@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov> ( "Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Gold, Martin (Frist)" <Martin\_Gold@frist.senate.gov> ( "Gold, Martin (Frist)" <Martin\_Gold@frist.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN  
TO:Leonard B. Rodriguez ( CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Stevenson, Bob (Frist)" <Bob\_Stevenson@frist.senate.gov> ( "Stevenson, Bob (Frist)"  
<Bob\_Stevenson@frist.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> ( "Benczkowski, Brian A"  
<Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Wichterman, Bill (Frist)" <Bill\_Wichterman@frist.senate.gov> ( "Wichterman, Bill  
(Frist)" <Bill\_Wichterman@frist.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Vogel, Alex (Frist)" <Alex\_Vogel@frist.senate.gov> ( "Vogel, Alex (Frist)"  
<Alex\_Vogel@frist.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Ledeen, Barbara (Republican-Conf)" <Barbara\_Ledeen@src.senate.gov> ( "Ledeen, Barbara  
(Republican-Conf)" <Barbara\_Ledeen@src.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Abegg, John (McConnell)" <John\_Abegg@mccconnell.senate.gov> ( "Abegg, John (McConnell)"  
<John\_Abegg@mccconnell.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Smith, William (Judiciary)" <William\_Smith@Judiciary.senate.gov> ( "Smith, William  
(Judiciary)" <William\_Smith@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> (  
"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> [ UNKNOWN ]  
)  
READ:UNKNOWN  
TO:"Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> ( "Delrahim, Makan  
(Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Due to the conflicting DOJ briefing on nominees, and other conflicts we  
will meet at 5 pm on Monday. Room in the capitol TBA

-----Original Message-----

From: Miranda, Manuel (Frist)  
Sent: Friday, March 21, 2003 3:48 PM  
To: Delrahim, Makan (Judiciary); Dahl, Alex (Judiciary); Comisac,  
RenaJohnson (Judiciary); Higgins, Stephen (Judiciary); Smith, William  
(Judiciary); Ho, James (Judiciary); Abegg, John (McConnell); Gumerson,  
Katie (RPC); Ledeen, Barbara (Republican-Conf); Rodgers, Mark  
(Republican-Conf); Vogel, Alex (Frist); Ueland, Eric (Frist);  
Wichterman, Bill (Frist); 'Brett M. Kavanaugh@who.eop.gov'; 'Wendy  
Grubbs (E-mail)'; Snell, BethAnn (Judiciary); 'Benczkowski, Brian A';  
Goodling, Monica; Stevenson, Bob (Frist); Abel\_Guerra@who.eop.gov;  
Leonard\_B.\_Rodriguez@who.eop.gov; Mercedes\_M.\_Viana@who.eop.gov; Gold,  
Martin (Frist)  
Subject: Members Mtg Prep

In preparation for a Members' Meeting on Judicial Nomination to be held  
sometime next week, we would like to meet on Monday at 3 pm to discuss  
the agenda.

Place in the Capitol TBA.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_JIKXE003\_WHO.TXT\_1>

REV\_00112556

Due to the conflicting DOJ briefing on nominees, and other conflicts we will meet at 5 pm on Monday. Room in the capitol TBA

-----Original Message-----

**From:** Miranda, Manuel (Frist)

**Sent:** Friday, March 21, 2003 3:48 PM<span style='font-size:10.0pt;font-family:Tahoma'>

**To:** Delrahim, Makan (Judiciary); Dahl, Alex (Judiciary); Comisar, RenaJohnson (Judiciary); Higgins, Stephen (Judiciary); Smith, William (Judiciary); Ho, James (Judiciary); Abegg, John (McConnell); Gumerson, Katie (RPC); Ledeen, Barbara (Republican Conf); Rodgers, Mark (Republican Conf); Vogel, Alex (Frist); Ueland, Eric (Frist); Wichterich, Bill (Frist); 'Brett\_M.\_Kavanaugh@who.eop.gov'; 'Wendy Grubbs (E-mail)'; Snell, BethAnn (Judiciary); 'Benczkowski, Brian A'; Goodling, Monica; Stevenson, Bob (Frist); Abel\_Guerra@who.eop.gov; Leonard\_B.\_Rodriguez@who.eop.gov; Mercedes\_M.\_Viana@who.eop.gov; Gold, Martin (Frist)

**Subject:** Members Mtg Prep </font>

In preparation for a Members' Meeting on Judicial Nomination to be held sometime next week, we would like to meet on Monday at 3 pm to discuss the agenda.

Place in the Capitol TBA.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Remington, Kristi L <Kristi.L.Remington@usdoj.gov>  
**Sent:** 3/21/2003 2:27:26 PM  
**Subject:** : Re: Fw: Durbin Q's

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:21-MAR-2003 19:27:26.00

SUBJECT:: Re: Fw: Durbin Q's

TO:"Remington, Kristi L" <Kristi.L.Remington@usdoj.gov> ( "Remington, Kristi L"  
<Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

How ultimately did she answer the question on cases she disagreed with?

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/22/2003 2:55:48 AM  
**Subject:** : Re: Cornyn is circulating a letter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-MAR-2003 07:55:48.00  
SUBJECT:: Re: Cornyn is circulating a letter  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Still looking, so to speak. Frist's folks want to speak to him..

.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Claussen, Paul <ClaussenP@state.gov>  
**Sent:** 3/24/2003 4:04:23 AM  
**Subject:** : RE: Access to Clinton Materials

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-MAR-2003 09:04:23.00  
SUBJECT:: RE: Access to Clinton Materials  
TO:"Claussen, Paul" <ClaussenP@state.gov> ( "Claussen, Paul" <ClaussenP@state.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

He helps internally with questions we have received about the need for and scope of this request .

"Claussen, Paul" <ClaussenP@state.gov>  
03/24/2003 06:41:03 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: "'Nancy.Smith@nara.gov'" <Nancy.Smith@nara.gov>  
Subject: RE: Access to Clinton Materials

Brett:

Thanks. I'm waiting for his call. How does Bill Leary fit into the picture in terms of the channel you and Nancy Smith have explained to me that runs from the White House Counsel's office to Bruce Lindsey, the President's Representative?

-----Original Message-----  
From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Friday, March 21, 2003 2:13 PM  
To: Claussen, Paul  
Cc: William\_H.\_Leary@nsc.eop.gov  
Subject:

Paul: I am having NSC call you about the request. You can expect a call from Bill Leary.



---

**From:** CN=Matthew A. Schlapp/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/24/2003 4:21:08 AM  
**Subject:** : Re: CT

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-MAR-2003 09:21:08.00  
SUBJECT:: Re: CT  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

thx

Brett M. Kavanaugh  
03/24/2003 08:54:04 AM  
Record Type: Record

To: Ken Mehlman/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP  
cc: Alicia W. Davis/WHO/EOP@EOP  
Subject: CT

I talked to Alicia this morning about something you all need to keep in mind when talking to people in CT. Thanks.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>  
**Sent:** 3/24/2003 5:43:40 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-MAR-2003 10:43:40.00  
SUBJECT:: Re:  
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

just fax to me

From: Charlotte L. Montiel/WHO/EOP@Exchange on 03/24/2003 10:41:28  
AM  
Record Type: Record

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

I found a memo regarding the classification of political and nonpolitical expenses in the executive residence.; Might this be the memo you need?; I told Jen to talk to you about it as well because she has some of Courtney's files.

---

**From:** Claussen, Paul <ClaussenP@state.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** 'Nancy.Smith@nara.gov' <Nancy.Smith@nara.gov>  
**Sent:** 3/24/2003 1:46:16 AM  
**Subject:** : RE: Access to Clinton Materials

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Claussen, Paul" <ClaussenP@state.gov> ( "Claussen, Paul" <ClaussenP@state.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:24-MAR-2003 06:46:16.00  
SUBJECT:: RE: Access to Clinton Materials  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:''Nancy.Smith@nara.gov'' <Nancy.Smith@nara.gov> ( ''Nancy.Smith@nara.gov'' <Nancy.Smith@nara.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett:

Thanks. I'm waiting for his call. How does Bill Leary fit into the picture in terms of the channel you and Nancy Smith have explained to me that runs from the White House Counsel's office to Bruce Lindsey, the President's Representative?

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Friday, March 21, 2003 2:13 PM  
To: Claussen, Paul  
Cc: William\_H.\_Leary@nsc.eop.gov  
Subject:

Paul: I am having NSC call you about the request. You can expect a call from Bill Leary.

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Benjamin Powell/OMB/EOP@EOP [ OMB ] <Benjamin Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>  
**Sent:** 3/24/2003 3:11:03 AM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:24-MAR-2003 08:11:03.00

SUBJECT::

TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Benjamin Powell ( CN=Benjamin Powell/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

FYI

;

Bill Would Make Ridge Fifth In Line For Presidency.; Roll Call  
<[http://www.rollcall.com/issues/48\\_73/news/992-1.html](http://www.rollcall.com/issues/48_73/news/992-1.html)> (3/24, Bresnahan)  
reports, "The Homeland Security Department has been open for business for  
two months, but Tom Ridge is still the only Cabinet secretary without a  
spot in the line of presidential succession.; Now, if a handful of Members  
of Congress have their way, he'll vault past the majority of his peers in  
the line to the Oval Office."; Roll Call continues, "Sen. Mike DeWine  
(R-Ohio) introduced a proposal in January to rectify the situation, and  
House Government Reform Chairman Tom Davis (R-Va.) has gotten into the act  
as well.; Under the identical proposals offered by DeWine and Davis, the  
Presidential Succession Act would be altered to put the secretary of  
Homeland Security in the fifth spot among potential successors in the  
Cabinet if the president and other top leaders die or are otherwise  
incapacitated. ...; Homeland Security would rank after the Secretaries of  
State, Treasury, Defense and the Attorney General in the Cabinet, and  
would be eighth overall among all potential successors to the presidency.  
Interior would be next in line after Homeland Security, followed by  
Agriculture, Commerce, Labor, Health and Human Services, Housing and Urban  
Development, Transportation, Energy, Education and finally Veterans  
Affairs."; Roll Call adds, "Norman Ornstein, a constitutional scholar at  
the American Enterprise Institute who has studied the issue of  
presidential succession, said the Davis-DeWine proposal needs to be  
enacted."

---

**From:** Leitch, David G.  
**To:** <Everson, Nanette>; <Kavanaugh, Brett M.>  
**CC:** <Gonzales, Alberto R.>  
**Sent:** 3/24/2003 7:15:20 AM  
**Subject:**

FYI. This matter has started to get a fair amount of attention, most of it from the New York Times. Brett, I know you worked on Global Crossing issue so you may be interested as well.

**NYTimes Decries Conflict Of Interest In Perle's Roles.** The New York Times (3/24) editorializes, "As chairman of the Defense Policy Board, Richard Perle has been an influential architect of the Bush administration's Iraq policy and war plans. At the same time, it turns out, he has signed on to represent a major telecommunications company that has a strong financial interest in lobbying the Defense Department. This is a conflict pure and simple, and Mr. Perle should immediately drop one of his two roles." The Times continues, "Mr. Perle, who served as an assistant defense secretary under President Reagan, is indisputably an important part of the current Defense Department. ... Global Crossing, the telecommunications giant, is now in bankruptcy. It has retained Mr. Perle to help persuade the Defense Department to drop its objections to a proposed sale to foreign buyers in Hong Kong and Singapore. The deal has been opposed by the Defense Department and the Federal Bureau of Investigation as a threat to national security because it would put Global Crossing's fiber optics network, which is used by the United States government, under foreign control. Mr. Perle stands to make up to \$725,000 from his work for Global Crossing." The Times concludes, "Mr. Perle insists that there is no conflict in his case because the Defense Policy Board is not involved in approving the Global Crossing deal. But that is not the right test. Global Crossing's fee is clearly payment, at least in part, for the influence Mr. Perle exerts through his Defense Department post, and federal ethics rules prohibit using public office for private gain. To remove the conflict, Mr. Perle will have to choose between the gain and the office."

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>;Ken Mehlman/WHO/EOP@EOP [ WHO ] <Ken Mehlman>  
**CC:** Alicia W. Davis/WHO/EOP@EOP [ WHO ] <Alicia W. Davis>  
**Sent:** 3/24/2003 4:04:35 AM  
**Subject:** : CT

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-MAR-2003 09:04:35.00  
SUBJECT:: CT  
TO:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I talked to Alicia this morning about something you all need to keep in mind when talking to people in CT. Thanks.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>  
**Sent:** 3/24/2003 4:04:31 AM  
**Subject:** : please call at 67984

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-MAR-2003 09:04:31.00  
SUBJECT:: please call at 67984  
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>  
**CC:** Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>  
**Sent:** 3/24/2003 4:18:28 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:24-MAR-2003 09:18:28.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Nanette -- I wasn't suggesting you needed to or should do anything on this one; I assume it has been and is being fully vetted at DOD.;

-----Original Message-----

From: Leitch, David G.  
Sent: Monday, March 24, 2003 7:15 AM  
To: Everson, Nanette; Kavanaugh, Brett M.  
Cc: Gonzales, Alberto R.  
Subject:

FYI.; This matter has started to get a fair amount of attention, most of it from the New York Times.;;Brett, I know you worked on Global Crossing issue so you may be interested as well.

;  
NYTimes Decries Conflict Of Interest In Perle's Roles.; The New York Times <<http://www.nytimes.com/2003/03/24/opinion/24MON3.html>> (3/24) editorializes, "As chairman of the Defense Policy Board, Richard Perle has been an influential architect of the Bush administration's Iraq policy and war plans.; At the same time, it turns out, he has signed on to represent a major telecommunications company that has a strong financial interest in lobbying the Defense Department.; This is a conflict pure and simple, and Mr. Perle should immediately drop one of his two roles."; The Times continues, "Mr. Perle, who served as an assistant defense secretary under President Reagan, is indisputably an important part of the current Defense Department. ... Global Crossing, the telecommunications giant, is now in bankruptcy.; It has retained Mr. Perle to help persuade the Defense Department to drop its objections to a proposed sale to foreign buyers in Hong Kong and Singapore.; The deal has been opposed by the Defense Department and the Federal Bureau of Investigation as a threat to national security because it would put Global Crossing's fiber optics network, which is used by the United States government, under foreign control.; Mr. Perle stands to make up to \$725,000 from his work for Global Crossing."; The Times concludes, "Mr. Perle insists that there is no conflict in his case because the Defense Policy Board is not involved in approving the Global Crossing deal.; But that is not the right test.; Global Crossing's fee is clearly payment, at least in part, for the influence Mr. Perle exerts through his Defense Department post, and federal ethics rules prohibit using public office for private gain.; To remove the conflict, Mr. Perle will have to choose between the gain and the office."



---

**From:** Leitch, David G.  
**To:** <Everson, Nanette>; <Kavanaugh, Brett M.>  
**CC:** <Gonzales, Alberto R.>  
**Sent:** 3/24/2003 9:18:17 AM  
**Subject:** RE:

Nanette -- I wasn't suggesting you needed to or should do anything on this one; I assume it has been and is being fully vetted at DOD.

-----Original Message-----

**From:** Leitch, David G.  
**Sent:** Monday, March 24, 2003 7:15 AM  
**To:** Everson, Nanette; Kavanaugh, Brett M.  
**Cc:** Gonzales, Alberto R.  
**Subject:**

FYI. This matter has started to get a fair amount of attention, most of it from the New York Times. Brett, I know you worked on Global Crossing issue so you may be interested as well.

**NYTimes Decries Conflict Of Interest In Perle's Roles.** The New York Times (3/24) editorializes, "As chairman of the Defense Policy Board, Richard Perle has been an influential architect of the Bush administration's Iraq policy and war plans. At the same time, it turns out, he has signed on to represent a major telecommunications company that has a strong financial interest in lobbying the Defense Department. This is a conflict pure and simple, and Mr. Perle should immediately drop one of his two roles." The Times continues, "Mr. Perle, who served as an assistant defense secretary under President Reagan, is indisputably an important part of the current Defense Department. ... Global Crossing, the telecommunications giant, is now in bankruptcy. It has retained Mr. Perle to help persuade the Defense Department to drop its objections to a proposed sale to foreign buyers in Hong Kong and Singapore. The deal has been opposed by the Defense Department and the Federal Bureau of Investigation as a threat to national security because it would put Global Crossing's fiber optics network, which is used by the United States government, under foreign control. Mr. Perle stands to make up to \$725,000 from his work for Global Crossing." The Times concludes, "Mr. Perle insists that there is no conflict in his case because the Defense Policy Board is not involved in approving the Global Crossing deal. But that is not the right test. Global Crossing's fee is clearly payment, at least in part, for the influence Mr. Perle exerts through his Defense Department post, and federal ethics rules prohibit using public office for private gain. To remove the conflict, Mr. Perle will have to choose between the gain and the office."

---

**From:** CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/24/2003 5:41:46 AM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:24-MAR-2003 10:41:46.00

SUBJECT::

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

I found a memo regarding the classification of political and nonpolitical expenses in the executive residence.; Might this be the memo you need?; I told Jen to talk to you about it as well because she has some of Courtney's files.

---

**From:** CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/24/2003 6:01:41 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:24-MAR-2003 11:01:41.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Faxing now

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Monday, March 24, 2003 10:39 AM  
To: Montiel, Charlotte L.  
Subject: Re:

just fax to me

From: Charlotte L. Montiel/WHO/EOP@Exchange on 03/24/2003 10:41:28 AM  
Record Type: Record

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

I found a memo regarding the classification of political and nonpolitical expenses in the executive residence. Might this be the memo you need? I told Jen to talk to you about it as well because she has some of Courtney's files.

---

**From:** Kavanaugh, Brett M.  
**To:** <Montiel, Charlotte L.>  
**Sent:** 3/24/2003 10:39:06 AM  
**Subject:** Re:

just fax to me

From: Charlotte L. Montiel/WHO/EOP@Exchange on 03/24/2003 10:41:28 AM

Record Type: Record

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

cc:

Subject:

I found a memo regarding the classification of political and nonpolitical expenses in the executive residence. Might this be the memo you need? I told Jen to talk to you about it as well because she has some of Courtney's files.

---

**From:** Montiel, Charlotte L.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/24/2003 10:41:28 AM  
**Subject:**

I found a memo regarding the classification of political and nonpolitical expenses in the executive residence. Might this be the memo you need? I told Jen to talk to you about it as well because she has some of Courtney's files.

---

**From:** Montiel, Charlotte L.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/24/2003 11:01:28 AM  
**Subject:** RE:

Faxing now

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, March 24, 2003 10:39 AM  
**To:** Montiel, Charlotte L.  
**Subject:** Re:

just fax to me

From: Charlotte L. Montiel/WHO/EOP@Exchange on 03/24/2003 10:41:28 AM  
Record Type: Record

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

I found a memo regarding the classification of political and nonpolitical expenses in the executive residence. Might this be the memo you need? I told Jen to talk to you about it as well because she has some of Courtney's files.

REV\_00112596

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>  
**Sent:** 3/24/2003 11:13:21 AM  
**Subject:** Re: meeting

yes

From: Carolyn Nelson/WHO/EOP@Exchange on 03/24/2003 11:17:09 AM

Record Type: Record

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

cc:

Subject: meeting

Karl and Ken would like to meet with Judge to discuss use of corporate aircraft. Meeting is tomorrow from 10:05-10:25. Would you like to join?

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/24/2003 11:17:09 AM  
**Subject:** meeting

Karl and Ken would like to meet with Judge to discuss use of corporate aircraft. Meeting is tomorrow from 10:05-10:25.  
Would you like to join?



**From:** Washington, Tracy T <Tracy.T.Washington@usdoj.gov>  
**To:** Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>;Rena\_Johnson\_Comisac@judiciary.senate.gov [ UNKNOWN ] <Rena\_Johnson\_Comisac@judiciary.senate.gov>;Margarita\_Tapia@judiciary.senate.gov [ UNKNOWN ] <Margarita\_Tapia@judiciary.senate.gov>;makan\_delrahim@judiciary.senate.gov [ UNKNOWN ] <makan\_delrahim@judiciary.senate.gov>;joschal@att.net [ UNKNOWN ] <joschal@att.net>;Heather\_Wingate@who.eop.gov [ UNKNOWN ] <Heather\_Wingate@who.eop.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;alex\_vogel@frist.senate.gov [ UNKNOWN ] <alex\_vogel@frist.senate.gov>;William Hall <William.Hall2@usdoj.gov>;Steve Koebele <Steve.Koebele@usdoj.gov>;Pat O'Brien <Pat.O'Brien@usdoj.gov>;Nancy Scottfinan <Nancy.Scottfinan@usdoj.gov>;Lori SharpeDay <Lori.SharpeDay@usdoj.gov>;Kristi Remington <Kristi.L.Remington@usdoj.gov>;Heather Cutchens <Heather.Cutchens@usdoj.gov>;Dan Bryant <Dan.Bryant@usdoj.gov>;Andrew Schauder <Andrew.Schauder2@usdoj.gov>;SRushton@CommitteeforJustice.org [ UNKNOWN ] <SRushton@CommitteeforJustice.org>;Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>;Manuel\_Miranda@frist.senate.gov [ UNKNOWN ] <Manuel\_Miranda@frist.senate.gov>;Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;john\_abegg@mccconnell.senate.gov [ UNKNOWN ] <john\_abegg@mccconnell.senate.gov>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Ashley Snee/WHO/EOP@EOP [ WHO ] <Ashley Snee>;alex\_dahl@judiciary.senate.gov [ UNKNOWN ] <alex\_dahl@judiciary.senate.gov>;Viet Dinh <Viet.Dinh@usdoj.gov>;Sheila Joy <Sheila.Joy@usdoj.gov>;Nathan Sales <Nathan.Sales@usdoj.gov>;Monica Goodling <Monica.Goodling@usdoj.gov>;Lizette Benedi <Lizette.D.Benedi@usdoj.gov>;Jamie Brown <Jamie.E.Brown@usdoj.gov>;Don Willett <Don.Willett@usdoj.gov>;Brian Benczkowski <Brian.A.Benczkowski@usdoj.gov>;Adam Charnes <Adam.Charnes@usdoj.gov>  
**Sent:** 3/24/2003 8:49:51 AM  
**Subject:** : Monday, March 24, 2003, 4:00pm Judicial Working Conference Call is cancelled.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Washington, Tracy T" <Tracy.T.Washington@usdoj.gov> ( "Washington, Tracy T" <Tracy.T.Washington@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:24-MAR-2003 13:49:51.00  
SUBJECT:: Monday, March 24, 2003, 4:00pm Judicial Working Conference Call is cancelled.  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Rena\_Johnson\_Comisac@judiciary.senate.gov ( Rena\_Johnson\_Comisac@judiciary.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Margarita\_Tapia@judiciary.senate.gov ( Margarita\_Tapia@judiciary.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:makan\_delrahim@judiciary.senate.gov ( makan\_delrahim@judiciary.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:joschal@att.net ( joschal@att.net [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Heather\_Wingate@who.eop.gov ( Heather\_Wingate@who.eop.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:alex\_vogel@frist.senate.gov ( alex\_vogel@frist.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:William Hall <William.Hall2@usdoj.gov> ( William Hall <William.Hall2@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Steve Koebele <Steve.Koebele@usdoj.gov> ( Steve Koebele <Steve.Koebele@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Pat O'Brien <Pat.O'Brien@usdoj.gov> ( Pat O'Brien <Pat.O'Brien@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Nancy Scottfinan <Nancy.Scottfinan@usdoj.gov> ( Nancy Scottfinan <Nancy.Scottfinan@usdoj.gov> [ UNKNOWN ] )

READ:UNKNOWN  
TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> ( Lori SharpeDay <Lori.SharpeDay@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Kristi Remington <Kristi.L.Remington@usdoj.gov> ( Kristi Remington <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Heather Cutchens <Heather.Cutchens@usdoj.gov> ( Heather Cutchens <Heather.Cutchens@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Dan Bryant <Dan.Bryant@usdoj.gov> ( Dan Bryant <Dan.Bryant@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Andrew Schauder <Andrew.Schauder2@usdoj.gov> ( Andrew Schauder <Andrew.Schauder2@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:SRushton@CommitteeforJustice.org ( SRushton@CommitteeforJustice.org [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Manuel\_Miranda@frist.senate.gov ( Manuel\_Miranda@frist.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:john\_abegg@mcconnell.senate.gov ( john\_abegg@mcconnell.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:alex\_dahl@judiciary.senate.gov ( alex\_dahl@judiciary.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Viet Dinh <Viet.Dinh@usdoj.gov> ( Viet Dinh <Viet.Dinh@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Sheila Joy <Sheila.Joy@usdoj.gov> ( Sheila Joy <Sheila.Joy@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Nathan Sales <Nathan.Sales@usdoj.gov> ( Nathan Sales <Nathan.Sales@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Monica Goodling <Monica.Goodling@usdoj.gov> ( Monica Goodling <Monica.Goodling@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> ( Lizette Benedi <Lizette.D.Benedi@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Jamie Brown <Jamie.E.Brown@usdoj.gov> ( Jamie Brown <Jamie.E.Brown@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Don Willett <Don.Willett@usdoj.gov> ( Don Willett <Don.Willett@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brian Benczkowski <Brian.A.Benczkowski@usdoj.gov> ( Brian Benczkowski <Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Adam Charnes <Adam.Charnes@usdoj.gov> ( Adam Charnes <Adam.Charnes@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Tracy T. Washington  
U.S. Department of Justice  
Office of Legal Policy  
Main Building, Room 4234  
(202) 514-2737

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>  
**Sent:** 3/24/2003 1:32:15 PM  
**Subject:** : RE: memo

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-MAR-2003 18:32:15.00  
SUBJECT:: RE: memo  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes, think we did, but can do again.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/24/2003 05:12:14 PM  
Record Type: Record

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

Yes, but AirOps needed a change to the language. I brought up a copy to you a while back but am pretty sure that I didn't get anything back. You may have sent it to Cathy but it never made it to me.

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Monday, March 24, 2003 4:37 PM  
To: Douglass, Kimberly A.  
Subject: Re: memo

I feel like I am in a time warp. Didn't we do this with Cathy?

From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/24/2003 04:27:41 PM  
Record Type: Record

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

hi! Did you ever have a chance to update the First Lady airfare memo?  
AirOps is nudging me for it once again.

Thanks!



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** G. Timothy Saunders/WHO/EOP [ WHO ] <G. Timothy Saunders>  
**Sent:** 3/24/2003 10:12:54 AM  
**Subject:** RECEIVED: Re: NSC/HSC solution to HSC issue in proposed EO -- FINAL CLEAN EO (at this moment)

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-MAR-2003 15:12:54.00  
SUBJECT:RECEIVED: Re: NSC/HSC solution to HSC issue in proposed EO -- FINAL CLEAN EO (at this moment)  
TO:G. Timothy Saunders ( CN=G. Timothy Saunders/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

RETURN RECEIPT

Your Document:  
Re: NSC/HSC solution to HSC issue in proposed EO -- FINAL CLEAN EO (at this moment)  
was successfully received by:  
CN=Brett M. Kavanaugh/OU=WHO/O=EOP  
at:  
03/24/2003 03:12:51 PM

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>  
**Sent:** 3/24/2003 11:42:03 AM  
**Subject:** : Re: memo

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-MAR-2003 16:42:03.00  
SUBJECT:: Re: memo  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I feel like I am in a time warp. Didn't we do this with Cathy?

From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/24/2003 04:27:41  
PM  
Record Type: Record  
  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: memo

hi!; Did you ever have a chance to update the First Lady airfare memo?;  
AirOps is nudging me for it once again.  
;  
Thanks!

---

**From:** CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/24/2003 12:12:01 PM  
**Subject:** : RE: memo

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:24-MAR-2003 17:12:01.00  
SUBJECT:: RE: memo  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes, but AirOps needed a change to the language. I brought up a copy to you a while back but am pretty sure that I didn't get anything back. You may have sent it to Cathy but it never made it to me.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Monday, March 24, 2003 4:37 PM  
To: Douglass, Kimberly A.  
Subject: Re: memo

I feel like I am in a time warp. Didn't we do this with Cathy?

From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/24/2003 04:27:41 PM  
Record Type: Record

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

hi! Did you ever have a chance to update the First Lady airfare memo? AirOps is nudging me for it once again.

Thanks!

---

**From:** Douglass, Kimberly A.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/24/2003 4:27:41 PM  
**Subject:** memo

hi! Did you ever have a chance to update the First Lady airfare memo? AirOps is nudging me for it once again.

Thanks!



---

**From:** CN=Helgard C. Walker/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/24/2003 12:34:32 PM  
**Subject:** : Proclamations --

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 24-MAR-2003 17:34:32.00

SUBJECT:: Proclamations --

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Does anybody know in which office these originate? I've gotten an inquiry re the Law Day proclamation...

HCW

---

**From:** Kavanaugh, Brett M.  
**To:** <Douglass, Kimberly A.>  
**Sent:** 3/24/2003 4:37:28 PM  
**Subject:** Re: memo

I feel like I am in a time warp. Didn't we do this with Cathy?

From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/24/2003 04:27:41 PM

Record Type: Record

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

cc:

Subject: memo

hi! Did you ever have a chance to update the First Lady airfare memo? AirOps is nudging me for it once again.

Thanks!

---

**From:** Grubbs, Wendy J.  
**To:** <Powell, Dina>  
**CC:** <Leitch, David G.>;<Kavanaugh, Brett M.>;<Ojakli, Ziad>  
**Sent:** 3/24/2003 4:40:26 PM  
**Subject:** Heads Up

NOAA at Commerce has allegedly, since 1999, promoted individuals requiring senate confirmation without notifying the senate of the promotion. There have been 251 promotions impacting 196 individuals where the appropriate senate action was NOT taken.

Under normal circumstances the Senate would perform a simple ministerial task of approving the promotion. No fuss no muss in almost every case. Since this has come to light, however, Senator McCain is interested in finding the cause and or culprit. As a result, an IG investigation may be ordered.

For our purposes, Senator McCain plans to clear up the backlog quickly. Just be aware that the issue exists, ok?

---

**From:** Powell, Dina  
**To:** <Grubbs, Wendy J.>  
**CC:** <Leitch, David G.>;<Kavanaugh, Brett M.>;<Ojakli, Ziad>  
**Sent:** 3/24/2003 4:48:42 PM  
**Subject:** RE: Heads Up

Can you also give a heads up with details to Brenda Becker and Ted Kassinger at Commerce? Thanks.

-----Original Message-----

**From:** Grubbs, Wendy J.  
**Sent:** Monday, March 24, 2003 4:40 PM  
**To:** Powell, Dina  
**Cc:** Leitch, David G.; Kavanaugh, Brett M.; Ojakli, Ziad  
**Subject:** Heads Up

NOAA at Commerce has allegedly, since 1999, promoted individuals requiring senate confirmation without notifying the senate of the promotion. There have been 251 promotions impacting 196 individuals where the appropriate senate action was NOT taken.

Under normal circumstances the Senate would perform a simple ministerial task of approving the promotion. No fuss no muss in almost every case. Since this has come to light, however, Senator McCain is interested in finding the cause and or culprit. As a result, an IG investigation may be ordered.

For our purposes, Senator McCain plans to clear up the backlog quickly. Just be aware that the issue exists, ok?

---

**From:** Grubbs, Wendy J.  
**To:** <Powell, Dina>  
**CC:** <Leitch, David G.>;<Kavanaugh, Brett M.>;<Ojakli, Ziad>  
**Sent:** 3/24/2003 4:50:05 PM  
**Subject:** RE: Heads Up

Brenda and the GC there are well aware...thanks.

From: Dina Powell/WHO/EOP@Exchange on 03/24/2003 04:48:42 PM

Record Type: Record

To: Wendy J. Grubbs/WHO/EOP@EOP

cc: David G. Leitch/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP, Ziad Ojakli/WHO/EOP@Exchange

Subject: RE: Heads Up

Can you also give a heads up with details to Brenda Becker and Ted Kassinger at Commerce? Thanks.

-----Original Message-----

**From:** Grubbs, Wendy J.

**Sent:** Monday, March 24, 2003 4:40 PM

**To:** Powell, Dina

**Cc:** Leitch, David G.; Kavanaugh, Brett M.; Ojakli, Ziad

**Subject:** Heads Up

NOAA at Commerce has allegedly, since 1999, promoted individuals requiring senate confirmation without notifying the senate of the promotion. There have been 251 promotions impacting 196 individuals where the appropriate senate action was NOT taken.

Under normal circumstances the Senate would perform a simple ministerial task of approving the promotion. No fuss no muss in almost every case. Since this has come to light, however, Senator McCain is interested in finding the cause and or culprit. As a result, an IG investigation may be ordered.

For our purposes, Senator McCain plans to clear up the backlog quickly. Just be aware that the issue exists, ok?

REV\_00112619

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**From:** Leitch, David G.  
**To:** <Grubbs, Wendy J.>;<Powell, Dina>  
**CC:** <Kavanaugh, Brett M.>;<Ojakli, Ziad>  
**Sent:** 3/24/2003 5:07:55 PM  
**Subject:** RE: Heads Up

I'm not sure I follow. I can't imagine there are that many positions at NOAA requiring Senate confirmation.

-----Original Message-----

**From:** Grubbs, Wendy J.  
**Sent:** Monday, March 24, 2003 4:50 PM  
**To:** Powell, Dina  
**Cc:** Leitch, David G.; Kavanaugh, Brett M.; Ojakli, Ziad  
**Subject:** RE: Heads Up

Brenda and the GC there are well aware...thanks.

From: Dina Powell/WHO/EOP@Exchange on 03/24/2003 04:48:42 PM  
Record Type: Record

To: Wendy J. Grubbs/WHO/EOP@EOP  
cc: David G. Leitch/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP, Ziad Ojakli/WHO/EOP@Exchange  
Subject: RE: Heads Up

Can you also give a heads up with details to Brenda Becker and Ted Kassinger at Commerce? Thanks.

-----Original Message-----

**From:** Grubbs, Wendy J.  
**Sent:** Monday, March 24, 2003 4:40 PM  
**To:** Powell, Dina  
**Cc:** Leitch, David G.; Kavanaugh, Brett M.; Ojakli, Ziad  
**Subject:** Heads Up

NOAA at Commerce has allegedly, since 1999, promoted individuals requiring senate confirmation without notifying the senate of the promotion. There have been 251 promotions impacting 196 individuals where the appropriate senate action was NOT taken.

Under normal circumstances the Senate would perform a simple ministerial task of approving the promotion. No fuss no muss in almost every case. Since this has come to light, however, Senator McCain is interested in finding the cause and or culprit. As a result, an IG investigation may be ordered.

For our purposes, Senator McCain plans to clear up the backlog quickly. Just be aware that the issue exists, ok?

---

**From:** Douglass, Kimberly A.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/24/2003 5:12:14 PM  
**Subject:** RE: memo

Yes, but AirOps needed a change to the language. I brought up a copy to you a while back but am pretty sure that I didn't get anything back. You may have sent it to Cathy but it never made it to me.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, March 24, 2003 4:37 PM  
**To:** Douglass, Kimberly A.  
**Subject:** Re: memo

I feel like I am in a time warp. Didn't we do this with Cathy?

From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/24/2003 04:27:41 PM  
Record Type: Record

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

hi! Did you ever have a chance to update the First Lady airfare memo? AirOps is nudging me for it once again.

Thanks!

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Helgard C. Walker/WHO/EOP@EOP [ WHO ] <Helgard C. Walker>  
**Sent:** 3/24/2003 1:17:37 PM  
**Subject:** : Re: Proclamations --

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-MAR-2003 18:17:37.00  
SUBJECT:: Re: Proclamations --  
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

What kind of inquiry. From whom. I think it will mesh with last year's and the one the year before. I am not sure where original 2001 version came from.

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----- Original Message -----  
From:Helgard C. Walker/WHO/EOP  
To:Brett M. Kavanaugh/WHO/EOP@EOP,  
H. Christopher Bartolomucci/WHO/EOP@EOP,  
Noel J. Francisco/WHO/EOP@EOP,  
Jennifer G. Newstead/WHO/EOP@EOP,  
Nanette Everson/WHO/EOP@EOP,  
Jennifer G. Newstead/WHO/EOP@EOP,  
Kyle Sampson/WHO/EOP@EOP,  
Benjamin A. Powell/WHO/EOP@EOP,  
Theodore W. Ulliot/WHO/EOP@EOP  
Cc:  
Date: 03/24/2003 05:30:12 PM  
Subject: Proclamations --

Does anybody know in which office these originate? I've gotten an inquiry re the Law Day proclamation...

HCW



---

**From:** Kavanaugh, Brett M.  
**To:** <Douglass, Kimberly A.>  
**Sent:** 3/24/2003 6:27:40 PM  
**Subject:** RE: memo

Yes, think we did, but can do again.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/24/2003 05:12:14 PM

Record Type: Record

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

cc:

Subject: RE: memo

Yes, but AirOps needed a change to the language. I brought up a copy to you a while back but am pretty sure that I didn't get anything back. You may have sent it to Cathy but it never made it to me.

-----Original Message-----

**From:** Kavanaugh, Brett M.

**Sent:** Monday, March 24, 2003 4:37 PM

**To:** Douglass, Kimberly A.

**Subject:** Re: memo

I feel like I am in a time warp. Didn't we do this with Cathy?

From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/24/2003 04:27:41 PM

Record Type: Record

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

cc:

Subject: memo

hi! Did you ever have a chance to update the First Lady airfare memo? AirOps is nudging me for it once again.

REV\_00112623

Thanks!

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Stephen\_Higgins@Judiciary.senate.gov [ UNKNOWN ] <Stephen\_Higgins@Judiciary.senate.gov>  
**Sent:** 3/24/2003 2:39:36 PM  
**Subject:** : Re: Mtg 5pm today

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:24-MAR-2003 19:39:36.00

SUBJECT:: Re: Mtg 5pm today

TO:Stephen\_Higgins@Judiciary.senate.gov ( Stephen\_Higgins@Judiciary.senate.gov [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

??

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----- Original Message -----

From:<Stephen\_Higgins@Judiciary.senate.gov>

To:<Manuel\_Miranda@frist.senate.gov>,<Makan\_Delrahim@Judiciary.senate.gov>,<Alex\_Dahl@Judiciary.senate.gov>,<Rena\_Johnson\_Comisac@Judiciary.senate.gov>,<William\_Smith@Judiciary.senate.gov>,<James\_Ho@Judiciary.senate.gov>,<John\_Abegg@mcconnell.senate.gov>,<Katie\_Gumerson@RPC.Senate.Gov>,<Barbara\_Ledeen@src.senate.gov>,<Mark\_Rodgers@src.senate.gov>,<Alex\_Vogel@frist.senate.gov>,<Eric\_Ueland@frist.senate.gov>,<Bill\_Wichterman@frist.senate.gov>,<Brett\_M.\_Kavanaugh/WHO/EOP@EOP,<Wendy\_J.\_Grubbs/WHO/EOP@EOP,<Brian.A.Benczkowski@usdoj.gov>,<Monica.Goodling@usdoj.gov>,<Bob\_Stevenson@frist.senate.gov>,<Abel\_Guerra/WHO/EOP@EOP,<Leonard B. Rodriguez/WHO/EOP@EOP,<Mercedes M. Viana/WHO/EOP@EOP,<Martin\_Gold@frist.senate.gov>,<Steven\_Duffield@RPC.Senate.Gov>,<Ashley\_Snee/WHO/EOP@EOP

Cc:

Date: 03/24/2003 06:38:09 PM

Subject: RE: Mtg 5pm today

Outstanding meeting!

-----Original Message-----

From: Miranda, Manuel (Frist)

Sent: Monday, March 24, 2003 2:37 PM

To: Miranda, Manuel (Frist); Delrahim, Makan (Judiciary); Dahl, Alex (Judiciary); Comisac, RenaJohnson (Judiciary); Higgins, Stephen (Judiciary); Smith, William (Judiciary); Ho, James (Judiciary); Abegg, John (McConnell); Gumerson, Katie (RPC); Ledeen, Barbara (Republican-Conf); Rodgers, Mark (Republican-Conf); Vogel, Alex (Frist); Ueland, Eric (Frist); Wichterman, Bill (Frist); Brett\_M.\_Kavanaugh@who.eop.gov; Wendy Grubbs (E-mail); Benczkowski, Brian A; Goodling, Monica; Stevenson, Bob (Frist); Abel\_Guerra@who.eop.gov; Leonard\_B.\_Rodriguez@who.eop.gov;

REV\_00112632

Mercedes\_M.\_Viana@who.eop.gov; Gold, Martin (Frist); Duffield, Steven (RPC); asnee@who.eop.gov  
Subject: Mtg 5pm today

We will meet in the ML's Conference Room. Capitol, S 230. Those coming from the WH, simply tell the Capitol Police and they will call up.

-----Original Message-----

From: Miranda, Manuel (Frist)  
Sent: Friday, March 21, 2003 7:11 PM  
To: Delrahim, Makan (Judiciary); Dahl, Alex (Judiciary); Comisac, RenaJohnson (Judiciary); Higgins, Stephen (Judiciary); Smith, William (Judiciary); Ho, James (Judiciary); Abegg, John (McConnell); Gumerson, Katie (RPC); Ledeen, Barbara (Republican-Conf); Rodgers, Mark (Republican-Conf); Vogel, Alex (Frist); Ueland, Eric (Frist); Wichterman, Bill (Frist); 'Brett\_M.\_Kavanaugh@who.eop.gov'; 'Wendy Grubbs (E-mail)'; Snell, BethAnn (Judiciary); 'Benczkowski, Brian A'; Goodling, Monica; Stevenson, Bob (Frist); Abel\_Guerra@who.eop.gov; Leonard\_B.\_Rodriguez@who.eop.gov; Mercedes\_M.\_Viana@who.eop.gov; Gold, Martin (Frist)  
Subject: RE: Members Mtg Prep

Due to the conflicting DOJ briefing on nominees, and other conflicts we will meet at 5 pm on Monday. Room in the capitol TBA

-----Original Message-----

From: Miranda, Manuel (Frist)  
Sent: Friday, March 21, 2003 3:48 PM  
To: Delrahim, Makan (Judiciary); Dahl, Alex (Judiciary); Comisac, RenaJohnson (Judiciary); Higgins, Stephen (Judiciary); Smith, William (Judiciary); Ho, James (Judiciary); Abegg, John (McConnell); Gumerson, Katie (RPC); Ledeen, Barbara (Republican-Conf); Rodgers, Mark (Republican-Conf); Vogel, Alex (Frist); Ueland, Eric (Frist); Wichterman, Bill (Frist); 'Brett\_M.\_Kavanaugh@who.eop.gov'; 'Wendy Grubbs (E-mail)'; Snell, BethAnn (Judiciary); 'Benczkowski, Brian A'; Goodling, Monica; Stevenson, Bob (Frist); Abel\_Guerra@who.eop.gov; Leonard\_B.\_Rodriguez@who.eop.gov; Mercedes\_M.\_Viana@who.eop.gov; Gold, Martin (Frist)  
Subject: Members Mtg Prep

In preparation for a Members' Meeting on Judicial Nomination to be held sometime next week, we would like to meet on Monday at 3 pm to discuss the agenda.

Place in the Capitol TBA.

- att1.htm

REV\_00112633

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**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Carolene Langie Office of Global Communications/WHO/EOP@EOP [ WHO ] <Carolene Langie Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 3/24/2003 2:39:57 PM  
**Subject:** : White House Global Messenger - 03/25/03  
**Attachments:** P\_QYHZE003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )

CREATION DATE/TIME:24-MAR-2003 19:39:57.00

SUBJECT:: White House Global Messenger - 03/25/03

TO:Carolene Langie Office of Global Communications ( CN=Carolene Langie Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

(See attached file: GM 3-25-03 FINAL.doc)

THE GLOBAL MESSENGER  
Tuesday, March 25, 2003

\*\*\*\*\*KEY POINTS FROM THE PRESIDENT\*\*\*\*\*

\*American and Coalition forces are making good progress in the early stages of the war to rid Iraq of weapons of mass destruction and free the Iraqi people from the clutches of a brutal dictatorship. We thank all the coalition forces for their bravery and courage in Operation Iraqi Freedom.

\*Saddam Hussein is losing control of his country. We're slowly, but surely, making progress, but it is evident that this war is in the early phases, and this is just the beginning of a tough fight.

\*We're executing a plan which will achieve our objectives, and at the same time, spare innocent life.

\*Coalition forces have treated Iraqi military prisoners humanely, and we expect any captured Coalition forces to be treated humanely in return. If not, those who mistreat our prisoners will be treated as war criminals.

\*We have made a promise to the people of Iraq that we will do everything we can to protect innocent life. We're doing that, and we will do everything we can to help the Iraqi people. When free from the dictatorship of Saddam Hussein, life in Iraq will be a lot better.

\*\*\*\*\*LIBERATION UPDATE\*\*\*\*\*

The voices of freedom, heard now inside Iraq and around the world

The enthusiasm of Iraqis as American and coalition troops help liberate their country is evident in a collection of their reactions to Operation Iraqi Freedom. Visit "Liberation Update" at:

<http://www.whitehouse.gov/liberation>

\*\*\*

"Ajami Saadoun Khlis, whose son and brother were executed under the Saddam regime, sobbed like a child on the shoulder of The Guardian's Egyptian translator. He mopped the tears but they kept coming. 'You just

REV\_00112634

arrived,' he said. 'You're late. What took you so long? God help you become victorious. I want to say hello to Bush, to shake his hand. We came out of the grave.'"

The Guardian (UK), 3-22-03

\*\*\*\*\*CENTCOM UPDATE\*\*\*\*\*

"Our forces are operating throughout Iraq, on the ground and in the air. United Kingdom and American marine forces are in the southern oil fields as we speak protecting Iraqis' future.... A number of humanitarian assistance ships are loaded, and we'll begin to deliver needed humanitarian assistance - food, water, medicine - to Iraqis within the next few days."

Central Command General Franks, in press briefing, 3-24-03

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Standard. Subject to Change

9:00 am CENTCOM briefing by General Franks

10:40 am The President makes remarks at the Pentagon

12:30 pm State Briefing by Richard Boucher

2:30 pm White House Briefing by Ari Fleischer

\*\*\*\*\*KEY QUOTES\*\*\*\*\*

"Difficult days and battles could lie ahead, particularly as the coalition forces get closer to Baghdad and potentially encounter units of the Iraqi military that have a reputation for providing greater resistance."

Australian Prime Minister Howard, in press conference, 3-23-03

"The [Coalition] targets are the infrastructure, command and control of Saddam's regime, not of the civilian population. And we are making massive efforts to clear lines of supply for humanitarian aid, though the presence of mines is hindering us. By contrast, the nature of Saddam's regime is all too plainly expressed in its actions. The oil wealth was mined and deep-mined at that. Had we not struck quickly, Iraq's future wealth would even now be burning away. Prisoners are being paraded in defiance of all international conventions. Those who dare speak criticism of the regime are being executed."

British Prime Minister Blair, in statement, 3-24-03

THE WHITE HOUSE

Office of Global Communications

For more information log on to <http://www.whitehouse.gov/ogc>

\*\*\*\*\*

You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.

- GM 3-25-03 FINAL.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_QYHZE003\_WHO.TXT\_1>



# THE GLOBAL MESSENGER

Tuesday, March 25, 2003



## **TODAY'S SCHEDULE**

*All Times Eastern Standard. Subject to Change*

- 9:00 am CENTCOM briefing by General Franks
- 10:40 am The President makes remarks at the Pentagon
- 12:30 pm State Briefing by Richard Boucher
- 2:30 pm White House Briefing by Ari Fleischer

## **CENTCOM UPDATE**

"Our forces are operating throughout Iraq, on the ground and in the air. United Kingdom and American marine forces are in the southern oil fields as we speak protecting Iraqis' future....A number of humanitarian assistance ships are loaded, and we'll begin to deliver needed humanitarian assistance -- food, water, medicine -- to Iraqis within the next few days."

**Central Command General Franks, in press briefing, 3-24-03**

## **KEY QUOTES**

"Difficult days and battles could lie ahead, particularly as the coalition forces get closer to Baghdad and potentially encounter units of the Iraqi military that have a reputation for providing greater resistance."

**Australian Prime Minister Howard, in press conference, 3-23-03**

"The [Coalition] targets are the infrastructure, command and control of Saddam's regime, not of the civilian population. And we are making massive efforts to clear lines of supply for humanitarian aid, though the presence of mines is hindering us. By contrast, the nature of Saddam's regime is all too plainly expressed in its actions. The oil wealth was mined and deep-mined at that. Had we not struck quickly, Iraq's future wealth would even now be burning away. Prisoners are being paraded in defiance of all international conventions. Those who dare speak criticism of the regime are being executed."

**UK Prime Minister Blair, in statement, 3-24-03**

## **KEY POINTS FROM THE PRESIDENT**

- American and Coalition forces are making good progress in the early stages of the war to rid Iraq of weapons of mass destruction and free the Iraqi people from the clutches of a brutal dictatorship. We thank all the coalition forces for their bravery and courage in Operation Iraqi Freedom.
- Saddam Hussein is losing control of his country. We're slowly, but surely, making progress, but it is evident that this war is in the early phases, and this is just the beginning of a tough fight.
- We're executing a plan which will achieve our objectives, and at the same time, spare innocent life.
- Coalition forces have treated Iraqi military prisoners humanely, and we expect any captured Coalition forces to be treated humanely in return. If not, those who mistreat our prisoners will be treated as war criminals.
- We have made a promise to the people of Iraq that we will do everything we can to protect innocent life. We're doing that, and we will do everything we can to help the Iraqi people. When free from the dictatorship of Saddam Hussein, life in Iraq will be a lot better.

## **LIBERATION UPDATE**

*The voices of freedom, heard now inside Iraq and around the world*

The enthusiasm of Iraqis as American and coalition troops help liberate their country is evident in a collection of their reactions to Operation Iraqi Freedom. Visit "Liberation Update" at:

<http://www.whitehouse.gov/liberation>

\*\*\*

"Ajami Saadoun Khlis, whose son and brother were executed under the Saddam regime, sobbed like a child on the shoulder of the Guardian's Egyptian translator. He mopped the tears but they kept coming. 'You just arrived,' he said. 'You're late. What took you so long? God help you become victorious. I want to say hello to Bush, to shake his hand. We came out of the grave.'"

**The Guardian, 3-22-03**

**THE WHITE HOUSE**  
**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00112636

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [ WHO ] <Helgard C. Walker>  
**Sent:** 3/24/2003 5:47:02 PM  
**Subject:** : Re: Proclamations --

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 24-MAR-2003 22:47:02.00  
SUBJECT:: Re: Proclamations --  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Not yet (too early). We worked last year to get some language in it (it is an annual deal) that was relevant to judges issue I think. Cannot remember how proclamation interacted with his remarks as President did a law day/may 9 anniversary event last year in 450. What is being suggested?

.

----- Original Message -----  
From: Helgard C. Walker/WHO/EOP  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 03/24/2003 08:19:14 PM  
Subject: Re: Proclamations --

Are you working n it?

.

----- Original Message -----  
From: Brett M. Kavanaugh/WHO/EOP  
To: Helgard C. Walker/WHO/EOP@EOP  
Cc:  
Date: 03/24/2003 06:17:24 PM  
Subject: Re: Proclamations --

What kind of inquiry. From whom. I think it will mesh with last year's and the one the year before. I am not sure where original 2001 version came from.

.

----- Original Message -----  
From: Helgard C. Walker/WHO/EOP  
To: Brett M. Kavanaugh/WHO/EOP@EOP,  
H. Christopher Bartolomucci/WHO/EOP@EOP,  
Noel J. Francisco/WHO/EOP@EOP,  
Jennifer G. Newstead/WHO/EOP@EOP,  
Nanette Everson/WHO/EOP@EOP,  
Jennifer G. Newstead/WHO/EOP@EOP,  
Kyle Sampson/WHO/EOP@EOP,  
Benjamin A. Powell/WHO/EOP@EOP,  
Theodore W. Ulliot/WHO/EOP@EOP



Cc:  
Date: 03/24/2003 05:30:12 PM  
Subject: Proclamations --

Does anybody know in which office these originate? I've gotten an inquiry  
re the Law Day proclamation...

HCW

---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/25/2003 3:26:47 AM  
**Subject:** : Daily Update - March 24, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 08:26:47.00  
SUBJECT:: Daily Update - March 24, 2003  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Focus on the Family on Blue Slips.  
----- Forwarded by Matthew E. Smith/WHO/EOP on 03/25/2003  
08:26 AM -----

Citizen Link <CitizenLink@FOTF.ORG>  
03/24/2003 06:37:38 PM  
Please respond to Citizen Link <citizenlink@FOTF.ORG>  
Record Type: Record

To: LinkMembers@LISTSERV.FAMILY.ORG  
cc:  
Subject: Daily Update - March 24, 2003

CITIZENLINK  
March 24, 2003

MICH. SENATORS NIX JUDICIAL NOMINATIONS:  
Liberals unveil yet another plan to keep President Bush from  
appointing federal judges.  
<http://www.family.org/cforum/fnif/news/A0025255.html>

COMPANIES DROP PLANNED PARENTHOOD SUPPORT:  
Two major corporations are being taken off a pro-life group's  
boycott list.  
<http://www.family.org/cforum/fnif/news/A0025254.html>

HOUSE PASSES MILITARY TAX CUT BILL  
The House votes to give our fighting troops a tax break. Will the  
Senate follow suit?  
<http://www.family.org/cforum/fnif/news/a0025253.html>

NEWS BRIEFS:  
Fighting spam is possible, a new report says - and more.  
(Please See "News Briefs" Below)

Encourage a friend to sign up for this e-mail:  
<http://www.family.org/cforum/clinksignup.cfm>

To visit our Web site:  
<http://www.citizenlink.org>

To contact your congressman or senators:  
<http://www.family.org/citizenaction>

+++++

"She's Gonna Blow!"

By Julie Ann Barnhill

<http://www.family.org/resources/itempg.cfm?itemid=2598&refcd=CE03CCZL&tvar=no>

A "been there, done that" mom uses everyday life with young children to illustrate the painful realities of what happens when anger is mismanaged. "She's Gonna Blow!: Real Help for Moms Dealing With Anger" gives honest understanding, wise biblical counsel and hope for lasting change in your journey of mothering.

Item Code: BD456

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#### FAMILY NEWS IN FOCUS STORIES:

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Mich. Senators Nix Judicial Nominations

By David Brody, Washington, D.C., correspondent

SUMMARY: Liberals unveil yet another plan to keep President Bush from appointing federal judges.

On Capitol Hill, there is another indication that liberal Democrats are playing political hardball with President Bush's judicial nominees. Both senators from Michigan are trying to block the president's selections by issuing "negative" blue slips.

Blue slips are a Senate custom, used for judicial nominees. Senators from a nominee's state submit them to the Senate Judiciary Committee, indicating their approval or disapproval of the selection. The president has submitted four nominees from Michigan -- Richard Griffin, David McKeague, Susan Bieke Neilson and Henry Saad -- to the 6th U.S. Circuit Court of Appeals. Democratic Sens. Carl Levin and Debbie Stabenow, both liberals, have issued negative blue slips on all four nominations.

On the surface, the Michigan senators explain that when President Bush took office, they asked him to re-nominate two of President Clinton's nominees from Michigan. Bush refused, and that seems to be why they're blocking his current nominees.

But John Nowacki, who tracks judicial nominations for the Free Congress Foundation, said Levin and Stabenow -- both liberals - - simply don't want conservative nominees on the federal courts.

"It's a matter of politics, and I think the American people ought to be outraged about this," Nowacki said. "It has nothing to do with the qualifications or even any controversy about these nominees that are being blocked, because there is no controversy about these nominees."

In reality, the nominations could now be dead, because Republicans and Democrats agree that, without the support of a nominee's home senators, the road to confirmation becomes extremely hard.

There is hope, however, and it comes in the form of Senate Judiciary Committee Chairman Orrin Hatch, R-Utah. Kay Daly, with the Coalition for a Fair Judiciary, said the blue slips are a tradition, and not necessarily binding on Hatch.

"It is now up to Hatch as to whether or not he's actually going to

honor those blue slips," Daly said. "If Chairman Hatch decides that these folks are just being obstructionist and petty, there's no binding obligation to honor blue slips."

Calls to Hatch's office were not returned, but in the past, he has said that the customary blue slip system needs to be re-worked.

TAKE ACTION: The issue of using blue slips is a matter of Senate custom and could be reviewed by Senate leaders. But regardless of whether that custom should be changed, it is important to note that Senate Democrats are still holding hostage the nomination of Miguel Estrada, whom the president wants placed on the U.S. Court of Appeals for the District of Columbia Circuit.

Please contact your senators and ask them to support allowing the Senate to vote for the president's judicial nominations. Call the Capitol switchboard at 202-224-3121. For help in contacting your senators, or to send an e-mail, please see our Legislative Action Center:  
<http://www.family.org/citizenaction>

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Companies Drop Planned Parenthood Support  
By Stuart Shepard, correspondent

SUMMARY: Two major corporations are being taken off a pro-life group's boycott list now that they've stopped giving to the nation's leading abortion provider.

The Walt Disney Co. may be known for movies like "The Lion King," but for years it was also a company that gave money to Planned Parenthood. That is no longer the case.

Douglas Scott, with Life Decisions International, has removed Disney from his boycott list, now that the entertainment giant has gone five years without giving to the pro-abortion group.

"This was definitely a result of people speaking out," Scott said. "If people didn't speak out, (Disney) wouldn't care, they wouldn't even know that there's a big issue here."

He said Disney did not make any announcements, it just stopped writing the checks.

"The one thing a corporation hates is controversy," Scott said. "They just don't want us to be a pain in their neck for very long, so eventually they do the right thing."

The other company Scott dropped from the boycott list is American Express.

Joe Scheidler, of the Pro-Life Action League, said, like a lot of pro-lifers, he cut up his American Express card in symbolic protest. The impact appears to have been more than symbolic, however.

"There's not that enormous margin of profit we always think there is, that they can just treat half the population like dirt," Scheidler said. "They can't do it."

Scott credits the tenacity of pro-lifers for changing the giving practices of both corporations: "Never give up."

Over the past decade, more than 85 corporations have stopped giving to Planned Parenthood, costing the group \$20 million.

FOR MORE INFORMATION: Life Decisions International has a

list of companies still being boycotted for their contributions to Planned Parenthood. Please see the Life Decisions International Web site for details.  
<http://www.fightpp.org/>

(Note: Referral to Web sites not produced by Focus on the Family is for informational purposes only, and does not necessarily constitute an endorsement of the sites' content.)

In addition, we recommend a Focus on the Family research paper: "Behind the Mask: A Hard Look at the Real Agenda of Planned Parenthood," By Glenn T. Stanton.  
<http://www.family.org/resources/itempg.cfm?itemid=456&refcd=CE03CCZL&tvar=n>  
o

-----  
House Passes Military Tax Cut Bill  
By David Brody, Washington, D.C., correspondent

SUMMARY: The House votes to give our fighting troops a tax break. Will the Senate follow suit?

The U.S. House of Representatives overwhelmingly passed a bill that would provide our troops fighting in Iraq and Afghanistan with added tax relief. The measure passed 422-0, one of the few examples of unanimous consent in Congress.

The bill is relatively straightforward. Our troops will get tax breaks on travel expenses, death benefits and home sales. In a time of war, who can argue with that?

"There's a unanimous feeling in Congress that our troops need this tax relief and that we want to be very supportive of them especially at this time," said Christin Tinsworth, a spokesman for the House Ways and Means Committee.

It almost didn't get done, however. The original bill was pulled from consideration last week because it had too many unrelated tax provisions. But House leaders put those in a separate bill so troops wouldn't be caught in the political crossfire.

Dennis Cullinan, with Veterans of Foreign Wars (VFW), said tax relief for armed forces personnel couldn't have come at a better time.

"It demonstrates that our lawmakers are committed to doing the right thing by them and that we as a nation greatly appreciate their service," Cullinan said. "We know a lot of men and women who are serving right now are suffering economic hardship as a consequence, especially among the (National) Guard and reserves, so something like this will -- at least partially -- offset their losses."

The question now is will the partisan-bickering Senate follow suit? Tinsworth recalls how it held up the bill before.

"The Senate kept making adjustments after the House unanimously passed the bill 412-0 and 413-0," Tinsworth said. "We're hopeful that they'll just pick it up and pass it by unanimous consent and we can get it to the president."

It's unknown when the Senate will take up the bill. The original legislation capped the travel expense reduction at \$500 a year, but many reservist groups felt that was too stingy. Sponsors responded by raising the reduction by \$1,000.

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Combating Spam Possible, Report Says

There are specific steps you can take to reduce the amount of unsolicited e-mail in your inbox, including pornographic spam. A new study reveals some key actions to take: 1) don't let your address be posted on a public Web site; 2) use a disposable address when filling out forms; and 3) the longer your e-mail address, the harder it is for junk-mailers to guess what it might be.

David Miller, with Citizens for Community Values, said today's pornographers have become as technically savvy as any other entrepreneur on the Internet.

"Parents have an obligation to keep a very close watch on the e-mail that is coming into their homes," Miller said.

While no tactic is perfect, he said families must still do as much as they can.

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Conservative Student Group Decries Protest Coverage

A conservative student organization is charging the mainstream media with not telling the whole story about the so-called "Books, not Bombs" protests. What's missing in the news is mention of the fact that only a tiny percentage of students has been involved in anti-war events.

The Young America's Foundation, which looked at estimates of up to 50,000 protesters on 400 campuses, did the math, and found that fewer than 4 of every 1,000 of the nation's students protested. Melissa Moskal, a spokeswoman for the foundation, said the media made on-campus protests seem massive and then ignored the other side.

"On a lot of these campuses, there were students who were protesting the protesters, who were having pro-America 'support-our-troops' rallies, but they got no coverage at all," Moskal said.

--News briefs written by Stuart Shepard and Terry Phillips.

CE03CCZL

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Editor

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Editorial Coordinator

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Director, Issues Response

Tom Minnery  
Vice President, Public Policy

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=====

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**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/25/2003 3:04:17 AM  
**Subject:** : Mtg time change

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 08:04:17.00  
SUBJECT:: Mtg time change  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The Karl/Ken Mtg has been;moved to 2:05 in ARG's Office.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 3/25/2003 7:17:32 AM  
**Subject:** : Medal of Freedom

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 12:17:32.00  
SUBJECT:: Medal of Freedom  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Amendment:

President Clinton awarded Medal of Freedom to Justices Brennan and Marshall and also to Judges John Minor Wisdom, Frank Johnson, and Leon Higginbotham.

---

**From:** CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/25/2003 4:03:54 AM  
**Subject:** : RE: memo

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 09:03:54.00  
SUBJECT:: RE: memo  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks! I sure hope you have a copy of the memo because I can't seem to locate my original copy (although I will start a full-scale search if necessary.) Do you need me to find out from AirOps what wording needed to be clarified?

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Monday, March 24, 2003 6:28 PM  
To: Douglass, Kimberly A.  
Subject: RE: memo

Yes, think we did, but can do again.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/24/2003 05:12:14 PM  
Record Type: Record  
  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: memo

Yes, but AirOps needed a change to the language. I brought up a copy to you a while back but am pretty sure that I didn't get anything back. You may have sent it to Cathy but it never made it to me.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Monday, March 24, 2003 4:37 PM  
To: Douglass, Kimberly A.  
Subject: Re: memo

I feel like I am in a time warp. Didn't we do this with Cathy?

From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/24/2003 04:27:41 PM  
Record Type: Record  
  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: memo

hi! Did you ever have a chance to update the First Lady airfare memo?

REV\_00112666

AirOps is nudging me for it once again.

Thanks!

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>  
**Sent:** 3/25/2003 4:10:45 AM  
**Subject:** : RE: memo

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 09:10:45.00  
SUBJECT:: RE: memo  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes, please ask Air lift Ops what they need and I will get it to them and you today. Thanks.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/25/2003 09:04:05 AM  
Record Type: Record

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

Thanks! I sure hope you have a copy of the memo because I can't seem to locate my original copy (although I will start a full-scale search if necessary.) Do you need me to find out from AirOps what wording needed to be clarified?

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Monday, March 24, 2003 6:28 PM  
To: Douglass, Kimberly A.  
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Record Type: Record

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

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Sent: Monday, March 24, 2003 4:37 PM  
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Subject: Re: memo

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Record Type: Record

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

cc:

Subject: memo

hi! Did you ever have a chance to update the First Lady airfare memo? AirOps is nudging me for it once again.

Thanks!

---

**From:** CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/25/2003 4:12:32 AM  
**Subject:** : RE: memo

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 09:12:32.00  
SUBJECT:: RE: memo  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Will do. Thanks.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, March 25, 2003 9:06 AM  
To: Douglass, Kimberly A.  
Subject: RE: memo

Yes, please ask Air lift Ops what they need and I will get it to them and you today. Thanks.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/25/2003 09:04:05 AM  
Record Type: Record

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

Thanks! I sure hope you have a copy of the memo because I can't seem to locate my original copy (although I will start a full-scale search if necessary.) Do you need me to find out from AirOps what wording needed to be clarified?

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Monday, March 24, 2003 6:28 PM  
To: Douglass, Kimberly A.  
Subject: RE: memo

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From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/24/2003 05:12:14 PM  
Record Type: Record

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

Yes, but AirOps needed a change to the language. I brought up a copy to you a while back but am pretty sure that I didn't get anything back. You

REV\_00112670

may have sent it to Cathy but it never made it to me.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Monday, March 24, 2003 4:37 PM  
To: Douglass, Kimberly A.  
Subject: Re: memo

I feel like I am in a time warp. Didn't we do this with Cathy?

From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/24/2003 04:27:41  
PM  
Record Type: Record

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

hi! Did you ever have a chance to update the First Lady airfare memo?  
AirOps is nudging me for it once again.

Thanks!

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>  
**Sent:** 3/25/2003 8:12:51 AM  
**Subject:** : Bloomington IL editorial

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 13:12:51.00  
SUBJECT:: Bloomington IL editorial  
TO:"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)"  
<Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Pantagraph Editorial  
Monday, March 24, 2003  
Stop abuse of filibuster to block court nominees  
When Senate traditions and self-proclaimed "institutional responsibilities" clash with the public interest and the intent of the U.S. Constitution, it should be clear that the Constitution should prevail.  
But apparently it's not clear to Senate Minority Leader Tom Daschle, D-S.D.  
Daschle shrugged off a request from President Bush for a change in Senate rules so filibusters could not be used to block judicial nominees. "I doubt very much that we'll ever permanently change the rules to deny the Senate its institutional responsibilities," Daschle said.  
What about the Senate's constitutional responsibilities?  
Among those responsibilities is providing "advice and consent" to the president on judicial appointments. Such appointments require only a simple majority. However, it takes 60 votes to break a filibuster -- thereby allowing a minority to thwart the will of a majority of the Senate as well as the president.  
Meanwhile, vacancies remain on the federal bench while a Senate minority makes its power play.  
It doesn't matter whether Republicans have done to Democratic presidents what the Democrats are doing to Republican Bush. What matters is whether the intent of the Constitution and democracy are being undermined through abuse of the filibuster. They are.  
A yes-no vote is being held up on Miguel Estrada, Bush's nominee for the U.S. Court of Appeals for the District of Columbia. Five other federal appellate court nominees also are being blocked from speedy consideration by Senate Democrats.  
Even if the Estrada case is resolved and a vote is eventually taken, Bush should continue to press for the Senate to abandon the use of the filibuster to block action on judicial nominees.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** G. Timothy Saunders/WHO/EOP [ WHO ] <G. Timothy Saunders>  
**Sent:** 3/25/2003 8:34:55 AM  
**Subject:** RECEIVED: FINAL EO

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 13:34:55.00  
SUBJECT:RECEIVED: FINAL EO  
TO:G. Timothy Saunders ( CN=G. Timothy Saunders/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

RETURN RECEIPT

Your Document:  
FINAL EO  
was successfully received by:  
CN=Brett M. Kavanaugh/OU=WHO/O=EOP  
at:  
03/25/2003 01:34:47 PM

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**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/25/2003 8:43:17 AM  
**Subject:** : RE: quick question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 13:43:17.00  
SUBJECT:: RE: quick question  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I find it ironic that the Senate staff were on the sidelines for so long  
and now they want to run the show.

Brett M. Kavanaugh  
03/25/2003 01:22:20 PM  
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP, Matthew E. Smith/WHO/EOP@EOP  
cc:  
Subject: RE: quick question

agenda for today  
----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
03/25/2003 01:26 PM -----

"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov>  
03/25/2003 01:21:01 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: quick question

Agenda

Inventory each groups role currently and in the future  
Discuss also what other groups not at the table can be expected to do  
What needs to be developed

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/25/2003 8:44:49 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 13:44:49.00  
SUBJECT:: Re:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

No- I'll stop by to talk about it

Jon

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ]  
**To:** Ziad S. Ojakli/WHO/EOP@Exchange@EOP [ WHO ] <Ziad S. Ojakli>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/25/2003 8:58:45 AM  
**Subject:** : Heather Wingate called with intell

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 13:58:45.00  
SUBJECT:: Heather Wingate called with intell  
TO:Ziad S. Ojakli ( CN=Ziad S. Ojakli/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

on a US Chamber event this am where Hatch spoke. The group was business leaders interested in class action but Heather said Hatch went on and on about the importance of judges and the current nomination crisis. Should Karl call him and thank him??

---

**From:** Douglass, Kimberly A.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/25/2003 9:04:05 AM  
**Subject:** RE: memo

Thanks! I sure hope you have a copy of the memo because I can't seem to locate my original copy (although I will start a full-scale search if necessary.) Do you need me to find out from AirOps what wording needed to be clarified?

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, March 24, 2003 6:28 PM  
**To:** Douglass, Kimberly A.  
**Subject:** RE: memo

Yes, think we did, but can do again.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/24/2003 05:12:14 PM  
Record Type: Record

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

Yes, but AirOps needed a change to the language. I brought up a copy to you a while back but am pretty sure that I didn't get anything back. You may have sent it to Cathy but it never made it to me.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, March 24, 2003 4:37 PM  
**To:** Douglass, Kimberly A.  
**Subject:** Re: memo

I feel like I am in a time warp. Didn't we do this with Cathy?

From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/24/2003 04:27:41 PM  
Record Type: Record

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

hi! Did you ever have a chance to update the First Lady airfare memo? AirOps is nudging me for it once again.

REV\_00112682

Thanks!

---

**From:** Kavanaugh, Brett M.  
**To:** <Douglass, Kimberly A.>  
**Sent:** 3/25/2003 9:06:11 AM  
**Subject:** RE: memo

Yes, please ask Air lift Ops what they need and I will get it to them and you today. Thanks.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/25/2003 09:04:05 AM

Record Type: Record

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

cc:

Subject: RE: memo

Thanks! I sure hope you have a copy of the memo because I can't seem to locate my original copy (although I will start a full-scale search if necessary.) Do you need me to find out from AirOps what wording needed to be clarified?

-----Original Message-----

**From:** Kavanaugh, Brett M.

**Sent:** Monday, March 24, 2003 6:28 PM

**To:** Douglass, Kimberly A.

**Subject:** RE: memo

Yes, think we did, but can do again.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/24/2003 05:12:14 PM

Record Type: Record

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

cc:

Subject: RE: memo

Yes, but AirOps needed a change to the language. I brought up a copy to you a while back but am pretty sure that I didn't get anything back. You may have sent it to Cathy but it never made it to me.

REV\_00112684

-----Original Message-----

**From:** Kavanaugh, Brett M.

**Sent:** Monday, March 24, 2003 4:37 PM

**To:** Douglass, Kimberly A.

**Subject:** Re: memo

I feel like I am in a time warp. Didn't we do this with Cathy?

From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/24/2003 04:27:41 PM

Record Type: Record

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

cc:

Subject: memo

hi! Did you ever have a chance to update the First Lady airfare memo? AirOps is nudging me for it once again.

Thanks!

REV\_00112685



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** G. Timothy Saunders/WHO/EOP [ WHO ] <G. Timothy Saunders>  
**Sent:** 3/25/2003 5:08:42 AM  
**Subject:** RECEIVED: FINAL RECOMMENDED EDITS FROM DAVE ADDINGTON TO CLASS. EO

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 10:08:42.00  
SUBJECT:RECEIVED: FINAL RECOMMENDED EDITS FROM DAVE ADDINGTON TO CLASS. EO  
TO:G. Timothy Saunders ( CN=G. Timothy Saunders/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

RETURN RECEIPT

Your Document:  
FINAL RECOMMENDED EDITS FROM DAVE ADDINGTON TO CLASS. EO  
was successfully received by:  
CN=Brett M. Kavanaugh/OU=WHO/O=EOP  
at:  
03/25/2003 10:06:12 AM

---

**From:** Douglass, Kimberly A.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/25/2003 9:12:30 AM  
**Subject:** RE: memo

Will do. Thanks.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, March 25, 2003 9:06 AM  
**To:** Douglass, Kimberly A.  
**Subject:** RE: memo

Yes, please ask Air lift Ops what they need and I will get it to them and you today. Thanks.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/25/2003 09:04:05 AM  
Record Type: Record

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

Thanks! I sure hope you have a copy of the memo because I can't seem to locate my original copy (although I will start a full-scale search if necessary.) Do you need me to find out from AirOps what wording needed to be clarified?

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, March 24, 2003 6:28 PM  
**To:** Douglass, Kimberly A.  
**Subject:** RE: memo

Yes, think we did, but can do again.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/24/2003 05:12:14 PM  
Record Type: Record

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

Yes, but AirOps needed a change to the language. I brought up a copy to you a while back but am pretty sure that I didn't get anything back. You may have sent it to Cathy but it never made it to me.

REV\_00112687

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, March 24, 2003 4:37 PM  
**To:** Douglass, Kimberly A.  
**Subject:** Re: memo

I feel like I am in a time warp. Didn't we do this with Cathy?

From: Kimberly A. Douglass/WHO/EOP@Exchange on 03/24/2003 04:27:41 PM  
Record Type: Record

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

hi! Did you ever have a chance to update the First Lady airfare memo? AirOps is nudging me for it once again.

Thanks!

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/25/2003 9:26:44 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 14:26:44.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Done and done. We have messages out with both offices.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, March 25, 2003 2:20 PM  
To: Nelson, Carolyn  
Subject:

reminder that he should call Sens. Cornyn and Sessions.

---

**From:** Leitch, David G.  
**To:** <Powell, Benjamin A.>  
**CC:** <Sampson, Kyle>;<Kavanaugh, Brett M.>  
**Sent:** 3/25/2003 9:57:31 AM  
**Subject:**

Worth further inquiry? Sure seems to be.

<http://www.usdoj.gov/usao/aln/Pages/usatty.html>

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**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/25/2003 6:00:22 AM  
**Subject:** : Cornyn plan is modeled after a Specter proposal

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 11:00:22.00  
SUBJECT:: Cornyn plan is modeled after a Specter proposal  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Do you know anything about his proposal? Apparently he did an oped in the Wash Times and perhaps there is language which I can get from his staff.  
Thanks.

to talk to the Saudis about this?

;;;;; MR. BOUCHER: I'm sure we'll be in touch with the Saudis. We always are, anyway.

;;;;; Q Can you say from the podium that the Saudis are allowing the U.S. Air Force to fly missions from Prince Sultan Air Base?

;;;;; MR. BOUCHER: I have not described from the podium what individual governments might be doing to support this effort, unless I've seen the governments themselves talk about it. And so I'm not saying from the podium what any particular country in the Middle East or in the rest of the world is doing. That -- we've always left -- for the last months, we've left that to the countries themselves to talk about.

;;;;; Steve?

;;;;; Q On the oil-for-food program resolution, what's the state of play on that? You said it was urgent. What's your hope or expectation about when that -- whatever issues that remain to be resolved can be resolved?

;;;;; MR. BOUCHER: The discussions have continued in New York. There's another set of meetings today in New York. And we hope to reach agreement with other council members soon. I would note the secretary-general has asked for a resolution to ensure the program continues. And we consider this a matter of priority.

;;;;; Q Is there anything more you can say, Richard, about what's causing the delay in reaching agreement?

;;;;; MR. BOUCHER: I don't think I can at this point.

;;;;; Experts worked over the weekend on the text. They're continuing to work yesterday and today. And as I said, we hope to resolve this soon.

;;;;; Yeah?

;;;;; Q Follow-up on that. Was Dr. Rice's visit to Secretary- General Annan related to oil-for-food?

;;;;; MR. BOUCHER: I think it's related to the overall issues of cooperation with the United Nations. Certainly, oil-for-food and the resolution is one of our priorities right now, as well as one priority of the secretary-general. The secretary of State's talked to the secretary-general already twice today to talk about oil-for-food and a few other matters, including, I think, North Korea and Sudan. So certainly, oil-for-food is the principal subject of discussion right now between us and members of the Security Council, as well as between us and the secretary-general.

;;;;; Q Richard, can you just say -- I don't know if you've said it already, but what is our time frame for how long Kofi Annan would be the trustee of the oil-for-food program under this resolution?

;;;;; MR. BOUCHER: I don't know that there's any specific time frame at this point.

;;;;; Q What about the reaction of the --

;;;;; MR. BOUCHER: Let's slow down.

;;;;; Q Okay. Can you give us any indication of whether or not this would be something that would be ad infinitum or would eventually stop or, you know, how would we know when the Iraqis would --

;;;;; MR. BOUCHER: Well, I mean, I can't give you a time frame, but you have to understand that the conceptual framework for this is that there are goods that are flowing now, there are things in the pipeline, things

that need to be bought, money that's available. Somebody needs to be able to come forward and say, "Okay, this is what they need now. This ought to go here. This is a higher priority than something else and this is how we should spend the money right now."

;;;;; Then the second stage is to ensure the continuation of this program through whatever transition period is required as we move from military conflict to civilian rule to an Iraqi interim administration. The goal would be for the Iraqis themselves to take over this program, and frankly, eventually for Iraq to become a normal place where you don't need a program like this to ensure that people are fed; to have a regime that's not going to misuse the resources of Iraq in the ways that we've seen in the past -- that would just run an economy and have people fed.

;;;;; So, the conceptual framework is that the secretary-general is needed for the immediate and perhaps transitional period, but that as soon as possible, would want to get Iraqis involved in running the program and eventually in running an economy that doesn't require the program.

;;;;; Q Have you provided a benchmark for the United Nations Security Council as to when the Iraqis would be in full control?

;;;;; MR. BOUCHER: I don't know that there's any particular time frames involved in the discussion at this point.

;;;;; Q Would the -- can I --

;;;;; Q A follow-up on that.

;;;;; MR. BOUCHER: We've had some people waiting.

;;;;; Q Everything's a follow-up.

;;;;; MR. BOUCHER: Everything's a follow-up.

;;;;; Q (Off mike) --

;;;;; MR. BOUCHER: Stop.

;;;;; Betsy?

;;;;; Q Richard, the State Department will be in charge of the civil administration of Baghdad once it enters this period where Saddam Hussein is out. Can you say what the goals are; what the planning is that's going on now about that; how it will be structured; what you will try to achieve in that interim period?

;;;;; MR. BOUCHER: I don't think I can do the full detail for you now; but yes, we have worked with others, including former General Garner at the Pentagon, we've contributed to his team, on people who can go in and help the Iraqis with civil administration of the country after the immediate military conflict. And the goal is to move from military circumstances, the state of affairs, to one where there's a civil administration. The goal of that is, A, to keep the central services running for the Iraqi people so that they can have an organized system of electricity and water and food distribution and, you know, roads and, you know, get the repair and reconstruction and rehabilitation work up and under way as soon as possible, but also to work with Iraqis so that they can take over more and more functions themselves. So the real goal of that team is to put themselves out of business, is to give -- is to put Iraqis in charge and to move towards an interim Iraqi administration that can run the affairs of Iraq after the conflict is over.

;;;;; Q Can you say whether you will be doing things like reorganizing their government? There are 23 ministries now.

;;;;; MR. BOUCHER: I don't think I can say at that level of detail at this point.



;;;;; Q Does this tie in with the Blair visit -- (inaudible) -- secretary be on the subject of postwar Iraq? I'm trying to -- you know, I'm trying to see if the Rice visit, talks with the British, points Betsy's covering here; is there anything new from the French on this? I mean, you seem to be ready to move on a postwar plan.

;;;;; MR. BOUCHER: Blair is prime minister of Britain.

;;;;; Q I know he is. And he and you are partners in this. But I don't think --

;;;;; MR. BOUCHER: I don't think we're waiting for something from the French on this.

;;;;; Q No, but the French don't like --

;;;;; MR. BOUCHER: Oh, okay.

;;;;; Q I mean, you're not surprised that the French don't like what you're doing, are you? I'm wondering if you've heard from the French yet or you're just going to go ahead and -- you know.

;;;;; MR. BOUCHER: I'm not going to try to brief on the -- I'm not even going to announce the visit.

;;;;; Has it been announced?

;;;;; STAFF (?): Yeah. (Cross talk.)

;;;;; MR. BOUCHER: Yeah. Okay. Sorry. Just want to be careful.

;;;;; I'm not going to try to brief on the visit the White House has announced of Prime Minister Blair. But as you know, we discuss the full scope of issues with our ally and coalition partner the British. I'm sure the secretary has talked and will continue to talk to Foreign Secretary Straw about all these matters. He talks to him at least once a day, often many times more than that.

;;;;; And yes, we are working closely with the British when it comes to the U.N. resolution on oil-for-food, when it comes for pursuit of the military operations now, when it comes to the humanitarian assistance. One of the first and, I think, most immediate elements of humanitarian assistance, as soon as the port is de-mined at Umm Qasr, will be the arrival of a British ship that's already there, laden with humanitarian supplies. And that's one of the most important and coordinated efforts at humanitarian assistance.

;;;;; And we also talk to them about the longer-term issues and how we manage the whole transition back to Iraqis being in charge of their country and being responsible for their country in a way that doesn't persecute their people or threaten their neighbors. So all those things are likely to be discussed with the British any time we get together.

;;;;; Q What about -- just to follow up on the food -- oil-for-food, what about the objection of the Iraqi ambassador, saying this is violating the Charter of the U.N.? Are you now in a position of just you withdraw recognition of the Iraqi government? What --

;;;;; MR. BOUCHER: I think if you look back at the history of this, there have been occasional, I guess, periodic reluctant acceptance of the program by the Iraqis, and some modicum of cooperation along the way. But I'm sure you can find the Iraqis on the record as ranting and raving about this program right from the start, because it was a program that we and others designed to help the Iraqi people and to keep the Iraqi government from stealing all the money that Iraq's natural resources produced and spending it on weapons, spending it on palaces, spending it on luxuries for the regime.

;;;;; So unfortunately, the regime has always objected to this program, even though we've seen their reluctant cooperation when it was renewed, and the submission of contracts and things like that as the program went on. But this kind of rhetoric has been around for a long time from them.

;;;;; Betsy?

;;;;; Q Richard, can you say how long you all envision this interim period to be?

;;;;; MR. BOUCHER: I can't give you time frames at this point, no.

;;;;; Q And can you say who the secretary's talked to today besides -- (inaudible)?

;;;;; MR. BOUCHER: He's talked to President Musharraf.

;;;;; He's talked to Foreign Secretary Straw twice today. And yesterday he talked to -- I think I said Foreign Minister Sinha of India. He also talked to Foreign Minister Ivanov during the afternoon.

;;;;; Yeah. Okay. I have Nicholas waiting to --

;;;;; Q Richard, I asked -- I guess I've been asking since Friday, can you give us any more response on the -- Annan's comments regarding the fact that the U.N. weapons inspectors regime has, in fact, only been suspended, and that he would envision they'll be sent back to Iraq once hostilities stop. Is this something --

;;;;; MR. BOUCHER: I answered the question Friday, I answered the question Monday, I'm not going to answer it again. I'll stick by my answers twice already.

;;;;; Nicholas?

;;;;; Q Yeah, Richard, you said that you were discussing with the British all the aspects of reconstruction. But are there any British members of that civilian team that's helping or will be helping the Iraqi people? And I understand there are former American diplomats engaged in that --

;;;;; MR. BOUCHER: I'm -- we're not in a position to talk about the whole group at this point. We've been putting this together, been looking at how we help this transition from military rule to civilian to Iraqi rule. And i don't think the whole pattern is complete yet. But we'll talk about that when the time comes.

;;;;; Q Richard, Betsy in her first question said the State Department is in charge of running the -- will be in charge of running of administration, and you didn't seem to object to that. Is that a fair statement?

;;;;; MR. BOUCHER: I didn't seem to confirm it. I'm not actually sure how we would describe who's in charge. I'll see if I can't --

;;;;; Q Well, we'll quote Betsy. (Laughter.)

;;;;; MR. BOUCHER: I'll quote Betsy. That's right.

;;;;; Q Do you have any -- (off mike) -- for this building would be involved?

;;;;; MR. BOUCHER: Again, don't have details for you yet. How -- the final shape of all this somewhat depends on how events unfold.

;;;;; Q And is it -- I'm sorry. If someone else wants to ask about the --

;;;;; MR. BOUCHER: No, I'm just not in a position to give you any more

detail at this point --

;;;;; Q Okay. Well, will you be looking at -- well, is there -- has there been any consideration of looking outside the department to, you know, local -- you know, current civic and civil administrators in towns and cities around the country that needs their expertise, or do you guys have that kind of expertise in the department now?

;;;;; MR. BOUCHER: I don't want to limit it to the one or the other. I'm sure we'll draw on expertise from wherever it can be useful.

;;;;; Okay.

;;;;; Q Richard, on Mexico, there are some press reports quoting a State Department official saying that -- it was a quote to the Mexican government asking them to fire its ambassador of the United Nations because his comments on the war in Iraq. I wonder if it is true or is not true this story --

;;;;; MR. BOUCHER: I have not seen anything like that.

;;;;; Q Are you guys happy with the position of Mexico in the U.N. and its ambassador?

;;;;; MR. BOUCHER: We don't -- I think -- first of all, we don't comment on other people's ambassadors. They have to be happy with them. If they're happy with them, then that's the ambassador.

;;;;; It's not a matter -- the U.S. government doesn't decide who other people appoint to positions like this.

;;;;; As far as the position of the government of Mexico, we've worked with Mexico throughout this effort, we have continued to cooperate with Mexico and we look forward to cooperate with Mexico in the Security Council.

;;;;; Terri?

;;;;; Q Yesterday Secretary Powell said that he had gotten new information on the transfer of Russian items to the Iraqi military. And I'm just wondering if you can share with us -- if he's already transferred that information to Ivanov, if you can talk about that a little bit more, and also -- well, you can answer that first.

;;;;; MR. BOUCHER: All right. The situation with regard to Russia and the items that they sold to Iraq is that, as you know, we've raised this over a long period of time, and particularly in the last couple weeks, with the Russians. The president spoke yesterday with President Putin, the secretary spoke yesterday with Foreign Minister Ivanov about this. The -- we have been providing information to the Russian government. We've continued to provide and, yes, we have provided them with additional information since yesterday's discussion. But we have felt all along the information we provided would have been sufficient for them to run this down and to give us a response, and we're hoping now to get a more thorough response from the Russian government, since Foreign Minister Ivanov did promise to us that he would look into it.

;;;;; Q Some questions have come up on this. One is whether Belarus, not Russia, shipped some of the equipment. Can you --

;;;;; MR. BOUCHER: I'm not in any more position today to go into the details of the transactions, except to say that we have had information on this that is very credible and is very solid.

;;;;; Q I mean, credible that Russian firms --

;;;;; Q I have a follow-up --

;;;;; Q Wait a minute. Credible that Russian firms did it? I'm sorry.

;;;;; MR. BOUCHER: Credible that Russian firms have provided this equipment.

;;;;; Q Okay. How about the notion that some of the jammers weren't put on the prescribed list until December? Is your information that the material or the equipment was shipped before or after December? Because that would make a difference.

;;;;; MR. BOUCHER: Again, I'm not in a position to go into any details of the transactions, but no, I don't have anything on the jammers themselves.

;;;;; Q And the goggles are prescribed.

;;;;; MR. BOUCHER: The goggles are on the U.N. oil-for-food goods review list, yeah.

;;;;; Q Thank you.

;;;;; Q The Russian government has answered you every time -- well, I don't know about every time, but at least several times when you've passed along some of this specific information on the companies, the Russian government has in fact told you they've looked into it, and come back and said, "We don't think the companies are making enough of these items" or other things like that. So isn't it a little bit strange that at this point they'd be saying they don't have enough information, since they actually did process what you've given them before and in some ways rejected it as -- sufficient?

;;;;; MR. BOUCHER: We've continued to provide with them information, and we look for a more complete response than we've gotten in the past. (Inaudible) -- that.

;;;;; Q (Off mike) -- the other day. Have you gotten any satisfaction from them since the conversations yesterday? Have they said that they will try to stop the --

;;;;; MR. BOUCHER: The conversation yesterday was -- Foreign Minister Ivanov said, "We will look into this." Secretary Powell said, "We've proved you a lot of information, and we will provide more." We've now provided them with more, and we expect them to look into us and get back to us with more complete answers.

;;;;; Q Would that indicate the foreign minister hasn't looked into it before himself?

;;;;; MR. BOUCHER: I wouldn't speculate on that. You can ask him to what extent he's looked into it personally.

;;;;; We -- on something else, or --

;;;;; Q On this.

;;;;; Q Something else.

;;;;; MR. BOUCHER: Okay.

;;;;; Q On this, just very quickly, we're still -- I just want to make sure -- we're only talking about prior or previous shipments. There's no concern -- is there any concern from the U.S. right now that these companies would continue to ship these types of items now that the hostilities have started?

;;;;; MR. BOUCHER: As I said yesterday, we would want the Russian government to prevent any possible future sales, to interdict any possible sales that might be in process. I can't tell you whether there are or are not such sales, but we have asked them to interdict any such sales and to

provide information on the ones that have occurred.

;;;;; Q Can you say how the equipment is getting there? I mean, have they --

;;;;; MR. BOUCHER: No. Couldn't yesterday, can't today.

;;;;; Q Well, are they abusing the humanitarian program?

;;;;; MR. BOUCHER: I couldn't yesterday. I can't today.

;;;;; Yeah?

;;;;; Q Any contacts with the Syrians on the bus incident? (Off mike.)

;;;;; Q (Off mike.)

;;;;; MR. BOUCHER: I don't have anything on that anyway. I'll have to look into it, if I can.

;;;;; Okay. Are we on Russia still?

;;;;; Q (Off mike.)

;;;;; Q It's Russia.

;;;;; MR. BOUCHER: Betsy?

;;;;; Q This morning in the military briefing, the military briefer was asked about these jammers, and the briefer said that six jammers had been hit by forces. Does that mean that that problem is taken care of?

;;;;; MR. BOUCHER: That's a question you can ask the military briefer. If he wants to say yes, he can say yes. If he wants to say no, he can say no. If he wants to say maybe, he can say maybe. But it's not mine to answer.

;;;;; Terri?

;;;;; Q Did the subject of the Russian team believed to be in Baghdad come up in the secretary's phone call? Is there any indication that team has left --

;;;;; MR. BOUCHER: Again, I'm not in a position to go into any detail on the information we may or may not have.

;;;;; Q Is there any indication they've left Baghdad now?

;;;;; MR. BOUCHER: I'm not -- wasn't in a position yesterday to answer that question, not in position today.

;;;;; Q On the Blair visit, will the Mideast road map be on that -- in the discussion? And can we expect anything, you know, publicly stated to indicate that, you know, progress is being made or movement toward publishing --

;;;;; MR. BOUCHER: On the road map, I'm sure it will be a matter of discussion. It's an important issue for the United States. It's been an important issue for Britain. It's been an important issue for the other partners that we have in the Quartet.

;;;;; We've made quite clear we expect publication and release of the road map to the parties upon -- immediately upon confirmation of the Palestinian prime minister.

;;;;; That process of his forming a government and getting approved is underway. At this point, I don't have any new estimate of when that might take place, but that remains our commitment and our goal. And that's the issue that we're watching, to see when it's time to put it out in public.

;;;;; Q Our own U.S. ambassador to Canada had some harsh things to say about Canada's position on the war. Was he operating, can you say, on general instructions? Was it something he was ordered to do? Can you give any background --

;;;;; MR. BOUCHER: I don't know. I didn't see any remarks that I -- I haven't checked.

;;;;; Q Oh, I see. Okay.

;;;;; MR. BOUCHER: Yep.

;;;;; Sir?

;;;;; Q You said about the formation of the new government in Palestine -- I mean, I thought it is -- it was -- first, you said that appointment of the prime minister --

;;;;; MR. BOUCHER: No, he said upon confirmation of the prime minister. The prime minister gets confirmed with his government by the legislature. It's a term of normal use in that regard.

;;;;; Sir?

;;;;; Q Yes, on Sunday's TV talk show, Secretary Rumsfeld said that the northern Iraqis under the U.S. and the allies protection, according to Geneva Convention. And if I'm correct, in this area, 5,000 PKK terrorists and guerrillas also based in this area. Are they under the -- according to Geneva Convention, are they under the U.S. protections and --

;;;;; MR. BOUCHER: That's a distortion of two or three different things and it's a wrong conclusion. Sorry.

;;;;; Q What do you think of the (French ?)? (Laughter.)

;;;;; Q Richard, back in the U.N., have you guys begun talking with the U.N. about removing the current team from -- that represents Iraq?

;;;;; MR. BOUCHER: I'm not aware of any change at this point at the United Nations.

;;;;; Q Well, I know there's not been a change. But have you begun those discussions now?

;;;;; MR. BOUCHER: Again, I'm not aware of anything new in that regard.

;;;;; Q All right. And Fu (ph) asked about Syria. How about the other -- the Iran question? Has there been any movement on that, or is it still --

;;;;; MR. BOUCHER: Nothing new since the messages we exchanged over the weekend.

;;;;; Q Thank you.

;;;;; MR. BOUCHER: There is -- well, let me just -- hang on. Phil reminds me of one thing, and that is -- it's not new, but it's a reminder that there have been reports that the Iranians have said that it was an Iraqi missile that hit close to the Iranian town of Sardasht (ph). The origin of the other missile that hit the oil refinery has not yet been determined. So, as far as our own investigation, that continues. There hasn't been any new exchanges of messages. But we do note these press reports indicate an Iraqi missile may have been at least one of the hits.

;;;;; Q Okay. And one last one. Do you have any reason to believe that France may have been trying to hold up a vote in the U.N., or hold up the U.N. process on the new -- on what's called the second resolution, in order to give Saddam Hussein more time -- or time to disperse Republican

Guard forces throughout the country?

;;;;; MR. BOUCHER: I haven't made any allegations like that --

;;;;; Q I know you haven't.

;;;;; MR. BOUCHER: -- and I'm not about to start now.

;;;;; Q Well, others have. And I'm just wondering if you have -- no?

;;;;; MR. BOUCHER: We have not made such allegations.

;;;;; Q Thank you.

END.

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**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 3/25/2003 10:36:17 AM  
**Subject:** : TRANSCRIPT - State Department (Boucher) Briefing 03/25/03

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STATE DEPARTMENT REGULAR BRIEFING  
BRIEFER: RICHARD BOUCHER, DEPARTMENT SPOKESMAN

STATE DEPARTMENT BRIEFING ROOM, WASHINGTON, D.C.  
12:52 P.M. EST, TUESDAY, MARCH 25, 2003

;

MR. BOUCHER: Okay, good afternoon, ladies and gentlemen. If I can, I'd like to make a few comments at the top about the humanitarian situation and try to put in context the announcement today of a supplemental funding request that the president talked about when he was just over at the Pentagon.

;;;;; The situation as it stands now is that there is a massive humanitarian and reconstruction operation, including U.S. government and multilateral assistance for the Iraqi people, that's ready to begin as soon as the Port of Umm Qasr can be opened. We have prepositioned and made preparations in a number of ways. We've provided \$109 million worth of -- \$109 million for international agencies to use to prepare to take care of the Iraqi people. That's up \$4 million from the figure I had the other day with a new grant that's been given to CARE -- the organization CARE. It also includes \$60 million to the World Food Program, which has 130,000 tons of food ready. We're providing 610,000 metric tons of food worth \$300 million from the United States. Already 132,000 tons of that food is prepositioned in the region.

;;;;; We're working at the United Nations to pass, on an urgent basis, a resolution to authorize the secretary-general to take the steps necessary to sustain the oil-for-food program, which feeds most of the Iraqi people, and which also has food and supplies in the pipeline for delivery as soon as the secretary-general has the authority and that that can be done safely.

;;;;; In addition, I would say relief has already begun. Coalition forces have 3 million rations for distribution to local populations, and I think you've seen on television some of the pictures of them distributing that. We're sending a very large disaster assistance team to the region; 47 of those experts out of 62 are already in the region. The International Red Cross is working to repair the water system at Basra. I think the reports are the same as yesterday; they've got 40 percent of the water supply back on. But the security situation there is also hampering their efforts to restore water to the city. There's a major British humanitarian shipment to Umm Qasr that's ready to be delivered as soon as the waterways have been demined. Yesterday, the U.S. Agency for International Development awarded a contract for reconstruction and management of the Umm Qasr port. The contractor is already moving experts to the region to begin organizing for the services. And U.N. agencies are prepared, when the security situation permits, to move and distribute prepositioned humanitarian supplies through this port.



;;;;; Now, as the president announced today, we're making a huge supplemental budget request to take care of the needs of the Iraqi people. The total amount in this request for relief and reconstruction is about \$3.5 billion. Two-point-four billion (dollars) is foreign assistance, focused on the needs of the Iraqi people; that is, to help them with food, with housing, with security, with electricity, water, health care, education and with rebuilding of roads and bridges.

;;;;; There are additional amounts in this request in the Defense Department accounts, principally for things like repair of oil fields so that those assets, those national resources can be used for the Iraqi people.

;;;;; In addition, about \$5 billion in the supplemental will help coalition partners and those affected by the conflict. About \$4 billion of this is destined for Jordan, Turkey, Israel, Bahrain, Oman and key central and eastern European allies. There's another \$770 million that's urgently needed to support ongoing efforts in the war on terrorism, including money for Afghanistan, the Philippines, Pakistan and Colombia. And I'd also note the request includes \$187 million to support expanded State Department operations. Of that amount we are budgeting \$35.8 million for a U.S. embassy in Baghdad to represent the people of the United States to the free people of Iraq -- \$35.8 million for our future embassy, including various security measures that will need to be taken.

;;;;; So that's the overall view of things. I'd be glad to take your questions on that or other matters. Betsy?

;;;;; Q Was your -- was your embassy protected in Baghdad by a protecting power, or has the building passed in Iraqi government hands?

;;;;; MR. BOUCHER: I actually don't know the current status of the building. I'll have to check on that.

;;;;; Yeah.

;;;;; Q Richard, on that, according to the documents released at the White House, a billion dollars is earmarked for Turkey, a portion of which could be used to support loan guarantees of up to \$8.5 billion. Is it the U.S. government's intention to give that money to Turkey despite the absence of cooperation so far?

;;;;; MR. BOUCHER: The United States recognizes that Turkey has some needs regardless of the level of their cooperation. The larger package that was under discussion, the \$6 billion plus however it was worked into loan guarantees, the larger package that was under discussion was based on involvement and cooperation, and therefore is not in this request. The administration thought it was prudent to put aside some money to help our ally and friend Turkey deal with whatever economic consequences might arise.

;;;;; At this point, this is a -- I'd say it's a request, not a commitment at this stage. We're continuing to work with the Turkish government on the types of circumstances and the circumstances that might lead us to be in a position to make this assistance available to Turkey. And of course, we're always concerned about the need to support economic reform in Turkey, and therefore, it would be conditioned on the kind of strong economic policies we've always looked for. We thought it prudent and appropriate to put aside some money because the needs of our allies may -- that may arise for our ally in this conflict.

;;;;; Q To follow up on that, if I may, when you say "put aside" and you talk about the circumstances under which you might be able to proceed, I guess, with this, and you then stressed economic reform, would it be fair to say that this money going forward is contingent on economic reforms by them, or is it also, perhaps, contingent on other forms -- on cooperation in the war?

;;;;; MR. BOUCHER: I think it's money to help Turkey for needs that might arise, economic consequences of the conflict even though Turkey is not participating to the full extent that we had discussed. It's also money that would be used if -- as we discussed this with Turkey, that would be used based on sound economic policies and continued performance on Turkey's international financial institution programs.

;;;;; So the goal of the money is to help Turkey with the economic consequences that might arise regardless of its level of cooperation. Determining what those economic consequences might be would be the first step. The second step would be to say: But the money can only be effective if it's based on continuation of sound economic policy. That's been true, I think, of almost any package we've discussed with Turkey.

;;;;; Q But it shouldn't be seen as a bargaining chip in the ongoing negotiations conducted by Mr. Khalilzad and others regarding Turkey possibly going into northern Iraq?

;;;;; MR. BOUCHER: I wouldn't see it that way, no.

;;;;; Q Richard, is --

;;;;; MR. BOUCHER: Sir?

;;;;; Q Shall we say that -- (off mike) -- credit, right, is your request? As a credit or the credit guarantee?

;;;;; MR. BOUCHER: Well, the way our budget works -- it's \$1 billion of money -- it's a grant amount, a fixed grant amount, of \$1 billion that can then be used to back a larger loan for Turkey. So the multiplier depends on the interest rates and how much of a loan -- if Turkey decided -- if we decided economic consequences arose and we need to help Turkey out, then this \$1 billion of cash -- of grant could then be used to support loans of a much greater portion, much greater amount, and we would discuss with Turkey what kind of mix there would be in that.

;;;;; Q But with this money, you don't have any credit guarantees or something like that?

;;;;; MR. BOUCHER: Not other than this money, but this money could become a larger loan -- much larger loan facility, because, as you know, a certain amount of grant money can support loans of a much greater amount.

;;;;; Q (Off mike) -- several news agencies, they report that's \$8- 1/2 billion. Is this some kind of credit guarantees? Is the U.S. --

;;;;; MR. BOUCHER: It would depend on the mix that was worked out in terms of how much of the \$1 billion was turned into loans.

;;;;; Q Could it get that high? I mean, this is --

;;;;; MR. BOUCHER: I'm not going to do the math off my head right now, but yes.

;;;;; Q Well, at least you know if this is --

;;;;; MR. BOUCHER: Yeah, the general rule of thumb is that you can eight to 10 billion (dollars) in loans for a billion dollars with grants.

;;;;; Q Right. Yeah, and the multiplier is better if it's the preferred government rate, but what the government can get. Is that --

;;;;; MR. BOUCHER: I'm not going to try to do the math right here right now.

;;;;; Q No, I'm not asking you to do the math. I'm asking what the principle is --

;;;;; MR. BOUCHER: Let me see if in the details if -- yeah, actually, the estimate here is the legislative language that we provided would authorize up to 8.5 billion (dollars) in loan guarantees through this fund.

;;;;; Q Richard, can I just -- included in this, there's obviously a breakdown for the other countries that you mentioned, as well, particularly Jordan, Israel, I guess Oman are some of the countries you named. Is any of that money also contingent on the same -- obviously, it's all contingent on congressional approval, but is any of the money that's earmarked for the other countries subject to the same conditions as the money that Turkey is --

;;;;; (Pause.)

;;;;; MR. BOUCHER: There are -- each country is different, and the mix and the way each country is handled is different. Some of the countries, it's foreign military financing for military sales. Some places, it's economic support funds. Some places, there would be loan guarantees in addition. So there's a lot of different -- each country is particular to the situation of that country.

;;;;; Q Okay. But this is ESF for Turkey.

;;;;; MR. BOUCHER: Yeah.

;;;;; Q Okay. And the ESF money that goes to the other countries, that is not conditioned on the same kinds of things that the Turkish money is, correct?

;;;;; MR. BOUCHER: As I said, each country is different. Some places have IMF programs, some don't. They're different things.

;;;;; Q So the answer would -- I mean, is there no answer to the question, then?

;;;;; MR. BOUCHER: The answer is that not conditioned on the same thing as Turkey, true, because each country is different. Perhaps involving other conditions and factors that need to be taken into account, that depends on the country.

;;;;; Q Richard, what about the \$10 billion for Israel?

;;;;; MR. BOUCHER: For Israel, the amounts are \$1 billion in foreign military financing and separate loan guarantees of \$9 billion. And the conditions on those are still under discussion.

;;;;; Q Could you give us a printout of the breakdown after the briefing?

;;;;; MR. BOUCHER: It may not be right after the briefing. These amounts are accurate -- (chuckling) -- I'm not sure I can do all the totals quite yet.

;;;;; Q You mean that the \$10 billion is beside the \$4 billion there, which Israel sharing with other?

;;;;; MR. BOUCHER: This is a supplemental request for needs that arise because of the conflict.

;;;;; So --

;;;;; Q What is the need of Israel? It's not involved in the conflict, is it?

;;;;; MR. BOUCHER: Do you want to slow down?

;;;;; Q Yeah.

;;;;; MR. BOUCHER: Okay. My turn?

;;;;; In Israel, we see that Israel has had to take a number of military and defense -- military and civilian defensive steps, and so we're trying to help improve the readiness of defensive capabilities and systems for the Israelis. And then there's up to \$9 billion in loan guarantees for Israel over a three-year period where, as I said, the conditions are still under discussion.

;;;;; Q But what's the percentage in the \$4 billion for Israel?

;;;;; Q (Off mike.)

;;;;; MR. BOUCHER: What? What's the --

;;;;; Q He's asking --

;;;;; MR. BOUCHER: The percentage of the \$4 billion?

;;;;; Q Yeah, for Israel.

;;;;; MR. BOUCHER: It's about -- of that amount, about \$1 billion are for Israel, about \$1 billion is for Turkey. Jordan -- it comes slightly over \$1 billion. And then others kind of adds up.

;;;;; Q Can I ask about the embassy again? Are you --

;;;;; MR. BOUCHER: I can't remember what the -- go ahead.

;;;;; Q Well, you said you \$38 million for the new embassy in Baghdad.

;;;;; MR. BOUCHER: Yeah.

;;;;; Q Is -- have you -- are you planning on moving in to the site of the old? Or is it just --

;;;;; MR. BOUCHER: I was just asked that question, and I said I regretted, but I don't know the condition of our old embassy.

;;;;; Q Oh, exactly. But that's not --

;;;;; MR. BOUCHER: This is money that's being -- sorry?

;;;;; Q I mean, does this include purchase of a new -- of new property, or do you just not know? I wasn't asking you about the condition of the old embassy.

;;;;; MR. BOUCHER: You're talking about Baghdad? Yeah, I just don't know. I just don't know. And I'm looking through all my extensive information, but I think it's better if I look through later and see if it's a good answer.

;;;;; Q Richard, for the \$1 billion for Israel, is one of the reasons why Israel seems to be a country that's getting a larger share of the foreign aid is because you suspect that there is a -- I mean, you were saying it was because of preparedness. But are you concerned that there could be a strike on Israel as a result of conflict or -- is that part of the justification?

;;;;; MR. BOUCHER: I think we're all concerned about people in the neighborhood being able to protect themselves. I think the United States is trying to help different countries in the neighborhood, either defensively or with regard to the economic consequences. As I said, in each country it's somewhat different. But we know that countries in the region have had to take defensive measures for both military and civilian purposes. And so, to the extent we can, we're trying to help people out with that. As you know, there have been other steps. In some places there have been direct steps taken for defense. NATO has deployed some equipment, for example, to help with Turkish defense.

;;;;; Steve?

;;;;; Q Richard, the billion for Israel you referred to a moment ago as "financing". Does that mean that it's also in the form of a loan, or is it a grant that then finances --

;;;;; MR. BOUCHER: No, that's -- that's what's called foreign military finance. It's a particular category of U.S. assistance that -- it's a -- it's military aid, basically.

;;;;; Q It's a -- it's a direct grant. Yeah.

;;;;; MR. BOUCHER: It's direct aid, yeah.

;;;;; Q Can you be any more specific about what kind of military aid you're talking about?

;;;;; MR. BOUCHER: No, not at this point.

;;;;; Q Can I just make sure on the Turkey thing, that original package -- this is getting redundant, but -- this is apart from that package that was being prepared, which is on a shelf, finished, tied up in a cabinet, locked, over with, right?

;;;;; MR. BOUCHER: (Laughs.) Off the table, in a cabinet, on the shelf, locked. (Laughs.)

;;;;; Q Because then Turkey stood to get -- I mean -- more money than there is in the world, probably if they --

;;;;; MR. BOUCHER: Well --

;;;;; Q I mean, with this amount and that amount, that would have been extraordinary. Right? I mean, this is just --

;;;;; MR. BOUCHER: But that's not what's happening.

;;;;; Q This sits by -- this exists on its own.

;;;;; MR. BOUCHER: Yeah.

;;;;; Q Okay.

;;;;; Q Richard, have you -- you have told the countries who are getting this -- you have -- you've informed these countries that this is what the -- what's in the supplemental or not yet.

;;;;; MR. BOUCHER: Yes.

;;;;; Q You have.

;;;;; MR. BOUCHER: I think.

;;;;; Q And have you --

;;;;; MR. BOUCHER: I can't vouch that we've told every single one of them, but --

;;;;; Q Okay. But, do you know --

;;;;; MR. BOUCHER: -- as you remember, there's -- we were being asked questions last week about the announcement, about the amounts for some country, and we were -- we were declining to answer at that point because we hadn't submitted the request.

;;;;; Q Yes. I know. Lots. I specifically want to know about Turkey. Are you aware if you told the Turks yet now?

;;;;; MR. BOUCHER: I'm virtually certain we have. I'll double-check on when that was.

;;;;; Q Okay. You have. And have you also told them that -- of the problems that you anticipate facing in -- up on the Hill because of their reluctance to participate fully --

;;;;; MR. BOUCHER: I -- I'm sure that they as well as we do understand the needs of Congress to understand the needs of Turkey, and we will help them in that regard.

;;;;; Q Well, I guess what I'm getting at is, have you warned the Turks that they shouldn't expect to get all this money, that it is, in fact, a request and it's not --

;;;;; MR. BOUCHER: (Laughs.) I -- as I said, we're all quite clear on what this is. This is a request for money from the Congress. And we will work, all of us, to support the president's request. We think it's been carefully studied, that it's necessary, and I'm sure we'll all go up to the Hill to try to support the president on this one.

;;;;; Q But that means that when you go up to the Hill you are going to be definitely asking them, the law makers, to give Turkey this -- this billion dollars.

;;;;; MR. BOUCHER: We're going to ask them to fund the president's supplemental funding request, yes. Including this.

;;;;; Yeah.

;;;;; Q Richard?

;;;;; MR. BOUCHER: Terri?

;;;;; Q Can I change the subject?

;;;;; Q Can I just -- have one question on Israel?

;;;;; MR. BOUCHER: Eli?

;;;;; Q I realize that you don't want to get into the specifics of the one billion and what it would be used for, but could you -- would you at least say that because you are saying that this is money for simple military preparedness that the money, that the -- that there are restrictions, that this would go to things like, say, missile defense or things of this nature? Or is it just -- I mean -- or could they use this money for, say, tanks, or -- I don't know?

;;;;; MR. BOUCHER: We discuss these things very carefully with each of the recipients, and so we do know what the money goes to. I'm just not, at this stage of the process -- we don't even have the money. We're not spending it yet. We're not writing any checks. We're not writing any contracts yet. I'm not prepared at this point to try to define in that level of detail exactly what it's going to buy.

;;;;; Q Well, not necessarily at the level of detail, but, I mean, can you say that there are certain -- there are going to be certain restrictions in terms of the military, of what they can spend, or are there even going to be any restrictions?

;;;;; MR. BOUCHER: I think we might be able to give you some examples later. I'll see if I can.

;;;;; Okay. Terri?

;;;;; Q Saudi Arabia says it submitted a peace proposal to both the U.S. and Iraq. Can you confirm that you have received this, whether you've

received this and if you're thinking about it, and perhaps some reaction to it?

;;;;; MR. BOUCHER: A lot of questions. Let me answer the first one first, which is, we're not aware of any peace proposal from Saudi Arabia. We are familiar, of course, with the Arab League document, the statement that was issued yesterday. But there's been no particular approach or proposal made to us from Saudi Arabia at this stage.

;;;;; Q What is your comment on the now-official Arab League position calling the operation aggression?

;;;;; MR. BOUCHER: Well, I think, first of all, there are several things that need to be remembered. The first is that this conflict arose because the Iraqi regime refused to disarm. It refused to cooperate with the 12 years of United Nations efforts to disarm Iraq peacefully. And it refused to come into compliance with U.N. Security Council resolutions. So, unfortunately, we think the time for cooperative solutions with this Iraqi regime has passed.

;;;;; Second of all, we've said very clearly our goal in Iraq is to eliminate weapons of mass destruction, to eliminate the threat that they pose to the region and the international community, and to free the Iraqi people from the brutal and corrupt regime of Saddam Hussein. Peace proposals that leave the current Iraqi regime in place to once again threaten the international community, its neighbors and Iraq's own people are just not workable.

;;;;; Our message to friends in the Arab world has been and will continue to be, it's time to focus on how best to achieve a more stable region, how to achieve a brighter future for the Iraqi people, who have suffered far too long under the vicious tyranny of this regime.

;;;;; We'll continue to consult with our friends in the Arab world, continue to talk to them about how they can best assist in these efforts.

;;;;; Q But just to follow up, you said you have a lot of Arab countries who are part of the coalition of unnamed coalition partners. Apparently, only -- of all the 22 Arab countries, only one country, which have reservation on this -- they called the attack "aggression." So where are these unnamed? Is it not -- apparently they agree that you -- (inaudible) -- Iraq.

;;;;; MR. BOUCHER: I'm not in a position to start naming the unnamed.

;;;;; Q No. I mean, where are they?

;;;;; MR. BOUCHER: They're in the world. And I think you can probably yourself look at the region and see what's going on and understand that there are people in the region who want to see an end to the Iraqi regime, who want to see the Iraqi people given a better life. And in our discussions with people in the region, that's what we're emphasizing, and we're emphasizing what we can do and what others can do to help bring that about, to help improve the lives of Iraqi people.

;;;;; Q Did taking it to the United Nations -- I mean, are you -- they're asking for ceasing -- you know, to stop the attack. What's your -- would be your reaction?

;;;;; MR. BOUCHER: We don't believe it's time to go to the United Nations for another debate. The United Nations tried and --- again and again over 12 years, with a variety of resolutions, to get Iraq to disarm peacefully. Iraq repeatedly refused those requests. We don't think it's time to move to a big open debate in the Security Council on the issue. That diverts attention of the United Nations Security Council from trying to attend to the needs of the people of Iraq.

;;;;; The urgent matter that's before the Security Council now is to pass

the oil-for-food resolution. That's what we have tried to work for. That's what the secretary-general has said is an urgent matter. And that is a way of looking at the future needs of the people of Iraq, as well as the more immediate ones, and setting up a system that can continue to take care of them, to continue to look to the future and meet the needs of the Iraqi people.

;;;;; Q Richard, when you say that you haven't gotten any -- you have not -- you're not aware of any Saudi peace proposal, are you aware of -- in the conversations that the secretary has had with Foreign Minister Saud, has he expressed some kind of desire or wish to see -- I guess we're just trying to figure out what he was talking about when he told a whole bunch of reports in Riyadh that he had presented a proposal -- that there was such a proposal. In the conversations that the secretary has had with the prince, has his -- a Saudi desire for the end of conflict arisen?

;;;;; Have they -- they've made clear -- in other words, he -- when he says --

;;;;; MR. BOUCHER: I mean, they -- certainly the Saudi government, in public and private, has made clear they would like to see the conflict end. I saw the Saudi foreign minister quoted about a week ago, a little less than a week ago, on Thursday, as saying that Saddam Hussein and his regime should depart, that that would be a way of solving this peacefully. So I think they've certainly made clear that that peaceful solution is one that they would support.

;;;;; Q Is it possible that when he refers to -- and I know you can't speak for him -- but when he refers to the peace proposal, which he did, that that's what he's talking about?

;;;;; MR. BOUCHER: I suppose so. He may have been referring to the Arab League as well. I don't know which it might have been. You'd have to ask their --

;;;;; Q So -- okay, and that Arab -- and if he was referring to the Arab League proposal -- which you don't know -- but the Arab League proposal you just said is not --

;;;;; MR. BOUCHER: I'm really not in a position to speculate on what the gentleman meant.

;;;;; Q Fair enough. You said that the Arab League proposal was --

;;;;; MR. BOUCHER: He may have been referring to it, but we don't know until we have a chance to ask him exactly what --

;;;;; Q Okay. Do you when the last time the secretary talked to him?

;;;;; MR. BOUCHER: The last time the secretary talked to him directly was Saturday or Sunday -- Sunday, I believe.

;;;;; Q Richard, are you -- can I follow up on this? I have similar questions. Now, could it -- we're not hung up now, are we, on the word "proposal"?

;;;;; MR. BOUCHER: No, we're not.

;;;;; Q It's not -- it's a formal --

;;;;; MR. BOUCHER: We're not -- we're not cutting this one thin.

;;;;; Q Okay.

;;;;; MR. BOUCHER: We're just not aware of any particular -- any peace proposal from that quarter.

;;;;; Q Well, since it's getting so much publicity, are -- you are going



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 3/25/2003 10:42:38 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 15:42:38.00  
SUBJECT:: Re:  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Please call wendy grubbs asap and tell her we are in 472 eeob.

.

---

**From:** Kavanaugh, Brett M.  
**To:** <Grubbs, Wendy J.>;<Gonzales, Alberto R.>;<Leitch, David G.>;<Snee, Ashley>;<Mamo, Jeanie S.>  
**Sent:** 3/25/2003 10:51:32 AM  
**Subject:** Bloomington IL Pantagraph editorial

## **Pantagraph Editorial**

Monday, March 24, 2003

# Stop abuse of filibuster to block court nominees

When Senate traditions and self-proclaimed "institutional responsibilities" clash with the public interest and the intent of the U.S. Constitution, it should be clear that the Constitution should prevail.

But apparently it's not clear to Senate Minority Leader Tom Daschle, D-S.D.

Daschle shrugged off a request from President Bush for a change in Senate rules so filibusters could not be used to block judicial nominees. "I doubt very much that we'll ever permanently change the rules to deny the Senate its institutional responsibilities," Daschle said.

What about the Senate's constitutional responsibilities?

Among those responsibilities is providing "advice and consent" to the president on judicial appointments. Such appointments require only a simple majority. However, it takes 60 votes to break a filibuster -- thereby allowing a minority to thwart the will of a majority of the Senate as well as the president.

Meanwhile, vacancies remain on the federal bench while a Senate minority makes its power play.

It doesn't matter whether Republicans have done to Democratic presidents what the Democrats are doing to Republican Bush. What matters is whether the intent of the Constitution and democracy are being undermined through abuse of the filibuster. They are.

A yes-no vote is being held up on Miguel Estrada, Bush's nominee for the U.S. Court of Appeals for the District of Columbia. Five other federal appellate court nominees also are being blocked from speedy consideration by Senate Democrats.

Even if the Estrada case is resolved and a vote is eventually taken, Bush should continue to press for the Senate to abandon the use of the filibuster to block action on judicial nominees.



---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>  
**Sent:** 3/25/2003 11:54:02 AM  
**Subject:** Medal of Freedom

Amendment:

President Clinton awarded Medal of Freedom to Justices Brennan and Marshall and also to Judges John Minor Wisdom, Frank Johnson, and Leon Higginbotham.

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/25/2003 8:22:18 AM  
**Subject:** : RE: quick question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:25-MAR-2003 13:22:18.00  
SUBJECT:: RE: quick question  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Agenda

Inventory each groups role currently and in the future  
Discuss also what other groups not at the table can be expected to do  
What needs to be developed

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>;Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>  
**Sent:** 3/25/2003 8:27:02 AM  
**Subject:** : RE: quick question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 13:27:02.00  
SUBJECT:: RE: quick question  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

agenda for today  
----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
03/25/2003 01:26 PM -----

"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov>  
03/25/2003 01:21:01 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: quick question

Agenda

Inventory each groups role currently and in the future  
Discuss also what other groups not at the table can be expected to do  
What needs to be developed

---

**From:** CN=Ken Mehlman/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/25/2003 12:30:00 PM  
**Subject:** : Pascagoula Shipyards  
**Attachments:** P\_40V0F003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 17:30:00.00  
SUBJECT:: Pascagoula Shipyards  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can we reach out to Sen. Lott on this, please? I'd like to ask Keith Hennessey to do this.  
----- Forwarded by Ken Mehlman/WHO/EOP on 03/25/2003  
05:29 PM -----

Monte Byers <MByers@carpenters.org>  
03/20/2003 07:03:26 PM  
Record Type: Record

To: Ken Mehlman/WHO/EOP@EOP  
cc:  
Subject: Pascagoula Shipyards

Ken:

Per our conversation, I have attached a brief background on the issue at the Pascagoula Shipyard. Any support you could give us with Senator Lott would be greatly appreciated.

If you, or the staff, have questions, you know how to reach me.

Monte

- pascagoula.doc

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_40V0F003\_WHO.TXT\_1>

## **Northrup Pascagoula Shipyard**

### **The Issue:**

AFL-CIO is putting pressure on Northrup, to put the Asbestos Workers back into the contracts at the Pascagoula Shipyard. This is a direct play by Sweeney to "hurt" the Carpenters. He sent Ron Alt of the AFL-CIO Metal Trades down to pressure Northrup to reinstate the AFL-CIO Metal Trades, and thus the Asbestos workers union, back into the contract at the Northrup yard. This would shift work that has been done by the Carpenters for over a decade, back to the Asbestos workers.

### **History:**

In '91-92, the Navy had a subcontractor performing the asbestos-related work at the shipyard. The Navy wanted to audit the contractor's books. The contractor refused, and ultimately the Navy brought the work "inside," that is, it was performed directly by the shipyard workers rather than a subcontractor. The Asbestos Workers (formally known as the Heat, Frost, Insulators and Asbestos Workers) had an agreement with the subcontractor, but when the work came inside it went to the Carpenters.

For over 10 years we've been doing the work for Northrup and by all accounts doing it well.

Now, John Sweeney is trying to medal in the contract in order to squeeze the Carpenters. He's pushing Northrup to "include" the Metal Trades Dept. of the AFL-CIO in the contract. If that happens, then the Asbestos Workers will "grieve" the assignment of work to the Carpenters, through AFL-CIO processes. A board, appointed by Sweeney, will award the work to the Asbestos Workers (total membership 16,000 - 18,000) and show the Building Trades, especially the smaller building trades unions, how he can squeeze the carpenters (total membership 550,000).

In the long run, Sweeney would squeeze the Carpenters in Pascagoula, but also begin building support among the large number of smaller-sized building trades unions to support Sweeney. There's a showdown coming in the Building Trades over whether they will defy Sweeney's attempt to force the Carpenters back into the AFL-CIO.

### **Follow Up:**

Carpenters, through Rich Bond, are reaching out to Senator Lott. It would be great if the administration could support that effort. It would be helpful if they could make it clear to Senator Lott and his staff that from their first-hand experience we're a reasonable, trustworthy union to do business with and that UBC President Doug McCarron takes a very direct and business-like approach to his dealings.



We're asking Senator Lott to call Phil Dur, President of Northrup Pascagoula, phone: 228/935-8034 and/or Den Knectch, Director of Industrial Relations for Northrup Pascagoula, phone: 228/935-1493. Senator Lott knows Mr. Dur, and the shipyard is, of course, not only in his district but where his father worked.

We need as much support as we can muster encouraging Northrup not to let Sweeney subvert a process that has been working well for a decade. We hope Senator Lott will encourage top Northrup leadership to recognize Carpenters as a union they can do business with and encourage management to stick with the process that has served them well and not get caught up in this.

---

**From:** Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/25/2003 8:35:58 AM  
**Subject:** : RE: Bloomington IL editorial

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:25-MAR-2003 13:35:58.00  
SUBJECT:: RE: Bloomington IL editorial  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks. I'm still amazed that editorial writers in over 100 newspapers have become interested in this story during wartime, but they sure have, and they just keep writing about it.

See you in a few hours.

<http://rpc.senate.gov/releases/2003/Editorial%20Chart.htm>

---

Steven J. Duffield  
Judiciary Policy Analyst & Counsel  
Senate Republican Policy Committee  
347 Russell Senate Office Building  
(202) 224-3463 Fax (202) 224-1235

-----Original Message-----  
From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett M. Kavanaugh@who.eop.gov]  
Sent: Tuesday, March 25, 2003 1:08 PM  
To: Duffield, Steven (RPC)  
Subject: Bloomington IL editorial

Pantagraph Editorial

Monday, March 24, 2003

Stop abuse of filibuster to block court nominees

When Senate traditions and self-proclaimed "institutional responsibilities" clash with the public interest and the intent of the U.S. Constitution, it should be clear that the Constitution should prevail.

But apparently it's not clear to Senate Minority Leader Tom Daschle, D-S.D.

REV\_00112745

Daschle shrugged off a request from President Bush for a change in Senate rules so filibusters could not be used to block judicial nominees. "I doubt very much that we'll ever permanently change the rules to deny the Senate its institutional responsibilities," Daschle said.

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Meanwhile, vacancies remain on the federal bench while a Senate minority makes its power play.

It doesn't matter whether Republicans have done to Democratic presidents what the Democrats are doing to Republican Bush. What matters is whether the intent of the Constitution and democracy are being undermined through abuse of the filibuster. They are.

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Even if the Estrada case is resolved and a vote is eventually taken, Bush should continue to press for the Senate to abandon the use of the filibuster to block action on judicial nominees.

---

**From:** MailRouter [ SYS ]  
**To:** Brett M. Kavanaugh/WHO/EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/25/2003 8:54:12 AM  
**Subject:** DELIVERY FAILURE: Network service is not available, or insufficient storage on remote system

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES NONDELIVERY RECEIPT )  
CREATOR:MailRouter ( MailRouter [ SYS ] )  
CREATION DATE/TIME:25-MAR-2003 13:54:12.00  
SUBJECT:DELIVERY FAILURE: Network service is not available, or insufficient storage on remote system  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

DELIVERY FAILURE REPORT

Your Document:  
Re: Pardon Records  
could not be delivered to:  
garym.stern@nara.gov  
because:  
Network service is not available, or insufficient storage on remote system  
Routing Path:  
CN=Mail2/O=EOP;CN=SGEOP03/O=EOP;CN=SGEOP03/O=EOP%sgelop03.eop.gov(SMTP/MIME MTA);CN=SGEOP03/O=EOP;CN=Mail2/O=EOP

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Paul Perkins/WHO/EOP@EOP [ WHO ] <Paul Perkins>  
**CC:** matthew e. smith/who/eop@eop [ WHO ] <matthew e. smith>  
**Sent:** 3/25/2003 1:22:46 PM  
**Subject:** : Re: Meeting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 18:22:46.00  
SUBJECT:: Re: Meeting  
TO:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:matthew e. smith ( CN=matthew e. smith/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

good for me

Paul Perkins  
03/25/2003 06:22:13 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Matthew E. Smith/WHO/EOP@EOP  
cc:  
Subject: Meeting

Leonard Leo and Boyden Gray can meet on Thursday, March 27, 9:00, at Baker  
& Hostetler (1050 Conn. Ave.)  
Thanks,  
Paul Perkins.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange [ WHO ] <Ashley Snee>  
**Sent:** 3/25/2003 1:44:28 PM  
**Subject:** : Re: FW: NOT TO GO OUT....

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 18:44:28.00  
SUBJECT:: Re: FW: NOT TO GO OUT....  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

does press know about this yet?

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>;<Ojakli, Ziad>  
**Sent:** 3/25/2003 1:56:15 PM  
**Subject:** Heather Wingate called with intell

on a US Chamber event this am where Hatch spoke. The group was business leaders interested in class action but Heather said Hatch went on and on about the importance of judges and the current nomination crisis. Should Karl call him and thank him??

;;;;; Q (Inaudible.)

;;;;; Q General Myers?

;;;;; Q On the surrender of Iraqi forces, I was wondering, since you were saying they were surrendering and then going back and firing on the U.S. troops, I was wondering what the latest is on negotiations with Iraqi leadership, and if there is some concern that those negotiations might also be some of sort of ruse, that they may not be serious about that.

;;;;; SEC. RUMSFELD: I don't know of any negotiations with the leadership in Iraq.

;;;;; There are military leaders that have talked about surrendering. Some have actually done it. Others may be engaged in a ruse. That's possible. All -- the kind of ruse we've seen has tended to be a very small handful of people, Fedayeen Saddam types, in civilian clothes, pretending they're giving up.

;;;;; Yes? (Cross talk.)

;;;;; Q General Myers, can I keep you back on the question of humanitarian relief enough to just clarify a couple of things? You said at the beginning food, water and humanitarian relief is already being delivered. Is any of that -- other than the initial supplies, MREs and water that troops are taking in with them -- any real humanitarian relief?

;;;;; And what is your view on the challenges to getting humanitarian relief into the country along the whole line of -- towards Baghdad as long as there is this rear action by these other forces? Because you seemed to indicate humanitarian relief first, then you would turn around and deal with the Fedayeen, and of course international aid workers are very reluctant to go into hot zones.

;;;;; GEN. MYERS: Well, of course the first thing we had to do to get significant humanitarian aid in was to clear the waterway leading up to Umm Qasr from the mines. And as you know, we found boats with mines that had yet to be laid, but indications they may have laid some mines. And so we're a day or two away from General Franks declaring that waterway cleared, so we can bring in ships, major ships, then, that have been loaded, are just awaiting clearance into that part. That's part of it.

;;;;; There has been a combined effort between Central Command forces and the Kuwaiti government to put a pipeline in from Kuwait up to the border. It will initially go into the Umm Qasr area -- after that, we don't know -- to bring fresh water in.

;;;;; And clearly one of the things that's keeping the humanitarian aid from the people in the South is the Iraqi regime itself. As you mentioned, it's the Fedayeen Saddam and others that are keeping the Iraqi people from getting the food, the water, the medicine they need.

;;;;; SEC. RUMSFELD: The humanitarian disaster that existed existed under the Saddam Hussein regime. The people needed food. They were starving. And the money was going into weapons of mass destruction.

;;;;; Second, the military -- coalition forces have brought in massive humanitarian assistance as they have come in, quite apart from what the general's talking about, involving the port. They have been bringing in food and water and medicine as they have come in to all of those areas. And the people that are embedded with those units know that fact.

;;;;; Third, the environmental disaster that occurred in Kuwait when the Iraqis touched off all their oil wells was averted.

;;;;; Fourth, there was a concern about internally displaced people or refugees fleeing into neighboring countries and Turkey, Jordan and



elsewhere.

;;;;; It has not happened. The last count of refugees was several hundred, not tens of thousands, as was the case previously. Why is that? It is because there is not a humanitarian disaster at the present time in those areas. What -- the area that we're not controlling, there could still be a great many people without food, as was the case under Saddam Hussein. And they may not be able to flee or get to medicine because they may have guns at their heads and they're being told they can't leave the cities.

;;;;; Now, I think there's some very clear indicators of what's taking place. And if we look at them and track them, we'll have a good sense of it. I must say, I also have a feeling that the American people have a very good sense of what's going on there. It may be that some analysts might not, but the American people do. What do they see? They see young men and women in uniform out there performing incredibly difficult tasks. They're doing it courageously, they're doing it tirelessly, they're doing it with great success. And the fact that a few analysts say, well, my goodness, it should have been faster or slower or this or that, I do not think is affecting the judgment of the American people, who are having a chance to see what your friends and peers, who are out there watching what's happening -- and they're seeing that reported every hour of every day.

;;;;; Q Mr. Secretary, can you say what's being done to provide more security for the supply lines, which some critics -- active duty officers and former officers -- say are lightly defended and spread a bit too thin?

;;;;; SEC. RUMSFELD: Do you want to comment on that?

;;;;; GEN. MYERS: Well, I -- the problem you have is you get into operational details very quickly. But let me assure you --

;;;;; Q Well, can you say -- are you providing more security for the support there --

;;;;; GEN. MYERS: There is a -- there has been and there is a plan to provide security for the lines of communication. I mean, it's obvious when you go that far, that fast into a country that you need to protect your lines of communication. This is not a new requirement. This is something that General Franks and his people --

;;;;; Q Did you leave them too lightly defended, as critics charge?

;;;;; SEC. RUMSFELD: No.

;;;;; GEN. MYERS: In my view, no.

;;;;; SEC. RUMSFELD: We've got total dominance of the air. It is not air superiority, it's dominance. They have not put an airplane up.

;;;;; Q But the Fedayeen are chipping away, it seems, at --

;;;;; SEC. RUMSFELD: And these are ones and twos, and that you're going to live with, like we live with in Afghanistan; that's -- we live with in some major cities in the United States.

;;;;; GEN. MYERS: There are plans being put in -- or, plans in place to deal with those onesies and twosies.

;;;;; (Cross talk.)

;;;;; SEC. RUMSFELD: We're going to make two more questions.

;;;;; (Cross talk.)

;;;;; Q You used the word a few minutes ago --

;;;;; SEC. RUMSFELD: Whoa, whoa, whoa, whoa.

;;;;; Q General Myers?

;;;;; Q General Myers?

;;;;; SEC. RUMSFELD: No. No. The man next to you, who's been so quiet and courteous and patient and -- (laughter) --

;;;;; Q Very patient. A British-related question, if I may. You talked about the British campaign as well to try to help in Basra with this supposedly popular uprising. I wonder how important is that not just strategically, but also to try to get a message out, not just to the rest of Iraq, that it is popular to rise up, but also to the rest of the world, who look perhaps with a little suspicion at the term "war of liberation" because there's not an awful lot of people willing to be liberated at the moment, it seems.

;;;;; SEC. RUMSFELD: (Sighs.) I guess those of us my age remember uprisings in Eastern Europe back in the '50s, when they rose up, and then were slaughtered. And I am very careful about encouraging people to rise up, unless -- I mean, we know there are people in those cities ready to shoot them if they try to rise up. We know there are people in that city ready to kill them if they try to escape.

;;;;; Now, until you're arranged so that you can actually go to those cities and deal with that problem, of the Special Republican Guards, SSOs and the Fedayeen Saddam people who are in those cities, putting a gun to their heads, unless you're ready to deal with that, then I am very reluctant to run around the world encouraging people to rise up. People will rise up. But, let there be no doubt: these are a repressed people. And -- but I hope and pray they'll do it at a time when there are sufficient forces nearby to be helpful to them rather than at a time where it simply costs their life and it's a wasted life.

;;;;; Q General Myers --

;;;;; Q Mr. Secretary --

;;;;; Q General Myers?

;;;;; SEC. RUMSFELD: Last question.

;;;;; Q General Myers, a couple days ago you met with reporters for breakfast, and at that time laid out roughly what you described as the campaign, an initial air campaign, how it would be like nothing we've ever seen before, that if it was successful it would essentially shock the leadership into submission, quickly. It would be a short conflict. To what extent have you seen that shock, and what specific signs can you point to that that's succeeded?

;;;;; GEN. MYERS: Well, we talked about a campaign that would start with a lot of violence in both the ground and the air. Obviously, we haven't met much resistance on the ground, and the air campaign is going as planned. And I would say, Eric, that I will stick by any statements I made at any breakfast about the -- about how the plan is going. And I did not -- I hope I did not imply any time line with that. I've never talked about a time line, I don't think. You can go back and check the record, but I don't think I've ever talked about a time line, because I -- it's just -- it's unknowable. It is unknowable.

;;;;; Q Do you believe you've shocked this regime? Are there signs of that? They continue to broadcast, they continue to issue orders, apparently; they continue to function, albeit at a degraded level. And I understand there's only -- it's only four days into the air campaign.

;;;;; GEN. MYERS: I guess it depends how you look at it. If I were in Baghdad and I was looking south and I saw a U.S. Army division that is on

the outskirts of Baghdad, I think -- you know, I don't know that that would be shock, but I'd certainly be a little concerned. (Laughter.) And they'll have a lot more to be concerned about shortly.

;;;;; SEC. RUMSFELD: Thank you very much.

;;;;; Q Thank you.

END.

;

---

**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 3/25/2003 10:19:50 AM  
**Subject:** : TRANSCRIPT - Rumsfeld and Myers Briefing 03/25/03

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 15:19:50.00  
SUBJECT:: TRANSCRIPT - Rumsfeld and Myers Briefing 03/25/03  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

DEFENSE DEPARTMENT OPERATIONAL UPDATE BRIEFING  
BRIEFERS: SECRETARY OF DEFENSE DONALD RUMSFELD; GENERAL RICHARD MYERS,  
CHAIRMAN, JOINT CHIEFS OF STAFF

PENTAGON BRIEFING ROOM, ARLINGTON, VIRGINIA  
1:30 P.M. EST, TUESDAY, MARCH 25, 2003

;

SEC. RUMSFELD: Good afternoon. It's now about five days since the major ground forces entered Iraq. It's almost four days and 30 minutes ago that the air war began. We're still, needless to say, much closer to the beginning than the end. The men and women in the uniform, the U.S. and coalition alike, are performing superbly. They're doing an outstanding job. The resistance that's being encountered was expected. It has not affected coalition progress. Iraqi forces are capitulating by the hundreds. The total now, as I understand it -- at least early this morning -- was something in excess of 3,500 Iraqi prisoners of war and thousands more that have been part of units that have simply disband (sic). With each passing day, the Iraqi regime is losing control over more of the country. Coalition forces are closing in on Baghdad and will not stop until that regime has been driven from power. Their defeat is certain. All that is unclear is the number of days or weeks it will take. The threat posed by Iraq's weapons of mass destruction will be removed and a regime that is one of the world's most notorious sponsors of terror will be no more.

;;;;; This war is an act of self defense, to be sure, but it is also an act of humanity. Coalition forces are eliminating a regime that is responsible for the deaths of hundreds of thousands of its own people and which is pursuing weapons that would enable it to kill hundreds of thousands more. In recent days, the world has witnessed further evidence of their brutality and their disregard for the laws of war. Their treatment of coalition POWs is a violation of the Geneva Conventions.

;;;;; To the families of those captured or missing, know that our thoughts and prayers are with you and with your loved ones and that we will do everything in our power to bring them safely home. To the families and loved ones of those brave men and women who have been killed or wounded, know that their courage and sacrifice are deeply appreciated by all Americans.

;;;;; The regime has committed acts of treachery on the battlefield dressing their forces as liberated civilians, and sending soldiers out waving white flags and feigning surrender, with the goal of drawing coalition forces into the ambushes; using Red Cross vehicles to courier military instructions. These are serious violations of the laws of war. The regime's actions have had little practical military effect thus far, but they do serve as a telling reminder of why it is important that this regime be removed.

;;;;; Those who behave with such brutality cannot be allowed to possess tools of mass murder. This is the behavior of desperate men. Iraqi authorities know their days are numbered. And while the Iraqi regime is on the way out, it's important to know that it can still be brutal, particularly in the moments before it finally succumbs. This campaign could well grow more dangerous in the coming days and weeks as coalition forces close on Baghdad and the regime is faced with its certain death. But the outcome is assured.

;;;;; To the Iraqi people, let me say this: By now you have seen and know that coalition airstrikes are not aimed at you, they are aimed at the regime of Saddam Hussein. We are systematically eliminating the institutions that repress you. As we do so, we are doing everything possible to protect innocent civilians. Humanitarian assistance, food, water and medicine is already being delivered, and more will arrive shortly. A regime that starved its own people so that a dictator could build many, many palaces, will be removed. In its place, you will build a free Iraq with a new government based on democratic principles of political freedom, individual liberty, and the rule of law.

;;;;; To the officers and soldiers of the Iraqi armed forces: Do not lead your men into a battle to die for a condemned regime. Do not obey orders to use weapons of mass destruction. Lay down your arms and you will be spared.

;;;;; General Myers?

;;;;; GEN. MYERS: Thank you, Mr. Secretary.

;;;;; I would like to add our thanks to the men and women in uniform, U.S. and coalition, who are performing superbly, and have from the time this all began.

;;;;; Operation Iraqi Freedom continues. I don't have much additional information following CENTCOM's brief, but wanted to update you on the overall picture.

;;;;; On the ground, our forces are nearing Baghdad. They have moved some 200-plus miles into Iraq in less than five days of the ground campaign. We are now poised for the next objectives and our plan is on track.

;;;;; The air campaign is continuing well. We flew nearly 1,000 sorties over Iraq yesterday, most against Republican Guard units, and conducted close air support for the ground advance in the south and special forces in the west. Coalition forces have secured the port of Umm Qsar and are preparing the port for the arrival of humanitarian aid to the people of Iraq.

;;;;; I have a pre- and post-strike image for you today. It's of the Special Security Organization warehouse in Bodog (ph), along the Tigris River in Baghdad. You can see the warehouse and (boat facility ?) destroyed, while the highway and bridge right next to it remain intact and well-traveled.

;;;;; Finally, I have three videos for you today. The first video is an F-117 using a satellite-guided weapon, the GPS weapon, to destroy what we think is the last active Iraqi GPS jammer that we've been able to find. That was a three-quarter speed, by the way, because there wasn't much time between the (clouds ?) and when it went off.

;;;;; The second is of an F-18, destroyed a patrol boat in a canal in southern Iraq. Please note the three other vessels in the area. Only the patrol boat is destroyed.

;;;;; And the third is of an F-15 using a 500-pound bomb to destroy a Republican Guard tank south of Baghdad. Remember we mentioned we focused about 50 percent of our air missions on the the Republican Guard in the past couple of days.

;;;;; And with that, we'll take your questions.

;;;;; SEC. RUMSFELD: Before we start, let me just say that, as you may know, the president was here today and met with the joint chiefs of staff and with General Franks, General DeLong and General Abizaid by secure video, and then made an announcement concerning the supplemental. In addition, I've just come from meeting with a number of the former secretaries of State, former secretaries of Defense, and former national security advisers who were here to have a discussion with us, which was, I find, always helpful, and it's something we do from time to time.

;;;;; Because we have such a large gathering here, I'd like to suggest that, out of courtesy to everybody, that people ask a single question.

;;;;; Q Mr. Secretary, you said yourself a moment ago that this operation could become more dangerous for U.S. and allied troops in the coming days as you approach Baghdad. There are Sunday morning generals in every war, and critics are coming out of the walls to criticize this ground campaign. They say that your imprintaur(imprint or ?) of transformation is heavily on it, and there are simply not enough troops and armor on the ground right now to efficiently take Baghdad or protect your rear. How would you answer that?

;;;;; SEC. RUMSFELD: First of all, I don't know how anyone outside of the government thinks they know what my views are, or what General Franks' views are, or what General Myers' views are. We've all been deeply involved, and the plan has been a plan that's been approved by all the commanders and by, needless to say, General Myers and General Pace and Don Rumsfeld and the president of the United States. And it is a good plan, and it is a plan that in four and a half or five days has moved ground forces to within a short distance of Baghdad. And forces increase in the country every minute and every hour of every day. And that will continue to be the case. There is a force flow that's been put in place weeks and weeks and weeks ago, where people were mobilized, people were trained, people were -- equipment was loaded on ships, ships were leased, ships were sent over, ships moved into position, ships were unloaded, personnel were airlifted over to meet with their equipment. And every hour the number of U.S. and coalition forces in that country are increasing.

;;;;; So I guess how I would respond to what you say are some folks who are concerned about that is that the people who are involved in this, the -- General Franks and General McKiernan (sp) and General DeLong and General Abizaid and Admiral Keating, General Moseley, are very comfortable, as are the Joint Chiefs of Staff, who have met with the president twice in the last two days and discussed it.

;;;;; One question. You want to comment on that?

;;;;; GEN. MYERS: You bet I do.

;;;;; It's a plan that's on track. It's a plan everybody had input to. It's a plan everybody agrees to. I've been on public record that I think the plan as finally formulated and, as put together by General Franks with some help and some advice by General Franks and his commanders, is a brilliant plan. And we've been at it now for less than a week. We're just about to Baghdad. Some of the biggest losses we've taken are due to Iraqis committing serious violations of the law of armed conflict in the Geneva Convention by dressing as civilians, by luring us into surrender situations then opening fire on our troops. So this is a plan that is very well thought out, and that will play out, I think, as we expect.

;;;;; Q Mr. Secretary, are there indications -- have you seen indications that the Republican Guard units that are ringing Baghdad have been authorized to use chemical weapons in the event that U.S. forces advance to a certain distance from the city center? Around the city.

;;;;; SEC. RUMSFELD: There has been intelligence scraps -- who knows how

accurate they are -- chatter in the system that suggest that the closer that coalition forces get to Baghdad and Tikrit, the greater the likelihood and that some command and control arrangements have been put in place. But whether it will happen or not remains to be seen.

;;;;; Yes?

;;;;; Q Mr. Secretary, there is reported to be a popular uprising in Basra, but the popular uprising apparently is not only targeting some of the Iraqi forces but also some of the coalition forces. And we have reports that at least one British coalition force member has been killed. Can you comment on what's going on there?

;;;;; SEC. RUMSFELD: I have not seen these reports, but I can tell you roughly what's going on there. What's going on is that forces came in -- coalition forces came in from the south; they're moving towards Baghdad. They essentially bypassed Basra. The British forces now have the task of dealing with the remaining capability in Basra. We have intelligence information saying that the Fedayeen Saddam people -- I'm not going to call them troops, because they're traveling in civilian clothes and they're essentially terrorists -- have been moving south into some areas, including Basra, and that they are in some cases pretending to surrender and then shooting people. They do not represent a serious threat to the success of this campaign. What they do represent is a terrorist-type threat, and there will very likely continue to be people -- until the regime is gone, until it's finally tipped, until there is absolute certainty that Saddam Hussein is not there anymore, I suspect that some of these dead ends will be down there shooting people and doing that type of thing. That's basically what's going on.

;;;;; Now, if your implication in your question was that the uprising was against the United States or the coalition forces, I suspect that's not true. I mean, these people have been repressed by the regime of Saddam Hussein and they now have people in there that are shooting them if they try to desert, if they try to surrender, if they try to escape. These are Saddam Hussein's people in there shooting people if they try to leave the city. Now, therefore, an uprising -- anyone who's engaged in an uprising has got a whale of a lot of courage, and I sure hope they're successful.

;;;;; Q And you think that Saddam Hussein is in the middle of it?

;;;;; SEC. RUMSFELD: One question. One question.

;;;;; (Cross talk.)

;;;;; Q Mr. Secretary -- (inaudible).

;;;;; SEC. RUMSFELD: Yes?

;;;;; Q Mr. Secretary?

;;;;; SEC. RUMSFELD: Sir?

;;;;; Q Mr. Secretary, as the nature of the questions before have indicated, and you yourself have anticipated, is at the first sign of any difficulty or casualties, there have been a number of critics, some of them laymen and some of them retired military officers, senior military officers, voicing the kinds of concerns that Charlie did.

;;;;; Without again restating it, would you say that you have perhaps not adequately managed the expectations here of -- in the sense that some people believe that just five days into this, the war might be going badly, and you're trying to make the point that we're much closer to the beginning than the end. Do you need to do a better job in giving the American people and the public an idea of what to expect in the days and weeks ahead?

;;;;; SEC. RUMSFELD: I don't know how to answer that, really. If you go

back to the Afghanistan situation, it was only a few days into it that it was described by one of the newspapers here as a "quagmire." And it was a matter of days later that things looked quite good and, as I recall, Mazar-e Sharif fell, and then the other cities began to fall.

;;;;; I can't manage what people -- civilians or retired military -- want to say. And if they go on and say it enough, people will begin to believe it. It may not be true, and it may reflect more of a misunderstanding of the situation than an analysis or an assessment of it, but there's no way anyone can affect what people say. We have a free country. In Iraq, they can affect what people say because you get shot if you say something they don't like. We don't do that.

;;;;; Q Mr. Secretary?

;;;;; Q General Myers?

;;;;; Q Mr. Secretary?

;;;;; SEC. RUMSFELD: But it seems to me that anyone with any sense of what's taking place recognizes the complexity of this task, the importance of it; the fact that we're there to eliminate the weapons of mass destruction in that country and to put in a regime that will not threaten its neighbors. These are important things to be done. They're not things that are done easily. This is a sizeable military that the coalition forces are up against. They are -- unlike 1991, they recognize that the task is not to put them out of Kuwait and then let them go about their business; the task here is to not only deal with them throughout the country, but to see that the regime is changed. So you're going to get a different level of intensity.

;;;;; And certainly General Myers and I and General Franks all have indicated from the outset that this is a tough business, and wars are unpredictable and there's lots of difficulties.

;;;;; (To General Myers.) Do you want to comment on that?

;;;;; GEN. MYERS: No, I think with as much coverage as we have of the war, primarily because of the decision to embed a lot of reporters with it, you know, we are -- we're watching this thing, what happens, pretty much 24 hours a day, seven days a week.

;;;;; And I think that lends this perception that it's been going on a long time and a lot is happening. If you look at the -- a lot is happening, obviously -- but the big scope of things, we're on track, we're on plan, we think we have just the right forces for what we need to do now.

;;;;; I would remind people that forces are still flowing to the region. As the secretary said, we're putting thousands of more each day. It was always the plan. That will continue, probably, to be the plan. Depends on the situation --

;;;;; (Cross talk.)

;;;;; SEC. RUMSFELD: If you think about the difference, in World War II, there was no television. People had radios. People would go to the movies because the beginning of the movie would be a 15-minute preview of what took place, not the day before or the minute before or the hour before, or what was taking place at that moment, but it was a summary of the week's news of World War II.

;;;;; And now what we're seeing is every second another slice of what's actually happening out there. It is a breathtaking sight to see it. It tends to be all accurate, but not in an overall context. And it does, as the general said, leave people with the impression that it's been going on for days and weeks and months. And it is -- it was 1:00 -- (pause) --



;;;;; Q Thursday.

;;;;; (Pause continues.)

;;;;; SEC. RUMSFELD: -- Friday --

;;;;; Q Friday.

;;;;; SEC. RUMSFELD: -- that the air war began. (Laughter, cross talk.)  
It even seems like weeks to me. (Laughter.)

;;;;; But it is really just such a brief period, and they have moved so far on the ground and made major accomplishments in the West, made major accomplishments in the North, and clearly have caused the Republican Guard to pull in closer to Baghdad and Tikrit.

;;;;; And the difficult task remains. The Republican Guard units -- setting aside the Special Republican Guard and the Fedayeen Saddam group, which are different; they're more fanatical, I would say -- Republican Guard group are military, and that's where the difficult task begins. And it is starting with the Medina Division south of Karbala.

;;;;; (Cross talk.)

;;;;; Q Mr. Secretary, we hadn't heard much from Iran in this entire time. I'm wondering if you can characterize what (sic) you think Iran is looking at this conflict and if you believe any troops with an allegiance to the Iranian government are inside Iraq at this time.

;;;;; SEC. RUMSFELD: Well, there's no love lost between Iran and Iraq. On the other hand, both are states that have sponsored terrorism and the -- thus far, Iran has not done things that are making our life more difficult in Iraq. We hope that continues to be the case.

;;;;; With respect to the latter portion of your question, we do see Iran-sponsored forces, Iraqis but sponsored and armed and housed previously by Iran, in the country in relatively small numbers, which is unhelpful.

;;;;; Q Mr. Secretary, could I just follow up on -- (name inaudible) --question a little bit. Is it possible that you did raise expectations beyond reasonable levels by talking about a shock and awe campaign? I mean, wasn't the impression put out that, you know, 3,000 bombs are going to fall in the first 48 hours and the regime is going to collapse?

;;;;; SEC. RUMSFELD: Not by me, not by General Myers.

;;;;; Q Well, General Renuart came and gave a briefing along those lines.

;;;;; SEC. RUMSFELD: Well, there were a lot of bombs dropped. The reality is that they were dropped on military targets and regime- controlled targets and they were not dropped on innocent men, women and children. And --

;;;;; Q No, I was asking you if you may have created the impression in the public minds this was going to be over in four days.

;;;;; SEC. RUMSFELD: I thought I answered that.

;;;;; (Cross talk.)

;;;;; I certainly did not. General Myers certainly did not. Is it possible that someone might have said something that led some person to believe that? I suppose so. But realistic people -- why would we have put in train the hundreds of thousands of people to go do this task if we thought it was going to be over in five minutes? I mean, it's just unrealistic to --

;;;;; Q Mr. Secretary, if I could go back to Basra for a minute. As you said -- or, the initial decision was to bypass Basra. Apparently, the British have now decided that they're going to undertake some specific tactical missions there, military missions, so there apparently is a little bit of a change of plans. Can you just explain what's your plan for dealing with cities? Would you -- do you anticipate continuing to bypass cities or try to stabilize them as you go along, given what appears to be some kind of guerrilla threat?

;;;;; GEN. MYERS: Well, it depends on the situation on the battlefield at the time and where we are in our plan of execution. It was planned to, in fact, to bypass Basra early on. And the British forces, as they have done, have come around Basra at this time. And then we have to deal with the situation we find. Clearly, as the secretary said, the people in Basra I think for the most part would be happy to be done with this regime. But they're not going to do so as long as they think there's a shred of evidence that there's going to be some threat against them. If you remember in '91, hundreds of thousands were killed because they thought they had a chance for a popular uprising, and it didn't -- they didn't get -- the backing didn't materialize the way they thought it was going to materialize. And so I think we have, rightly so, some very cautious people. Now we'll go to the next phase once we've got the environmental situation under control in the oil fields, once we can start bringing humanitarian supplies up, once we can start getting water up to some of the cities where their -- the water supplies have been disrupted, which is all working in entrain. Now we'll look at working those Fedayeen Saddam and Republican Guard that may have come down in civilian uniforms to keep a gun in the back of the other people. And we'll start working that. And that's what you're seeing right now.

;;;;; Q General Myers?

;;;;; Q Mr. Secretary? Mr. Secretary?

;;;;; Q Question for General Myers?

;;;;; SEC. RUMSFELD: Let's give General Myers --

;;;;; Q Yeah.

;;;;; Q I have one for General Myers, too, Mr. Secretary.

;;;;; Q Well, wait --

;;;;; Q I will. We'll wait, too.

;;;;; Q General Myers, you talked about how in the last two days a lot of our targets have been against the Republican Guard. In 1991 the U.S. military didn't want to go into Kuwait until 50 percent of the armor of the Iraqis had been destroyed. Is that sort of the template you're using here and we won't really move to close with the Republican Guard until half of their armor is destroyed?

;;;;; GEN. MYERS: I'll tell you what. I'm just not going to get into that. That gets into some of the operational details, I think. But it'd be at a great disadvantage to our force. But the situation is different, we think. Their overall strength, their training, and their morale is different than it was in '91. And we're going to take advantage of that in ways that I just can't go into.

;;;;; (Cross talk.)

;;;;; Q Thank you, sir. Just going -- just a moment, please. (Laughter.)  
Going back to an earlier question --

;;;;; SEC. RUMSFELD: We'll be right with you -- (laughter).

;;;;; Q Can you give an update for any family members on the effort to

retrieve the soldiers who have been killed in action and just that process? And is there any possible way that you could use the International Red Cross to retrieve the -- like, the soldiers that we saw on television? And how disturbed are you about the fact that they are showing the remains of these soldiers on national television?

;;;;; GEN. MYERS: The -- clearly, what we expect from the Iraqi regime is to treat any prisoners of war in accordance with the Geneva Convention. And part of that is that the International Red Cross ought to have access to them.

;;;;; In fact, we are doing that with the enemy prisoners of war we have, that are nearing numbers now close to 4,000. We will ensure, I think, maybe even today or tomorrow, we'll have International Red Cross in there looking at the condition of the Iraqi prisoners of war we have. We expect the same thing. Of course we're concerned about our prisoners of war, our missing in action, and it's been our government policy for forever to continue to try to repatriate them and find out what happened to the missing.

;;;;; Q Mr. Secretary?

;;;;; Q Sir, why --

;;;;; SEC. RUMSFELD: Yes?

;;;;; Q Mr. Secretary, thank you, sir. Going back to the question of the intel chatter and the possible use of weapons of mass destruction, the chemical weapons, against our troops, you and General Myers have often said if that should ever happen, we would use every means possible to retaliate. My question is, what more can you use that you're not now using to retaliate if it should happen?

;;;;; SEC. RUMSFELD: Go ahead.

;;;;; GEN. MYERS: Okay. There are plans that General Franks has put together to address that situation. And the one thing we're not going to do is tell you what they are, Ivan, right now, because we haven't seen use of WMD, so far as we know, at this point. But when we do, we have plans to deal with that.

;;;;; Q General Myers, I want to ask you about the expectations question. The DIA director a couple of weeks ago said in a press interview that while the Pentagon is preparing for stiff resistance, there is a very real likelihood that resistance could collapse very quickly. A couple days before that, Vice President Cheney said that he did not expect a long, bloody fight, and that even significant elements of Republican Guard are likely to step aside. At this point of the conflict, do any of those predictions seem to be bearing out?

;;;;; GEN. MYERS: Well, I would say, given the fact that we're 200- plus miles inside Iraq at this time, on the doorstep of Baghdad, that we really haven't engaged on the ground the Republican Guard divisions. So -- we've put helicopters against them, attack helicopters, we've put air against them, we've put some artillery against them, but we haven't engaged them in a classic battle. So their mettle has yet to be tested. We're going to have to find out.

;;;;; Q What does the intelligence show -- it's a follow-up.

;;;;; (Cross-talk.)

;;;;; SEC. RUMSFELD: No follow-ups.

;;;;; Q Mr. Secretary?

;;;;; Q Mr. Secretary?

;;;;; Q Mr. Secretary?

;;;;; SEC. RUMSFELD: Let me just make a comment on this, it keeps coming back up, about expectations. Analysts say what they say. And quite honestly, they seem to me to be all over the lot. They're not all in one little box of "It will be over in 15 minutes." If some analysts want to say it's going to be a cakewalk, and it turns out not to be a cakewalk, the fact of the matter is we have said repeatedly we can't say how long it will last. We do not know. It is not knowable. I've said I don't know how many times, "Days, weeks or months." "Don't know."

;;;;; Same thing like the cost. I notice today everyone was saying, "Oh my goodness, they did not know what the war was going to cost." And I have said repeatedly we don't know what the war is going to cost, and the truth is, we don't know what the war is going to cost. You can't know it, it's not knowable.

;;;;; The budget figure the president announced up there is not the cost of the war; the budget figure he announced up there is the cost -- some money that State needs, some money the CIA needs, some money that Homeland Security needs, some money that this department needs to carry us from the beginning of the global war on terror, starting October 1st of this fiscal year, through where we are today and, hopefully, through the rest of the year; and some money to flow forces overseas. And we can't tell you -- if you can't tell how long it's going to last, you sure can't tell what it's going to cost.

;;;;; But now --

;;;;; Q (Off mike) -- was based on the war plan --

;;;;; SEC. RUMSFELD: Shhh! (Laughter.) Shhh!

;;;;; Now, if -- if people have a tendency to want to gravitate toward some analyst's expectation which is unreasonable -- which may be unreasonable, given the fact we're four days into it, it's a little early to know if it's unreasonable, but let's pretend it's unreasonable, then I would not follow that analyst and I would try to listen to what we're saying from this podium as to what we think.

;;;;; Pam?

;;;;; Q Could you explain what's going on with the -- a British spokesman came out and said that elements of the 51st Division have pulled back to Basra. This is a regular army division. We were led to believe that this was a division that abandoned its post, that the commander surrendered to U.S. forces and they abandoned their post and went back home. Were they under -- were they forced back there by Fedayeen? Were they regrouping on their own? Are there other groups that you've seen abandon their posts that are somehow regrouping? And does this force you to rethink the way that you're taking prisoners, which is you're -- from what I gather, you're trying to cull out the ones you want and let the rest of the ones that you don't think will present a problem go home.

;;;;; GEN. MYERS: I think we think the 51st has surrendered; that some of their equipment may have been used by the Fedayeen, perhaps, or other folks the Fedayeen brought with them. I mean, supposedly there were some, maybe, perhaps Republican Guard members who changed to civilian clothes and came south.

;;;;; But I have seen no reliable evidence yet -- and it may be because we haven't seen it yet -- that the 51st has reconstituted. Most of them ran away. Some of their equipment may still be there. They did have a tank battle today with some of their equipment. We think it was the Fedayeen, again, manning some of this equipment, perhaps Republican Guard, and they were defeated by the British.

;;;;; Q Mr. Secretary?

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**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/25/2003 2:26:52 PM  
**Subject:** RE:

Done and done. We have messages out with both offices.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, March 25, 2003 2:20 PM  
**To:** Nelson, Carolyn  
**Subject:**

reminder that he should call Sens. Cornyn and Sessions.

---

**From:** CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/25/2003 10:41:12 AM  
**Subject:** : phone message

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 15:41:12.00  
SUBJECT:: phone message  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

call Wendy at 494-3923  
She says hold Judge from calling Cornyn and call her.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Charlotte L. Montiel/WHO/EOP@EOP [ WHO ] <Charlotte L. Montiel>  
**Sent:** 3/25/2003 10:51:38 AM  
**Subject:** : Re: phone message

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 15:51:38.00  
SUBJECT:: Re: phone message  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Tell Carrie.

.

----- Original Message -----  
From:Charlotte L. Montiel/WHO/EOP@Exchange  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 03/25/2003 03:41:26 PM  
Subject: phone message

call Wendy at 494-3923  
She says hold Judge from calling Cornyn and call her.

---

**From:** PRA 6 [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 3/25/2003 11:16:04 AM  
**Subject:** : 6th circuit  
**Attachments:** P\_WYO0F003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: PRA 6 [ UNKNOWN ] )  
CREATION DATE/TIME: 25-MAR-2003 16:16:04.00  
SUBJECT: : 6th circuit  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
CC: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Please see the attached news article.  
- CNSNews\_Art.doc  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_WYO0F003\_WHO.TXT\_1>



# The Nation

## Michigan Senators Block Five Bush Judicial Nominees

By Jeff Johnson

CNSNews.com Congressional Bureau Chief

March 24, 2003

**Capitol Hill (CNSNews.com)** - Michigan's two Democratic senators have registered objections to all five of President Bush's judicial nominees from their state, effectively killing their chances for confirmation by returning negative "blue slips." Conservative legal experts said Friday that the action proves the judicial confirmation process must be reformed.

Senators Carl Levin and Debbie Stabenow notified the Senate Judiciary Committee Wednesday of their negative recommendations for 6th Circuit Court of Appeals nominees Richard Griffin, David McKeague, Susan Bieke Neilson and Henry Saad. The pair also objected to the confirmation of Thomas Ludington to the U.S. District Court in Eastern Michigan.

Phil Kent, president of the Southeastern Legal Foundation in Atlanta, worked for former Sen. Strom Thurmond when he was chairman of the Senate Judiciary Committee. Kent has long disapproved of the blue slip process, which allows a nominee's home state senators to effectively veto their confirmation.

"I think we need to do away with it," Kent said. "I think the blue slip thing is archaic, and I also think, in this day and age, when there's ideological litmus testing that it's just another weapon liberals can use or, for that matter, Republicans or conservatives could use."

It will be difficult to bypass the Senate tradition of blue slips, explained John Nowacki, director of legal policy for the Free Congress Foundation, even when the process is being abused as he believes it is in this case.

"This isn't a case where home state senators have some unique insight into why every Michigan nominee should not get a hearing and a vote," he argued. "Instead, it's an attempt to keep a court with six judicial emergencies vacant while Levin and Stabenow play petty political games."

Nowacki noted the contrast between President Bush's handling of the judicial nomination process - including re-nominating several of former President Clinton's nominees - and the treatment afforded Bush's nominees by Democrats in the Senate.

"George W. Bush is the only president to nominate a failed court of appeals nominee of a predecessor from another party," he recalled. "He's shown a willingness to reach out to the other party but - as Levin and Stabenow, once again, have demonstrated - he can't expect the same consideration from the Democrats."

The blue slip process was originally created, Nowacki explained, in a time when nominees were more likely to be known to senators from their home state than to other senators and when thorough background investigations were not always possible. Kent believes that time no longer exists.

"I think the FBI background check is far better than anybody 'knowing somebody,'" Kent said. "I'm not concerned about anybody slipping through if somebody didn't know [a nominee]."

Kent notes that, in addition to the FBI background probe, investigators from the Senate Judiciary Committee thoroughly examine the qualifications and background of every nominee. He's optimistic that, especially as the 2004 presidential elections approach, a bipartisan agreement can be reached to set new rules for judicial confirmations.

"Nominees should get a hearing, there shouldn't be any blue slips involved, and once a hearing is held, you get an up-or-down vote on the floor of the Senate," Kent said. "And I think Republicans and conservatives have to agree to that if there's a Democrat...a liberal in [office]."

Calls to Sen. Stabenow's office seeking comment on this story were not returned. A spokeswoman for Sen. Levin acknowledged to **CNSNews.com** that the senator had returned negative blue slips on all five nominees but could offer no explanation as to why.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 3/25/2003 3:18:15 PM  
**Subject:** : Re: I have asked mitch

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 20:18:15.00  
SUBJECT:: Re: I have asked mitch  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

all better. THANK YOU.

Wendy J. Grubbs  
03/25/2003 07:48:18 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: I have asked mitch

And he has agreed to pull a small group together to discuss the overall judge picture. Will be this week..he is on the same script to move judges, so progress is in sight if d's agree and calendar lightens. Ok? All better?

.

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/25/2003 3:19:34 PM  
**Subject:** : Re: I have asked mitch

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 20:19:34.00  
SUBJECT:: Re: I have asked mitch  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Good. Will give u date time place as soon as I hear. Manny will not attend, fyi.

.

---

**From:** Montiel, Charlotte L.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/25/2003 3:41:26 PM  
**Subject:** phone message

call Wendy at 494-3923

She says hold Judge from calling Cornyn and call her.

---

**From:** Kavanaugh, Brett M.  
**To:** <Montiel, Charlotte L.>;<Kavanaugh, Brett M.>  
**Sent:** 3/25/2003 3:51:13 PM  
**Subject:** Re: phone message

Tell Carrie.

.

----- Original Message -----

From: Charlotte L. Montiel/WHO/EOP@Exchange

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

Cc:

Date: 03/25/2003 03:41:26 PM

Subject: phone message

call Wendy at 494-3923

She says hold Judge from calling Cornyn and call her.

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/25/2003 12:19:23 PM  
**Subject:** : pls call me - we want to do a background briefing tonight. 6:45ish can you do?

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:25-MAR-2003 17:19:23.00

SUBJECT:: pls call me - we want to do a background briefing tonight. 6:45ish can you do?

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

;

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; Helgard C. Walker/WHO/EOP@EOP [ WHO ] <Helgard C. Walker>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/25/2003 12:49:14 PM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:25-MAR-2003 17:49:14.00

SUBJECT::

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Amusing items from Bashman:

;

Despite the possibility that she could soon be promoted to Miss Universe:

A (An?) Hispanic woman last night was crowned Miss USA, The Associated

Press <<http://www.ap.org/>> reports here

<<http://story.news.yahoo.com/news?tmpl=story2&cid=494&ncid=762&e=8&u=/ap/20>

030325/ap\_en\_tv/miss\_usa> in an article entitled "Miss Massachusetts

Crowned Miss USA 2003." No filibuster was attempted.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 3/25/2003 1:01:22 PM  
**Subject:** : please send me in form they will receive; thanks

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 18:01:22.00  
SUBJECT:: please send me in form they will receive; thanks  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

**From:** Scottfinan, Nancy <Nancy.Scottfinan@usdoj.gov>  
**To:** Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>; Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Receipt Notification Requested) (IPM Return Requested) ( Rena\_Johnson\_Comisac@Judiciary.senate.gov (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] <Rena\_Johnson\_Comisac@Judiciary.senate.gov>; Brown, Jamie E (OLA) <Jamie.E.Brown@usdoj.gov>  
**Sent:** 3/25/2003 1:07:49 PM  
**Subject:** : RE: Notice of Nominations Hearing and Tentative Witness List for Tues., April 1st

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Scottfinan, Nancy" <Nancy.Scottfinan@usdoj.gov> ( "Scottfinan, Nancy" <Nancy.Scottfinan@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:25-MAR-2003 18:07:49.00  
SUBJECT:: RE: Notice of Nominations Hearing and Tentative Witness List for Tues., April 1st  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> (Receipt Notification Requested) ( "Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> (Receipt Notification Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Rena\_Johnson\_Comisac@Judiciary.senate.gov (Receipt Notification Requested) (IPM Return Requested) ( Rena\_Johnson\_Comisac@Judiciary.senate.gov (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Brown, Jamie E (OLA)" <Jamie.E.Brown@usdoj.gov> (Receipt Notification Requested) ( "Brown, Jamie E (OLA)" <Jamie.E.Brown@usdoj.gov> (Receipt Notification Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks much

-----Original Message-----

From: Comisac, RenaJohnson (Judiciary)  
[mailto:Rena\_Johnson\_Comisac@Judiciary.senate.gov]  
Sent: Tuesday, March 25, 2003 6:01 PM  
To: Scottfinan, Nancy; Brown, Jamie E (OLA); Benczkowski, Brian A; Wendy\_J\_Grubbs@who.eop.gov; Brett\_M\_Kavanaugh@who.eop.gov  
Subject: FW: Notice of Nominations Hearing and Tentative Witness List for Tues., April 1st

-----Original Message-----

From: Butterfield, Jane (Judiciary)  
Sent: Tuesday, March 25, 2003 5:54 PM  
To: Sebold, Linda (Secretary); Dean, Ken (Secretary); Klutts, Chad (Secretary); Miller Reporting (milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian (Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary); Turner, Roslyne (Judiciary); Pomerance, Lilah (Schumer); Carle, David (Leahy); Fleek, Susanne (Leahy); Gordon, Robert (Edwards); Jones, Stephanie (Edwards); Lackey, Miles (Edwards); Payne-Funk, Matt (Leahy); Skocki, Stan (DeWine); Cobb, Susan (Hatch); Janzen, Stormie (Sessions); Knight, Patricia (Hatch); Maier, Elizabeth (Kyl); Nuebel, Kathy (Grassley); Thomas Swanton (thomas\_swanton@specter.senate.gov); Frank Brown (frank\_brown@specter.senate.gov); Glazewski, Tim (Kyl); Larry Kosten (larry\_kosten@specter.senate.gov); Mark Heilbrun

REV\_00112790

(mark\_heilbrun@specter.senate.gov); Singh Seema  
 (seema\_singh@specter.senate.gov); Sonia Acosta  
 (sonia\_acosta@kohl.senate.gov); Morcombe, Cecilia (Judiciary); Marmion,  
 Preble (Judiciary); Mohle, Heinz (Judiciary); Tapia, Margarita  
 (Judiciary); Bradley, Ellen (L. Graham); Cernok, Jill (Kyl); Cricks,  
 Alison; Farr, MaryBeth (Chambliss); Gumerson, Katie (RPC); Hale, Carrie  
 (DeWine); Higgins, Meaghan (Cornyn); Jafari, Beth (Cornyn); Jodi Lindley  
 (jodi\_lindley@craig.senate.gov); Montoya, Ruth (Hatch); Shimp, Leah  
 (Grassley); Trevor Miller (trevor\_miller@feingold.senate.gov); Anderson,  
 Kathy (Durbin); Arlene Branca (arlene\_branca@kohl.senate.gov); Bar,  
 Alexis (Edwards); Dowd, John (Leahy); Hart Hazard  
 (hart\_hazard@biden.senate.gov); Hawkins, Julia (Feinstein); Magarik,  
 Tamar (Feinstein); Mary Murphy (mary\_murphy@feingold.senate.gov);  
 McDonald, Kevin (Leahy); Molly Buford (molly\_buford@biden.senate.gov);  
 Nicholas, Elizabeth (Edwards); Schumer Scheduling  
 (Scheduling@schumer.senate.gov); Tom Wyler  
 (tom\_wyler@feingold.senate.gov); Judiciary, Schumer2 (Judiciary);  
 Bauerly, Cynthia (Judiciary); Berman, Jeff (Judiciary); Flood, James  
 (Judiciary); Judiciary, Schumer1 (Judiciary); Terrell, Louisa  
 (Judiciary); Judiciary, Biden1 (Judiciary); Lee, Marcia (Judiciary);  
 MacBride, Neil (Judiciary); Meyer, Jonathan (Judiciary); Robinson, Tonya  
 (Judiciary); Rosen, Eric (Judiciary); Zubrensky, Michael (Judiciary);  
 Kang, Chris (Judiciary); Keam, Mark (Judiciary); Longley, Michael  
 (Judiciary); Zogby, Joseph (Judiciary); White, Kirsten (Judiciary);  
 Busansky, Alex (Judiciary); Judiciary, Feingold1 (Judiciary); Khera,  
 Farhana (Judiciary); Schiff, Bob (Judiciary); Strickland, LaVita  
 (Judiciary); Hantman, David (Judiciary); Hughes, Dempsey (Judiciary);  
 Judiciary, Feinstein1 (Judiciary); Judiciary, Feinstein2 (Judiciary);  
 Knapp, Jason (Feinstein); Lamberti, Matthew (Judiciary); Oscherwitz, Tom  
 (Judiciary); Toone, Robert (Judiciary); Flug, James (Judiciary);  
 Johnson, Olati (Judiciary); Judiciary, Kennedy1 (Judiciary); Judiciary,  
 Kennedy2 (Judiciary); Judiciary, Kennedy3 (Judiciary); Judiciary,  
 Kennedy4 (Judiciary); Kaguyutan, Janice (Judiciary); Olavarria, Esther  
 (Judiciary); Phillips, Richard (Judiciary); Sessoms, Julia (Judiciary);  
 Schwantes, Jonathan (Judiciary); Arends, Ross (Judiciary); Bloom, Seth  
 (Judiciary); Judiciary, Kohl1 (Judiciary); Miller, Jeffrey (Judiciary);  
 Nonna, Caroline (Judiciary); Reder, Elizabeth (Judiciary); Winski, John  
 (Judiciary); Arfa, Rachel (Judiciary); Berry, Jessica (Judiciary);  
 Cohen, Bruce (Judiciary); Davies, Susan (Judiciary); Demaine, Linda  
 (Judiciary); DeOreo, Mary (Judiciary); Dettelbach, Steven (Judiciary);  
 Eichner, Leesa (Judiciary); Fine, Daniel (Judiciary); Graves, Lisa  
 (Judiciary); Greenfeld, Helaine (Judiciary); Huebner, Ben (Judiciary);  
 Katzman, Julie (Judiciary); Lafayette, Ed (Judiciary); Lucius, Kristine  
 (Judiciary); Lynch, Tim (Judiciary); Magner, Tara (Judiciary);  
 McCormack, Blythe (Judiciary); McKenney, Christina (Judiciary);  
 Neises, Eric (Judiciary); Pagano, Edward (Judiciary); Parry, Liz  
 (Judiciary); Toomajian, Phil (Judiciary); Smith, William (Judiciary);  
 Barnes, Cindy (Judiciary); Judiciary, Sessions1 (Judiciary); Judiciary,  
 Sessions2 (Judiciary); Sander, Andrea (Judiciary); Poindexter, Martha  
 Scott (Chambliss); McLean, Camila (Chambliss); Ho, James (Judiciary);  
 Brooke Roberts; Taylor, Steve (Judiciary); Blackwell, Robin (Judiciary);  
 Fortier, Evelyn (Judiciary); Jones, Bill (Judiciary); Judiciary, DeWine1  
 (Judiciary); Judiciary, DeWine2 (Judiciary); Judiciary, DeWine3  
 (Judiciary); Levitas, Peter (Judiciary); Galyean, James (L. Graham);  
 Reed, Matt (Judiciary); Groover, Chad (Judiciary); Judiciary, Grassley1  
 (Judiciary); Judiciary, Grassley2 (Judiciary); Judiciary, Grassley4  
 (Judiciary); Lari, Rita (Judiciary); Augustine, Rene (Judiciary);  
 Bentley, Shawn (Judiciary); Best, David (Judiciary); Bunker, Matt  
 (Judiciary); Caramanica, Jessica (Judiciary); Castle, William  
 (Judiciary); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary);  
 Delrahim, Makan (Judiciary); Eskelsen, Jon (Judiciary); Friedrich,  
 Dabney (Judiciary); Green, Tanya (Judiciary); Greissing, John  
 (Judiciary); Haywood, Amy (Judiciary); Higginbotham, Ryan (Judiciary);  
 Johnson, Jacob (Judiciary); Kim, Wan (Judiciary); LeBon, Cherylyn  
 (Judiciary); Lehman, Ted (Judiciary); Lundell, Jason (Judiciary);  
 O'Connor, Reed (Judiciary); O'Scannlain, Kevin (Judiciary); Prior, Swen  
 (Judiciary); Sampson, Nate (Judiciary); Seidel, Rebecca (Judiciary);  
 Snell, BethAnn (Judiciary); Soliemanzadeh, Payam (Judiciary); Stahl,

Katie (Judiciary); Volkov, Michael (Judiciary); Wagner, Jennifer (Judiciary); Matal, Joe (Judiciary); Higgins, Stephen (Judiciary); Judiciary, kylintern1 (Judiciary); Judiciary, kylintern2 (Judiciary); Letourneau, Matthew (Judiciary); Judiciary, SheilaB (Judiciary); Judiciary, AnnaG (Judiciary); Judiciary, JonF (Judiciary); Judiciary, MargueriteM (Judiciary); Judiciary, MattG (Judiciary); Millette, Martin (Judiciary); Artim, Bruce (Judiciary); Campbell, Chris (Judiciary); Carlson, Mark (Judiciary); DeLoatche, Patricia (Judiciary); Judiciary, TylerH (Judiciary); Judiciary, BarrH (Judiciary); Judiciary, DanT (Judiciary); Judiciary, EricJ (Judiciary); Judiciary, IsaacH (Judiciary); Judiciary, JeremyJ (Judiciary); Judiciary, JeremyN (Judiciary); Judiciary, KristenW (Judiciary); Judiciary, NicoleO (Judiciary)  
Subject: Notice of Nominations Hearing and Tentative Witness List for Tues., April 1st

March 25, 2003

NOTICE OF FULL COMMITTEE HEARING

The Senate Committee on the Judiciary will hold a hearing on Tuesday, April 1, 2003, at 9:00 a.m. in Room 226 of the Senate Dirksen Building, on "Judicial Nominations."

Senator Hatch will preside.

By order of the Chairman

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/25/2003 5:19:35 PM  
**Subject:** pls call me - we want to do a background briefing tonight. 6:45ish can you do?

---

**From:** CN=Paul Perkins/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/25/2003 1:22:17 PM  
**Subject:** : Meeting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 18:22:17.00  
SUBJECT:: Meeting  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Leonard Leo and Boyden Gray can meet on Thursday, March 27, 9:00, at Baker  
& Hostetler (1050 Conn. Ave.)  
Thanks,  
Paul Perkins.

---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**Sent:** 3/25/2003 5:56:31 PM  
**Subject:** please send me in form they will receive; thanks

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Carolene Langie Office of Global Communications/WHO/EOP@EOP [ WHO ] <Carolene Langie Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 3/25/2003 2:19:50 PM  
**Subject:** : White House Global Messenger - 03/26/2003  
**Attachments:** P\_RG01F003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )

CREATION DATE/TIME:25-MAR-2003 19:19:50.00

SUBJECT:: White House Global Messenger - 03/26/2003

TO:Carolene Langie Office of Global Communications ( CN=Carolene Langie Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

(See attached file: GM 3-26-03 FINAL.doc)

THE GLOBAL MESSENGER

Wednesday, March 26, 2003

\*\*\*\*\*KEY POINTS FROM THE PRESIDENT'S REMARKS AT THE PENTAGON,  
3-25-03\*\*\*\*\*

- Our Coalition is on a steady advance, bound together by the principle of protecting all nations from a brutal regime armed with weapons that could kill thousands of innocent people.

- We're fighting an enemy that knows no rules of law and is willing to kill in order to continue Saddam Hussein's reign of fear.

- We cannot know the duration of this war. Yet we know its outcome; we will prevail. The Iraqi regime will be disarmed. The Iraqi regime will be ended. The Iraqi people will be free. And our world will be more secure and peaceful.

- Our Coalition forces and their families are showing great courage, and some have suffered great loss. America is grateful to all those who have sacrificed in our cause.

- Our troops also continue to fight bravely in other fronts of this war on terror. In Afghanistan last week, coalition forces launched Operation Valiant Strike against terrorists and their allies in the southern mountains of Afghanistan.

- This nation and our Coalition partners are committed to making sure that the Iraqi citizens who have suffered under a brutal tyrant have the food and medicine they need as soon as possible. And soon, the Iraqi people will see the great compassion of not only the United States, but other nations around the

REV\_00112796



world who care deeply about the human condition inside that country.

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Standard. Subject to Change

Note: President Bush travels to Tampa, Florida

7:05 am CENTCOM Operations Update

\*\*\*\*\*RECENT DEVELOPMENTS\*\*\*\*\*

Providing Humanitarian Relief to the People of Iraq

President Bush has requested \$2.4 billion to create a new, flexible account focused on relief and reconstruction for the people of Iraq. These funds will be used to provide food, water, medicine, and clothing to the people of Iraq. They will also be used to repair damaged infrastructure, restore important government services, and keep schools open.

The total commitment of resources for Iraq relief and reconstruction, including those provided through the Department of Defense, is approximately \$3.5 billion.

For more information on Operation Iraqi Freedom:

<http://www.whitehouse.gov/infocus/iraq>

\*\*\*\*\*LIBERATION UPDATE\*\*\*\*\*

The enthusiasm of Iraqis as American and coalition troops help liberate their country is evident in a collection of their reactions to Operation Iraqi Freedom. Visit "Liberation Update" at: <http://www.whitehouse.gov/liberation>

"As Iraqi Americans reach out to their relatives in Baghdad and Basra, in Kirkuk and Irbil, some are hearing words they never thought possible: Iraqis are speaking ill of Saddam Hussein. They're criticizing him out loud, on the telephone, seemingly undeterred by fear of the Iraqi intelligence service and its tactics of torture for those disloyal to the Baath Party regime. 'I was shocked,' said Zainab Al-Suwaij, executive director of the American Islamic Congress.... It's very dangerous. All the phones are tapped. But they are so excited.'"   
Los Angeles Times, 3-24-03

\*\*\*\*\*COALITION VOICES OF SUPPORT\*\*\*\*\*

"The game is in play between those who historically have been committed to the liberty of men and those who have transformed their country into a chamber of torture."   
Italian Prime Minister Silvio Berlusconi, 3-19-03

"We are loyal allies of loyal friends."   
Costa Rican President Abel Pacheco, 3-21-03

"We are ready to use a Polish contingent in the international coalition to contribute to making Iraq comply with the U.N. resolutions... It's clear that the problem of existing weapons of mass destruction in Iraq is a fact."   
Polish President Kwasniewski, 3-17-03

THE WHITE HOUSE

Office of Global Communications

For more information log on to <http://www.whitehouse.gov/ogc>

\*\*\*\*\*

You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.

- GM 3-26-03 FINAL.doc

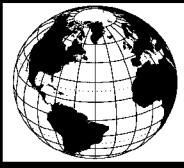
ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_RG01F003\_WHO.TXT\_1>



# THE GLOBAL MESSENGER

Wednesday, March 26, 2003



## **TODAY'S SCHEDULE**

*All Times Eastern Standard. Subject to Change*

Note: President Bush travels to Tampa, Florida

7:05 am CENTCOM Operations Update

## **RECENT DEVELOPMENTS**

### **Providing Humanitarian Relief to the People of Iraq**

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## **LIBERATION UPDATE**

The enthusiasm of Iraqis as American and coalition troops help liberate their country is evident in a collection of their reactions to Operation Iraqi Freedom. Visit "Liberation Update" at:

<http://www.whitehouse.gov/liberation>

"As Iraqi Americans reach out to their relatives in Baghdad and Basra, in Kirkuk and Irbil, some are hearing words they never thought possible: Iraqis are speaking ill of Saddam Hussein. They're criticizing him out loud, on the telephone, seemingly undeterred by fear of the Iraqi intelligence service and its tactics of torture for those disloyal to the Baath Party regime. 'I was shocked,' said Zainab Al-Suwaij, executive director of the American Islamic Congress....It's very dangerous. All the phones are tapped. But they are so excited.'"

Los Angeles Times, 3-24-03

## **KEY POINTS FROM THE PRESIDENT'S REMARKS AT THE PENTAGON, 3-25-03**

- Our Coalition is on a steady advance, bound together by the principle of protecting all nations from a brutal regime armed with weapons that could kill thousands of innocent people.
- We're fighting an enemy that knows no rules of law and is willing to kill in order to continue Saddam Hussein's reign of fear.
- We cannot know the duration of this war. Yet we know its outcome; we will prevail. The Iraqi regime will be disarmed. The Iraqi regime will be ended. The Iraqi people will be free. And our world will be more secure and peaceful.
- Our Coalition forces and their families are showing great courage, and some have suffered great loss. America is grateful to all those who have sacrificed in our cause.
- Our troops also continue to fight bravely in other fronts of this war on terror. In Afghanistan last week, coalition forces launched Operation Valiant Strike against terrorists and their allies in the southern mountains of Afghanistan.
- This nation and our Coalition partners are committed to making sure that the Iraqi citizens who have suffered under a brutal tyrant have the food and medicine they need as soon as possible. And soon, the Iraqi people will see the great compassion of not only the United States, but other nations around the world who care deeply about the human condition inside that country.

## **COALITION VOICES OF SUPPORT**

"The game is in play between those who historically have been committed to the liberty of men and those who have transformed their country into a chamber of torture."

**Italian Prime Minister Silvio Berlusconi, 3-19-03**

"We are loyal allies of loyal friends."

**Costa Rican President Abel Pacheco, 3-21-03**

"We are ready to use a Polish contingent in the international coalition to contribute to making Iraq comply with the U.N. resolutions... It's clear that the problem of existing weapons of mass destruction in Iraq is a fact."

**Polish President Kwasniewski, 3-17-03**

**THE WHITE HOUSE**  
**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00112799

---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**Sent:** 3/25/2003 6:39:48 PM  
**Subject:** Re: FW: NOT TO GO OUT....

does press know about this yet?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 3/25/2003 4:24:51 PM  
**Subject:** : fyi that allen sent me draft article, which is predictably bad; i called him and made a few corrections, which he accepted cheerfully

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 21:24:51.00  
SUBJECT:: fyi that allen sent me draft article, which is predictably bad; i called him and made a few corrections, which he accepted cheerfully  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/25/2003 4:42:18 PM  
**Subject:** : Re: fyi that allen sent me draft article, which is predictably bad; i called him and made a few corrections, which he accepted cheerfully

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:25-MAR-2003 21:42:18.00

SUBJECT:: Re: fyi that allen sent me draft article, which is predictably bad; i called him and made a few corrections, which he accepted cheerfully

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

He always is cheerful and grateful..and strange.; Thanks for doing all of this. This is one of those where the first stories will be hard to fix if come out wrong.; Sorry to bug you earlier - especially annoying given Ron's extensive questions on the call and follow up with him right after.; Thanks again, we'll see what we get tomorrow.  
.

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/25/2003 5:05:35 PM  
**Subject:** : Fw: Moving judges

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-MAR-2003 22:05:35.00  
SUBJECT:: Fw: Moving judges  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

For judge plan meeting...ok?

.

----- Original Message -----  
From:<Mitch\_Bainwol@frist.senate.gov>  
To:Wendy J. Grubbs/WHO/EOP@EOP  
Cc:  
Date: 03/25/2003 09:01:40 PM  
Subject: Re: Moving judges

Does 4:30 work on thurs?

-----

Mitch Bainwol  
Office of the Majority Leader  
mitch\_bainwol@frist.senate.gov

---

**From:** CN=Paul Perkins/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/26/2003 4:58:46 AM  
**Subject:** : Judicial Meeting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-MAR-2003 09:58:46.00  
SUBJECT:: Judicial Meeting  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,  
Just to let you know. The meeting is on the 11th floor of Baker and  
Hostetler.  
Thanks,  
Paul.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>  
**Sent:** 3/26/2003 5:07:03 AM  
**Subject:** : Re: Portfolio changes

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-MAR-2003 10:07:03.00  
SUBJECT:: Re: Portfolio changes  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I now have Transportation, I believe

From: Patrick J. Bumatay/WHO/EOP@Exchange on 03/26/2003 10:01:30 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc: David G. Leitch/WHO/EOP@Exchange  
Subject: Portfolio changes

As is tradition in this office, whenever an Associate Counsel leaves, everyone tries to ditch the bad parts of their portfolio on the incoming Counsel.; We already have some trading going on, but we will entertain any other requests - subject to David Leitch's approval, of course.

;  
Please let me know if you had; any requests.

;  
Thanks,  
Patrick

Message Sent

To: \_\_\_\_\_  
Helgard C. Walker/WHO/EOP@EOP  
H. Christopher Bartolomucci/WHO/EOP@EOP  
Noel J. Francisco/WHO/EOP@EOP  
Brett M. Kavanaugh/WHO/EOP@EOP  
Jennifer G. Newstead/WHO/EOP@EOP  
Benjamin A. Powell/WHO/EOP@EOP  
Kyle Sampson/WHO/EOP@EOP  
Theodore W. Ulliyot/WHO/EOP@EOP

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>;Helgard C. Walker/WHO/EOP@EOP [ WHO ] <Helgard C. Walker>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>  
**Sent:** 3/26/2003 5:34:20 AM  
**Subject:** : RE: Portfolio changes

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:26-MAR-2003 10:34:20.00  
SUBJECT:: RE: Portfolio changes  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I will need to balance your interests in dumping barking dogs with our interest in having our new associate counsel come back after the first day.;

-----Original Message-----

From: Bumatay, Patrick J.  
Sent: Wednesday, March 26, 2003 10:02 AM  
To: Walker, Helgard C.; Bartolomucci, H. Christopher; Francisco, Noel J.; Kavanaugh, Brett M.; Newstead, Jennifer G.; Powell, Benjamin A.; Sampson, Kyle; Ulyot, Theodore W.  
Cc: Leitch, David G.  
Subject: Portfolio changes

As is tradition in this office, whenever an Associate Counsel leaves, everyone tries to ditch the bad parts of their portfolio on the incoming Counsel.; We already have some trading going on, but we will entertain any other requests - subject to David Leitch's approval, of course.

;  
Please let me know if you had; any requests.

;  
Thanks,  
Patrick

REV\_00112810

---

**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 3/26/2003 5:47:54 AM  
**Subject:** : TRANSCRIPT - CBS "EARLY SHOW" INTERVIEW WITH SECRETARY OF STATE COLIN POWELL

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:26-MAR-2003 10:47:54.00  
SUBJECT:: TRANSCRIPT - CBS "EARLY SHOW" INTERVIEW WITH SECRETARY OF STATE COLIN POWELL  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

CBS "EARLY SHOW" INTERVIEW WITH SECRETARY OF STATE COLIN POWELL

7:08 A.M. (EST), WEDNESDAY, MARCH 26, 2003

;

RENE SYLER: Secretary of State Colin Powell was the architect of the first Gulf War as chairman of the Joint Chiefs. And as secretary of State, he's been at the heart of the decision-making process that led up to the current military conflict. He spoke with CBS News' Lesley Stahl.

;;;;; (Begin videotape.)

;;;;; MS. STAHL: The secretary of Defense said that there are intelligence reports that the chain of command in Iraq has been told to use chemical weapons against our soldiers once that battle of Baghdad starts.

;;;;; SEC. POWELL: We listen to such reports and we make sure that we have in our contingency planning how to handle such an attack. Our troops went into this battle knowing that they might be exposed to chemical weapons and, God forbid, biological weapons.

;;;;; MS. STAHL: So these reports are not so specific. They're pretty vague, or they don't even exist.

;;;;; SEC. POWELL: They're pretty vague. I mean, they're reports. People say that such instructions have been given. It's a war. There's a living, breathing enemy out there who's doing everything he can to keep us from knowing what his instructions are. We are quite good with our intelligence, but not perfect.

;;;;; MS. STAHL: The Powell doctrine in military terms is that you throw a massive force. If you're going to go to war, make it huge. There are now criticisms we're beginning to hear that this force isn't massive enough.

;;;;; SEC. POWELL: That's nonsense. It's the usual chatter. I mean, we have commentators everywhere. Every general who ever worked for me is now on some network commenting on the daily battle. And frankly, battles come and wars come and they have ups and downs; they have a rhythm to it.

;;;;; The Powell doctrine is you use decisive force. And the plan that General Franks and his commanders have put together is a decisive force that will get the job done.

;;;;; So don't let one days' ups and downs suggest that the battle isn't going well. The United States armed forces, with our coalition partners, the British principally and the Australians, have gone 300 miles deep into Iraq in a period of five days. That is a heck of an achievement.

;;;;;;;; MS. STAHL: Yeah, but the rear is exposed.

;;;;;;;; SEC. POWELL: It's not -- exposed to what? Exposed to small --

;;;;;;;; MS. STAHL: Exposed to Fedayeen, exposed to --

;;;;;;;; SEC. POWELL: Fine. So? We'll get them in due course. They are not exposed to a massive Iraqi army that is operating in a coordinated way that can assault our flanks and stop our assault.

;;;;;;;; MS. STAHL: Are you saying you're not worried or concerned about guerrilla warfare?

;;;;;;;; SEC. POWELL: Of course we are. And we're trained to handle this. But this chatter for the last 24 hours that everything is coming apart because on Sunday we took a few casualties -- the casualties for this operation have been low. You don't want to slow your advance to go into a particular city and spend all your time rooting out people that you will get in due course. They're not threatening the advance.

;;;;;;;; MS. STAHL: But you can't get your supplies.

;;;;;;;; SEC. POWELL: Who says?

;;;;;;;; MS. STAHL: Well, you can't get the humanitarian in there.

;;;;;;;; SEC. POWELL: Only because the mine fields haven't been cleared at the Port of Umm Qasr. But our troops are being supplied. And water is slowly being restored to places like Basrah. It's up to 40 percent of the water capacity now. And that was a question of fixing the pumping stations in Basrah. And as soon as the mines have been cleared, the ships are waiting to deliver the humanitarian supplies to Umm Qasr, and the situation will change rapidly.

END.

;

---

**From:** CN=Edward McNally/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/26/2003 2:54:33 AM  
**Subject:** : BK -- Ted + I shld loop up w/ you

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-MAR-2003 07:54:33.00  
SUBJECT:: BK -- Ted + I shld loop up w/ you  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

On question of legal issues re: shld HSC be inside WHO, or not.

.

---

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/26/2003 3:56:43 AM  
**Subject:** : stop by on your way back

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 26-MAR-2003 08:56:43.00  
SUBJECT: : stop by on your way back  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; Helgard C. Walker/WHO/EOP@EOP [ WHO ] <Helgard C. Walker>  
**CC:** David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>  
**Sent:** 3/26/2003 5:01:29 AM  
**Subject:** : Portfolio changes

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 26-MAR-2003 10:01:29.00

SUBJECT:: Portfolio changes

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

CC: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

As is tradition in this office, whenever an Associate Counsel leaves, everyone tries to ditch the bad parts of their portfolio on the incoming Counsel.; We already have some trading going on, but we will entertain any other requests - subject to David Leitch's approval, of course.

;

Please let me know if you had; any requests.

;

Thanks,

Patrick

REV\_00112817

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Patrick J. Bumatay/WHO/EOP@Exchange@EOP [ WHO ] <Patrick J. Bumatay>  
**Sent:** 3/26/2003 5:33:09 AM  
**Subject:** : ok on those econ plan points

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-MAR-2003 10:33:09.00  
SUBJECT:: ok on those econ plan points  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####



---

**From:** Kavanaugh, Brett M.  
**To:** <Bumatay, Patrick J.>  
**Sent:** 3/26/2003 10:28:07 AM  
**Subject:** ok on those econ plan points

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; Helgard C. Walker/WHO/EOP@EOP [ WHO ] <Helgard C. Walker>  
**Sent:** 3/26/2003 6:54:27 AM  
**Subject:** : RE: Portfolio changes

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 26-MAR-2003 11:54:27.00

SUBJECT:: RE: Portfolio changes

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Also, this applies to any state assignment changes.

-----Original Message-----

From: Bumatay, Patrick J.

Sent: Wednesday, March 26, 2003 10:02 AM

To: Walker, Helgard C.; Bartolomucci, H. Christopher; Francisco, Noel J.; Kavanaugh, Brett M.; Newstead, Jennifer G.; Powell, Benjamin A.; Sampson, Kyle; Ulyot, Ted

Cc: Leitch, David G.

Subject: Portfolio changes

As is tradition in this office, whenever an Associate Counsel leaves, everyone tries to ditch the bad parts of their portfolio on the incoming Counsel.; We already have some trading going on, but we will entertain any other requests - subject to David Leitch's approval, of course.

;

Please let me know if you had; any requests.

;

Thanks,

Patrick

---

**From:** Thomas, Ginni <ginni.thomas@heritage.org>  
**To:** Thomas, Ginni <ginni.thomas@heritage.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 3/26/2003 7:39:30 AM  
**Subject:** : Heritage Iraq Update - The Heritage Foundation - newest papers.  
**Attachments:** P\_5BS1F003\_WHO.TXT\_1.htm

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Thomas, Ginni" <ginni.thomas@heritage.org> ( "Thomas, Ginni"  
<ginni.thomas@heritage.org> [ UNKNOWN ] )  
CREATION DATE/TIME:26-MAR-2003 12:39:30.00  
SUBJECT:: Heritage Iraq Update - The Heritage Foundation - newest papers.  
TO:"Thomas, Ginni" <ginni.thomas@heritage.org> ( "Thomas, Ginni"  
<ginni.thomas@heritage.org> [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

<<http://www.heritage.org/Research/MiddleEast/iraq/>> undefined

The <<http://www.heritage.org/Research/MiddleEast/wm239.cfm>> Bush-Blair  
Summit: Iraq, the U.N., and the Future of Europe  
by Nile Gardiner and John Hulsman

<<http://www.heritage.org/Research/MiddleEast/wm236.cfm>> Achieving  
Economic Reform and Growth in Iraq by Ariel Cohen, Ph.D. and Gerald P.  
O'Driscoll

<<http://www.heritage.org/Research/MiddleEast/wm238.cfm>> Turkey Shot  
Itself in the Head by Ariel Cohen, Ph.D

<<http://www.heritage.org/Research/MiddleEast/wm233.cfm>> Opening Days of  
Gulf War II Demonstrates Need to Accelerate Army Transformation by Jack  
Spencer

<<http://www.heritage.org/Research/MiddleEast/wm232.cfm>> Saddam's  
Strategy: Holding Baghdad Hostage by Jim Phillips

<<http://www.heritage.org/Research/InternationalOrganizations/wm230.cfm>>  
What the UN Could Learn from the OAS by Stephen Johnson

Three War <<http://www.heritage.org/Research/MiddleEast/wm229.cfm>> Aims by  
Baker Spring and Jack Spencer

"Coalition of <<http://www.heritage.org/Research/MiddleEast/wm225.cfm>> the  
Willing" Already Larger than the 1991 Gulf War coalition

by Paolo Pasicolan and Carrie Satterlee

- att1.htm  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_5BS1F003\_WHO.TXT\_1>

The Bush-Blair Summit: Iraq, the U.N., and the Future of Europe  
by Nile Gardiner and John Hulsman

Achieving Economic Reform and Growth in Iraq by Ariel Cohen, Ph.D. and Gerald P. O'Driscoll

Turkey Shot Itself in the Head by Ariel Cohen, Ph.D

Opening Days of Gulf War II Demonstrates Need to Accelerate Army Transformation by Jack Spencer  
</FONT>

Saddam's Strategy: Holding Baghdad Hostage by Jim Phillips

What the UN Could Learn from the OAS by Stephen Johnson

Three War Aims by Baker Spring and Jack Spencer

"Coalition of the Willing" Already Larger than the 1991 Gulf War coalition  
by Paolo Pasicolan and Carrie Satterlee



---

**From:** CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/26/2003 12:15:51 PM  
**Subject:** : Chiefs of Staff

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:26-MAR-2003 17:15:51.00

SUBJECT:: Chiefs of Staff

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

I need to call the Chiefs of Staff at Treasury, Defense, Interior and Homeland on a 9-11 Commission-related matter. Could you give me the name and number of the right person for your agency? I thought this would be the quickest way. Thanks

Jen

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/26/2003 8:22:05 AM  
**Subject:** : Re: DC Circuit Court

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-MAR-2003 13:22:05.00  
SUBJECT:: Re: DC Circuit Court  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

will do

---

**From:** CN=Theodore W. Ulliyot/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** edward mcnally/who/eop@eop [ WHO ] <edward mcnally>  
**Sent:** 3/26/2003 9:39:10 AM  
**Subject:** : Re: can we meet at 430 in ed's office re OHS/WHO

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Theodore W. Ulliyot ( CN=Theodore W. Ulliyot/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-MAR-2003 14:39:10.00  
SUBJECT:: Re: can we meet at 430 in ed's office re OHS/WHO  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:edward mcnally ( CN=edward mcnally/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

OK with me.

Brett M. Kavanaugh  
03/26/2003 02:31:06 PM  
Record Type: Record

To: Edward McNally/WHO/EOP@EOP, Theodore W. Ulliyot/WHO/EOP@EOP  
cc:  
Subject: can we meet at 430 in ed's office re OHS/WHO

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Theodore W. Ulliot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliot>; Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>  
**Sent:** 3/26/2003 9:39:09 AM  
**Subject:** : can we meet at 430 in ed's office re OHS/WHO

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 26-MAR-2003 14:39:09.00  
SUBJECT: : can we meet at 430 in ed's office re OHS/WHO  
TO: Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####



---

**From:** Kavanaugh, Brett M.  
**To:** <Bumatay, Patrick J.>  
**Sent:** 3/26/2003 2:00:49 PM  
**Subject:** what's status of noms for tomorrow

---

**From:** CN=Edward McNally/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**CC:** edward mcnelly/who/eop@eop [ WHO ] <edward mcnelly>  
**Sent:** 3/26/2003 11:09:44 AM  
**Subject:** : Re: can we meet at 430 in ed's office re OHS/WHO

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-MAR-2003 16:09:44.00  
SUBJECT:: Re: can we meet at 430 in ed's office re OHS/WHO  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:edward mcnelly ( CN=edward mcnelly/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes

.

----- Original Message -----  
From:Theodore W. Ulyot/WHO/EOP  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:edward mcnelly/who/eop@eop  
Date: 03/26/2003 02:37:23 PM  
Subject: Re: can we meet at 430 in ed's office re OHS/WHO

OK with me.

Brett M. Kavanaugh  
03/26/2003 02:31:06 PM  
Record Type: Record

To: Edward McNally/WHO/EOP@EOP, Theodore W. Ulyot/WHO/EOP@EOP  
cc:  
Subject: can we meet at 430 in ed's office re OHS/WHO

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 3/26/2003 11:18:22 AM  
**Subject:** : can you get me copy of CFO Act (related to CFO of Office of Administration here)

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:26-MAR-2003 16:18:22.00

SUBJECT:: can you get me copy of CFO Act (related to CFO of Office of Administration here)

TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/26/2003 11:51:04 AM  
**Subject:** : Re: can you get me copy of CFO Act (related to CFO of Office of Administration here)

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:26-MAR-2003 16:51:04.00

SUBJECT:: Re: can you get me copy of CFO Act (related to CFO of Office of Administration here)

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

I'm working on it

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>  
**Sent:** 3/26/2003 12:17:04 PM  
**Subject:** : Re: Chiefs of Staff

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-MAR-2003 17:17:04.00  
SUBJECT:: Re: Chiefs of Staff  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Tim Adams. 622-1906 Treasury

Jennifer G. Newstead  
03/26/2003 05:11:08 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, H. Christopher  
Bartolomucci/WHO/EOP@EOP, Kyle Sampson/WHO/EOP@EOP, Benjamin A.  
Powell/WHO/EOP@EOP  
cc:  
Subject: Chiefs of Staff

I need to call the Chiefs of Staff at Treasury, Defense, Interior and  
Homeland on a 9-11 Commission-related matter. Could you give me the name  
and number of the right person for your agency? I thought this would be  
the quickest way. Thanks

Jen

---

**From:** CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/26/2003 12:18:02 PM  
**Subject:** : Re: Chiefs of Staff

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-MAR-2003 17:18:02.00  
SUBJECT:: Re: Chiefs of Staff  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

thanks

Brett M. Kavanaugh  
03/26/2003 05:12:25 PM  
Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Chiefs of Staff

Tim Adams. 622-1906 Treasury

Jennifer G. Newstead  
03/26/2003 05:11:08 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, H. Christopher  
Bartolomucci/WHO/EOP@EOP, Kyle Sampson/WHO/EOP@EOP, Benjamin A.  
Powell/WHO/EOP@EOP  
cc:  
Subject: Chiefs of Staff

I need to call the Chiefs of Staff at Treasury, Defense, Interior and  
Homeland on a 9-11 Commission-related matter. Could you give me the name  
and number of the right person for your agency? I thought this would be  
the quickest way. Thanks

Jen

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange@EOP [ WHO ] <Colleen Litkenhaus>  
**Sent:** 3/26/2003 12:28:25 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-MAR-2003 17:28:25.00  
SUBJECT::  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Interior GC is getting info and calling me back. Exactly how many places  
on Ellipse would we want reserved for WH people?

---

**From:** Douglass, Kimberly A.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/26/2003 4:39:10 PM  
**Subject:** blue sheets

Thanks for signing so quickly!!! I appreciate it.



---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/26/2003 1:07:29 PM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:26-MAR-2003 18:07:29.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I have to figure that out. Maybe one spot for each new little bush that they are planting on east exec and jackson place. The main thing is that park police are the ones that ticket.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, March 26, 2003 5:23 PM  
To: Litkenhaus, Colleen  
Subject:

Interior GC is getting info and calling me back. Exactly how many places on Ellipse would we want reserved for WH people?

---

**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>  
**Sent:** 3/26/2003 5:23:13 PM  
**Subject:**

Interior GC is getting info and calling me back. Exactly how many places on Ellipse would we want reserved for WH people?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange@EOP [ WHO ] <Colleen Litkenhaus>  
**Sent:** 3/26/2003 1:47:05 PM  
**Subject:** : RMD

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-MAR-2003 18:47:05.00  
SUBJECT:: RMD  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The head of RMD can be made to report either to COO or CFO,  
although the statute more naturally suggests that the RMD head would  
report to the CFO because the CFO is charged with responsibility to "  
direct, manage, and provide policy guidance and oversight of agency  
financial management personnel, activities, and operations."

Separately, the CFO can be made to report to the head of OA or to  
anyone else in the EOP who is so designated by the President.

Please call with any questions.

---

**From:** Litkenhaus, Colleen  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/26/2003 6:05:31 PM  
**Subject:** RE:

I have to figure that out. Maybe one spot for each new little bush that they are planting on east exec and jackson place. The main thing is that park police are the ones that ticket.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Wednesday, March 26, 2003 5:23 PM  
**To:** Litkenhaus, Colleen  
**Subject:**

Interior GC is getting info and calling me back. Exactly how many places on Ellipse would we want reserved for WH people?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** G. Timothy Saunders/WHO/EOP@EOP [ WHO ] <G. Timothy Saunders>  
**Sent:** 3/26/2003 2:17:22 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-MAR-2003 19:17:22.00  
SUBJECT::  
TO:G. Timothy Saunders ( CN=G. Timothy Saunders/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Is there any way technically to submit a nomination to the Senate when it is in recess? Can explain reason at 6-7984. Thx.

---

**From:** Ganter, Jonathan F.  
**To:** <Leitch, David G.>;<Nelson, Carolyn>;<Montiel, Charlotte L.>;<Bumatay, Patrick J.>;<Bartolomucci, H. Christopher>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Powell, Benjamin A.>;<Ulliot, Theodore W.>;<Newstead, Jennifer G.>;<Sampson, Kyle>;<Carroll, James W.>;<Jucas, Tracy>;<Everson, Nanette>;<Brilliant, Hana F.>;<Farrell, J. Elizabeth>  
**Sent:** 3/26/2003 7:02:24 PM  
**Subject:** Admin Contact Meeting Summary

The following items were brought up at this week's Admin Contact meeting:

#### VRU's

The Secret Service is currently working to station cabinets containing extra VRU's throughout the White House Office buildings. These will be available to volunteers, appointments, and anyone else in need of a VRU in the case of an attack. A diagram or map depicting the locations of each of these cabinets will be forthcoming.

#### Parking

Reminder that those with Ellipse parking passes are not permitted to park in the newly drawn spaces on the northeast portion of the ellipse near the Visitor's Center. Those spaces are reserved for cars with H passes.

#### White House Comment Line

In times of war it is standard practice for the White House Comment Line to extend its hours. Comment Line administrators have made the decision to remain open until 9:00 pm Monday through Friday. Due to the fact that the Comment Line relies heavily upon volunteers to man its phones during the day, there is now a void to be filled in the evening hours from 5:00 until 9:00 (they are always willing to accept volunteers, but the evening is when they are most in need). Anyone who is interested in volunteering should contact Justin Grove at 6-5446, or via email at [Justin\\_A\\_Grove@who.eop.gov](mailto:Justin_A_Grove@who.eop.gov). While they would love to have people volunteer on a regular basis, they are also happy to take in one-time volunteers as well.

#### Pagers

White House Management has asked that all pagers which are not used be returned. If you have a White House issued pager that you do not see a need for, please contact Liz or Jon.

#### White House Signal

The White House Signal phone service is intended for use by the President, Vice President, and the President's senior staff. White House Management asks that all other parties use the White House Operator at 456-1414.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>;Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 3/27/2003 6:16:14 AM  
**Subject:** : Richmond Times Dispatch editorial

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAR-2003 11:16:14.00  
SUBJECT:: Richmond Times Dispatch editorial  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Mend It

The President is right: The judicial confirmation process is broken. During the 2000 campaign George W. Bush realized this - knowing full well Senate Republicans abused their advise-and-consent role during the Clinton years - and proposed that the Senate deal with judicial nominations in a timely fashion. He noted then that the process "does not empower anyone to turn the process into a protracted ordeal of unreasonable delay and unrelenting investigation." Bush knew his history, too, citing the "unacceptably high" number of bench vacancies left by partisan sniping in both the presidencies of his father and Bill Clinton. He has announced plans for changing the way the Senate acts on judicial nominations no fewer than three times. In a recent letter to Senators Bill Frist and Tom Daschle, the President again called for the charade to end: I ask Senators of both parties to come together to end the escalating cycle of blame and bitterness and to restore fairness, predictability, and dignity to the process. I ask that the Senate take action, including adoption of a permanent rule, to ensure timely up-or-down votes on judicial nominations both now and in the future, no matter who is President or which party controls the Senate. This is the only way to ensure that our judiciary works and that good people remain willing to be nominated to the federal bench. All Senators should have a chance to have their voices heard and their votes counted. All Presidents should have their judicial nominees considered and voted upon in a reasonable time. All nominees should have the certainty of an up-or-down Senate vote within a reasonable time. All judges should have the assurance that vacancies on their courts will not persist for years. And all Americans should have the assurance that the federal courts will remain open and fully staffed to resolve their disputes and protect their rights and liberties.

In the ideal world, Senators would agree to Bush's proposals - and now. Yet in the real world inhabited by cynics and skeptics, it is hard to believe the Senate would give so much ground to its antagonist in the Executive Branch. Never mind that the Judiciary Committee chairman (Orrin Hatch) and the ranking minority member (Patrick Leahy) have, at different times, expressed their support for such reforms. The game of one-upmanship and spite has gone on far too long. The long knives have cut both ways. President Bush wants to end the hemorrhaging brought about by petty

politicking on judges. Give judges hearings, then vote them up or vote them down - and make such rules permanent so that they would remain for a Democratic Senate or a Republican one, for a Republican President or a Democratic one. It's not too much to ask.  
The Senate should adhere to the President's request. Not doing so would be the unkindest cut of all.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** barbara\_ledeen@src.senate.gov [ UNKNOWN ]  
<barbara\_ledeen@src.senate.gov>;manuel\_miranda@frist.senate.gov [ UNKNOWN ]  
<manuel\_miranda@frist.senate.gov>;makan\_delraheim@judiciary.senate.gov [ UNKNOWN ]  
<makan\_delraheim@judiciary.senate.gov>;Steven\_Duffield@rpc.senate.gov [ UNKNOWN ]  
<Steven\_Duffield@rpc.senate.gov>  
**CC:** Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 3/27/2003 6:21:16 AM  
**Subject:** : Richmond Times Dispatch editorial

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 27-MAR-2003 11:21:16.00

SUBJECT:: Richmond Times Dispatch editorial

TO: barbara\_ledeen@src.senate.gov ( barbara\_ledeen@src.senate.gov [ UNKNOWN ] )

READ: UNKNOWN

TO: manuel\_miranda@frist.senate.gov ( manuel\_miranda@frist.senate.gov [ UNKNOWN ] )

READ: UNKNOWN

TO: makan\_delraheim@judiciary.senate.gov ( makan\_delraheim@judiciary.senate.gov [ UNKNOWN ] )

READ: UNKNOWN

TO: Steven\_Duffield@rpc.senate.gov ( Steven\_Duffield@rpc.senate.gov [ UNKNOWN ] )

READ: UNKNOWN

CC: Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Mend It

The President is right: The judicial confirmation process is broken. During the 2000 campaign George W. Bush realized this - knowing full well Senate Republicans abused their advise-and-consent role during the Clinton years - and proposed that the Senate deal with judicial nominations in a timely fashion. He noted then that the process "does not empower anyone to turn the process into a protracted ordeal of unreasonable delay and unrelenting investigation." Bush knew his history, too, citing the "unacceptably high" number of bench vacancies left by partisan sniping in both the presidencies of his father and Bill Clinton. He has announced plans for changing the way the Senate acts on judicial nominations no fewer than three times. In a recent letter to Senators Bill Frist and Tom Daschle, the President again called for the charade to end: I ask Senators of both parties to come together to end the escalating cycle of blame and bitterness and to restore fairness, predictability, and dignity to the process. I ask that the Senate take action, including adoption of a permanent rule, to ensure timely up-or-down votes on judicial nominations both now and in the future, no matter who is President or which party controls the Senate. This is the only way to ensure that our judiciary works and that good people remain willing to be nominated to the federal bench. All Senators should have a chance to have their voices heard and their votes counted. All Presidents should have their judicial nominees considered and voted upon in a reasonable time. All nominees should have the certainty of an up-or-down Senate vote within a reasonable time. All judges should have the assurance that vacancies on their courts will not persist for years. And all Americans should have the assurance that the federal courts will remain open and fully staffed to resolve their disputes and protect their rights and liberties.

In the ideal world, Senators would agree to Bush's proposals - and now. Yet in the real world inhabited by cynics and skeptics, it is hard to believe the Senate would give so much ground to its antagonist in the Executive Branch. Never mind that the Judiciary Committee chairman (Orrin Hatch) and the ranking minority member (Patrick Leahy) have, at different times, expressed their support for such reforms.

REV\_00112901

The game of one-upmanship and spite has gone on far too long. The long knives have cut both ways.

President Bush wants to end the hemorrhaging brought about by petty politicking on judges. Give judges hearings, then vote them up or vote them down - and make such rules permanent so that they would remain for a Democratic Senate or a Republican one, for a Republican President or a Democratic one. It's not too much to ask.

The Senate should adhere to the President's request. Not doing so would be the unkindest cut of all.

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>; Kenneth A. Lisaius/WHO/EOP@EOP [ WHO ] <Kenneth A. Lisaius>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/27/2003 5:12:19 AM  
**Subject:** : FW: AP - Owen to Get Rare Second Chance in Senate

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:27-MAR-2003 10:12:19.00  
SUBJECT:: FW: AP - Owen to Get Rare Second Chance in Senate  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kenneth A. Lisaius ( CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;  
-----Original Message-----  
From: Bravo, Brian  
Sent: Thursday, March 27, 2003 10:03 AM  
Subject: AP - Owen to Get Rare Second Chance in Senate

Owen to Get Rare Second Chance in Senate

By JESSE J. HOLLAND, Associated Press Writer

WASHINGTON - Texas judge Priscilla Owen is getting a rare second chance for a federal appeals court seat, with the Senate Judiciary Committee's new Republican majority poised to overturn last year's rejection.

Owen, a Texas Supreme Court justice, was to receive another vote Thursday from the committee that rejected her nomination on a party-line vote last year when it was controlled by the Democrats.

She is likely to win committee recommendation for a seat on the 5th U.S. Circuit Court of Appeals in New Orleans this year on a similar, but opposite, party-line vote because Republicans now control the committee with a one-vote margin.

The GOP won control of the Senate in last year's election.

"This committee will now begin setting straight the mistake it made by halting this nomination in committee last fall," Senate Judiciary Chairman Orrin Hatch, R-Utah, said two weeks ago.

Democrats contend Owen is an anti-abortion and pro-business judicial activist whose opinions and rulings are overly influenced by her personal beliefs. Owen says she would be a fair and impartial judge if confirmed by the Senate.

"I judge cases by what is right," said Owen, who appeared at her second Judiciary committee hearing two weeks ago, a replay of one she had when Democrats ran the panel. "I do not judge cases by what is politically correct. I apply the law, and the law has to be predictable and it has to be fair and that's what I do."

Liberal groups said Owens still poses a danger.

"Owen is a far-right judicial activist who tries to remake the law to reach an outcome that is often hostile to the rights and interests of

individuals," said Ralph Neas, president of the liberal People For the American Way.

Republicans say Democrats have distorted Owen's record and decisions as a judge.

"Not once did I ever see her try to insert her own political preferences or beliefs into her job as a judge," said Sen. John Cornyn, R-Texas, who served with Owen on the court for three years.

The Democrats have tried to hold up Senate floor votes or committee action on a number of other nominees they consider objectionable.

The filibuster of Miguel Estrada's nomination to the U.S. Circuit Court of Appeals for the District of Columbia Circuit on the Senate floor hit its 50th day on Wednesday, and nominations have been stacking up behind his.

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protect the Kurds from the Iraqis and potentially keep the Turks and the Kurds apart.

;;;;; Do you envision that the northern front at some point would be a more offensive nature heading south toward Baghdad, south toward Tikrit, to harass Hussein from the north as well as from the south?

;;;;; GEN. BROOKS: Well, there are some parts of your question that allude to exactly what their purpose is up there. And I described more their purpose in the answer to the preceding question. So I'm not going to reinforce necessarily your view of what they're going to do up there as it relates to the Turks and the Kurds and what have you.

;;;;; And I understand your question is really much deeper than that. So let me address that. The capabilities of that force may be more than what meets the eye. Let's say that first. They can be used offensively. And if we choose to use them that way, then that's indeed how they'll be used. But I'm not going to allude to exactly how they'll be used as time goes on.

;;;;; Please, in the back.

;;;;; Q (Inaudible) -- ABC News. In your opening statement, you said that the Iraqi regime is showing increasingly disregard for the Geneva Convention. Is that -- when you said that, are you specifically referring to the American POWs that the Iraqi regime is holding?

;;;;; Can you give us an update on the American POWs? Have they been visited by the International Red Cross, as the Iraqi EPWs have south of Basra? And also, can you give us an update on the casualty figures? Thank you.

;;;;; GEN. BROOKS: Well, let me start with first the casualty figures. That's not something I'm going to engage in. What I can tell you is we notify families first. And we don't want to get into the numbers here. When the time is right for numbers to come out, they'll come by other means.

;;;;; Generally speaking, figures like that, after they have been rolled up, are released by the Pentagon. We're fighting the war here. The front part of your question -- what I'm referring to in that case is how the regime has already approached prisoners of war, our soldiers and Marines that have been taken, our pilots that have been taken, their willingness to show their faces routinely, which is already a violation.

;;;;; We'd love to show the faces of the Iraqi prisoners we have. It's not the same as what you see of our prisoners. The Iraqi prisoners are being treated very, very well.

;;;;; I don't know if the Red Cross has made contact with our prisoners yet. We have not gotten a report on that. But we certainly continue to demand that the regime treat our prisoners in accordance with the Geneva Convention, as we are theirs.

;;;;; The fourth row please -- fourth row. Yes, sir.

;;;;; Q Sir, I am -- (inaudible) -- from Polish weekly -- (inaudible). Two questions. Do you receive information about increasing movement of anti-war protests around the world? Do the information changing your decisions, influence your decisions? Secondly, do the soldiers parachuted this night to the north of Iraq -- (inaudible) -- from the bases located in Italy?

;;;;; GEN. BROOKS: Well, I would leave any comments about what role Italy might have played to Italy. It's appropriate for them to make any comments. The force is based in Italy on a routine basis.

;;;;; The first part of your question -- we can go back to that, please.

What was the first part?

;;;;; Q Are anti-war protests --

;;;;; GEN. BROOKS: Yes, thank you.

;;;;; Q -- influencing your decisions?

;;;;; GEN. BROOKS: See, I'm still trying to figure out how I can get a pay raise, so I can't remember as many things. The anti-war protests around the world we view as people expressing their right to say what it is that's important to them. That's what we want to see happen here in this country. It won't happen right now.

;;;;; Off on the left side -- the green shirt, please.

;;;;; Q (Inaudible) -- Knight-Ridder. I have two questions about Basra, if you don't mind. You mentioned that some of the troops who had agreed to leave the battlefield and go home have now been pressed back into service. They were following the coalition advice as spelled out in the leaflets. Is there anything that you're going to be doing to change your procedure, then, for having them leave the battlefield, since they've now been pressed into service again by the Iraqis?

;;;;; The other question I had is with regard to the armored column that left Basra yesterday and headed south. Do you have any information about that, whether it was an offensive tactic or they're retreating? And also, how were they able to leave Basra when the British yesterday said they had cordoned the city off? Thank you.

;;;;; GEN. BROOKS: You've got a complex question there, so I'm going to actually let you ask it again. What's the first part again?

;;;;; Q The first part is with regards to the surrender.

;;;;; GEN. BROOKS: Okay. I got the first part. Let's do that one first, and I'll let you -- actually do each segment, because I want to answer each one of them. They're all fair questions.

;;;;; First, on the surrender of the 51st, yes, they did follow the instructions of the coalition. And that was a matter of choice, and we applaud their choice. They were pressed back into service, as best we can tell, by the paramilitaries, the terroristic-behaving organizations of this regime. That was not by choice.

;;;;; We believe that some of them made yet another choice, which was to put an end to that type of behavior. And we applaud that choice as well. So we think that we're about right. And what we've told different organizations of the Iraqi forces that are out there, particularly the regular army, and also some of the Republican Guards, we still believe that forces in this country should not shed their blood for a regime whose days are numbered.

;;;;; Now, the second part of your question was --

;;;;; Q If they simply leave the battlefield and go back, what's to prevent them from being pressed into service again against their will by Iraqis?

;;;;; GEN. BROOKS: Their choice. It really is their choice to do that. And we would certainly not want to have that happen. And we don't want them to be endangered either. And they are endangered; there's no question about it. Anyone in this country that returns to their homes or stays in their homes while the regime is present is in mortal danger. That's happening all over the country.

;;;;; Did you want to go to the second part of your question? I'm going to let you go a little bit further on this one.

;;;;; Q I appreciate it. The second part was with regard to the armored column that was leaving Basra and heading south. Was that an offensive tactic? Were they retreating? And also, how were they able to head south? The British yesterday said they had cordoned off the city.

;;;;; GEN. BROOKS: Okay. I think I can take care of those two. This is a classic example of the fog of war, so let me explain how this works. Out on the line, a report will occur. The report gets pushed up immediately, especially if there's something that appears is going to require reinforcement.

;;;;; In this case we had something we call moving target indicators, an electronic signature that says we've got something vehicular moving in large numbers. That got reported up. It also got released to the world, because we have embedded media, and they were reporting what the unit was sensing at that time; a very classic example of how the world looks from down on the line.

;;;;; The reality was there were not some large number of vehicles. We heard reports between hundreds and thousands. That was not the case at all. In fact, it was an erroneous signal. So what we do when we have indications like that, to work through the fog of war, which we are all in the military very accustomed to, we'll then do something else to corroborate it, and then something else to corroborate it.

;;;;; So a series of other efforts to gain further intelligence, to establish surveillance, to conduct reconnaissance, all those things were done. And we determined it was a different sized force and we destroyed it. It's as simple as that.

;;;;; And the last part of the question was about how could they have left Basra if it was cordoned off. Forces did come out of Basra, and the UK encountered them, particularly on the southwest side, and again destroyed the force that came out.

;;;;; How does that happen? The cordon is not like a wall that gets set around the town as much as it is a wall of control around the town. So things may move toward the town from the outside and be encountered, or they may try to move from inside the town outward and be encountered. Once a determination is made that it's either hostile or not, then further action is taken. In that case, it was determined hostile and they were destroyed.

;;;;; Please, in the gray shirt.

;;;;; Q (Inaudible) -- U.S. News & World Report. I'm wondering, are you facing shortages of supplies like food and water and batteries up on the front lines, as there have been some reports?

;;;;; GEN. BROOKS: Jeff, I'm not aware of any shortfalls. This is like many other things. For continuous operations, what we have our commanders do is analyze their status from the lowest unit up to the highest-level unit. And that's reported on a continuous basis, and we push them what they need. We haven't had any problems that would hinder operations at this point.

;;;;; In the second row, please.

;;;;; Q General, Chaz Henry, WTOP Radio. U.S. and UK military officers have asked us to be careful about using images of military men and women who may die in this fighting. Does avoiding that imagery in any sense take away the public's ability to appreciate either the sense of dedication, sacrifice or human cost of war?

;;;;; GEN. BROOKS: Well, we know that this war is being prosecuted by humans. And I thank you for the question, because it helps to reinforce that right now. Often what you see is what we can show because we have

images of technology.

;;;;; But the reality is there's a human being behind every one of those. There's a human that has to take off from the deck of a ship, a human that has to take off from the surface of some runway somewhere inside of the region. And each time they take off, they can't be certain that they're going to return.

;;;;; You've seen the activities that happen out on the line. You've seen soldiers and Marines from multiple nations that put their lives at risk in some other country other than their own for the cause of freedom. And as you see that sort of thing, you see the level of dedication that's out there.

;;;;; All we'd ask is that you respect that those are, in fact, humans out there and that they have families and that we care for them greatly.

;;;;; Please, in the back, in the red.

;;;;; Q (Inaudible.) According to the Iraqi health minister, 36 people are dead and more than 200 injured yesterday night in Baghdad. Can you confirm that fact?

;;;;; GEN. BROOKS: I'm not aware of more than 200 being injured in Baghdad last night. I've not heard the report. What I can say is that any time civilians are injured inside of a combat zone, it's an unfortunate circumstance, something we don't want to see happen. And we do everything we can to prevent that.

;;;;; The regime has not been as careful in that regard. And we're seeing indications where many of the problems that we see where civilians are being reported being killed happen to be in Shiah populations. There may be a pattern there. I'll let you draw your own conclusion.

;;;;; Please, in the blue shirt.

;;;;; Q BBC French Service. Can you tell us, on a daily basis, first of all, the number of sorties so we have an idea of the rhythm, the thrust of the battle? And on the Scud issue, in 1991 Gulf War, coalition aircraft had hard time to target Scud platforms. How much the situation has improved? Can you tell us a little bit where these missiles launched on Kuwait are launched from? And can you target them?

;;;;; GEN. BROOKS: I'll start with the second half of the question first about the Scuds and the historic use of certain areas of Iraq for launching on neighboring countries.

;;;;; Let me begin by saying we're very active in those areas to make sure that it doesn't happen again. We have a variety of capabilities to make that happen. It's particularly out in the western desert. And we're able to move very well. We have good surveillance and reconnaissance out there. And thus far we've been successful.

;;;;; But when we join the realities of some of what the regime has been doing over the last several years through its efforts in denial and deception while developing significant military capability that you're beginning to see, like the Sumer (ph) mine that wasn't in there, like atropine injectors purchased with oil-for-food money, we also know that there was some enhancement to the Scud missile system, particularly the al Hussein family.

;;;;; And the reports that we've given you about the potential extended range makes it possible to move it much further east than where the missiles were fired during Desert Storm, much further east, to be able to range a much larger radius of countries.

;;;;; And so we remain focused on finding those whenever we can. Things like the missile assembly facility that I showed you the picture of help



us to degrade their ability to threaten their neighbors. And that's part of our effort as well.

;;;;; I think we have time for one more question. Please, in the far side.

;;;;; Q (Inaudible.) Just following on from that, was this missile site that you've destroyed known to or visited by U.N. weapons inspectors? And, if so, why did you destroy it?

;;;;; GEN. BROOKS: I don't know if it was inspected by U.N. inspectors or not. We can find that out and provide the information to you. We destroyed it because it could be potentially used at this point for this operation.

;;;;; Even beyond the denial and deception that we all witnessed during the UNMOVIC days and years before that, even beyond that, we knew that there were systems inside of there. Some have not been accounted for at this point in time. And so, rather than see them used, we destroy the places where they could be assembled. And we'll also look for places where they might be used and destroy them there.

;;;;; Ladies and gentlemen, thank you very much.

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**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 3/27/2003 5:28:32 AM  
**Subject:** : US Centcom Briefing 03/27/03

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UNITED STATES CENTRAL COMMAND DAILY PRESS BRIEFING

BRIEFER: GEN. VINCE BROOKS, DEPUTY DIRECTOR OF OPERATIONS

DOHA, QATAR

7:06 A.M. (EST), THURSDAY, MARCH 27, 2003

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GEN. BROOKS: Good afternoon, ladies and gentlemen. Today is the seventh day since the coalition ground forces entered Iraq. Our plan is working, and we're one day closer to achieving our objectives. We will continue until all of our objectives are attained.

;;;;; Day by day, we significantly diminish the regime's ability to command and control its forces. As we do, we witness the regime's forces becoming more and more desperate in their actions. Their repressive acts against Iraqi citizens showing any signs of tolerance of the coalition are growing harsher. And their disregard for the Geneva Convention are becoming more and more pronounced.

;;;;; Our field commanders report that in the vicinity of An Najaf, as one example, Iraqi regime forces are seizing children from their homes, telling their families that the males must fight for the regime or they will all face execution.

;;;;; The men and women of the coalition are fighting very well. They're showing tenacity to the forces of the regime and compassion to the victims of the regime. We remain committed to the memory of those who have lost their lives in this operation.

;;;;; The force is growing daily, and we are defeating the regime's forces with overwhelming force in each battle every day. The coalition is unified and strong, and it grows more so every day, with now 49 countries contributing to Operation Iraqi Freedom.

;;;;; Now, as before, let me give you an update on our operations and then we'll proceed to questions.

;;;;; Our direct attacks against the regime's structures and units continued in the last 24 hours. And the cumulative effect we're seeing is degraded control. We're seeing locally controlled military and paramilitary actions, frequent survival moves by regime leaders, and uncontrolled firing of air defense missiles.

;;;;; I want to show you two sets of pre- and post-strike images today. The first image is an Iraqi missile support facility, and this is in Baghdad. (Image is shown.) In these types of facilities, ballistic missiles are assembled, essentially. Their parts are put together for use. And destroying it disrupts the missile production and reduces the threat to neighboring countries.

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;;;;; Post-strike image shows an effective attack. (Image is shown.) And the split view. (Image is shown.)

;;;;; The second set that I'll show you today is of a television and communications facility that was used for dual purposes by the regime -- on one hand, to broadcast television; on another hand, to use as a node for communicating to different parts of the regime. And our intended effect in this case was to sever the links to the outside for the regime.

;;;;; This is the pre-strike image. (Image is shown.) You can see there are two very large radar dishes -- or satellite dishes, excuse me. And the post-strike, please. (Image is shown.) An effective attack. And the split. (Image is shown.)

;;;;; The work being done by our coalition Special Operations forces in northern Iraq, southern Iraq, western Iraq and central Iraq accounts for the entire array of Special Operations capability. Strategic reconnaissance is ongoing to find weapons of mass destruction, ballistic missiles and regime leaders.

;;;;; (Unconventional?) war is ongoing in several areas to prepare Iraqis to join in liberation. And direct action occurs in times and places of our choosing.

;;;;; The land component remains on track and continues its advance beyond Diwaniyah east of An Najaf, and an airborne brigade combat team parachuted into an airfield in northern Iraq yesterday evening.

;;;;; Action occurred at several places I'd like to highlight today. First, east of An Najaf, coalition forces of the U.S. Fifth Corps were attacked by vehicle-mounted irregulars, where there had been a report of some significant number of vehicles approaching. The reports were not accurate in terms of the size of the force, and Fifth Corps units soundly defeated the attack, destroying most of the force.

;;;;; In An Nasiriyah, the First Marine Expeditionary Force defeated an attack by irregulars, supported by armored personnel carriers, rocket launchers and anti-aircraft artillery systems. The fight lasted for about 90 minutes. The Marines in that battle did sustain some wounded but remained fully effective.

;;;;; UK forces, as Air Marshal Burridge told you earlier today, have continued aggressive patrols and operations in the Al Faw and Basrah areas, and they also have inflicted considerable damage on paramilitaries south of Basrah and near Al Faw.

;;;;; Our maritime component continues its efforts to expand the width of the cleared channel in Khor Abdullah. I mentioned to you yesterday that that channel was open all the way up to Umm Qasr, and that is, in fact, the case. It was about 60 yards wide that we were able to open a path.

;;;;; As we expanded that broader to get to about a 200-yard-wide pathway, we identified some bottom-responsive mines. Or the actual term that is used is really bottom-influenced mines. These are sub-surface mines that are able to be programmed, if need be, to count the number of hulls that pass over top of them, and at a certain point, however programmed, they detonate.

;;;;; And so, before we proceed with humanitarian assistance through that area, we want to ensure that that's all cleared. So clearing operations continue today.

;;;;; I want to show you the type of mine that we're describing here. (Image is shown.) This is a Sumer (ph) mine, developed by the Iraqis from another country's design. And as I mentioned, it is programmable. We believe that these have been developed since the imposition of sanctions. Before 1991, Iraq did not have these.

;;;;; I'd like to also show you now some additional leaflets. And in this case, I'll show you one leaflet that we've used in the last several days to communicate with the Iraqi people. (Image is shown.) This one focuses on protecting landmarks.

;;;;; And it's very much, as I said yesterday, because we see the regime positioning military equipment in and around cultural, religious and historic landmarks. We want to inform the Iraqi population that we have no intention of destroying those landmarks, but we will destroy military equipment. We make that very clear to them. That's what this leaflet shows.

;;;;; We continue our efforts to preserve the resources of the Iraqi people and protect their future. And our efforts really engaged in earnest yesterday in that regard and also in our humanitarian activities.

;;;;; First, over 600 oil wells at this point now fall into an area that is under coalition control. Our firefighting operations continued. (Image is shown.) And in the blue highlighted area, you see the parts that we now control, about 600 wells inside of there; more to follow. The red dot at the bottom shows where we still have six wells on fire, and our work is ongoing to put those out.

;;;;; Additional good news: We had two humanitarian convoys that went over land yesterday into the areas of Safwan, just north of the Kuwait-Iraq border, and Umm Qasr, which you're all well familiar with. And that delivered much-needed water and food supplies to those two areas.

;;;;; I'm going to show you a video here, and I'll show you the entire thing, because I think it's truly worth a thousand words. And it shows the arrival of the humanitarian supplies into Safwan, I believe, in this case.

;;;;; (Videotape is shown.)

;;;;; This is a civil affairs soldier in this case. We have civil affairs units that are located with our military organizations.

;;;;; (Videotape continues.)

;;;;; There's no coercion in any of this. This is all truth. You see people who are tasting, for the first time in their lives, what freedom is.

;;;;; We also have free Iraqi forces that some of you have heard of that are joined with our civil affairs units. We've organized them based on the regions that they came from, the regions of their origin into small groups. They join with our civil affairs units, who are then joined with our combat units.

;;;;; I'm going to show you a picture of some of the effect that our free Iraqi forces are having in a very recent encounter. As I mentioned, this is about as good an example as we can find of how the coalition is really being received as the regime elements are being pushed away.

;;;;; There are two images here. (Image is shown.) This is a free Iraqi forces person interacting. He was with a civil affairs battalion commander, did some interpretation and translation work, but mostly he simply interacted.

;;;;; And the next one, please. (Image is shown.) There's no hostility.

;;;;; This scene is being repeated all over Iraq, in every area in which we're operating. And it is the truth.

;;;;; Let me close by saying we remain true to our stated purposes of removing the regime and liberating the long-oppressed people of Iraq, and we will not stop until we have done so.

;;;;; At this point I'll take your questions. Let's start on the right, please.

;;;;; Q General, Geoff Meade from Sky News. The British are just reporting in London the discovery of several thousand chemical protection suits in the Rumaila oil fields that they now control. What does that say to you? What concern does that give you about Saddam Hussein's ability to use chemical weapons and his willingness to do so? And also, doesn't it signal that you should now start to up the tempo of your operations, because the longer you wait, the more opportunity he has?

;;;;; GEN. BROOKS: What it tells us is, first, there is a certain knowledge in the Iraqi forces that chemical weapons will be used. That's the first thing I'd say. We don't have chemical weapons to use. When we join that with what we found yesterday in An-Nasari (sp) in the hospital, there's obviously distribution to outlying units. Perhaps there's already a decision that's been taken that at some point chemicals will be used.

;;;;; As to the second half of the question, on the pace of operations, operations don't need to change pace. The regime has always had the ability and potentially the will to use those weapons. The timing of our operation doesn't necessarily drive that decision.

;;;;; And so we'll continue on the pace that we have right now, operating at a time and place of our choosing. But it certainly reminds us of the reality of this risk that we've been speaking about for so long. What it does for us also is it causes us to take notice and be more ready to the potential use.

;;;;; We'll go in the third row back there, please.

;;;;; Q General, Don Melvin, Cox Newspapers. We hear regularly that you're right on timeline. I think people are trying to understand overall what that might mean. Without revealing anything about when any particular attack might start, what broadly is your timeline for the military operation? When might Baghdad be under control to start a transition to some sort of civil administration? Is it three weeks or seven months? Give people some idea of what your timeline is.

;;;;; GEN. BROOKS: Probably a better way for us to describe it as that we're on our plan, and we have had a plan for certain actions to occur. They're related in time and space and purpose. When things impact that -- for example, the weather had an impact on some of what we could do -- they're -- maintaining the relationship of time and space and purpose has to be preserved. So it changes timelines per se as to when something's going to occur.

;;;;; It's impossible for me at this point to say what date we're going to do a certain thing, but rather when conditions are set, we will take further actions.

;;;;; Let me go off to the left side here. Please, Kelly.

;;;;; Q Good afternoon, General. Kelly O'Donnell, NBC News. Couple of things. Can you update us on the status of the investigation concerning the events in the Baghdad market, acknowledged yesterday that it was possible that it was the responsibility of the U.S.? Can you tell us more now?

;;;;; And secondly, there are increased reports today of friendly fire incidents involving at least three dozen Marines who may have been hurt. What can you tell us?

;;;;; GEN. BROOKS: What I can tell you about the Shaab market is that this report, like any other report we get that has any potential at all that we may have caused unintended consequences from an attack, we examine in detail.

;;;;; And that examination involves looking back at what missions we've flown, what weapon systems specifically have been used within a period of time when it might have contributed to such an issue; we look at flight paths, we look at angles of attack; we look at everything we can to examine whether or not we did this. It reinforces first that we have no intention of harming civilians unnecessarily or destroying infrastructure and buildings that we don't intend to attack.

;;;;; What I know further about this particular one is that we did have an air mission that attacked some targets, not in that area but in a different area, and during that period of time, they encountered surface-to-air missile fire. As I mentioned in the opening statement, we've seen uncontrolled surface-to-air missile fire. And what I mean by that is, normally they are controlled by radar, but there's a hazard to turning on a radar against one of our aircraft, a very certain hazard, and so the firing crews have decided not to turn on the radar, and fire the missiles ballistically.

;;;;; They're also using very old stocks, we've discovered, and those stocks are not reliable, and missiles are going up and coming down. So we think it's entirely possible that this may have been, in fact, an Iraqi missile that either went up and came down, or given the behaviors of the regime lately, it may have been a deliberate attack inside of town.

;;;;; Q Friendly fire, sir?

;;;;; GEN. BROOKS: Thanks very much.

;;;;; The other question was about friendly fire. Similarly, whenever we have any kind of incident that we think may involve a blue-on-blue, as we describe it, type of event, whether it's on the ground or air- to-ground or whatever may happen. We begin to investigate right away. We've already reported a few of those. We had the unfortunate incident with a Patriot missile against a U.K. GR-4 aircraft. We will be truthful with you about it when we know some more, but right now, all reports are currently under investigation.

;;;;; Let me go fourth row, please.

;;;;; Q Jonathan Marcus (sp), BBC. A lot of the armchair generals and the military pundits in the United States are constantly saying now that your force is too small in terms of combat troops and it's a relatively light force. Given the sorts of problems you seem to be having securing the area in Nasiriyah, how confident are you that you have sufficient troops to be able to end this war before additional heavy divisions actually arrive in the theater?

;;;;; GEN. BROOKS: Well, I've worked with many of those generals, so I have to be very careful about my answer here. The reality is, we have adequate force to do what we need to do, and we remain satisfied with that.

;;;;; We still also are building additional forces, as I mentioned in the opening statement. The Airborne Brigade that entered last night and other forces that you're aware of that are flowing into theater. The key to this is examining what the circumstances are right now and then applying more art than science on achieving what it is we seek. And that's ongoing; we've got great commanders who can do that and are doing it daily.

;;;;; Ma'am in the fourth row -- I'm sorry, in the third row.

;;;;; Q Yes. Kathy Shen (ph), Phoenix TV from Hong Kong. On the second date of the operation, the coalition -- they clearly have -- (inaudible) -- secure. But a statement -- that's thrown off by the Iraqi Information minister. And with the pictures that you've been showing us at the briefing indicates the coalition only targeted precisely on the military infrastructure. But Iraqi and also -- as a matter of fact, Iraqi Health minister said that coalition has killed many of their civilians. So, could

you tell me who is telling the truth here? And is this war all about image-building?

;;;;; GEN. BROOKS: What I'll tell you is that -- first, that I can tell you who is telling the truth in this room right now: I am. And we'll tell you the truth with everything we know. We're not going to try to stand up against the reports that are coming out of Baghdad or wherever those reports happen to come out of at a given time. We do target precisely and we take our work very seriously, as I've stated a number of times. So, that's probably the best I can tell you on that. We continue to go in the direction we want to go in the way we want to and we're being very truthful about how we approach our operations.

;;;;; Please?

;;;;; Q Sir, Neil Karlinsky with ABC News. Leadership on the battlefield has raised some concerns that supply lines may be stretched too thin, that they're in increasing danger and that the flow of supplies, in fact, could be in jeopardy. Can you talk a little bit about that and about the logistics?

;;;;; GEN. BROOKS: Sure. As a former maneuver commander myself in one of the units that's up on the front of this operation, I can tell you that as we gain space, we move forward our logistics. And there are different layers of logistics that are out there. So, the combat units carry a considerable portion of logistics with them already. As they get into spaces they control, they move it closer, which makes it possible for them to extend their operating range even further. Layers of logistics beyond that push whatever the distance is from where those logistics are originally stocked to where they need to be delivered. That may, indeed, stretch out lines. But each layer secures itself and we can also add additional forces when risk increases, additional combat forces, anywhere along that supply line to ensure that it remains safe. We feel pretty comfortable right now about the condition we're in with our logistics.

;;;;; Please?

;;;;; Q General, Paul Adams, BBC. You said earlier that Special Operations were conducting a number of operations, including preparing Iraqis for liberation. I wonder if you could tell us how you're preparing Iraqis for liberation?

;;;;; GEN. BROOKS: The nature of our Special Operations we have to be very careful about, because they go into harm's way and operate very, very closely with a number of people. In some cases, they may be operating inside or near urban areas. In other cases, they may be working with forces that are already armed. In other cases, they may work with forces that may be awaiting the time to surrender or to capitulate and change sides. And we've seen that certainly happen in Basra, where forces that may have already returned to their homes might have been pressed back into military action by the irregulars at the point of a gun, and then turned their guns back the other way.

;;;;; So it's that type of activity, when we talk about unconventional warfare, that I'm referring to. We certainly have forces that are robust and able to do that with great experience.

;;;;; In the last -- fourth row back there, please. Yes, sir.

;;;;; Q General Brooks, I'm Jay Chen (sp) with the Central News Agency, Taiwan. Given the importance of the truth coming to light about the explosion at the marketplace in Baghdad, I'm wondering whether you know or you can give us a time when you will be able to finish your thorough investigation?

;;;;; And secondly, have you been able to find out who provided -- which country provided the mines that you showed earlier? Thank you.

;;;;; GEN. BROOKS: On the first question, I think we won't have a final answer until we're in Baghdad ourselves, which we will be. I don't know when that time is going to be or whether the circumstances will lend themselves to a good, thorough investigation. The best we can do at this point is account for everything we did, and we have accounted for our weapon systems that we fired on that night; they hit their target, we're certain of that. And the rest of the story, we just don't know. We may never know.

;;;;; The second part of your question had to do with the Sumer (ph) mine. We believe that was developed by the Iraqis themselves. And I'm not going to talk about the technology source beyond that.

;;;;; Please? In the fourth row. Yes?

;;;;; Q Yeah, General, -- (name inaudible) -- Mexican weekly Proceso. Given the risk of the use of chemical weapons by the Iraqi regime, can you tell us what's going to happen with the embedded journalists program as you get closer to Baghdad?

;;;;; GEN. BROOKS: Well certainly, anyone we encountered that would be at a hazard we'll do the best we can to protect, whether that's Iraqi civilians or whether that is embedded media, and certainly our own forces that are out there. Our capability to protect ourselves is certainly much more robust than the others that might be in danger in that area. There's a certain hazard that any embedded media reporter engages in by being that close to the lines and being in that area. All I can say is, if there's a problem, we'll do the best we can to protect them and assist them.

;;;;; The second row on the far side. Please, sir, with the moustache. In the yellow shirt.

;;;;; Q Thank you. (Name and affiliation inaudible) -- Doha, Qatar. Could you enlighten us about the situation in Basra, especially with respect to the humanitarian scenario?

;;;;; GEN. BROOKS: I will tell you a few things about Basra. First, we don't know everything about what's happening inside of Basra. That's the honest truth.

;;;;; We are in and out of Basra. And we have a variety of sources of information that come to us, but we're not in there ourselves and under control. So that's the first aspect of it.

;;;;; On the humanitarian side in Basra, we know that Basra had had its water turned off for some time. We believe the regime did that. The International Committee of the Red Cross has been successful in the last several days at being able to reopen the flow of water. And at this point I believe it is about 50 percent of the Basra population is able to receive water that is safe for consumption. That's ongoing.

;;;;; We know Basra has a lot of needs, and we are eager to provide those needs as soon as we can. And when the operations lead us to a safe condition, that will happen.

;;;;; Please, in front.

;;;;; Q Tom Mintier, CNN. We've got indications that the weather is indeed improving for the next 48 to 72 hours. Could you tell us what difference that's going to make for your air operations, especially helicopter operations, that may have been suspended because of the sandstorms in the last 24, 36 hours?

;;;;; GEN. BROOKS: I mentioned yesterday that in all military operations we take into account the impact of weather. It's done every day, and it's applied to every operation plan for that day. As the weather changes, we have more options available to us and we have more things that we can bring to bear in the operations we have planned. That's the best I can do.



;;;;; Please, sir.

;;;;; Q Omar -- (inaudible) -- Al Jazeera Satellite Channel. Regarding the picture you showed of the Free Iraqi Forces person, as you named him, sir, how many of those do you have? And what sort of reaction are they getting from the local population? How were they of benefit to you? That's number one.

;;;;; You also just mentioned in your previous answer that you're in and out of Basra. What does that mean? Thank you.

;;;;; GEN. BROOKS: Thanks, Omar; appreciate it. First, we have roughly 40 -- I'll keep the number rough at this point -- roughly 40 Free Iraqi forces. And they're divided into small groups, usually between five and six in a particular squad as we've put them together. As I mentioned before, they're joined with our civil affairs units.

;;;;; All indications are they're being received very, very well, particularly as they move into areas that they're from. Our design in this, breaking out of these particular groups, was to try to get them back in the areas where we thought the units they're moving with would end up close to where they are from. So there was a deliberate design up front in how we were going to do that.

;;;;; Now, you had a second part of the question and I've forgotten that.

;;;;; Q You said in your previous answer that you were in and out of Basra. What does that mean?

;;;;; GEN. BROOKS: Right. Thank you. What I mean by that is that we have a number of sources that go in and out of Basra and raids like the U.K. staged a few days ago against the Ba'ath headquarters let us have some insights into what's going on in Basra. That's what I mean by that.

;;;;; In the back, please. Thank you. (Inaudible.)

;;;;; Q Michael Massey (sp). I'm a freelance writer. Both Amnesty International and Human Rights Watch have issued statements critical of the strikes against the Iraqi TV transmission facilities. They point out that, according to the Geneva Convention, it's not a legitimate target purely if they are broadcasting propaganda.

;;;;; You said yesterday, I believe, that they were being used for command-and-control purposes. Could you be more specific? What actually were they doing that led you to believe that that is the case? And given that they're back on the air, are there going to be efforts to try to get them off the air again?

;;;;; GEN. BROOKS: Well, first, we believe and remain convinced that it is a legitimate military target. And we only attack legitimate military targets.

;;;;; I will get as specific as I can under the circumstances here, but let me say that there are a number of facilities throughout Iraq that, on their surface, would seem like normal things. Maybe it's a telephone switch. But it doesn't only take care of the commercial population and civilian population; it is also used as a command-and-control network and a key node inside of that.

;;;;; The TV station that you saw attacked in the images I showed today were also like that. They broadcast television. Propaganda is not our concern. It's the command-and-control aspects that run through the same type of station, that node, that caused us to attack it.

;;;;; And in answer to, with it being back up on satellite and other places, will there be additional pursuits, I would simply say that we will pursue the regime and its control wherever we see it and wherever we find

it.

;;;;; Please, in the center.

;;;;; Q I'm Michael Wolf (sp) from New York Magazine. I mean no disrespect by this question, but I want to ask about the valued proposition of these briefings. We're no longer being briefed by senior-most officers. To the extent that we get information, it's largely information already released by the Pentagon. You may know that ABC has sent its senior correspondent home.

;;;;; So I guess my question is, why should we stay? What's the value to us for what we learn at this million-dollar press center? (Applause.)

;;;;; GEN. BROOKS: I've gotten applause already. That's wonderful. I appreciate that.

;;;;; First, I would say it's your choice. We want to provide information that's truthful from the operational headquarters that is running this war. There are a number of places where information is available, not the least of which would be the embedded media. And they tell a very important story. The Pentagon has a set of information they provide as well. If you're looking for the entire mosaic, then you should be here.

;;;;; I think some of you may have been, based on the questions yesterday, looking for very, very precise information about the operations. And we'll give you that as we can. But we should never forget, the more we tell you, if we're precise about the frontline trace and where units are operating, exactly what our strength is, you're not the only one being informed. And that's the most important (business ?).

;;;;; Q (Inaudible) -- but is it possible that we can get General Franks on a more consistent basis?

;;;;; GEN. BROOKS: I'm sorry you feel disappointed. I probably need to get a pay raise here. (Laughter.) General Franks will -- he's already shown that he's more than willing to come and talk to you at the right time. But he's fighting a war right now. And he has me to do this for him.

;;;;; Please.

;;;;; Q General, Tom Fenton, CBS News. A Pentagon official, unnamed, was quoted as saying that the dropping of elements of the 173rd in the north was the opening of the northern front. What does that mean for the war as a whole? How does that fit into the mosaic, the big picture?

;;;;; GEN. BROOKS: Thanks for the question, Tom; appreciate that. First, as we add additional units onto the battlefield, according to our plan, we increase the number of options we have available. And we also increase the number of threats posed to the regime.

;;;;; There are forces that remain in northern Iraq that are a threat, along what has been described as the green line, a threat to the Kurdish autonomous zone. And we certainly have already indicated on a number of occasions throughout the government that we have no designs on changing the territorial integrity of Iraq but that everyone in Iraq should have a role in the future of Iraq.

;;;;; And so we don't want to see the types of things that have happened historically by this regime happening again at the hands of regime forces along that green line. The presence of a combat brigade in that area changes the dynamics considerably. That's why they're there.

;;;;; In the back, please.

;;;;; Q (Inaudible) -- from Newsday. Follow up to that question. I think a lot of us thought that the northern front -- what you're describing is essentially some amount of fairly lightly-armored troops to basically

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Paul Perkins/WHO/EOP@EOP [ WHO ] <Paul Perkins>  
**Sent:** 3/27/2003 5:31:03 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAR-2003 10:31:03.00  
SUBJECT:  
TO:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

can you set up time for me to meet with Tim G. on Monday afternoon re  
Supreme Court.

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange [ WHO ] <Ashley Snee>  
**Sent:** 3/27/2003 5:43:07 AM  
**Subject:** : Re: FW: AP - Owen to Get Rare Second Chance in Senate

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAR-2003 10:43:07.00  
SUBJECT:: Re: FW: AP - Owen to Get Rare Second Chance in Senate  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From: Ashley Snee/WHO/EOP@Exchange on 03/27/2003 10:11:15 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Wendy J. Grubbs/WHO/EOP@EOP,  
Kenneth A. Lisaius/WHO/EOP@EOP  
cc:  
Subject: FW: AP - Owen to Get Rare Second Chance in Senate

;  
-----Original Message-----  
From: Bravo, Brian  
Sent: Thursday, March 27, 2003 10:03 AM  
Subject: AP - Owen to Get Rare Second Chance in Senate

Owen to Get Rare Second Chance in Senate

By JESSE J. HOLLAND, Associated Press Writer

WASHINGTON - Texas judge Priscilla Owen is getting a rare second chance for a federal appeals court seat, with the Senate Judiciary Committee's new Republican majority poised to overturn last year's rejection.

Owen, a Texas Supreme Court justice, was to receive another vote Thursday from the committee that rejected her nomination on a party-line vote last year when it was controlled by the Democrats.

She is likely to win committee recommendation for a seat on the 5th U.S. Circuit Court of Appeals in New Orleans this year on a similar, but opposite, party-line vote because Republicans now control the committee with a one-vote margin.

The GOP won control of the Senate in last year's election.

"This committee will now begin setting straight the mistake it made by halting this nomination in committee last fall," Senate Judiciary Chairman Orrin Hatch, R-Utah, said two weeks ago.

Democrats contend Owen is an anti-abortion and pro-business judicial activist whose opinions and rulings are overly influenced by her personal beliefs. Owen says she would be a fair and impartial judge if confirmed by the Senate.

"I judge cases by what is right," said Owen, who appeared at her second Judiciary committee hearing two weeks ago, a replay of one she had when Democrats ran the panel. "I do not judge cases by what is politically correct. I apply the law, and the law has to be predictable and it has to be fair and that's what I do."

Liberal groups said Owens still poses a danger.

"Owen is a far-right judicial activist who tries to remake the law to reach an outcome that is often hostile to the rights and interests of individuals," said Ralph Neas, president of the liberal People For the American Way.

Republicans say Democrats have distorted Owen's record and decisions as a judge.

"Not once did I ever see her try to insert her own political preferences or beliefs into her job as a judge," said Sen. John Cornyn, R-Texas, who served with Owen on the court for three years.

The Democrats have tried to hold up Senate floor votes or committee action on a number of other nominees they consider objectionable.

The filibuster of Miguel Estrada's nomination to the U.S. Circuit Court of Appeals for the District of Columbia Circuit on the Senate floor hit its 50th day on Wednesday, and nominations have been stacking up behind his.

;

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**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/27/2003 5:46:30 AM  
**Subject:** : Re: how is markup going?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAR-2003 10:46:30.00  
SUBJECT:: Re: how is markup going?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Stinks. No quorum and we have been calling since 8:30am. Bummed we can't even produce our guys.

.

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 3/27/2003 5:51:16 AM  
**Subject:** : Re: how is markup going?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAR-2003 10:51:16.00  
SUBJECT:: Re: how is markup going?  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This borders on a disaster. Why can't our guys get there??

Wendy J. Grubbs  
03/27/2003 10:46:16 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: how is markup going?

Stinks. No quorum and we have been calling since 8:30am. Bummed we can't even produce our guys.

.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Holbrook/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Holbrook>;Alison Jones/WHO/EOP@Exchange@EOP [ WHO ] <Alison Jones>  
**Sent:** 3/27/2003 7:00:27 AM  
**Subject:** : Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:27-MAR-2003 12:00:27.00

SUBJECT:: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

TO:Ashley Holbrook ( CN=Ashley Holbrook/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

TO:Alison Jones ( CN=Alison Jones/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####



---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Walker, Helgard C.>; <Newstead, Jennifer G.>; <Bartolomucci, H. Christopher>; <Sampson, Kyle>; <Francisco, Noel J.>; <Powell, Benjamin A.>; <Ulyot, Theodore W.>  
**Sent:** 3/27/2003 11:08:48 AM  
**Subject:** Richmond Times Dispatch editorial

## **Mend It**

The President is right: The judicial confirmation process is broken.

During the 2000 campaign George W. Bush realized this - knowing full well Senate Republicans abused their advise-and-consent role during the Clinton years - and proposed that the Senate deal with judicial nominations in a timely fashion. He noted then that the process "does not empower anyone to turn the process into a protracted ordeal of unreasonable delay and unrelenting investigation." Bush knew his history, too, citing the "unacceptably high" number of bench vacancies left by partisan sniping in both the presidencies of his father and Bill Clinton.

He has announced plans for changing the way the Senate acts on judicial nominations no fewer than three times. In a recent letter to Senators Bill Frist and Tom Daschle, the President again called for the charade to end:

I ask Senators of both parties to come together to end the escalating cycle of blame and bitterness and to restore fairness, predictability, and dignity to the process. I ask that the Senate take action, including adoption of a permanent rule, to ensure timely up-or-down votes on judicial nominations both now and in the future, no matter who is President or which party controls the Senate. This is the only way to ensure that our judiciary works and that good people remain willing to be nominated to the federal bench.

All Senators should have a chance to have their voices heard and their votes counted. All Presidents should have their judicial nominees considered and voted upon in a reasonable time. All nominees should have the certainty of an up-or-down Senate vote within a reasonable time. All judges should have the assurance that vacancies on their courts will not persist for years. And all Americans should have the assurance that the federal courts will remain open and fully staffed to resolve their disputes and protect their rights and liberties.

In the ideal world, Senators would agree to Bush's proposals - and now. Yet in the real world inhabited by cynics and skeptics, it is hard to believe the Senate would give so much ground to its antagonist in the Executive Branch. Never mind that the Judiciary Committee chairman (Orrin Hatch) and the ranking minority member (Patrick Leahy) have, at different times, expressed their support for such reforms.

The game of one-upmanship and spite has gone on far too long. The long knives have cut both ways.

President Bush wants to end the hemorrhaging brought about by petty politicking on judges. Give judges hearings, then vote them up or vote them down - and make such rules permanent so that they would remain for a Democratic Senate or a Republican one, for a Republican President or a Democratic one. It's

not too much to ask.

The Senate should adhere to the President's request. Not doing so would be the unkindest cut of all.

---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>; <Grubbs, Wendy J.>  
**Sent:** 3/27/2003 11:11:09 AM  
**Subject:** Richmond Times Dispatch editorial

## **Mend It**

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President Bush wants to end the hemorrhaging brought about by petty politicking on judges. Give judges hearings, then vote them up or vote them down - and make such rules permanent so that they would remain for a Democratic Senate or a Republican one, for a Republican President or a Democratic one. It's not too much to ask.

The Senate should adhere to the President's request. Not doing so would be the unkindest cut of all.

---

**From:** CN=Ashley Holbrook/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/27/2003 7:12:27 AM  
**Subject:** : RE: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Holbrook ( CN=Ashley Holbrook/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:27-MAR-2003 12:12:27.00  
SUBJECT:: RE: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Cloak Room is guessing that they wouldn't go in until in the afternoon.  
All Senators are invited to the Moynihan funeral Mon at 10:00. They're planning the first vote for 5:30, so they're thinking they'll go in around 2:00.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, March 27, 2003 11:55 AM  
To: Jones, Alison ; Holbrook, Ashley  
Subject: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

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**From:** CN=Ashley Holbrook/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/27/2003 7:14:45 AM  
**Subject:** : RE: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Holbrook ( CN=Ashley Holbrook/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:27-MAR-2003 12:14:45.00  
SUBJECT:: RE: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

SO SORRY! Who plans ahead??? Certainly not the Senate side!  
I have no idea, but I bet Alison will. She's not around right now, but  
I'll yell at her when I see her...

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, March 27, 2003 12:07 PM  
To: Holbrook, Ashley  
Subject: RE: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

Note that I was referring to the return from the Easter recess at end of April. (Planning ahead for something!)

From: Ashley Holbrook/WHO/EOP@Exchange on 03/27/2003 12:06:11 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

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-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, March 27, 2003 11:55 AM  
To: Jones, Alison ; Holbrook, Ashley  
Subject: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Holbrook/WHO/EOP@Exchange [ WHO ] <Ashley Holbrook>  
**Sent:** 3/27/2003 7:17:17 AM  
**Subject:** : RE: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAR-2003 12:17:17.00  
SUBJECT:: RE: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?  
TO:Ashley Holbrook ( CN=Ashley Holbrook/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Note that I was referring to the return from the Easter recess at end of April. (Planning ahead for something!)

From: Ashley Holbrook/WHO/EOP@Exchange on 03/27/2003 12:06:11 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

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-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, March 27, 2003 11:55 AM  
To: Jones, Alison ; Holbrook, Ashley  
Subject: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

---

**From:** Joy, Sheila <Sheila.Joy@usdoj.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/27/2003 7:24:51 AM  
**Subject:** : RE: New Vacancy Notice

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Joy, Sheila" <Sheila.Joy@usdoj.gov> ( "Joy, Sheila" <Sheila.Joy@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:27-MAR-2003 12:24:51.00  
SUBJECT:: RE: New Vacancy Notice  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I have already done so

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett M. Kavanaugh@who.eop.gov]  
Sent: Thursday, March 27, 2003 11:58 AM  
To: Joy, Sheila  
Subject: Re: New Vacancy Notice

please FAX letter to 456-5104

(Embedded  
image moved "Joy, Sheila" <Sheila.Joy@usdoj.gov>  
to file: 03/27/2003 11:54:15 AM  
pic31503.pcx)

Record Type: Record

To: See the distribution list at the bottom of this message

cc:  
Subject: New Vacancy Notice

James A. Parker USDJ New Mexico to retire 9/1/03

Message Sent

To: \_\_\_\_\_

"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification  
Requested)  
(IPM Return Requested)  
"Charnes, Adam" <Adam.Charnes@usdoj.gov> (Receipt Notification  
Requested) (IPM Return Requested)  
"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> (Receipt

REV\_00112958

Notification Requested) (IPM Return Requested)  
"Remington, Kristi L" <Kristi.L.Remington@usdoj.gov> (Receipt  
Notification Requested) (IPM Return Requested)  
"Sales, Nathan" <Nathan.Sales@usdoj.gov> (Receipt Notification  
Requested) (IPM Return Requested)  
"Anderson, Carl A" <Carl.A.Anderson@usdoj.gov> (Receipt  
Notification  
Requested) (IPM Return Requested)  
Brett M. Kavanaugh/WHO/EOP@EOP



**From:** CN=William T. Griffin/OU=WHO/O=EOP [ WHO ]  
**BCC:** Parker B. Hamilton ( Parker B. Hamilton/WHO/EOP [ WHO ] ), Jane M. Cook ( Jane M. Cook/WHO/EOP [ WHO ] ), Kenneth A. Lisaius ( Kenneth A. Lisaius/WHO/EOP [ WHO ] ), Jeanie S. Mamo ( Jeanie S. Mamo/WHO/EOP [ WHO ] ), William T. Griffin ( William T. Griffin/WHO/EOP [ WHO ] ), Taylor S. Gross ( Taylor S. Gross/WHO/EOP [ WHO ] ), Scott Stanzel ( Scott Stanzel/WHO/EOP [ WHO ] ), Mercedes M. Viana ( Mercedes M. Viana/WHO/EOP [ WHO ] ), Christopher J. Orr ( Christopher J. Orr/WHO/EOP [ WHO ] ), Nicolle Devenish ( Nicolle Devenish/WHO/EOP [ WHO ] ), Kathryn M. Harrington ( Kathryn M. Harrington/OSTP/EOP [ OSTP ] ), William D. Badger ( William D. Badger/OPD/EOP [ OPD ] ), Eric H. Otto ( Eric H. Otto/OPD/EOP@Exchange [ OPD ] ), Keith Hennessey ( Keith Hennessey/OPD/EOP@Exchange [ OPD ] ), Brian R. Besanceney ( Brian R. Besanceney/WHO/EOP [ WHO ] ), Michael C. Toth ( Michael C. Toth/OMB/EOP [ OMB ] ), Amy L. Call ( Amy L. Call/OMB/EOP [ OMB ] ), Megan S. Mollmann ( Megan S. Mollmann/OMB/EOP [ OMB ] ), Trent D. Duffy ( Trent D. Duffy/OMB/EOP [ OMB ] ), Mitchell Daniels ( Mitchell Daniels/OMB/EOP [ OMB ] ), Natalie S. Wozniak ( Natalie S. Wozniak/NSC/EOP [ NSC ] ), Colby J. Cooper ( Colby J. Cooper/NSC/EOP [ NSC ] ), Michael N. Anton ( Michael N. Anton/NSC/EOP [ NSC ] ), Sean I. McCormack ( Sean I. McCormack/NSC/EOP [ NSC ] ), Dana M. Perino ( Dana M. Perino/CEQ/EOP [ CEQ ] ), Phillip L. Swagel ( Phillip L. Swagel/CEA/EOP [ CEA ] ), Natalie Rule ( Natalie Rule/OVP/EOP [ OVP ] ), Jessica L. Emond ( Jessica L. Emond/OVP/EOP [ OVP ] ), A. Merrill Hughes ( A. Merrill Hughes/OVP/EOP [ OVP ] ), Catherine J. Martin ( Catherine J. Martin/OVP/EOP [ OVP ] ), Jennifer Millerwise ( Jennifer Millerwise/OVP/EOP [ OVP ] ), Jennifer H. Mayfield ( Jennifer H. Mayfield/OVP/EOP [ OVP ] ), Jeanie L. Figg ( Jeanie L. Figg/WHO/EOP@Exchange [ WHO ] ), Noelia Rodriguez ( Noelia Rodriguez/WHO/EOP@Exchange [ WHO ] ), David Kuo ( David Kuo/WHO/EOP [ WHO ] ), Catharine A. Ryun ( Catharine A. Ryun/WHO/EOP [ WHO ] ), Jim Towey ( Jim Towey/WHO/EOP [ WHO ] ), Rhonda L. Taylor ( Rhonda L. Taylor/WHO/EOP [ WHO ] ), Kathleen Mynster ( Kathleen Mynster/WHO/EOP [ WHO ] ), Lindsey C. Kozberg ( Lindsey C. Kozberg/WHO/EOP [ WHO ] ), Stephen M. Garrison ( Stephen M. Garrison/WHO/EOP [ WHO ] ), Britt Grant ( Britt Grant/OPD/EOP [ OPD ] ), John M. Bridgeland ( John M. Bridgeland/OPD/EOP [ OPD ] ), Meredith A. Terpeluk ( Meredith A. Terpeluk/WHO/EOP [ WHO ] ), John D. Estes ( John D. Estes/WHO/EOP [ WHO ] ), Abel Guerra ( Abel Guerra/WHO/EOP [ WHO ] ), Matthew E. Smith ( Matthew E. Smith/WHO/EOP [ WHO ] ), Tim Goeglein ( Tim Goeglein/WHO/EOP [ WHO ] ), Adam B. Goldman ( Adam B. Goldman/WHO/EOP [ WHO ] ), Jenica Baldwin ( Jenica Baldwin/WHO/EOP [ WHO ] ), Kathryn J. Hayes ( Kathryn J. Hayes/WHO/EOP [ WHO ] ), Lezlee J. Westine ( Lezlee J. Westine/WHO/EOP [ WHO ] ), David McMaster ( David McMaster/WHO/EOP [ WHO ] ), Leonard B. Rodriguez ( Leonard B. Rodriguez/WHO/EOP [ WHO ] ), Douglas L. Hoelscher ( Douglas L. Hoelscher/WHO/EOP [ WHO ] ), David M. Thomas ( David M. Thomas/WHO/EOP [ WHO ] ), Sara M. Taylor ( Sara M. Taylor/WHO/EOP [ WHO ] ), Alicia W. Davis ( Alicia W. Davis/WHO/EOP [ WHO ] ), Collister W. Johnson ( Collister W. Johnson/WHO/EOP [ WHO ] ), Paul B. Dyck ( Paul B. Dyck/WHO/EOP [ WHO ] ), Matthew A. Schlapp ( Matthew A. Schlapp/WHO/EOP [ WHO ] ), Katherine M. Walters ( Katherine M. Walters/WHO/EOP [ WHO ] ), Ken Mehlman ( Ken Mehlman/WHO/EOP [ WHO ] ), John G. Burke ( John G. Burke/WHO/EOP [ WHO ] ), Jennifer M. Farley ( Jennifer M. Farley/WHO/EOP [ WHO ] ), Deborah A. Spagnoli ( Deborah A. Spagnoli/WHO/EOP [ WHO ] ), Ruben S. Barrales ( Ruben S. Barrales/WHO/EOP [ WHO ] ), Alicia P. Clark ( Alicia P. Clark/WHO/EOP [ WHO ] ), William Greene ( William Greene/WHO/EOP [ WHO ] ), Barry S. Jackson ( Barry S. Jackson/WHO/EOP [ WHO ] ), Sarah K. Lockart ( Sarah K. Lockart/WHO/EOP@Exchange [ WHO ] ), Israel Hernandez ( Israel Hernandez/WHO/EOP@Exchange [ WHO ] ), Susan B. Ralston ( Susan B. Ralston/WHO/EOP@Exchange [ WHO ] ), Karl C. Rove ( Karl C. Rove/WHO/EOP@Exchange [ WHO ] ), Lana Dickey ( Lana Dickey/WHO/EOP [ WHO ] ), Sarah Campbell ( Sarah Campbell/WHO/EOP [ WHO ] ), Shane P. Chambers ( Shane P. Chambers/WHO/EOP [ WHO ] ), Misty C. Marshall ( Misty C. Marshall/WHO/EOP [ WHO ] ), Heidi M. Smith ( Heidi M. Smith/WHO/EOP [ WHO ] ), Bradley A. Blakeman ( Bradley A. Blakeman/WHO/EOP@Exchange [ WHO ] ), Josh Deckard ( Josh Deckard/WHO/EOP@Exchange [ WHO ] ), Lois A. Cassano ( Lois A. Cassano/WHO/EOP@Exchange [ WHO ] ), Elizabeth H. Donnan ( Elizabeth H. Donnan/WHO/EOP [ WHO ] ), Reed Dickens ( Reed Dickens/WHO/EOP@Exchange [ WHO ] ), Claire E. Buchan ( Claire E. Buchan/WHO/EOP@Exchange [ WHO ] ), Ashley Snee ( Ashley Snee/WHO/EOP@Exchange [ WHO ] ), Brian Bravo ( Brian Bravo/WHO/EOP@Exchange [ WHO ] ), Scott McClellan ( Scott McClellan/WHO/EOP@Exchange [ WHO ] ), Georgia D. Godfrey ( Georgia D. Godfrey/WHO/EOP@Exchange [ WHO ] ), Harry W. Wolff ( Harry W. Wolff/WHO/EOP@Exchange [ WHO ] ), Adam L. Levine ( Adam L. Levine/WHO/EOP@Exchange [ WHO ] ), Vickie A. McQuade ( Vickie

A. McQuade/WHO/EOP@Exchange [ WHO ] ), Lawrence A. Fleischer ( Lawrence A. Fleischer/WHO/EOP@Exchange [ WHO ] ), Karen D. Cruson ( Karen D. Cruson/WHF/EOP [ OPM ] ), Tiffany L. Barfield ( Tiffany L. Barfield/WHO/EOP@Exchange [ WHO ] ), Clare Pritchett ( Clare Pritchett/WHO/EOP@Exchange [ WHO ] ), Curtis R. Jablonka ( Curtis R. Jablonka/WHO/EOP [ WHO ] ), Lynden R. Steele ( Lynden R. Steele/WHO/EOP [ WHO ] ), Michael Davis ( Michael Davis/WHO/EOP [ WHO ] ), Paul L. Morse ( Paul L. Morse/WHO /EOP@Exchange [ WHO ] ), Eric A. Draper ( Eric A. Draper/WHO/EOP@Exchange [ WHO ] ), Scott Sechser ( Scott Sechser/WHO/EOP@Exchange [ WHO ] ), Ginger G. Loper ( Ginger G. Loper/WHO/EOP@Exchange [ WHO ] ), Eric C. Pelletier ( Eric C. Pelletier/WHO /EOP@Exchange [ WHO ] ), Katherine S. Hildebrand ( Katherine S. Hildebrand/WHO/EOP [ WHO ] ), Jennifer Foley ( Jennifer Foley/WHO/EOP [ WHO ] ), Darren D. Grubb ( Darren D. Grubb/WHO/EOP [ WHO ] ), Mary C. Andrews ( Mary C. Andrews/WHO/EOP [ WHO ] ), Wendy L. Nipper ( Wendy L. Nipper/WHO/EOP [ WHO ] ), Tucker A. Eskew ( Tucker A. Eskew/WHO/EOP [ WHO ] ), Brian C. Jones ( Brian C. Jones/WHO/EOP [ WHO ] ), Erin A. Vargo ( Erin A. Vargo/WHO/EOP [ WHO ] ), Edmund A. Walsh ( Edmund A. Walsh/WHO/EOP [ WHO ] ), Noam M. Neusner ( Noam M. Neusner/WHO/EOP [ WHO ] ), Matthew Scully ( Matthew Scully/WHO/EOP [ WHO ] ), John P. McConnell ( John P. McConnell/WHO/EOP [ WHO ] ), Anne E. Campbell ( Anne E. Campbell/WHO/EOP@Exchange [ WHO ] ), Kristopher N. Purcell ( Kristopher N. Purcell/WHO/EOP [ WHO ] ), Tracy Young ( Tracy Young/WHO/EOP [ WHO ] ), Erin E. Healy ( Erin E. Healy/WHO/EOP [ WHO ] ), Robert Deservi ( Robert Deservi/WHO/EOP [ WHO ] ), Shannon Burkhardt ( Shannon Burkhardt/WHO/EOP [ WHO ] ), Scott N. Sforza ( Scott N. Sforza/WHO/EOP [ WHO ] ), Suzy DeFrancis ( Suzy DeFrancis/WHO/EOP@Exchange [ WHO ] ), Krista L. Ritacco ( Krista L. Ritacco/WHO/EOP@Exchange [ WHO ] ), Daniel J. Bartlett ( Daniel J. Bartlett/WHO/EOP@Exchange [ WHO ] ), Carrie B. Loy ( Carrie B. Loy/WHO/EOP [ WHO ] ), Ali H. Tulbah ( Ali H. Tulbah/WHO/EOP [ WHO ] ), Edward Ingle ( Edward Ingle/WHO/EOP [ WHO ] ), Brian D. Montgomery ( Brian D. Montgomery/WHO/EOP@Exchange [ WHO ] ), Bradford D. Dayspring ( Bradford D. Dayspring/WHO/EOP [ WHO ] ), Allison L. Riepenhoff ( Allison L. Riepenhoff/WHO/EOP [ WHO ] ), Steven A. Atkiss ( Steven A. Atkiss/WHO/EOP [ WHO ] ), Reed H. Galen ( Reed H. Galen/WHO/EOP [ WHO ] ), Kelley Gannon ( Kelley Gannon/WHO/EOP [ WHO ] ), Gregory J. Jenkins ( Gregory J. Jenkins/WHO/EOP [ WHO ] ), Patrick J. Bumatay ( Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] ), Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] ), Carolyn Nelson ( Carolyn Nelson/WHO/EOP@Exchange [ WHO ] ), Alberto R. Gonzales ( Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] ), Ann Gray ( Ann Gray/WHO/EOP@Exchange [ WHO ] ), Adrian G. Gray ( Adrian G. Gray/WHO/EOP [ WHO ] ), Blake Gottesman ( Blake Gottesman/WHO/EOP@Exchange [ WHO ] ), Ashley Estes ( Ashley Estes/WHO /EOP@Exchange [ WHO ] ), Tim Reynolds ( Tim Reynolds/WHO/EOP@Exchange [ WHO ] ), Colleen Litkenhaus ( Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] ), Joseph W. Hagin ( Joseph W. Hagin/WHO/EOP@Exchange [ WHO ] ), Kristen Silverberg ( Kristen Silverberg/WHO /EOP@Exchange [ WHO ] ), Joel D. Kaplan ( Joel D. Kaplan/WHO/EOP@Exchange [ WHO ] ), Melissa S. Bennett ( Melissa S. Bennett/WHO/EOP@Exchange [ WHO ] ), Wilkinjr@centcom.mil @ inet ( Wilkinjr@centcom.mil @ inet [ UNKNOWN ] )

**Sent:** 3/27/2003 7:30:40 AM  
**Subject:** : leaving...

##### Begin Original ARMS Header #####  
RECORD TYPE: FEDERAL (NOTES MAIL)  
CREATOR:William T. Griffin ( CN=William T. Griffin/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAR-2003 12:30:40.00  
SUBJECT:: leaving...  
BCC:Parker B. Hamilton ( CN=Parker B. Hamilton/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Jane M. Cook ( CN=Jane M. Cook/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Kenneth A. Lisaius ( CN=Kenneth A. Lisaius/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:William T. Griffin ( CN=William T. Griffin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Taylor S. Gross ( CN=Taylor S. Gross/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Scott Stanzel ( CN=Scott Stanzel/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN  
BCC:Mercedes M. Viana ( CN=Mercedes M. Viana/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Nicolle Devenish ( CN=Nicolle Devenish/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Kathryn M. Harrington ( CN=Kathryn M. Harrington/OU=OSTP/O=EOP [ OSTP ] )  
READ:UNKNOWN  
BCC:William D. Badger ( CN=William D. Badger/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Eric H. Otto ( CN=Eric H. Otto/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ:UNKNOWN  
BCC:Keith Hennessey ( CN=Keith Hennessey/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ:UNKNOWN  
BCC:Brian R. Besanceney ( CN=Brian R. Besanceney/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Michael C. Toth ( CN=Michael C. Toth/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN  
BCC:Amy L. Call ( CN=Amy L. Call/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN  
BCC:Megan S. Mollmann ( CN=Megan S. Mollmann/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN  
BCC:Trent D. Duffy ( CN=Trent D. Duffy/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN  
BCC:Mitchell Daniels ( CN=Mitchell Daniels/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN  
BCC:Natalie S. Wozniak ( CN=Natalie S. Wozniak/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Colby J. Cooper ( CN=Colby J. Cooper/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Michael N. Anton ( CN=Michael N. Anton/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Sean I. McCormack ( CN=Sean I. McCormack/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Dana M. Perino ( CN=Dana M. Perino/OU=CEQ/O=EOP [ CEQ ] )  
READ:UNKNOWN  
BCC:Phillip L. Swagel ( CN=Phillip L. Swagel/OU=CEA/O=EOP [ CEA ] )  
READ:UNKNOWN  
BCC:Natalie Rule ( CN=Natalie Rule/OU=OVP/O=EOP [ OVP ] )  
READ:UNKNOWN  
BCC:Jessica L. Emond ( CN=Jessica L. Emond/OU=OVP/O=EOP [ OVP ] )  
READ:UNKNOWN  
BCC:A. Merrill Hughes ( CN=A. Merrill Hughes/OU=OVP/O=EOP [ OVP ] )  
READ:UNKNOWN  
BCC:Catherine J. Martin ( CN=Catherine J. Martin/OU=OVP/O=EOP [ OVP ] )  
READ:UNKNOWN  
BCC:Jennifer Millerwise ( CN=Jennifer Millerwise/OU=OVP/O=EOP [ OVP ] )  
READ:UNKNOWN  
BCC:Jennifer H. Mayfield ( CN=Jennifer H. Mayfield/OU=OVP/O=EOP [ OVP ] )  
READ:UNKNOWN  
BCC:Jeanie L. Figg ( CN=Jeanie L. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Noelia Rodriguez ( CN=Noelia Rodriguez/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:David Kuo ( CN=David Kuo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Catharine A. Ryun ( CN=Catharine A. Ryun/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Jim Towey ( CN=Jim Towey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Rhonda L. Taylor ( CN=Rhonda L. Taylor/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Kathleen Mynster ( CN=Kathleen Mynster/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Lindsey C. Kozberg ( CN=Lindsey C. Kozberg/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Stephen M. Garrison ( CN=Stephen M. Garrison/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN  
BCC:Britt Grant ( CN=Britt Grant/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:John M. Bridgeland ( CN=John M. Bridgeland/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Meredith A. Terpeluk ( CN=Meredith A. Terpeluk/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:John D. Estes ( CN=John D. Estes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Abel Guerra ( CN=Abel Guerra/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Adam B. Goldman ( CN=Adam B. Goldman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Jenica Baldwin ( CN=Jenica Baldwin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Kathryn J. Hayes ( CN=Kathryn J. Hayes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Lezlee J. Westine ( CN=Lezlee J. Westine/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:David McMaster ( CN=David McMaster/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Leonard B. Rodriguez ( CN=Leonard B. Rodriguez/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Douglas L. Hoelscher ( CN=Douglas L. Hoelscher/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:David M. Thomas ( CN=David M. Thomas/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Sara M. Taylor ( CN=Sara M. Taylor/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Paul B. Dyck ( CN=Paul B. Dyck/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Katherine M. Walters ( CN=Katherine M. Walters/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:John G. Burke ( CN=John G. Burke/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Jennifer M. Farley ( CN=Jennifer M. Farley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Deborah A. Spagnoli ( CN=Deborah A. Spagnoli/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Ruben S. Barrales ( CN=Ruben S. Barrales/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Alicia P. Clark ( CN=Alicia P. Clark/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:William Greene ( CN=William Greene/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Barry S. Jackson ( CN=Barry S. Jackson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Sarah K. Lockart ( CN=Sarah K. Lockart/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Karl C. Rove ( CN=Karl C. Rove/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Lana Dickey ( CN=Lana Dickey/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN  
BCC:Sarah Campbell ( CN=Sarah Campbell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Shane P. Chambers ( CN=Shane P. Chambers/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Misty C. Marshall ( CN=Misty C. Marshall/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Heidi M. Smith ( CN=Heidi M. Smith/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Bradley A. Blakeman ( CN=Bradley A. Blakeman/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Josh Deckard ( CN=Josh Deckard/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Lois A. Cassano ( CN=Lois A. Cassano/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Elizabeth H. Donnan ( CN=Elizabeth H. Donnan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Reed Dickens ( CN=Reed Dickens/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Claire E. Buchan ( CN=Claire E. Buchan/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Scott McClellan ( CN=Scott McClellan/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Georgia D. Godfrey ( CN=Georgia D. Godfrey/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Harry W. Wolff ( CN=Harry W. Wolff/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Adam L. Levine ( CN=Adam L. Levine/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Vickie A. McQuade ( CN=Vickie A. McQuade/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Lawrence A. Fleischer ( CN=Lawrence A. Fleischer/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Karen D. Cruson ( CN=Karen D. Cruson/OU=WHF/O=EOP [ OPM ] )  
READ:UNKNOWN  
BCC:Tiffany L. Barfield ( CN=Tiffany L. Barfield/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Clare Pritchett ( CN=Clare Pritchett/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Curtis R. Jablonka ( CN=Curtis R. Jablonka/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Lynden R. Steele ( CN=Lynden R. Steele/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Michael Davis ( CN=Michael Davis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Paul L. Morse ( CN=Paul L. Morse/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Eric A. Draper ( CN=Eric A. Draper/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Scott Sechser ( CN=Scott Sechser/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Ginger G. Loper ( CN=Ginger G. Loper/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Katherine S. Hildebrand ( CN=Katherine S. Hildebrand/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Jennifer Foley ( CN=Jennifer Foley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Darren D. Grubb ( CN=Darren D. Grubb/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Mary C. Andrews ( CN=Mary C. Andrews/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Wendy L. Nipper ( CN=Wendy L. Nipper/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN  
BCC:Tucker A. Eskew ( CN=Tucker A. Eskew/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brian C. Jones ( CN=Brian C. Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Erin A. Vargo ( CN=Erin A. Vargo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Edmund A. Walsh ( CN=Edmund A. Walsh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Noam M. Neusner ( CN=Noam M. Neusner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Matthew Scully ( CN=Matthew Scully/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:John P. McConnell ( CN=John P. McConnell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Anne E. Campbell ( CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Kristopher N. Purcell ( CN=Kristopher N. Purcell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Tracy Young ( CN=Tracy Young/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Erin E. Healy ( CN=Erin E. Healy/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Robert Deservi ( CN=Robert Deservi/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Shannon Burkhardt ( CN=Shannon Burkhardt/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Scott N. Sforza ( CN=Scott N. Sforza/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Suzy DeFrancis ( CN=Suzy DeFrancis/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Krista L. Ritacco ( CN=Krista L. Ritacco/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Daniel J. Bartlett ( CN=Daniel J. Bartlett/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Carrie B. Loy ( CN=Carrie B. Loy/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Ali H. Tulbah ( CN=Ali H. Tulbah/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Bradford D. Dayspring ( CN=Bradford D. Dayspring/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Allison L. Riepenhoff ( CN=Allison L. Riepenhoff/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Steven A. Atkiss ( CN=Steven A. Atkiss/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Reed H. Galen ( CN=Reed H. Galen/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Kelley Gannon ( CN=Kelley Gannon/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Gregory J. Jenkins ( CN=Gregory J. Jenkins/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Ann Gray ( CN=Ann Gray/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Adrian G. Gray ( CN=Adrian G. Gray/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Blake Gottesman ( CN=Blake Gottesman/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN  
BCC:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Tim Reynolds ( CN=Tim Reynolds/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Joseph W. Hagin ( CN=Joseph W. Hagin/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Melissa S. Bennett ( CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Wilkinjr@centcom.mil @ inet ( Wilkinjr@centcom.mil @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

As many of you know, tomorrow will be my last day at the White House. I've accepted a new position at Treasury Public Affairs beginning Tuesday. Even though I'll just be moving next door, it's tough to leave all the great people I've been so fortunate to have worked side-by-side with over the last few years. I know that years from now, I'll look back at this time -- and the people I shared it with -- as one of the great experiences of my life. Thanks for everything, I hope you'll keep in touch.

Best,  
Taylor

Taylor Griffin  
Dept. of the Treasury  
Departmental Offices, Room 2321  
1500 Pennsylvania Avenue, NW  
Washington, DC 20220

e-mail: [taylor.griffin@do.treas.gov](mailto:taylor.griffin@do.treas.gov)  
direct: 202-622-1996  
main: 202-622-2960

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/27/2003 7:49:06 AM  
**Subject:** : FW: NEC and WHC contacts on civil justice issues

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:27-MAR-2003 12:49:06.00  
SUBJECT:: FW: NEC and WHC contacts on civil justice issues  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

You should probably be the point on these. Agree?

-----Original Message-----

From: MacEcevic, Lisa J.  
Sent: Thursday, March 27, 2003 12:36 PM  
To: Bumatay, Patrick J.; Kavanaugh, Brett M.; Warsh, Kevin;  
Allgood, Lauren K.  
Cc: Green, Richard E.  
Subject: NEC and WHC contacts on civil justice issues

Hi. Lately, there have been several developments concerning asbestos and class action legislation. In the past WHC and NEC have been interested in related issues, but I no longer have info on who I should be contacting for either. For instance, a class action bill (S. 274) is scheduled to be marked up possibly early next week and I am trying to solidify at least a preliminary position on the legislation. Also, Sen. Hatch has announced he is planning to introduce and markup asbestos related legislation at the end of April. Could you please let me know if any of you in particular should receive information on these two specific issues or any other issues in general? Thank you! Lisa



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Lisa J. Macecevic/OMB/EOP@EOP [ OMB ] <Lisa J. Macecevic>  
**CC:** Patrick J. Bumatay/WHO/EOP@Exchange@EOP [ WHO ] <Patrick J. Bumatay>  
**Sent:** 3/27/2003 7:51:23 AM  
**Subject:** : Re: NEC and WHC contacts on civil justice issues

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAR-2003 12:51:23.00  
SUBJECT:: Re: NEC and WHC contacts on civil justice issues  
TO:Lisa J. Macecevic ( CN=Lisa J. Macecevic/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
CC:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I have class action, asbestos, and medical liability.

From: Lisa J. Macecevic on 03/27/2003 12:45:54 PM  
Record Type: Record

To: Patrick J. Bumatay/WHO/EOP@Exchange@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Kevin Warsh/OPD/EOP@EOP, Lauren K. Allgood/OPD/EOP@Exchange@EOP  
cc: Richard E. Green/OMB/EOP@EOP  
Subject: NEC and WHC contacts on civil justice issues

Hi. Lately, there have been several developments concerning asbestos and class action legislation. In the past WHC and NEC have been interested in related issues, but I no longer have info on who I should be contacting for either. For instance, a class action bill (S. 274) is scheduled to be marked up possibly early next week and I am trying to solidify at least a preliminary position on the legislation. Also, Sen. Hatch has announced he is planning to introduce and markup asbestos related legislation at the end of April. Could you please let me know if any of you in particular should receive information on these two specific issues or any other issues in general? Thank you! Lisa

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Linda M. Gambatesa/WHO/EOP@Exchange@EOP [ WHO ] <Linda M. Gambatesa>  
**CC:** Colleen Litkenhaus/WHO/EOP@Exchange@EOP [ WHO ] <Colleen Litkenhaus>  
**Sent:** 3/27/2003 7:52:08 AM  
**Subject:** : RMD

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAR-2003 12:52:08.00  
SUBJECT:: RMD  
TO:Linda M. Gambatesa ( CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

sorry, sent this just to Colleen.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
03/27/2003 12:51 PM -----

Brett M. Kavanaugh  
03/26/2003 06:42:25 PM  
Record Type: Record

To: Colleen Litkenhaus/WHO/EOP@Exchange@EOP  
cc:  
Subject: RMD

The head of RMD can be made to report either to COO or CFO, although the statute more naturally suggests that the RMD head would report to the CFO because the CFO is charged with responsibility to "direct, manage, and provide policy guidance and oversight of agency financial management personnel, activities, and operations."

Separately, the CFO can be made to report to the head of OA or to anyone else in the EOP who is so designated by the President.

Please call with any questions.

---

**From:** Kavanaugh, Brett M.  
**To:** <Jones, Alison>;<Holbrook, Ashley>  
**Sent:** 3/27/2003 11:54:41 AM  
**Subject:** Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

---

**From:** CN=Lisa J. Macecevic/OU=OMB/O=EOP [ OMB ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/27/2003 8:05:13 AM  
**Subject:** : Re: NEC and WHC contacts on civil justice issues

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Lisa J. Macecevic ( CN=Lisa J. Macecevic/OU=OMB/O=EOP [ OMB ] )  
CREATION DATE/TIME:27-MAR-2003 13:05:13.00  
SUBJECT:: Re: NEC and WHC contacts on civil justice issues  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

thank you!

---

**From:** Kavanaugh, Brett M.  
**To:** <Holbrook, Ashley>  
**Sent:** 3/27/2003 12:06:32 PM  
**Subject:** RE: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

Note that I was referring to the return from the Easter recess at end of April. (Planning ahead for something!)

From: Ashley Holbrook/WHO/EOP@Exchange on 03/27/2003 12:06:11 PM

Record Type: Record

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

cc:

Subject: RE: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

Cloak Room is guessing that they wouldn't go in until in the afternoon. All Senators are invited to the Moynihan funeral Mon at 10:00. They're planning the first vote for 5:30, so they're thinking they'll go in around 2:00.

-----Original Message-----

**From:** Kavanaugh, Brett M.

**Sent:** Thursday, March 27, 2003 11:55 AM

**To:** Jones, Alison ; Holbrook, Ashley

**Subject:** Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

---

**From:** Kavanaugh, Brett M.  
**To:** <Gambatesa, Linda M.>  
**CC:** <Litkenhaus, Colleen>  
**Sent:** 3/27/2003 12:46:56 PM  
**Subject:** RMD

sorry, sent this just to Colleen.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 03/27/2003 12:51 PM -----

Brett M. Kavanaugh

03/26/2003 06:42:25 PM

Record Type: Record

To: Colleen Litkenhaus/WHO/EOP@Exchange@EOP

cc:

Subject: RMD

The head of RMD can be made to report either to COO or CFO, although the statute more naturally suggests that the RMD head would report to the CFO because the CFO is charged with responsibility to "direct, manage, and provide policy guidance and oversight of agency financial management personnel, activities, and operations."

Separately, the CFO can be made to report to the head of OA or to anyone else in the EOP who is so designated by the President.

Please call with any questions.

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/27/2003 9:29:56 AM  
**Subject:** : will call you in a minute

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:27-MAR-2003 14:29:56.00  
SUBJECT:: will call you in a minute  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;

---

**From:** Colborn, Paul P <Paul.P.Colborn@usdoj.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/27/2003 9:50:01 AM  
**Subject:** : RE: Pardon Records for Almon Braswell

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ( "Colborn, Paul P"  
<Paul.P.Colborn@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:27-MAR-2003 14:50:01.00  
SUBJECT:: RE: Pardon Records for Almon Braswell  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

thanks

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Thursday, March 27, 2003 2:46 PM  
To: garym.stern@nara.gov  
Cc: Colborn, Paul P; Collins, Dan  
Subject: Pardon Records for Almon Braswell

In accordance with 44 U.S.C. 2205(2)(B), please provide the Department of Justice with all presidential records related to the pardon of Almon Glenn Braswell, who was pardoned by President Clinton on January 20, 2001.  
Please  
call me with any questions.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Helgard C. Walker/WHO/EOP@EOP [ WHO ] <Helgard C. Walker>  
**Sent:** 3/27/2003 9:51:59 AM  
**Subject:** : reminder re Susan Magill and Widener letter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAR-2003 14:51:59.00  
SUBJECT:: reminder re Susan Magill and Widener letter  
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Helgard C. Walker/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/27/2003 9:58:59 AM  
**Subject:** : Re: reminder re Susan Magill and Widener letter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAR-2003 14:58:59.00  
SUBJECT:: Re: reminder re Susan Magill and Widener letter  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

called and left her vmail. said that if she could not get back to me  
before cob friday, she should call you -- she has your name and #.

Brett M. Kavanaugh  
03/27/2003 02:47:20 PM  
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP  
cc:  
Subject: reminder re Susan Magill and Widener letter

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 3/27/2003 10:08:08 AM  
**Subject:** : need car at 4:10 to Hill

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAR-2003 15:08:08.00  
SUBJECT:: need car at 4:10 to Hill  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/27/2003 2:30:07 PM  
**Subject:** will call you in a minute

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/27/2003 11:14:43 AM  
**Subject:** : Re: Updated: Status of Circuit Nominees

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAR-2003 16:14:43.00  
SUBJECT:: Re: Updated: Status of Circuit Nominees  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Are u going to the makan meeting tomorrow or calling in?

.

---

**From:** Sean Rushton <SRushton@CommitteeforJustice.org>  
**To:** SRushton@CommitteeforJustice.org [ UNKNOWN ] <SRushton@CommitteeforJustice.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 3/27/2003 11:30:46 AM  
**Subject:** : More on Michigan.  
**Attachments:** P\_UVL3F003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Sean Rushton <SRushton@CommitteeforJustice.org> ( Sean Rushton  
<SRushton@CommitteeforJustice.org> [ UNKNOWN ] )  
CREATION DATE/TIME:27-MAR-2003 16:30:46.00  
SUBJECT:: More on Michigan.  
TO:SRushton@CommitteeforJustice.org ( SRushton@CommitteeforJustice.org [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The Mobile Register (Ala.)

Saturday, March 22, 2003 Edition: 05, Section: A, Page 10

More dirty politics from Dems in Senate

THERE IS something not just rotten, but putrid, in the state of Democrats in the U.S. Senate.

Not content with supporting an unprecedented and unfair filibuster against judicial nominee Miguel Estrada, Democratic Sens. Carl Levin and Debbie Stabenow of Michigan now are blocking all five Bush administration judicial nominees from their home state.

First, on Mr. Estrada: Republicans have offered a host of concessions to Democrats, including private meetings with the nominee, a new public hearing on his nomination, and written answers to the very questions the Democrats claim he did not answer in his earlier hearings.

Still, the Democrats refused for the third straight time to allow "cloture" - to stop the endless talk-a-thon of a filibuster - in order to allow Mr. Estrada an up-or-down vote. Never in the history of the United States has an appeals court nominee been blocked by such a method - a method contrary to the Democrats' own, previously stated standards, to the spirit of the Constitution, and to the explicit words of Alexander Hamilton in Federalist 76.

All this obstructionism, over a man (Mr. Estrada) whom former Vice President Al Gore's chief of staff, and two of former President Bill Clinton's solicitors general, have heartily endorsed.

But now come Sens. Levin and Stabenow to do even worse. Instead of a minority cabal of 45 moving to block a vote on one particular nominee, they amount to just two people abusing a Senate custom in order to block five nominees, quite indiscriminately.

The custom - not even an official Senate rule, but a longstanding sort of "gentlemen's agreement" - is called a "blue slip." If senators from a nominee's home state submit a blue slip, they are allowed to indefinitely postpone, even kill, the nomination.

The point of the custom is to block nominees who for some reason are particularly, and quite personally, objectionable to a home-state senator.

Instead, the Michiganders are using the blue slip as a cluster bomb against all the administration's nominations from Michigan, without regard to whether the nominees are qualified.

The senators say they are angry that President Bush refused to renominate two of former President Clinton's appeals court nominees from Michigan.

But why should he? Virtually every presidential term ends with several dozen judicial nominees unconfirmed. That tradition goes all the way back to the groundbreaking case of Marbury vs. Madison in 1803. When former President George H. W. Bush left office, more than 50 of his judicial nominations remained unconfirmed, including a nominee from Michigan who had waited almost a year without a hearing.

A new president has no obligation to renominate the choices of his predecessor. Breaking most precedent, the current President Bush did renominate one such Clinton selection - and for his act of good will, the Democrats have repaid his olive branch with nothing but legislative swords.

Their abuse of Mr. Estrada was the most egregious of a number of unconscionable acts of obstruction. Until now. The result is not only the derailment of the careers of five innocent nominees, but also a continued, and officially declared, "judicial emergency" in the Sixth Circuit Court of Appeals. On a court meant for 16 judges, only eight judgeships are now filled.

What the Democratic senators are doing isn't mere politics; it's subversion of the political process.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_UVL3F003\_WHO.TXT\_1>

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A new president has no obligation to renominate the choices of his predecessor. Breaking most precedent, the current President Bush did renominate one such Clinton selection - and for his act of good will, the Democrats have repaid his olive branch with nothing but legislative swords.



Their abuse of Mr. Estrada was the most egregious of a number of unconscionable acts of obstruction. Until now. The result is not only the derailment of the careers of five innocent nominees, but also a continued, and officially declared, "judicial emergency" in the Sixth Circuit Court of Appeals. On a court meant for 16 judges, only eight judgeships are now filled.

What the Democratic senators are doing isn't mere politics; it's subversion of the political process.

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/27/2003 12:26:50 PM  
**Subject:** : NYT - can you do?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:27-MAR-2003 17:26:50.00  
SUBJECT:: NYT - can you do?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

it will be same as last time - sr. admin official and just to explain the reasons behind the decision.; pls call me.

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/27/2003 5:27:00 PM  
**Subject:** NYT - can you do?

it will be same as last time - sr. admin official and just to explain the reasons behind the decision. pls call me.

---

**From:** Ganter, Jonathan F.  
**To:** <Powell, Benjamin A.>;<Francisco, Noel J.>;<Bartolomucci, H. Christopher>;<Kavanaugh, Brett M.>;<Sampson, Kyle>;<Newstead, Jennifer G.>;<Ulyot, Theodore W.>  
**CC:** <Montiel, Charlotte L.>;<Brilliant, Hana F.>;<Farrell, J. Elizabeth>  
**Sent:** 3/27/2003 6:23:01 PM  
**Subject:** JS Interviews

Please reply to me with your judicial selection interview schedules for next week, including each candidate's social security # and date of birth. In the case that you have certain candidates who still need to have interviews scheduled, feel free to email me their info and I will work with Charlotte to set them up for you. Thanks.

Jon

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange@EOP [ WHO ] <Colleen Litkenhaus>  
**Sent:** 3/28/2003 3:58:06 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAR-2003 08:58:06.00  
SUBJECT: :  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

are you squared away on CFO reporting issue?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Melissa S. Bennett/WHO/EOP@Exchange@EOP [ WHO ] <Melissa S. Bennett>  
**Sent:** 3/28/2003 4:48:15 AM  
**Subject:** : game

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAR-2003 09:48:15.00  
SUBJECT:: game  
TO:Melissa S. Bennett ( CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Under the circumstances as described, he should pay fair market value for all tickets for Secretary Card and family members.

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**From:** Goeglein, Tim  
**To:** <Ralston, Susan B.>;<Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<Grubbs, Wendy J.>  
**CC:** <Westine, Lezlee J.>;<Smith, Matthew E.>  
**Sent:** 3/28/2003 7:34:24 AM  
**Subject:** Daily Update - March 27, 2003

fyi

tsg

CITIZENLINK

March 27, 2003

WILL PRISCILLA OWEN BE THE NEXT ESTRADA?

The nomination of Priscilla Owen heads to Senate floor. Will she share the fate of Miguel Estrada?

(Please See "CitizenLink Extra" Below)

CITIZENLINK EXTRA:

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Will Priscilla Owen Be the Next Estrada?

By Pete Winn and Trish Amason

SUMMARY: The nomination of Priscilla Owen heads to Senate floor. Will she share the fate of Miguel Estrada?

Texas Supreme Court Justice Priscilla Owen gained approval by the Senate Judiciary Committee on Thursday by a 10-9 party-line vote. Last year, when Democrats controlled the Senate, Owen was voted down by the same margin. Democrats still maintain Owen is a pro-life judicial "activist" whose rulings have been influenced by her personal beliefs. In a second Judiciary Committee hearing held recently, however, Owen stated her positions plainly.

"I judge cases by what is right," Owen said. "I do not judge cases by what is politically correct. I apply the law, and the law has to be predictable and it has to be fair and that's what I do."

REV\_00113056

CitizenLink Associate Editor Pete Winn talked with John

Nowacki, director of legal policy at the Free Congress

Foundation, about the Owen nomination - and the future of the president's judicial appointments.

-----  
Q: John, the Owen vote is a good sign but we expected it, didn't we?

A: We did. There was a wide spread sentiment amongst the Republicans -- and a lot of conservatives -- that Owen did not get fair treatment the last time around.

Certainly, the justifications used by the Senate Democrats to block her nomination in committee last year, ignored completely the answer she gave during her hearings and just kept following the talking points given to them by some of these outside liberal interest groups. But she's gotten the chance finally to get the Senate to act on her nomination on the Senate floor, and this could present a real choice for the Democrats. Will they allow Justice Owen to have an up-or-down vote or will they add her to the list of nominees they're filibustering? They certainly can't claim that they need more information or special documents this time and, in fact, there is really no excuse for blocking the senate from doing its constitutional duty at all in this case.

I would also note that a majority of the Senate supported (Owen), back when the Democrats were in control -- and that was a bipartisan majority. That number has only increased in the time since then. If she is filibustered, it will only be because Senate Democrats have failed to make a case against her and they're desperate to keep a well-qualified consensus nominee with bipartisan support off the bench for what amounts to purely political reasons.

Q: Are liberals, specifically Senate Democrats, really trying to steal the president's ability to appoint judges?



A: Absolutely! We are seeing this across a wide range of nominees, and this effort is being done in a number of different ways. (We're seeing it) in their filibuster of Miguel Estrada -- keeping his nomination from a vote on the Senate floor; and blocking nominees in committee -- as they tried with John Roberts and Deborah Cook; and killing nominations in committee -- as they did with Charles Pickering and Priscilla Owen. There is even the effort that's being done right now by the two senators from Michigan to kill the nominations of every single nominee from the state of Michigan. It's a widespread effort to deny Bush the opportunity that was given to every single predecessor, including Clinton -- and that is to appoint circuit judges who share his judicial philosophy.

Q: How are they able to get away this? Why is there not public outrage?

A: Part of the problem is getting the public to pay attention and part of it is, I think, conservatives need to understand that even if it is not a Supreme Court nomination, circuit court (appeals court) nominees are just as important and they deserve just as much consideration from conservative activists in pressing the senators to allow them to vote and so on.

I mean, if you look at it, the U.S. Circuit Courts of Appeals are just one step below the Supreme Court, and these are the final courts of appeal for many cases. The Supreme Court only takes a very small number of cases, so most federal cases that come up end up stopping at the court of appeals level. The liberals certainly know this, and that is one reason they are all energized about (blocking nominations). Conservatives need to understand that. . . they should be getting involved and they still need to be concerned about getting judges who are fair and who are qualified and who are committed to really following the law, not their personal beliefs.

Q: Obviously the war in Iraq has stolen some thunder with regard to this issue, but doesn't it just underscore the need to have judges right now for our national security?

A: Absolutely! And that argument was made after Sept. 11; the need (grows) when there are more criminal cases coming forward and they are pushing civil cases off to the side a little bit. There is a great need to have judges who can handle cases, whether (they are) criminal cases related to terrorism or whether it's the civil cases that end up pending for a very long time because some courts are operating at one-third their strength, or are even half-empty -- as the 6th Circuit was. . . over the past two years.

Q: What do we do now; what direction do we take?

A: Well, conservatives need to be phoning their senators asking them politely, but firmly, to allow these nominees to have up-or-down votes whether it's Priscilla Owen or Miguel Estrada or anyone else.

They need to write letters to the editor, they need to get involved, basically. They need to understand also that the other side, the left, has made this an issue of great importance and that if conservatives are going to win on this, they're going to need to get involved and . . . act.

There are senators who need to be hearing from people, especially in regard to the Estrada nomination -- especially Sen. Bob Graham of Florida, and the two senators from Arkansas, Pryor and Lincoln. We also need to. . . be encouraging Republican senators to stand firm and to take action, where it's appropriate.

I would add, too, there are four Democrats who have come out and supported Miguel Estrada -- who've said he deserves to have an up-or-down vote -- and those are Sens. Bill Nelson, of Fla., Ben Nelson, of Nebr., John Breaux, of La., and Zell Miller,

of Ga.

In addition to that there are other Democratic senators who indicated last year that they would probably support Charles Pickering and that they probably would support Priscilla Owen.

So it's not a party-line thing, even though in large part, most Democrats are a part of this obstruction, but I think that senators on both sides need to be hearing from conservatives about the importance of giving nominees and up-or-down vote and treating them fairly.

TAKE ACTION: Please contact your senators and politely ask them to support the nomination of Priscilla Owen when it comes up and to put an end to the filibuster of Miguel Estrada (another cloture vote is expected early next week). Urge them to: 1) reject any attempt to filibuster Priscilla Owen; and 2) allow all future nominees out of the Senate Judiciary Committee to have a straight up-and-down vote.

Call the Capitol switchboard at 202-224-3121. For help in contacting your senators, or to send an e-mail, please see our Legislative Action Center:

<http://capwiz.com/fof/home/>

Also, please consider writing a letter to the editor of one of your local papers expressing your point of view regarding the current state of judicial nominations. For help in locating contact information for your newspapers, please see the Media Guide section of our Legislative Action Center:

<http://capwiz.com/fof/dbq/media>

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Katherine M. Walters/WHO/EOP@EOP [ WHO ] <Katherine M. Walters>  
**Sent:** 3/28/2003 3:42:37 AM  
**Subject:** : Re: Rove Invite

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAR-2003 08:42:37.00  
SUBJECT:: Re: Rove Invite  
TO:Katherine M. Walters ( CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

how much to attend?

Katherine M. Walters  
03/28/2003 08:41:37 AM  
Record Type: Record

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

You asked if the RNC event with Karl on April 30th was a fundraiser. It is. It is aimed at trying to get Regents and T100 to renew their membership.

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; Helgard C. Walker/WHO/EOP@EOP [ WHO ] <Helgard C. Walker>  
**Sent:** 3/28/2003 3:50:28 AM  
**Subject:** : FW: 2 US Dist. Judges Confirmed

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 28-MAR-2003 08:50:28.00

SUBJECT:: FW: 2 US Dist. Judges Confirmed

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

-----Original Message-----

From: McCathran, William W.

Sent: Friday, March 28, 2003 8:45 AM

To: Bumatay, Patrick J.

Cc: Bullock, Katja; Popadiuk, Gregory J.; Saunders, G. Timo;

Kalbaugh, David E.

Subject: RE: 2 US Dist. Judges Confirmed

Both Selna and Simon were appointed yesterday, 3/27/03.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 03/27/2003 04:22:14 PM

Record Type: Record

To: William W. McCathran/WHO/EOP@EOP

cc: G. Timothy Saunders/WHO/EOP@EOP, David E. Kalbaugh/WHO/EOP@EOP

Subject: RE: 2 US Dist. Judges Confirmed

Ok to appoint.

-----Original Message-----

From: McCathran, William W.

Sent: Thursday, March 27, 2003 4:07 PM

To: Bumatay, Patrick J.

Cc: Saunders, G. Timo; Kalbaugh, David E.

Subject: 2 US Dist. Judges Confirmed

James V. Selna & Philip P. Simon were confirmed by the Senate today -- Ok

REV\_00113068

to appoint?

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Theodore W. Ulliot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliot>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; Helgard C. Walker/WHO/EOP@EOP [ WHO ] <Helgard C. Walker>  
**Sent:** 3/28/2003 3:50:33 AM  
**Subject:** : FW: 2 US Dist. Judges Confirmed

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 28-MAR-2003 08:50:33.00

SUBJECT:: FW: 2 US Dist. Judges Confirmed

TO: Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

;-----Original Message-----

From: ; McCathran, William W.;

Sent:;; Friday, March 28, 2003 8:45 AM

To:;;; Bumatay, Patrick J.

Cc:;;; Bullock, Katja; Popadiuk, Gregory J.; Saunders, G. Timo; Kalbaugh, David E.

Subject:;;;;;; RE: 2 US Dist. Judges Confirmed

Both Selna and Simon were appointed yesterday, 3/27/03.

From:;; Patrick J. Bumatay/WHO/EOP@Exchange on 03/27/2003 04:22:14

PM

Record Type:;;; Record

To:;;; William W. McCathran/WHO/EOP@EOP

cc:;;; G. Timothy Saunders/WHO/EOP@EOP, David E. Kalbaugh/WHO/EOP@EOP

Subject:;;;;;; RE: 2 US Dist. Judges Confirmed

Ok to appoint.

;-----Original Message-----

From: ; McCathran, William W.;

Sent:;; Thursday, March 27, 2003 4:07 PM

To:;;; Bumatay, Patrick J.

Cc:;;; Saunders, G. Timo; Kalbaugh, David E.

Subject:;;;;;; 2 US Dist. Judges Confirmed

James V. Selna & Philip P. Simon were confirmed by the Senate  
today -- Ok to appoint?



Message

**From:** Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] ) [Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )]  
**Sent:** 3/28/2003 7:53:25 AM  
**To:** Duffield, Steven (RPC) ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )  
**Subject:** : RE: Updated: Status of Circuit Nominees

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 28-MAR-2003 08:53:25.00  
SUBJECT: RE: Updated: Status of Circuit Nominees  
TO: "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

The list is all public information.

"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov>  
03/27/2003 04:11:52 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: Updated: Status of Circuit Nominees

Brett -- Is the list of upcoming nominations (i.e., which ones will be filled) public information? (I don't know if there are other seats that won't be filled.) -- Steven

---

Steven J. Duffield  
Judiciary Policy Analyst & Counsel  
Senate Republican Policy Committee  
347 Russell Senate Office Building  
(202) 224-3463 Fax (202) 224-1235

-----Original Message-----  
From: Brett\_M.\_Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Thursday, March 27, 2003 3:40 PM  
To: Miranda, Manuel (Frist); viet.dinh@usdoj.gov;  
brian.a.benczkowski@usdoj.gov; Comisac, RenaJohnson (Judiciary);  
jamie.e.brown@usdoj.gov; Ledeen, Barbara (Republican-Conf); Duffield,  
Steven (RPC); Dahl, Alex (Judiciary); Tapia, Margarita (Judiciary);  
Higgins, Stephen (Judiciary); Delrahim, Makan (Judiciary); Stewart, Don  
(Cornyn); PRA 6 Keys, Elizabeth  
(Republican-Conf); Wichterich, Bill (Frist); Vogel, Alex (Frist);  
Stevenson, Bob (Frist); Jacobson, Paul (Frist);  
Tim\_Googlein@who.eop.gov; neil.bradley@mail.house.gov; Abegg, John  
(McConnell); Gumerson, Katie (RPC); ashley\_snee@oa.eop.gov;  
Wendy\_J.\_Grubbs@who.eop.gov; Jeanie\_S.\_Mamo@who.eop.gov;  
Matthew\_E.\_Smith@who.eop.gov; PRA 6  
Subject: Updated: Status of Circuit Nominees

108th Congress

REV\_00113072



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**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Ullyot, Theodore W.>; <Walker, Helgard C.>  
**Sent:** 3/28/2003 8:39:25 AM  
**Subject:** Boyle hearing

will be on Tuesday, April 8.

---

**From:** Cato Institute <kbrand@cato.org>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/28/2003 4:51:09 AM  
**Subject:** : Cato Institute Book Forum 4/2/04: The Legal Significance of the Declaration of Independence

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Cato Institute <kbrand@cato.org> ( Cato Institute <kbrand@cato.org> [ UNKNOWN ] )  
CREATION DATE/TIME:28-MAR-2003 09:51:09.00  
SUBJECT:: Cato Institute Book Forum 4/2/04: The Legal Significance of the Declaration of Independence  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The Cato Institute  
invites you to a Book Forum

The Legal Significance of the Declaration of Independence

featuring  
Scott Douglas Gerber  
Editor, The Declaration of Independence: Origins and Impact  
(CQ Press, 2002)  
Professor, Ohio Northern University

with comments by  
Roger Pilon  
Vice President for Legal Affairs  
Director, Center for Constitutional Studies  
Cato Institute

In his dissenting opinion in *Troxel v. Granville* (2000), Justice Antonin Scalia wrote that the Declaration of Independence "is not a legal prescription conferring powers upon the courts." What then is the legal significance of the Declaration? Is it merely a revolutionary document, written to express the sentiments of the moment? Or is it, in its invocation of the "Laws of Nature and of Nature's God," the font of American liberty, inseparable in both principle and practice from the Constitution? In a collection of essays by Harry Jaffa, Thomas G. West, John Eastman, and others, *The Declaration of Independence: Origins and Impact* explores the political theory of the Declaration, its connection to the Constitution and the Bill of Rights, and its place in the Supreme Court. Join us for a wide-ranging discussion of a document that Abraham Lincoln praised as the "apple of gold" without which the Constitution "the picture of silver" would tarnish.

Wednesday, April 2, 2003  
12:00 noon  
(Luncheon to follow)

Cato book forums and luncheons are free of charge.  
To register, visit [www.cato.org](http://www.cato.org), e-mail Krystal Brand at [kbrand@cato.org](mailto:kbrand@cato.org), fax (202) 371-0841, or call (202) 789-5229 by 12:00 noon, Tuesday April 1. News media inquiries only (no registrations), please call (202) 789-5200.

If you can't make it to the Cato Institute, watch this forum live online at [www.cato.org](http://www.cato.org).

The Cato Institute is located at 1000 Massachusetts Ave., N.W., Washington, D. C.

To unsubscribe, send an email to: [unsubscribe-14391@uptilt.com](mailto:unsubscribe-14391@uptilt.com) with the address: [brett\\_m.\\_kavanaugh@who.eop.gov](mailto:brett_m._kavanaugh@who.eop.gov) in the subject line.

---

**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>  
**Sent:** 3/28/2003 8:57:32 AM  
**Subject:**

are you squared away on CFO reporting issue?

---

**From:** Kavanaugh, Brett M.  
**To:** <Bumatay, Patrick J.>  
**Sent:** 3/28/2003 8:58:48 AM  
**Subject:**

No objection to conventions message.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Melissa S. Bennett/WHO/EOP@Exchange [ WHO ] <Melissa S. Bennett>  
**CC:** jose mallea/who/eop@exchange [ WHO ] <jose mallea>  
**Sent:** 3/28/2003 5:01:08 AM  
**Subject:** : RE: game

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAR-2003 10:01:08.00  
SUBJECT:: RE: game  
TO:Melissa S. Bennett ( CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:jose mallea ( CN=jose mallea/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

yes.

From: Melissa S. Bennett/WHO/EOP@Exchange on 03/28/2003 09:58:53 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Jose Mallea/WHO/EOP@Exchange  
Subject: RE: game

They have decided just to sit in regular seats in the stadium. Assume the same applies.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Friday, March 28, 2003 9:44 AM  
To: Bennett, Melissa S.  
Subject: game

Under the circumstances as described, he should pay fair market value for all tickets for Secretary Card and family members.



---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/28/2003 9:02:46 AM  
**Subject:** RE: can you book time at 4:30 for me, Judge, and David

He won't be here. Can we do it this morning sometime?

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Friday, March 28, 2003 9:00 AM  
**To:** Nelson, Carolyn; Montiel, Charlotte L.  
**Subject:** can you book time at 4:30 for me, Judge, and David

---

**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>  
**Sent:** 3/28/2003 9:36:22 AM  
**Subject:** Mock hearing

Ben Powell is planning to attend mock hearing for our office.

---

**From:** Kavanaugh, Brett M.  
**To:** <Bennett, Melissa S.>  
**Sent:** 3/28/2003 9:44:22 AM  
**Subject:** game

Under the circumstances as described, he should pay fair market value for all tickets for Secretary Card and family members.

---

**From:** Bennett, Melissa S.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/28/2003 9:56:13 AM  
**Subject:** RE: game

Great, thanks!

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Friday, March 28, 2003 9:44 AM  
**To:** Bennett, Melissa S.  
**Subject:** game

Under the circumstances as described, he should pay fair market value for all tickets for Secretary Card and family members.

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**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/28/2003 10:25:42 AM  
**Subject:** ARG wants to talk to you...

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**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>  
**Sent:** 3/28/2003 2:28:44 PM  
**Subject:** don't invite mehlman to that meeting yet

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**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/28/2003 2:48:26 PM  
**Subject:**

Make sure Adam C. knows!

<http://www.washingtonpost.com/wp-dyn/articles/A41658-2003Mar28.html>

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**From:** Vestewig, Lauren J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/28/2003 4:27:37 PM  
**Subject:** Victims of Terrorism meeting

Jay wants to have another of these meetings. When are you available on Wed?



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**From:** Kavanaugh, Brett M.  
**To:** <Kaplan, Joel>  
**Sent:** 3/28/2003 4:44:27 PM  
**Subject:** shocked

;;;;; Q (Inaudible.)

;;;;; GEN. FRANKS: Oh, yeah. Yeah, yeah.

;;;;; Q (Inaudible.)

;;;;; GEN. FRANKS: The lessons of about 11 years ago with respect to the Kuwaiti oil fields are quite instructive. If one looks at the campaign the way it was conducted 11 years -- very successful campaign -- and one thinks about just how important these oil fields are to the future of Iraq, then one puts in balance what is the right timing in order to be able to secure this very important operational objective. Hypothetically, if the enemy presents no vulnerability in the southern oil fields, if the enemy presents an incredible threat to be able to destroy those oil fields, then an operational commander like me may take -- may choose to introduce force in a way that would be considerably different than the way you saw the force introduced.

;;;;; Let me go directly to your question. We saw evidence that the regime was intending to destroy the southern oil fields, had not been able to fully set conditions to be able to do that, so we sensed that we had an opportunity to get these -- to get these oil fields. And since we had a plan that enabled us to either do air operations first or ground operations first of perhaps special operations first, we simply put the mosaic together in a way which you have seen unfold.

;;;;; Last question, please. Sir, please.

;;;;; Q Tom Bearden (ph), NewsHour with Jim Lehrer. We've heard the Iraqi resistance in your rear areas characterized in a lot of different ways -- as sporadic; as in pockets --

;;;;; GEN. FRANKS: Right.

;;;;; Q -- as terroristic. What's your assessment of it? And what level of threat does it pose to your soldiers?

;;;;; GEN. FRANKS: Right. What level threat does it pose? Of course it poses a threat. Pull up the map, please, Vince.

;;;;; From here to here, 250 miles or so, what one finds is that -- and I've heard them called various things -- death squads; bands of thugs; terrorists; paramilitary and so forth -- what they've done, and we see the result every day, is they have occupied the centers of cities like Basra, and Nasiriyah, Diwaniyah, Najaf, As Samawa in here. And so they have put themselves in a position to be able to terrorize the Iraqis in these villages and in these cities and to be able to move out along the lines of communication to attempt to interdict our supplies. They have not been able to do that. Our supplies have in fact run this 250-plus miles, and they continue to do that.

;;;;; These bands of thugs that operate inside these population centers face more and more of our capability every day. Two parts to this. One is to provide lines of communications and security on those lines of communications for ourselves. The other is to reduce these pockets -- word you used -- inside these cities and towns -- the two are not necessarily connected -- once again, at times and places of our choosing -- in some cases simultaneously; in some cases, sequentially. And all of those operations are ongoing. The supplies are moving now, and every day, we see more and better connection between our forces and the local Iraqis in each one of these cities.

;;;;; So that's probably about the best I can give you.

;;;;; Thanks a lot. Look forward to seeing you next time.

END.

;

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**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 3/30/2003 10:22:25 AM  
**Subject:** : US Centcom Briefing 03/30/03

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:30-MAR-2003 15:22:25.00  
SUBJECT:: US Centcom Briefing 03/30/03  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

UNITED STATES CENTRAL COMMAND OPERATIONAL UPDATE BRIEFING  
BRIEFER: GENERAL TOMMY FRANKS, CENTCOM COMMANDER

7:14 A.M. EST, SUNDAY, MARCH 30, 2003

;

GEN. FRANKS: Good afternoon. We're in the 11th day of combat in Operation Iraqi Freedom, and a growing coalition of nearly 50 nations stands one day closer to liberating Iraq and removing the threat of the regime's weapons of mass destruction. Every day we diminish the regime's ability to command and control its forces. You've all seen that. And every day we erode the regime's grip over the Iraqi people. We're in fact on plan. And where we stand today is not only acceptable in my view, it is truly remarkable.

;;;;; Let me take a minute and review with you where we stand in terms of operational objectives.

;;;;; First, the coalition has secured the oil fields in the south from regime destruction, which they attempted, and this vital resource has been preserved for Iraq's future.

;;;;; Second, we have air and ground freedom of action in western Iraq, working to protect Iraq's neighbors from potential regime use of weapons of mass destruction.

;;;;; Third, our air forces work 24 hours a day across every square foot of Iraq. And every day the regime loses more of its military capability.

;;;;; Fourth, we're now staging and conducting air operations from a number of Iraqi airfields which are now under coalition control.

;;;;; Fifth, coalition forces have attacked and destroyed a massive terrorist facility in the last 48 hours in northern Iraq, and ground forces, as we speak, are exploiting the results of that strike.

;;;;; Sixth, the entire coastline of Iraq has been secured and her ports stand today as a gateway for humanitarian assistance for the Iraqi people. As you know, the first humanitarian shipments have arrived in convoys, and additional shipments are on the way.

;;;;; This morning, I received a report that a member of free Iraqi forces in fact yesterday met his mother for the first time in 12 years in the town of Umm Qasr. Somewhat later yesterday, two men stepped forward to surrender to coalition forces. These two men who surrendered are in fact brothers who were trained in Baghdad to be suicide bombers and were sent

to Umm Qasr by the regime to kill American and UK forces. Amazingly, when they heard free Iraqi forces speaking in Arabic in the south, they chose to fight for the future of Iraq rather than fighting for this dying regime.

;;;;; Seventh, the coalition has in fact introduced a very capable ground force into northern Iraq. These forces, along with large numbers of special operations troops, have preventing the rekindling of historic feuding which we've seen in years past between the Turks and the Kurds, and these forces do in fact represent a serious northern threat to regime forces.

;;;;; Eighth, a large and capable ground force has attacked to within 60 miles of Baghdad on multiple fronts, and they currently maintain readiness levels of their combat systems above 90 percent mission capable. As we speak, elements of that ground force are continuing the attack. The regime is in trouble, and they know it.

;;;;; Ninth, in the past 24 hours, I have received report that coalition forces are working with local Iraqis in the city of An Nasiriyah, and the death squads that operate -- the squads of gangs, regime gangs that operate in that city, have come under fire. The Iraqis in and around An Nasiriyah are helping us once again as we speak by providing records on Ba'ath Party officials and members of the regime attempting to operate in and around An Nasiriyah. Similarly, we see from day to day Iraqis coming to our forces, linking up with free Iraqi forces, discussing the past, and wanting to discuss their future.

;;;;; Gains, considerable to be sure, not without cost. Gains in war never come without cost. We honor those that have fallen. We mourn their loss with their families.

;;;;; As I've said before, this military campaign will be like no other before. We will attack the enemy, have and will continue to attack the enemy, at times and at places of coalition choosing. Sometimes simultaneously, sometimes sequentially.

;;;;; Let me talk for just a minute about the road ahead. We'll continue to surprise the enemy by attacking at all times of day and night all over the battlefield. Coalition forces will continue to advance on Baghdad while the Iraqi retine will continue to lose control of the country. The regime will continue in the days ahead to locate military assets near civilians, near cultural sites, near hospitals, near schools. And the regime may well attempt to destroy the Iraqi infrastructure. We'll do our best to protect the citizens of Iraq, while the regime does its best to use them as human shields. Our targets will remain the Iraqi regime, not the Iraqi people, and we will continue to provide humanitarian assistance, and we will continue to open the gateways in the south, and in the west, and in the north.

;;;;; As many of you know, we have in fact placed water and millions of meals and medicines in stock to go to the Iraqi people, and delivery has already begun. This campaign, as I started my remarks, has made remarkable progress. Lots remains to be done. The days ahead will see ups and downs -- the ups and downs of war. We don't need to remind ourselves that the outcome has not been, is not, and will not be in question.

;;;;; I'd be pleased to take your questions. Sir.

;;;;; Q General, Jim Wolf (ph), Reuters. Did your original plan call for more troops on the ground before launching the invasion? And do you now expect that the length of the war could stretch well into the summer?

;;;;; GEN. FRANKS: In response to your first question, no, I did not request additional troops before the beginning of what you refer to as the -- as the ground war.

;;;;; In response to your second question, one never knows how long a war will take. We don't know. But what we do know is that this coalition sees this regime gone at the end of that war -- also sees the Iraqi people having a chance at freedom, which they don't have right now.

;;;;; Sir.

;;;;; Q Yes, General Franks, Tom Mintier for CNN.

;;;;; GEN. FRANKS: Sure, Tom.

;;;;; Q Yesterday in the 3rd Infantry Division, there was apparently a suicide bomber that killed four soldiers there.

;;;;; GEN. FRANKS: Right.

;;;;; Q Currently, there is an investigation going on in Kuwait where apparently a pick-up truck with a civilian crashed into some soldiers right outside the PX.

;;;;; GEN. FRANKS: Right.

;;;;; Q What can you tell us about this latest incident, and how concerned are you about these types of activities?

;;;;; GEN. FRANKS: I can't tell you anything at all, Tom, about any linkage between -- between the two. The second event, the one up in Kuwait, I found out about only a short time ago, and so I'm not sure. It's obvious that the modus of the second attack is not at all like the modus of the first, and so one wouldn't want to speculate about any sort of connection.

;;;;; I'll talk for just a second about the first one. It's not at all remarkable, I think, that a dying regime would undertake such tactics as suicide bombers. Remarkable, though, is the connection all the way to the top of the Iraqi regime where, if my Arabic serves me well, that attack was just endorsed by those in power in Baghdad. It's remarkable.

;;;;; I'm reminded of times past, and the presentations before the United Nations and the Security Council about the connections between terrorism and this regime. And we see a suicide bomber attack yesterday, a pure means of terrorism, and then we see the regime claiming credit for that. Remarkable. So, in the days ahead, before -- before one may be inclined to ask the question, what does that mean? Well, what it means is that all of our troops will exercise caution, will increase the standoff to civilian vehicles and the things that I think would be common sense to anyone in order to better protect against this particular kind of threat.

;;;;; Please, sir.

;;;;; Q Thank you, sir. (Inaudible) -- with ABC News. The Ansar al-Islam camp in northeast Iraq was identified by Secretary of State Colin Powell before the United Nations as a camp with possible terrorist connections, possible links to al Qaeda, and it was used as part of the administration's justification for war. Yet a special operations team's raid on the camp turned up, according to people who were there on the ground, none of the suspected ricin or any other weapons of mass destruction. Why is that? Was there bad satellite intelligence? And sir, if you continue to come up empty-handed in search of weapons of mass

destruction, doesn't that present a big problem?

;;;;; GEN. FRANKS: "Present a big problem," I wouldn't want to comment on because -- because it hasn't happened yet. I made reference a minute ago to the fact that coalition forces had attacked a very large terrorist camp -- in fact, massive would be a better way to describe it -- and had -- and had done that only recently. In fact, that -- the exploitation of that is in its very -- in it's very early stages. And there will be a lot of speculation and a lot of discussion, and so we'll see -- we'll see how it goes over the days ahead as that camp is exploited. It is -- it is literally huge. And so we have -- we have forces there now. They're doing their business, and we won't speculate on what will be the result of that.

;;;;; Let me come back to you in a minute, please. Sir.

;;;;; Q (Inaudible.) Abdullah Saffi (ph), Abu Dhabi TV. Sir, could you first -- I have two questions -- first can I just follow off of the question of my colleague on the -- yesterday's suicide attack in which at least four American soldiers killed. Can you just give us some -- some examples as how your tactics on the ground will change, and how these -- this change will affect your relationship with non-combatant Iraqis?

;;;;; GEN. FRANKS: Sure.

;;;;; Q And my second question is, could you just tell us what's the situation right now in the Al Faw peninsula?

;;;;; GEN. FRANKS: I'm sorry -- the second question again.

;;;;; Q What's the situation in Al Faw peninsula?

;;;;; GEN. FRANKS: Oh, yes.

;;;;; Q Thank you.

;;;;; GEN. FRANKS: Let me take the second question first, the -- what's going on on the Al Faw. Coalition forces in fact have been up and down the Al Faw. That the peninsula is under coalition control, and our patrolling activities will continue on the Al Faw.

;;;;; Now, let me go to your first question. I mentioned a minute ago that one would expect a review of tactics, techniques, procedures, and so forth, associated with this business of potential suicide bombers. The question, well, what effect will this have on non-combatants? It doesn't change the rules that we use at all. You remember we've talked on a number of occasions about doing our very best to protect the non-combatants, to protect the Iraqis. This won't change that.

;;;;; And I wouldn't speculate -- or I wouldn't I guess comment on the specifics that may be undertaken, but I think it's common sense to say that probably greater attention will be paid to the standoff of civilian vehicles, if that makes -- if that makes sense to you. For example, it's possible to either walk up to a vehicle in order to inspect the contents, or it's possible to cause the people in the vehicle to dismount the vehicle at a greater distance and approach for discussion. And so I'm not sure what the combination of all of this will be, but I don't anticipate an effect on the non-combatants here.

;;;;; Ma'am.

;;;;; Q Nicole Enfield (ph) from Associate Press. In referring to the suicide bombing yesterday, you referred to it as terrorism. I'd just like a definition, because usually when you think of terrorism you think of

attacks against civilians. The intended target was clearly military. You are in Iraq, they are resisting.

;;;;; GEN. FRANKS: Sure, sure.

;;;;; Q Are these kind of attacks not legitimate resistance?

;;;;; GEN. FRANKS: Oh, I didn't comment at all about whether it's legitimate or not. I suppose that's eye of the beholder. What I said was that there is an incredible similarity between this type of suicide bombing and what we see generally characterized as being terrorist in terms of tactic, technique and procedure. So that's what I meant.

;;;;; Sir?

;;;;; Q (Off mike.) General Franks. Seymour Hersh is apparently saying in an upcoming issue of the New Yorker magazine that Donald Rumsfeld specifically overruled you because you were seeking a delay when it wasn't possible to use the bases in Turkey. Can you comment on that? And can you also characterize how difficult life has been made for you by that Turkish decision?

;;;;; GEN. FRANKS: I'm sorry, the latter part again?

;;;;; Q Just how difficult the decision by the Turkish parliament not to use bases has been for you.

;;;;; GEN. FRANKS: About the only comment I can make on the first part is that since I don't agree with the assertion, it's difficult for me to address it. In fact, we have talked, I think many of us over the course of time, about the way this plan was put together. And in fact there are very few people who know the truth of how this plan was put together. And as I mentioned to your colleague a little bit earlier, in fact no one has driven the timing of this operation except the operational commander. I think that's the way we'd have it. That's certainly the way that I would have it.

;;;;; What -- but let me give one example of what I'm talking about. If militarily conditions are set, forces are put in place to conduct a military operation, and then the military commander looks at the enemy situation and determines there is an opportunity, I think here's an expectation that the military commander will seize that opportunity. And, in fact -- maybe I didn't go through it in any detail last time I talked to this group of journalists -- but that's exactly what we saw in southern Iraq. We saw an opportunity to achieve one of our operational objectives, which was to prevent the destruction of a big chunk of the Iraqi people's future wealth.

;;;;; So that decision was made by me, not influenced by anyone else.

;;;;; I think there's another very instructive thing, and that instruction point would be to look to see how many -- we call them deployment orders -- how many deployment orders -- that is, the instruction from Washington to move additional people someplace. It would be instructive to see how many of those have been issued with respect to this theater over the past 11 days. I don't know of any.

;;;;; Now, what that may imply is that the plan you see is in fact the plan we have been on. I can simply assure you that that is the truth.

;;;;; Let me comment a bit more on the same subject, because I think it's much discussed. A lot of people over time take a look at any particular military operation and will judge that, or will comment that there is not



enough special operations force capability involved in this plan, or perhaps will comment on any plan that there is excessive ground force committed to a plan, or perhaps that there is insufficient air power committed to the plan.

;;;;; I've said on a number of occasions -- I've used the code. I've said, This plan will be unlike any I believe anyone expects. Just a moment on that. The very best planning, I believe, military planning that can be done, is military planning that assures ultimate success, but permits the possibility of early success. When it comes to making a decision about where in the process of a force build any particular activity may take place, it's always best to remember that the military commander should look for enemy vulnerability, should take advantage of such situations when he finds them; but, at the end of the day, should ensure that forces moving en train provide the capability under any circumstance to gain the victory. That is precisely what this plan is all about -- has been, continues to be. We have said at places and times of our choosing. That has been the case, and it remains the case. And those who would seek to find a wedge between the various people among us, the various leaders who have been party to this, will likely not be able to do so, because this has been worked and studied and, as we say, iterated over a long period of time. Its chief characteristic is flexibility, adaptability. It gives us the way and the force to respond to opportunities we see.

;;;;; Please, ma'am?

;;;;; Q Thank you, General. Kelly O'Donnell from NBC. We've spoken very little in recent days about the status of Saddam Hussein. There are some sources that indicate that within Iraq, there is talk of a possible exile plan to Syria. Do you know if that is credible? Do you believe it to be true? And, if so, do you believe that Saddam Hussein is dead or alive?

;;;;; GEN. FRANKS: Kelly, I don't know whether it's credible or not. I've seen -- I've seen the open reporting on that. Don't know whether it's true or not. I don't know whether the leader of this regime is dead or alive. I don't know. Perhaps someone knows, but I don't know.

;;;;; I will say this: I have not seen credible evidence over the last period of days since we started this operation that this regime is being controlled by the top, as we understand the top.

;;;;; Please, sir?

;;;;; Q Tom Aline (ph) from TUA (ph) Radio, Australia. Can I ask you, firstly, as a military commander, secondly as someone that was born in Midland, Texas, what your reaction would be if the greatest force, military force in the world, started marching towards your hometown? Much has been made of the tactics of the Iraqis. What would your reaction be, firstly, as a military tactician; secondly, as someone whose home it was?

;;;;; GEN. FRANKS: It's difficult for me to relate it. Actually I appreciate the question, but it's difficult for me actually to relate it to Midland, Texas, because out around my home in Midland, Texas, there is no regime that is quite as ruthless and committed to that ruthlessness as the regime we see in Baghdad.

;;;;; That aside, I think that it is -- I think it's a characteristic of the human being that the more isolated one becomes the more concerned one becomes. I believe that the movements, which I perhaps ineloquently described towards our objectives over the past 10 or 11 days, have indicated the degree of pressure that I believe this regime is under. I believe we'll simply wait and see what the psychology of the regime turns out to be in the face of this pressure.

;;;;; I believe that it should cause all of us to be very much aware, as we have said, that this regime holds weapons of mass destruction. And we have absolutely no assurance that this regime won't use those weapons of mass destruction. We have absolutely no assurance that this regime will not continue as best it can to brutalize its own people and to destroy its own infrastructure. We'll remain on the course in order to accomplish the objectives that my boss laid out very early in this, and we'll succeed.

;;;;; Please, sir?

;;;;; Q General Franks, Jeff Schaeffer (ph), Associated Press Television News. There are numerous reports from the front that the advance on Baghdad -- there's a pause or a stall in the advance on Baghdad, anywhere ranging from six days to several weeks. Can you address that, please?

;;;;; GEN. FRANKS: Sure. I think that the embedded reporting that is coming from inside Iraq, perhaps while we are speaking, would reflect that combat operations are continuing. They are continuing in the north, they are continuing in the west, they are continuing in the south, and they are continuing right around Baghdad.

;;;;; There are two ways to look at this. One way is to discuss something that we call an operational pause, which means that military formations move and then they intend to take a breath, to take a pause, before continuing operations. There have been some pundits who have indicated that perhaps we are in an operational pause -- I think, sir, this is what you made reference to. It's simply not the case. There is a continuity of operations in this plan. That continuity has been seen. It will be seen in the days ahead, and it will be manifested on the battlefield in Iraq at points and times of our choosing. What I mean by that is sometimes air, sometimes ground, sometimes special forces, sometimes combination of two of the above, sometimes all three. That's the way we are going to fight this.

;;;;; Sir, please?

;;;;; Q Neil Tweedie from the Daily Telegraph in London. Just from your comments on flexibility, would it be fair to imply therefore that what you hope to do was take Iraq with about five divisions, but you are prepared if necessary to pump more heavy armor in to secure your objective; you were essentially being opportunistic; it doesn't look as though it's worked, and now you are waiting for more heavy stuff?

;;;;; GEN. FRANKS: Sir, it's a great question. And actually it's almost right. But the implication is that one begins with a force and say, Oh-oh, wait a minute, wait a minute -- that isn't enough force, so perhaps we should bring some more force up to some level. Actually, that's why I said one should take a look to see how many forces have been requested since the initiation of this plan. You see, one says, Begin here and ask for more, if necessary. The other course says, Begin to flow this amount of force, and we'll stop it when it's no longer necessary. We're in the case of the latter rather than being in the case of the former.

;;;;; Please, sir?

;;;;; Q Paul Hunter from Canadian Broadcasting Corporation. We hear a lot of these briefings about some relatively specific number about leaflets being dropped and not so much about bombs. Can you tell us the total number of bombs in the 11 days, and then break it down? What is a reasonable number to say in terms of what -- which -- how many bombs have struck their targets versus as a percentage how many have missed?

;;;;; GEN. FRANKS: Actually I either wouldn't or couldn't, and it may well be a combination of the both, because what I pay very close attention to is the amount of force in aggregate in any particular piece of geography inside Iraq. And the way I issue guidance by day is to reduce the amount of enemy capability in a given place over a period of time, and I measure results, some of which -- some of those results we call BDA, battle damage assessment. And I think you see some of that coming from here, and Washington and London and so forth.

;;;;; There are a great many other factors associated with that, that have to do with the psychology on the face of battle.

;;;;; They have to do with isolation, which I mentioned earlier. They have to do with the destruction of command and control capability, our orders coming in to these enemy formations -- from where? What do those orders say? And so it is that sort of battle damage assessment that I pay attention to.

;;;;; Just flip it and say it another way. What you described actually is what I refer to as input -- input, the number of hours that something happens, or the number of bombs dropped, or whatever. And I think most of us pay more attention to the output than we do to the input.

;;;;; Please, sir?

;;;;; Q (Off mike) -- from Taiwan. There's some reports from the front line, and I hope the general can clarify. Some say the soldiers cannot get enough food and (the like ?) of water is very limited (all it ?) can use. Was that true? And some criticize from the media say too ambitious in the very first beginning and might be too late now and too slow. And, well, lots of criticize from the United States, even here. So what's your reaction to this?

;;;;; GEN. FRANKS: Sure.

;;;;; Q Thank you.

;;;;; GEN. FRANKS: Well, I suppose that one of the blessings of all of you here is the free media, and the ability to form whatever view you choose. My belief is that it -- that the work over these past 10 or 11 days has been exactly as I described it, absolutely remarkable, both from the angle of the plan and the angle of the execution of the plan by people who are in positions -- let me respond to your first question -- where it is distinctly possible that Franks may be in the platoon or in the squad that's way out to the left or way out to the right, and in his perspective, in his view -- and I share it -- if he doesn't get his -- if he doesn't get his meal ready to eat today, or if he doesn't have three, or he doesn't have water, then you bet that's an impact on him, and I wouldn't expect it to be any other way.

;;;;; And so in terms of the classes of supply that we look to, to be able to support an operation of this size, we have sufficient -- and have had sufficient stocks all across the battlefield of food, water, fuel, ammunition. But that doesn't necessarily mean that, you know, Sergeant Franks or Private Franks out there in that west-most squad, because he was involved in some serious combat, may not have gotten his fair share on a given day. And so from an operational perspective, no issues. The lines of communication are open, the stocks are in place, and the battlefield distribution out to every one of these tanks and every one of these troops doing his job on any given day either will or will not meet my expectation. And where we find that it doesn't meet our expectation, well, all the subordinate commanders go to work on it.

;;;;; Let me go over here, please. Sir, please?

;;;;; Q Gregory Castell (ph), BBC French Service. Sir, after weeks -- General, after weeks of airstrikes on Baghdad, how will you convince later the population, this huge population, that you came in as liberators? And that includes -- of course airstrikes includes civilian casualties.

;;;;; GEN. FRANKS: Sure. I believe that there is an appreciation inside Baghdad and across the Iraqi population that is the same as the appreciation, sir, which you have. And you have it because you know that this is an incredible precise military operation. I think you have seen time and time and time again military targets fall while the civilian infrastructure remains in place. And it's the same with civilian lives. My experience is that the people of Iraq will welcome their liberation, to be sure.

;;;;; Sir?

;;;;; Q Greg Gordon from Newsday. I'd like to take you back to something you said a second ago about the start of the timing of the ground campaign. Did I understand you to say that you made the decision to do that based on the fear that the oil wells would be torched? Is that sort of the primary motivation behind the timing? You also mentioned taking advantage of vulnerabilities. Can you shed some light?

;;;;; GEN. FRANKS: Sure.

;;;;; Q Was there something you saw in southern Iraq beyond the oil fields? And just secondly, very quickly, some criticism also with all these troops in the pipeline --

;;;;; GEN. FRANKS: A question quickly or my answer quickly? (Laughter.)

;;;;; Q You can take as long as you want for the answer. With all these troops, all these deployment orders that have been signed, why aren't those Reserves closer to theater, versus Texas, Louisiana, various places like that?

;;;;; GEN. FRANKS: Okay, I think that's a fair question. Let me take the last one first. As one takes a look at all the infrastructure around Iraq, and decides how best to put the mosaic -- I used that term once before, I'll stay with it -- together, then one takes a look at how much air power where and when, how much ground power where and when, special operations where and when. And so we are not interested in fits and starts. We are interested in a steady flow of force until I tell my boss you can stop it now." We simply haven't arrived -- we haven't arrived at that day.

;;;;; There's been much discussion of the 4th Infantry Division, and some hand-wringing about, "Oh, well. Why was this force -- I mean, isn't it terrible that Turkey did not permit the ingress of this force? And so what has caused it to be out of position and why have you had to fight to get it --" I mean that's absolutely not true. The fact of the matter is that it was quite important, strategically and operationally, to have that very heavy force precisely where it was until the day it moved. And I wouldn't really speculate as to why. I'll leave it to each of you to determine why that was.

;;;;; And now that force, to be sure, has been replaced in large measure by a very capable ground force with enormous leverage, with the ability to leverage enormous air power.

;;;;; I'm sorry, I got so --

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Collister W. Johnson/WHO/EOP@EOP [ WHO ] <Collister W. Johnson>  
**Sent:** 3/30/2003 12:20:30 PM  
**Subject:** : Re: here is my question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:30-MAR-2003 17:20:30.00  
SUBJECT:: Re: here is my question  
TO:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

You cannot use your title, cannot send it to subordinate employees, and cannot send it to those known to be prohibited sources (generally, those with official matters pending before WH or who do business with WH).

Collister W. Johnson  
03/30/2003 05:15:18 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: here is my question

Brett -  
I'd like to send out the email below from my PERSONAL account (i.e. the georgewbush account) to a number of folks at the White House who have expressed interest in Mark's Azalea Run (that charity event I run in honor of my friend who passed away). Recipients of this email would include friends like Brad Blakeman, Lezlee Westine, Brett Kavanaugh, etc...

your thoughts?  
c

Dear Friends:

Thanks again to so many of you for your interest in Mark's Azalea Run: a 5K Race and One-mile Fun Run in honor of Mark Ferris, one of my best friends who died three years ago from a life-long battle against Juvenile Diabetes.

Last year, a number of you participated in the first annual Run and helped raise over \$70,000: \$35,000 for the Juvenile Diabetes Research Foundation (JDRF), and the rest for a scholarship fund in Mark's name at Landon School.

The second annual Mark's Run will take place at Landon on Sunday, May 4. With your help, this year's event will draw 500 runners and raise

\$100,000. Please take a moment and go to [www.landon.net/race](http://www.landon.net/race) to sign up today!

By signing up, you'll help two great causes: JDRF - which since 1970 has been the world's largest private contributor to Diabetes research - and Landon's Scholarship Fund, which will allow a needy student to attend one of the area's best high-schools. You'll also help to remember a deeply beloved brother, classmate, and friend.

Mark was an amazing kid - someone whose friendship taught those around him that life is best measured not in its number of years, but in the depth of its humor, caring and patience. His spirit lives on through your participation in this event, so please sign up today. Again, just go to [www.landon.net/race](http://www.landon.net/race) and click on "Register for Race."

Thanks for signing up, and I look forward to seeing you at Landon for the Run on Sunday, May 4!

--- Caddy

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Sara M. Taylor/WHO/EOP@EOP [ WHO ] <Sara M. Taylor>  
**Sent:** 3/31/2003 8:34:43 AM  
**Subject:** : Re: Plane for Karl

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:31-MAR-2003 13:34:43.00  
SUBJECT:: Re: Plane for Karl  
TO:Sara M. Taylor ( CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I assume the Kent County GOP will pay for use of the plane (or will deem it a contribution as appropriate)?

Sara M. Taylor  
03/28/2003 03:01:32 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Susan B. Ralston/WHO/EOP@Exchange@EOP  
Subject: Plane for Karl

Karl Hascall, who is active in the Kent County GOP politics, owns a plane with his brother. It is a King Air B-100, 8 passenger plane. He has offered to fly Karl out and back to the Kent County Lincoln Day Dinner next Friday, April 4. Karl is a Special Guest of the event and will be making remarks. Is this acceptable and is there other information you need?

---

**From:** Kirk Blalock <kblalock@fierce-isakowitz.com>  
**To:** <Schacht, Diana L.>;<Silverberg, Kristen>;<Warsh, Kevin>;<Kavanaugh, Brett M.>  
**CC:** Leigh Ann Pusey <lpusey@aiadc.org>  
**Sent:** 3/31/2003 9:18:51 AM  
**Subject:** FYI - In the "so you know" category

Ado Machida has requested that we come over and brief him on asbestos today at 3pm. Leigh Ann Pusey is going over to do, I however cannot make it.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** kate@georgewbush.com [ OMB ] <kate@georgewbush.com>  
**CC:** matt schlapp (e-mail) <mschlapp@georgewbush.com>;david mcmaster (e-mail) <dmcmaster@georgewbush.com>  
**Sent:** 3/31/2003 5:39:27 AM  
**Subject:** : Re: NRA Letter- again  
**Attachments:** P\_5B76F003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:31-MAR-2003 10:39:27.00  
SUBJECT:: Re: NRA Letter- again  
TO:kate@georgewbush.com ( kate@georgewbush.com [ OMB ] )  
READ:UNKNOWN  
CC:"matt schlapp (e-mail)" <mschlapp@georgewbush.com> ( "matt schlapp (e-mail)" <mschlapp@georgewbush.com> [ UNKNOWN ] )  
READ:UNKNOWN  
CC:"david mcmaster (e-mail)" <dmcmaster@georgewbush.com> ( "david mcmaster (e-mail)" <dmcmaster@georgewbush.com> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

OK here.

Kate Walters <kate@georgewbush.com>  
03/31/2003 10:22:12 AM  
Please respond to kate@georgewbush.com  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: "David McMaster (E-mail)" <dmcmaster@georgewbush.com>, "Matt Schlapp (E-mail)" <mschlapp@georgewbush.com>  
Subject: NRA Letter- again

Karl has made changes to this letter yet again. Can you please review before I send it back to the RNC? Thanks.

Dear Mr. Prezocki,

Thank you for your postcard concerning your Second Amendment rights. I appreciate you sharing your thoughts with me on this important issue.

The Republican Party proudly defends our Bill of Rights including the Second Amendment. Our platform also specifically endorses a law-abiding individual's right to own firearms.

In the national debate over gun control, Americans are increasingly coming to understand the focus needs to be on prosecuting those who commit crimes with guns, not on trying to infringe upon the Constitutional rights of law-abiding citizens.

I would welcome any further comments you may have on this or any other issue.

REV\_00113267

Sincerely,

Marc Racicot  
Chairman

-----Original Message-----

From: Dave McMaster [mailto:dmcmaster@georgewbush.com]

Sent: Tuesday, March 11, 2003 5:47 PM

To: Kate Walters

Subject:

- RNC response.nra.postcard.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_5B76F003\_WHO.TXT\_1>

Dear Mr. Prezocki,

Thank you for your postcard concerning your Second Amendment rights. I appreciate you sharing your thoughts with me on this important issue.

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In the national debate over gun control, Americans are increasingly coming to understand the focus needs to be on prosecuting those who commit crimes with guns, not on trying to infringe upon the Constitutional rights of law-abiding citizens.

I would welcome any further comments you may have on this or any other issue.

Sincerely,

Marc Racicot  
Chairman

---

**From:** Ganter, Jonathan F.  
**To:** <Brosnahan, Jennifer R.>;<Francisco, Noel J.>;<Bartolomucci, H. Christopher>;<Kavanaugh, Brett M.>;<Sampson, Kyle>;<Powell, Benjamin A.>;<Newstead, Jennifer G.>;<Ullyot, Theodore W.>;<Leitch, David G.>;<Everson, Nanette>;<Carroll, James W.>  
**CC:** <Brilliant, Hana F.>;<Farrell, J. Elizabeth>;<Jucas, Tracy>;<Bumatay, Patrick J.>;<Montiel, Charlotte L.>;<Nelson, Carolyn>  
**Sent:** 3/31/2003 9:45:42 AM  
**Subject:** 2003 Easter Egg Roll

The 2003 Easter Egg Roll is scheduled for Monday April 21st. The Visitors Office is accepting volunteers on a first come first serve basis. Anyone interested in helping out should read the information below and contact Emily Gray. Thanks.

Jon

----- Forwarded by Jonathan F. Ganter/WHO/EOP on 03/31/2003 09:45 AM -----

From: Emily S. Gray/WHO/EOP@Exchange on 03/31/2003 09:44:28 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: 2003 Easter Egg Roll

The Visitors Office is currently gathering volunteers for this year's Easter Egg Roll. Volunteers would be needed starting 6am Monday, April 21st, until 3pm in the afternoon. We will need volunteers who can commit to the entire time. Would you please inform the staff members in your office that anyone interested should e-mail me by next Tuesday, April 7th. There are a limited amount of volunteers needed therefore we will be accepting names on on a first come first serve basis.

Thank you!

Emily

Message Sent To: \_\_\_\_\_

Matthew Zartman/WHO/EOP@EOP

Sara W. Armstrong/WHO/EOP@Exchange

Jenica Baldwin/WHO/EOP@EOP

Patrick J. Bumatay/WHO/EOP@Exchange

Shannon Burkhardt/WHO/EOP@EOP

Raquel Cabral/WHO/EOP@Exchange

REV\_00113270

Anne E. Campbell/WHO/EOP@Exchange  
Carolyn E. Cleveland/WHO/EOP@Exchange  
Margaret Cousley/WHO/EOP@EOP  
Dorothy Crumling/OA/EOP@Exchange  
Cameron Cushman/WHO/EOP@EOP  
Diana C. Donnelly/WHO/EOP@Exchange  
Penny G. Douglas/WHO/EOP@Exchange  
Philip C. Droege/WHO/EOP@EOP  
Kimberly Ellison/WHO/EOP@EOP  
J. Elizabeth Farrell/WHO/EOP@EOP  
Kara G. Figg/WHO/EOP@Exchange  
Jonathan F. Ganter/WHO/EOP@EOP  
Dorothy C Garvin/WHO/EOP@Exchange  
Sue H. Gerdelman/OPD/EOP@EOP  
Georgia D. Godfrey/WHO/EOP@Exchange  
Terry W. Good/WHO/EOP@EOP  
Donna B. Gottshall/WHO/EOP@Exchange  
Britt Grant/OPD/EOP@EOP  
Ann Gray/WHO/EOP@Exchange  
William T. Griffin/WHO/EOP@EOP  
Parker B. Hamilton/WHO/EOP@EOP  
Kathryn J. Hayes/WHO/EOP@EOP  
Janice A. Heltibridge/WHO/EOP@EOP  
Anita Homan/WHO/EOP@EOP  
Carmen M. Ingwell/WHO/EOP@EOP  
Marilyn R. Jacanin/WHO/EOP@Exchange  
Terry L. Karow/OVP/EOP@EOP  
Kelly Kenneally/WHF/EOP@EOP  
Stephanie E. Linder/WHO/EOP@EOP  
Colleen Litkenhaus/WHO/EOP@Exchange  
Katie R. Loovis/WHO/EOP@EOP  
Lauren McCord/WHO/EOP@Exchange

Kendall McCulloch/WHO/EOP@EOP

David McMaster/WHO/EOP@EOP

Vickie A. McQuade/WHO/EOP@Exchange

Wendy L. Nipper/WHO/EOP@EOP

Frances E. Norris/OVP/EOP@EOP

Clare Pritchett/WHO/EOP@Exchange

Kristopher N. Purcell/WHO/EOP@EOP

Tim Reynolds/WHO/EOP@Exchange

Katherine A. Rhodes/WHO/EOP@Exchange

January M. Riecke/WHO/EOP@Exchange

Krista L. Ritacco/WHO/EOP@Exchange

Kathryn E. Rust/WHO/EOP@EOP

Catharine A. Ryun/WHO/EOP@EOP

Bridget A. Sheedy/WHO/EOP@Exchange

Randal C. Teague/WHO/EOP@EOP

Jared B. Weinstein/WHO/EOP@Exchange

Jocelyn White/WHF/EOP@EOP

Sherman A. Williams/WHO/EOP@EOP

Christina C. Wilson/OPD/EOP@EOP

Penny G. Douglas/WHO/EOP@Exchange

---

**From:** Vestewig, Lauren J.  
**To:** hatamj@ms.state.gov <hatamj@ms.state.gov>; hatamj@ms.state.gov <Bellinger, John B.>; hatamj@ms.state.gov <Kavanaugh, Brett M.>; hatamj@ms.state.gov <Silverberg, Kristen>; hatamj@ms.state.gov <Perry, Philip J.>; hatamj@ms.state.gov <Schacht, Diana L.>; paul.harris@usdoj.gov <paul.harris@usdoj.gov>; david.aufhauser@do.treas.gov <david.aufhauser@do.treas.gov>  
**CC:** <Stone, Carla B.>; <Winland, Emily>; <Lefkowitz, Jay P.>; <Hunerwadel, Joan>; elizabeth.vannoy@do.treas.gov <elizabeth.vannoy@do.treas.gov>; marlene.s.boysel@usdoj.gov <marlene.s.boysel@usdoj.gov>  
**Sent:** 3/31/2003 9:49:07 AM  
**Subject:** Compensation for Victims of Terrorism Meeting - Wed

There will be a meeting this Wednesday, April 2nd in EEOB room 211 at 3:30pm. Please let me know if you can attend. If you are coming from outside of the complex and need to be cleared in, please email me your dob and ssn. Thanks!

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** garym.stern@nara.gov @ inet [ UNKNOWN ] <garym.stern@nara.gov @ inet>  
**Sent:** 3/31/2003 6:20:09 AM  
**Subject:** : President's Commission on US Postal Service: records  
**Attachments:** P\_XAA6F003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:31-MAR-2003 11:20:09.00  
SUBJECT:: President's Commission on US Postal Service: records  
TO:garym.stern@nara.gov @ inet ( garym.stern@nara.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

thoughts?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
03/31/2003 11:19 AM -----

Roger.Kodat@do.treas.gov  
03/31/2003 11:19:06 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Randall.Lewis@do.treas.gov  
Subject: President's Commission on US Postal Service: records

Brett,

Further to our telecon this morning, kindly advise whether records created by the newly established President's Commission on the US Postal Service, established by Executive Order 13278, are federal or Presidential records. Pls let me know if you need any more information.

Thanks, Roger

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_XAA6F003\_WHO.TXT\_1>



Brett,

Further to our telecon this morning, kindly advise whether records created by the newly established President's Commission on the US Postal Service, established by Executive Order 13278, are federal or Presidential records. Pls let me know if you need any more information.

Thanks, Roger

---

**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 3/31/2003 7:16:58 AM  
**Subject:** : Secretary Powell remarks to American Israel Public Affairs Committee 03/30/03

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:31-MAR-2003 12:16:58.00  
SUBJECT:: Secretary Powell remarks to American Israel Public Affairs Committee 03/30/03  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

SECRETARY OF STATE COLIN POWELL REMARK TO AMERICAN ISRAEL PUBLIC AFFAIRS  
COMMITTEE

9:00 P.M. EST, SUNDAY, MARCH 30, 2003

;

SEC. POWELL: Thank you. Thank you so very much. Thank you so very much.  
Thank you. Thank you. Oy, what a welcome. (Laughter.) I've been milking  
that Yiddish kid from the Bronx thing for years.

;;;;;; I can't tell you -- (laughter) -- it got so intense that once when  
I was President Reagan's national security advisor some 15 years ago, I  
went and I visited with the prime minister, and we went into his office,  
we were all alone, nobody knew what we were doing in there -- I had a  
private message from Reagan -- and I came out, and the word went forth  
from the prime minister's outer office -- the whole conversation was in  
Yiddish. (Laughter and applause.) I'm a kid from New York. I know the  
Catskills. Why would I deny such a story? It's a great story. (Laughter.)

;;;;;; But I want to thank you, Ed, for that warm introduction, and  
Howard, Amy, Tim and so many others, I want to thank you for inviting me  
to be with you here this evening to speak at AIPAC's 44th annual policy  
conference. And there are so many, many people here tonight who are  
friends of mine -- I can't see all of you, but there is one very dear  
friend that I can see and I must acknowledge, and that's my dear friend  
Shimon Peres. (Applause.)

;;;;;; And I'm very pleased to be sharing the stage this evening with my  
new Israeli colleague, Minister Silvan Shalom. (Applause.) The minister is  
a true Israeli success story. He has distinguished himself in so many ways  
-- as a journalist, as chairman of the Israel Electric Cooperation (or  
Corporation), as a member of the Knesset, and as minister of finance, and  
now he brings these many talents and all of his experience to the foreign  
ministry at a most important time in the life of the state of Israel. So,  
Mr. Minister, I congratulate you again in your appointment, and I can't  
tell you how much I am looking forward to working with you, sir.  
Congratulations. (Applause.)

;;;;;; My friends, all of us here tonight are brought together by a deep  
commitment to Israel's security, prosperity and freedom, and to the  
strongest possible relationship between Israel and the United States.  
AIPAC came into being half a century ago to help the young Israel state  
meet the challenges of independence. Since then, AIPAC and its members  
have worked tirelessly and effectively on Israel's behalf. You have a  
world class reputation for being one of the most effective such  
organizations in that regard.

;;;;;; And at the same time, it is America's commitment that also is long  
and enduring, a commitment that stretches back to Israel's founding, from  
the very moment of Harry Truman's historic decision. In war and peace, the

REV\_00113303

United States has stood proudly at Israel's side. (Applause.)

;;;;; Our two nations and peoples are bound together by our common democratic values and traditions. So it has been for over 50 years; so it will always be. (Applause.)

;;;;; As we meet tonight, our thoughts cannot help but be with the brave young men and women from the United States, from Britain, from Australia and other coalition partners who are laying their lives on the line to liberate Iraq from the tyranny of Saddam Hussein. (Applause.) They are serving their nations, and they are serving humanity to free the Middle East and the world from the threat of Saddam Hussein's weapons of mass destruction.

;;;;; War and force was not our first choice. We gave diplomacy every chance. We worked hard to pass the United Nations Security Council resolution 1441, which gave Saddam Hussein one last chance to disarm peacefully, but it also made it clear in that resolution and in that 15-to-0 vote that if this time he did not take the chance, if he did not comply, then serious consequences would follow, and they are now following. (Applause.)

;;;;; So we warned him, and we built up a massive military force on the borders to show that this time the international community meant business. But Hussein spurned that final chance. Then after 12 years of Iraqi defiance and deception, we could wait no longer. He did not comply. He did not cooperate. And the issue was compliance, not more time for inspections or more inspectors. And we -- (applause) -- and we should be so proud tonight that there were brave and bold leaders such as George Bush, and Tony Blair, and President Aznar, and Prime Minister Berlusconi -- (applause) -- and Prime Minister Howard and so many others. (Applause.) Forty-nine nations openly associated with this willing coalition, all of them headed by leaders who have to go against public opinion -- public opinion because nobody wants war, everybody would like to avoid war. We did everything to avoid war. But these 49 nations and their leaders came together and decided that the world had to be rid of these weapons of mass destruction. And let there be no doubt about the outcome, we will drive Saddam Hussein and his regime from power. (Applause.)

;;;;; We will liberate Iraq. We will remove the shadow of Saddam's terrible weapons from Israel and the Middle East, and we will keep them from the hands of terrorists who would threaten the entire civilized world. (Applause.)

;;;;; I know that all of you are as proud as I am of the brave men and women in uniform who are making our success possible. You see them on your television sets every evening -- volunteers all, willing to serve. We are also thinking of the men and women who spend this night as prisoners of war. We hold the Iraqi regime accountable for their treatment and their safety until we can bring them back home -- and we will bring them home. (Applause.)

;;;;; Our thoughts and prayers tonight also go out to the families of those American and British heroes who have given their lives. They will not be forgotten. (Applause.) And the best way that we can honor their sacrifice and their legacy is to carry on the fight until we win, and we will win. (Applause.)

;;;;; You see much on television and you read much in your newspapers as to how the war is going. Commentaries from all directions. Let me just say this to you: we are only 10 or 11 days into this war. Baghdad is slowly being encircled. Pockets of resistance are being isolated. The oil fields are secure. Humanitarian aid is beginning to flow. I have total confidence in the plan, and total confidence in General Franks and the other leaders who are carrying out that plan. (Applause.)

;;;;; But winning means more than just driving Saddam Hussein from power. It also means giving hope and a better future to 24 million Iraqis after

decades of oppression and mis-rule. And we are already starting to help Iraqis in need. We are bringing water to thirsty people. We are clearing Saddam's mines from ports so we can send in ships with food and medicine to distribute to the hungry and to the sick. And once they are liberated, we will work with the Iraqi people to help them create a country that is peaceful, democratic and unified, living in peace with its neighbors. (Applause.)

;;;;; We will help them build a nation that uses its vast oil wealth to improve the lives of mothers and children, not to develop terrible weapons or dot the countryside with lavish palaces.

;;;;; While we deal with Saddam Hussein, we must not forget the burdens that the conflict with Iraq has placed on our Israeli friends.

;;;;; I am very pleased that President Bush has included in his supplemental budget request that just went to Congress \$1 billion in foreign military financing funds to help Israel strengthen its military and civil defenses. (Applause.) And that's just for starters. (Laughter.)

;;;;; The president is also asking for \$9 billion in loan guarantees. (Applause.) These loan guarantees will help Israel deal with the economic costs arising from the conflict, and will help Israel implement the critical economic and budgetary reforms it needs to get its economy back on track, and I am hopeful that Congress, with your encouragement -- (laughter) -- will act quickly on this request. (Applause.)

;;;;; But you know, even as we rid the world of the Iraqi threat and we deal with these crises, we are also working to meet the other challenges we face at the dawn of this new century. Over a year-and-a-half ago, the cowardly attacks of September 11th occurred, and a year-and-a-half later, we still are at war with terrorism.

;;;;; In Afghanistan, the fight continues to destroy the last vestiges of al Qaeda and the Taliban. It is still a dangerous place. Just yesterday we lost two soldiers. That war is not forgotten. We will remain engaged in Afghanistan. The two soldiers were lost not while out looking for combat. They were lost by being ambushed while they were inspecting a school and a hospital -- both being built with American funding. And we mourn their loss, and our thoughts are with their families.

;;;;; But we've accomplished so much in Afghanistan in the last year-and-a-half. We have set up a new government, a government that is committed to the rights of all of its people, a government that is bringing women into the workplace and into the government itself. (Applause.)

;;;;; So, there is so much going on that is good in Afghanistan and good in other parts of the world, and we are hard at work in this campaign against terrorism. With the Kurds of northern Iraq, we are driving al Qaeda's friends, the Ansar al-Islam terrorists out of their caves. (Applause.) Let there be no doubt -- we will pursue al Qaeda and its accomplices in Afghanistan, in Iraq, and everywhere else they plot their murders. (Applause.)

;;;;; Around the world -- around the world we are working with coalition members to search out terrorists, break up their networks and find their financing. Every day another terrorist who was arrested and put before the bar of justice. There will be no let up, no respite, no rest until the terrorists are defeated. We will never forget what was done to us on 9/11 -- (applause) -- and we will do whatever is necessary to defeat those who were responsible.

;;;;; As part of our overall strategy in combating terrorism and dealing with states that do not follow acceptable patterns of behavior, we are demanding more responsible behavior from these states, especially those in the region. It is now time for the entire international community to step up and insist that Iran end its support for terrorists, including groups

violently opposed to Israel and to the Middle East peace process.  
(Applause.)

;;;;; Tehran must stop pursuing weapons of mass destruction and the means to deliver them. (Applause.) In addition, we will continue to support the aspirations of the Iranian people to improve their lives and live in peace and security with their neighbors.

;;;;; Syria also now faces a critical choice -- (applause) -- Syria can continue direct support for terrorist groups and the dying regime of Saddam Hussein, or it can embark on a different and a more hopeful course. Either way, Syria bears the responsibility for its choices, and for the consequences. (Applause.)

;;;;; These are sobering issues and sobering realities. We live in difficult and sobering times. But I am an eternal optimist. And as I think about these challenges, as I think about these crises, I also try to take time each day to think about the soaring opportunities that we see throughout the world to bring liberty and fresh hope to men, women and children on every continent. The spread of democratic and economic freedoms, combined with breathtaking advances in technology, opens unprecedented opportunities to lift millions out of misery, to help people put roofs over their heads, good food on their tables, and clean water on their parched lips.

;;;;; Just a year ago, President Bush saw the need to come forward with a bold new initiative to capitalize on these opportunities to kindle hope in people's hearts. He called it the "Millennium Challenge Account," the most exciting thing we have done in foreign assistance in many years. We will put large sums of American money behind those countries that make a real commitment to democracy, to ruling justly, to investing in people, embracing economic freedom -- use our assistance to spur economic growth and attract not more aid but attract investment that is needed to further these nations along the road to prosperity. (Applause.)

;;;;; There are so many other opportunities that are now given to us by the end of the Cold War -- a relationship with Russia and China that couldn't have been dreamed of just 12 of 15 years ago. An opportunity to come together and defeat perhaps one of the greatest scourges on the face of the earth, HIV/AIDS, which kills millions of people every day on the face of the earth. (Applause.) The opportunity to have free trade agreements so that more and more nations can join in the prosperity of the 21st century. The opportunity to deal with famine and all of those other issues of a transnational nature that the people of the world want us to deal with, and look the United States for leadership -- leadership that we will provide.

;;;;; Our world is a mix of challenges and opportunities, old and new, but no challenge, no opportunity is more important, more pressing than the quest to put an end to the conflict between Israel and the Palestinians. (Applause.)

;;;;; These are difficult times for Israel. Families live with the reality that a suicide bomber could tear their lives apart. Just hours ago, the bombers struck again in Netanya. We condemn this cowardly act, and we pray for the victims and their families. (Applause.)

;;;;; Continued terror and instability is having a terrible effect on the Israeli economy. Tourism and investment are down. Breadwinners are worried about their jobs. Young people are increasingly worried about their economic future. The people of Israel are coping. They always do. They always have. But Israelis should not just cope, not just survive, they should thrive, and with our help they will. (Applause.)

;;;;; We are all here tonight working and praying for the day when Israelis can go out to dinner and relax and enjoy the evening without looking over their shoulders. We are all striving for the day when Israeli parents can send their parents to school without fear, when they can

travel without trepidation, and when they can enjoy the bounty of a booming economy.

;;;;; We all know that the solution to these difficulties is peace. That is why we are working so hard to bring an end to the tragic conflict between Israel and the Palestinians that has caused both people so much suffering. Last year, President Bush outlined a bold vision for peace based on two states existing peacefully side-by-side -- a secure, Jewish democratic state of Israel, and a viable, peaceful, democratic, independent state of Palestine.

;;;;; We're not naive. We know it will be hard to achieve this vision, especially after the terrible violence and suffering of recent years. Peace will take courage and difficult choices by Israel, by Palestinians, and by Israel's neighbors in the region. And one fact is unmistakable: the president's vision requires an end to the use of violence and terror as a political tool. There is no other way. Terror must end. (Applause.)

;;;;; The president's vision puts clear obligations on the Palestinians. The Palestinian state must be based on transformed leadership and institutions that end terror. The Palestinian government must be transparent and accountable to the people. Above all, the Palestinian state must be a real partner for peace with Israel.

;;;;; Israel has clear obligations too. It must take steps to ease the suffering of Palestinians, and diminish the daily humiliation of life under occupation. Israel must also put economic hope in Palestinian hearts by helping revive the devastated economies of the West Bank and Gaza. Settlement activity is simply inconsistent with President Bush's two-state vision. As the president has said, quote, "As progress is made toward peace, settlement activity in the occupied territories must end." Unquote. (Applause.)

;;;;; Today -- today we have reached a hopeful moment, when progress may again be possible. Israel has held elections and formed a new government. The Palestinian legislative council has created the office of prime minister for the Palestinian Authority, and has written and passed a law that gives the prime minister real power and authority, and provides direct accountability to the legislative -- to the legislature that elected him. There was a vigorous debate among Palestinians over this step, but in the end, the PLC was clearly responding to calls for freedom from the Palestinian people themselves.

;;;;; We will be watching very carefully to see how the new Palestinian prime minister exercises his authority, which is so important for Palestinian hopes for a better future. Once the new Palestinian prime minister is confirmed in office, we will present both sides with the road map we have developed to restart movement towards peace. The president's vision of June 24th marked the beginning of what must be a continuous, determined journey to peace. The road map we have developed in close consultation with the parties, our friends in the region, and our partners in the quartet -- Russia, the European Union, the United States -- describes that journey, and the mutual obligations both sides must meet if we are going to reach our shared destination. The road map is not an edict. It is not a treaty. It is a statement of the broad steps we believe Israel and the Palestinians must take to achieve President Bush's vision of hope and the dream that we all have for peace.

;;;;; Israel and the Palestinians must walk the road of peace together if either is to arrive at the desired destination. (Applause.) And the road map offers a way for the two sides to restart the direct engagement with each other that the journey requires.

;;;;; As we move ahead, we must not lose sight of why we are doing this. We are working so hard for peace because the Israeli-Palestinian conflict has taken too many lives -- Jewish, Muslim and Christian -- and ruined far too many more. We must find a way to ensure that Israeli children, Palestinian children can grow up in peace and dignity and live in mutual

respect of each other. We must recommit ourselves to making a better future for men, women, children in generations yet unborn. In the Middle East, such hope depends on security, and Israel's security ultimately requires a real and lasting peace with its neighbors. That is the reality behind the road map.

;;;;; My friends, from day one to today, America has been totally committed to Israel's security and well-being. So has AIPAC. In good times and difficult times, Israel has always been able to rely on her friends. The United States and AIPAC have always been there, and we will always be.

;;;;; Thank you so very much. (Applause.)

END.

;

---

**From:** Smith, Matthew E.  
**To:** <Cooper, Colby J.>;<Ryun, Catharine A.>;<Ralston, Susan B.>;<Terpeluk, Meredith A.>;<Kavanaugh, Brett M.>  
**Sent:** 3/31/2003 12:26:13 PM  
**Subject:** Speaking request

Wednesday, April 2, 2003

Guests: Pro-Bush Catholic Laity

Time: 2:00 p.m. – 3:30 p.m.

Location: EEOB Room 450

Invited Speakers:

Dr. Rice or Elliott Abrams

Jim Towey

Karl Rove

Dep. Sec. England

Brett Kavanaugh



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Sara M. Taylor/WHO/EOP@EOP [ WHO ] <Sara M. Taylor>  
**CC:** susan b. ralston/who/eop@exchange@eop [ WHO ] <susan b. ralston>  
**Sent:** 3/31/2003 8:40:25 AM  
**Subject:** : Re: Plane for Karl

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:31-MAR-2003 13:40:25.00  
SUBJECT:: Re: Plane for Karl  
TO:Sara M. Taylor ( CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:susan b. ralston ( CN=susan b. ralston/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Approved, per our discussions and e-mails.

Sara M. Taylor  
03/28/2003 03:01:32 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Susan B. Ralston/WHO/EOP@Exchange@EOP  
Subject: Plane for Karl

Karl Hascall, who is active in the Kent County GOP politics, owns a plane with his brother. It is a King Air B-100, 8 passenger plane. He has offered to fly Karl out and back to the Kent County Lincoln Day Dinner next Friday, April 4. Karl is a Special Guest of the event and will be making remarks. Is this acceptable and is there other information you need?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>  
**Sent:** 3/31/2003 8:40:49 AM  
**Subject:** : Re: Plane for Karl

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:31-MAR-2003 13:40:49.00  
SUBJECT:: Re: Plane for Karl  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

fyi

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
03/31/2003 01:40 PM -----

Brett M. Kavanaugh  
03/31/2003 01:40:20 PM  
Record Type: Record

To: Sara M. Taylor/WHO/EOP@EOP  
cc: susan b. ralston/who/eop@exchange@eop  
bcc: Records Management@EOP  
Subject: Re: Plane for Karl

Approved, per our discussions and e-mails.

Sara M. Taylor  
03/28/2003 03:01:32 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Susan B. Ralston/WHO/EOP@Exchange@EOP  
Subject: Plane for Karl

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---

**From:** Nelson, Carolyn  
**To:** <Powell, Benjamin A.>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 3/31/2003 1:25:04 PM  
**Subject:** more sensenbrenner....

His scheduler reports that he is now willing to discuss his issue over the phone. He's set to call into ARG tomorrow afternoon at 4:30.

**From:** CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ]  
**To:** cspies@rnchq.org @ inet [ UNKNOWN ] <cspies@rnchq.org @ inet>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 3/31/2003 1:45:49 PM  
**Subject:** : Fw: Karl Rove flight info.  
**Attachments:** P\_OW37F003\_WHO.TXT\_1.htm

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:31-MAR-2003 18:45:49.00  
SUBJECT:: Fw: Karl Rove flight info.  
TO:cspies@rnchq.org @ inet ( cspies@rnchq.org @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett and Charlie:  
Karl is flying to Winston-Salem on 4/24 to participate in a fundraiser for Cong. Burr.  
You both have already signed off on the invites, which went out last month.  
Below is the charter flight arrangement for him and me to fly down -  
is this arrangement ok given campaign finance?

thanks for guidance -

c

=====  
> From: PRA 6  
> To: Caddy Johnson  
> Sent: Monday, March 31, 2003 12:10 PM  
> Subject: Karl Rove flight info.  
>  
>  
> Caddy-  
>  
> Here is the information regarding your and Mr. Rove's flight to NC for Congressman Richard Burr's fundraiser on April 24:  
  
> The cost will be \$4386.54, paid for by the Richard Burr Committee from our principle account.  
> Executive Jet Management Company  
> Charter Flight - Citation Bravo  
> Thursday, April 24, 2003  
> Depart Dulles 4:00 pm - Arrive Winston-Salem, Smith Reynolds Airport 5:05 pm  
> Depart Winston-Salem 8:30 pm - Arrive Dulles 9:30 pm  
>  
> Please let me know if you need any other information.  
>  
> Becky Cage  
> The Richard Burr Committee  
> 336-777-1170  
>  
>  
>

- att1.htm

REV\_00113340

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_OW37F003\_WHO.TXT\_1>

> ----- Original Message -----  
> From: **PRA 6**  
> To: Cuddy Johnson  
> Sent: Monday, March 31, 2003 12:10 PM  
> Subject: Karl Rove flight info.  
>  
>  
> Cuddy-  
>  
> Here is the information regarding Mr. Rove's flight to NC for Congressman Richard Burr's fundraiser on April 24:  
  
> The cost will be \$4386.54, paid for by the Richard Burr Committee from our principle account.  
> **Executive Jet Management Company**  
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>;  
> Please let me know if you need any other information.  
>  
> Becky Cage  
> The Richard Burr Committee  
> 336-777-1170  
>  
>  
>

---

**From:** Leitch, David G.  
**To:** <Gonzales, Alberto R.>;<Addington, David S.>;<Kavanaugh, Brett M.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Newstead, Jennifer G.>;<Francisco, Noel J.>;<Ulyot, Theodore W.>;<Powell, Benjamin A.>;<Brosnahan, Jennifer R.>  
**Sent:** 3/31/2003 2:24:17 PM  
**Subject:**

Interesting stuff from the Campaign Financing case:

Weekend All Things Considered  
National Public Radio  
Saturday, March 29 2003  
Copyright, National Public Radio

John Ydstie: With the war dominating the headlines, politicians don't like to talk about it, but they can't afford to stop raising campaign money, and they're doing it this year under the provisions of the new McCain-Feingold campaign finance law. The law is only in place tentatively because many questions are being raised in the courts about its constitutionality. Indeed, within minutes of President Bush signing the act into law, its opponents filed a legal challenge. It was expected that by now, the case would be pending in the Supreme Court. It's not. NPR's Nina Totenberg is here to tell us why.

Nina, the law has a process for resolving these legal issues. What is it?

Nina Totenberg: Well, it's an expedited process. It provides for a three-judge court composed of one appeals court judge and two district court judges to look at the law initially, and then it goes directly to the Supreme Court. Now this case was heard in early December--on, I think, the 3rd and 4th of December--and at that time, the chief judge of the three-judge panel, Judge Karen Henderson, who's a court of appeals judge, indicated, volunteered in fact, that she expected a decision out of her court by the end of January. That obviously hasn't happened. Now this is a very complicated case. Still, to have it almost April and unresolved is quite extraordinary.

Ydstie: Mm-hmm. And why haven't we gotten a ruling?

Totenberg: Well, initially, there was a lot of thought that this is just a very hard case. There's a record that's more than 50,000 pages long, more than two dozen provisions, but as the months have dragged on, my sources tell me it's become clear that part of the problem is, indeed, the collegiality, or lack of collegiality, between Judge Henderson, the court of appeals judge, and the two district court judges. Judge Henderson, I'm told, began drafting an opinion on her own before the case was argued, in fact before all the briefs were filed. And very important in these cases is what the lower court, that court, says is the statement of facts. That's what the Supreme Court's going to base its decision on factually.

Well, when the two district court judges got a look at her statement of facts, my sources say, they were appalled. And even though they are very different ideologically--one of them is relatively liberal, one of them relatively conservative--they began working together feverishly to try to make a statement of facts that they could agree on because they found Judge Henderson's unacceptable and much of what Judge Henderson wrote unacceptable. Relations between the district court judges and Judge Henderson are said to be pretty frosty at this point. The decision, when it comes out, I'm told will be almost a thousand pages long, when and if it comes out. And so we're in a bit of a legal mess here with the Supreme Court waiting.

Ydstie: Mm-hmm. I don't want you to reveal your sources, but I presume it's not the judges that are talking about this.

Totenberg: No, let me make this very clear: None of the judges on this panel talked to me, but when there is this kind of holdup, there starts to be a leak in the normally sealed sieve at these courts. And I've talked to a lot of people about this who are very knowledgeable and I'm confident that this is a story at this point worth getting on the air.

Ydstie: Mm-hmm. And time is of the essence because people want to raise campaign money.

Totenberg: Political Washington is getting pretty desperate because they don't know the rules of the game. Over at the Supreme Court, I think it's fair to say there is apparently even some annoyance because the court's coming to the end of the term. They're going to have to schedule this late in the term. This is, as I said, an extremely complex case.

There are at least suspicions that one or more justices might want to retire this summer. So this is getting ugly.

Ydstie: Thanks, Nina.

Totenberg: Thank you, John.

Ydstie: NPR's Nina Totenberg.

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Melissa S. Bennett/WHO/EOP@EOP [ WHO ] <Melissa S. Bennett>  
**Sent:** 3/31/2003 11:06:12 AM  
**Subject:** : Re: another question -- different topic (sort of)

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:31-MAR-2003 16:06:12.00  
SUBJECT:: Re: another question -- different topic (sort of)  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Melissa S. Bennett ( CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Correct.

.

----- Original Message -----  
From:Melissa S. Bennett/WHO/EOP@Exchange  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 03/31/2003 03:57:57 PM  
Subject: another question -- different topic (sort of)

Sec. Rumsfeld offered Sec. Card 2 tickets to the Wizards game on Wednesday night.;; I think it is permissible to accept gifts from one govt employee to another, correct???

;  
Thanks.  
Melissa

---

**From:** Bennett, Melissa S.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/31/2003 3:57:57 PM  
**Subject:** another question -- different topic (sort of)

Sec. Rumsfeld offered Sec. Card 2 tickets to the Wizards game on Wednesday night. I think it is permissible to accept gifts from one govt employee to another, correct???

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Melissa

---

**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 3/31/2003 11:59:49 AM  
**Subject:** : TRANSCRIPT - Defense Department Operational Update Briefing (w/Clarke and Major McChrystal)

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:31-MAR-2003 16:59:49.00

SUBJECT:: TRANSCRIPT - Defense Department Operational Update Briefing (w/Clarke and Major McChrystal)

BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

DEFENSE DEPARTMENT OPERATIONAL UPDATE BRIEFING

BRIEFERS: VICTORIA CLARKE, ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS; MAJOR GENERAL STANLEY MCCHRYSTAL, U.S. ARMY

PENTAGON BRIEFING ROOM, ARLINGTON, VIRGINIA

2:02 P.M. EST, MONDAY, MARCH 31, 2003

;

MS. CLARKE: Good afternoon, everyone.

;;;;; The coalition continues to make good progress toward ending the Iraqi regime, freeing the Iraqi people and disarming the country of weapons of mass destruction. As Secretary Rumsfeld and others reminded us yesterday, coalition troops are within 50 miles of the Iraqi capital. We are approaching Baghdad from the North, the South and the West. We've taken Iraq's only port and control its coastline. The oil wells in the South are being secured for the Iraqi people, and we recently hit a large terrorist facility in northern Iraq.

;;;;; The bombing continues to weaken the command and control leadership. Since the coalition bombed Saddam's headquarters at the very beginning of the war, the world has neither seen his hide nor hair, only tapes. We've not seen his sons. We've seen evidence that family members are fleeing the country or trying to flee the country. We continue to put about 2,000 troops a day into the country. One thing that is very clear is the end of the Iraqi regime.

;;;;; It's also important to note what hasn't happened in the first 10 or 12 days, some of the things that were predicted or feared but haven't happened so far:

;;;;; Unlike the Gulf War, no Iraqi Scud missiles have been fired into Israel. Unlike the Gulf War, the oil fields have not been turned into a huge bonfire, wreaking enormous economic and environmental damage. There has been, thus far, no humanitarian crisis or mass exodus of refugees. There has, as yet, been no Iraqi use of weapons of mass destruction.

;;;;; Of course, bad things may still occur. Some of the toughest fighting, as we have indicated, may well lie ahead. But the fact that none of the predicted disasters has happened yet is good news in itself, and testimony to the progress we're making.

;;;;; The increasingly desperate and bloodthirsty Iraqi regime is willing to terrorize and destroy just about everybody, military and civilian alike, who gets in its way. On Saturday a driver with a suicide bomb killed four American soldiers in southern Iraq. The Iraqi regime -- what's left of it -- publicly celebrated the deed and predicted more suicide bombings.

REV\_00113363

;;;;; The Iraqi regime parades our prisoners of war on television, contrary to the Geneva Conventions.

;;;;; And meanwhile, we are treating Iraqi prisoners of war humanely with dignity and decency, adequate food and medical care and full access to the Red Cross, in accordance with the Geneva Conventions. Our humanity contrasts sharply with their inhumanity.

;;;;; We also continue to provide meaningful humanitarian assistance to the Iraqi people, including the recent flow of water from Kuwait to Umm Qasr.

;;;;; Finally, it's worth noting that the free Iraqi forces are having a positive role in their homeland already. The Iraqi -- these Iraqi volunteers help U.S. forces in civil and military operation in carrying out such essential functions as translating and security. Already, they may have saved lives. General Franks told an amazing story yesterday. There were two men who were brothers who were trained in Baghdad as suicide bombers, and they were sent to Umm Qasr. Evidently, they had thought twice about the mission and were trying to figure out what to do, but were afraid to surrender. When they heard a free Iraqi forces soldier speaking in Arabic and explain who he was, they made a decision, stepped forward and surrendered. There's no telling how many lives may have been saved because of the free Iraqi soldier providing a vital communications link.

;;;;; When the Iraqi regime is gone, and it will be, the free Iraqi forces will have played an important role in this war.

;;;;; General?

;;;;; GEN. MCCRYSTAL: Thank you, Ms. Clarke. Operation Iraqi Freedom continues. More than 300,000 coalition forces are deployed in support of combat operations, with more than a third of those inside Iraq.

;;;;; Our ground operations are continuing to engage enemy positions throughout Iraq. General Brooks gave an overall accounting earlier today. We've seized additional key bridges over the Euphrates River and conducted offensive operations to isolate As Samawa and An Nasiriyah in order to destroy irregular forces in those areas.

;;;;; The air campaign continues as well. We flew about 1,000 sorties over Iraq yesterday, mostly against the Medina, Hammurabi, Baghdad and Al Nida divisions. We also hit command, control and communications targets and air defense sites in Baghdad and in northern Iraq.

;;;;; Our forces have fired more than 700 Tomahawk land attack missiles and dropped more than 8,000 precision-guided munitions since Operation Iraqi Freedom began.

;;;;; I have two pre- and post-strike images for you today. The first one is a special security compound in Baghdad. As you can see, the building was destroyed with no damage to the surrounding areas. The second image is of a missile facility in Mosul. We believe it serviced all types of missiles, from short-range ballistic missiles to air-to-air missiles.

;;;;; I have three videos for you today. The first video is of an A-10 dropping a precision-guided weapon to strike a bunker located near the H-2 airfield in western Iraq. The second video is also of an A-10 attack on two vehicles on a road north of Al-Asa (sp). The aircraft used its 30mm Gatling gun in this attack. The third video is of an F/A-18 using rockets to strike an artillery emplacement south of Al Amarah.

;;;;; With that, we'll take your questions.

;;;;; MS. CLARKE: Charlie?

;;;;; Q Torie, you said you'd seen evidence that family members are fleeing the country and trying to flee the country -- Saddam's family members. There were reports before the war that people were jumping into taxicabs and stuffing their suitcases and trying to run. What kind of evidence do you see now that family members are fleeing the country?

;;;;; MS. CLARKE: We have seen some reports recently, and I'll just leave it at that, that some family members, including family members of very senior officials, are trying to get out of the country.

;;;;; Q By "reports," do you mean U.S. intelligence reports or anecdotal reports from the region, perhaps media reports? You're talking about definite --

;;;;; MS. CLARKE: From several different reports, and I'll just leave it at that. But I'm not talking about media.

;;;;; Tony?

;;;;; Q I have a question about some of these numbers you just threw out, to make sure there's no numbers inflation here. You said that there are over 300,000 troops in the region today, sir. General Myers, on Friday, said there was like -- something like 270,000. Is it possible you could have gotten 30,000 in four days?

;;;;; GEN. MCCHRYSTAL: No, our number is 200 -- about -- a little over 250,000 U.S. forces, and then the remainder are coalition. It's about 300 -- slightly over 300,000 combination coalition forces.

;;;;; Q But it hasn't grown by 30,000 since Myers' press conference on Friday?

;;;;; GEN. MCCHRYSTAL: I'd go back and -- I will go back and check that, but I don't believe so.

;;;;; Q PGMs. You said 8,000 were dropped as of now. General Myers on Friday said 5,00 had been dropped. So in the last three and a half days, roughly 3,000 more PGMs have been dropped? Is that a fair -- accurate way to look at that?

;;;;; GEN. MCCHRYSTAL: That in fact is correct. We've been running a tremendous number of sorties, as you know, against -- primarily against the Republican Guard divisions; close air support and interdiction of those forces, using an awful lot of munitions.

;;;;; Q What percentage has been dropped on Baghdad of the 8,000 to date? Can you give a rough order of that, so it doesn't appear that most of these are dropping on Baghdad?

;;;;; GEN. MCCHRYSTAL: I couldn't do it with accuracy. I'd like to get back with you with that.

;;;;; Q Could you? Because that's a point people would like to know.

;;;;; Q There are reports from the front that they've found some kind of a torture chamber near this hospital that was used by Iraqi forces. Do you have any information that Iraqis have used torture on coalition prisoners?

;;;;; MS. CLARKE: I don't have any information on what you just said, but there are reams, and reams and reams of information about what the Iraqi regime has done for decades. I mean, it is policy, it is practice, there's bureaucracy behind it -- civilians and military alike -- what they do. But nothing on the report you have.

;;;;; Q General McChrystal, could you answer that part? Do you have any information about --

;;;;; GEN. MCCHRYSTAL: Nothing to add to what Ms. Clarke said.

;;;;; Q Torie, on the use of the heavy bombers -- and I address this to the general primarily -- the B-1s, B-2s and B-52s, can you tell what kind of ordnance they're dropping? The B-52 is dropping dumb bombs, what we used to call carpet bombing, on the Republican Guard troops?

;;;;; GEN. MCCHRYSTAL: Sir, they are not. They are dropping a combination of munitions, a large number of precision munitions. So there's really not carpet bombing occurring.

;;;;; MS. CLARKE: Tom?

;;;;; Q Can you say how much these Republican Guard divisions have been degraded? And are you still seeing a problem with them moving their armor and so forth into civilian areas?

;;;;; GEN. MCCHRYSTAL: All right, two questions there. We are seeing significant degradation of those forces. I won't put an exact number on it, but I'll say very significant weakening of the forces.

;;;;; We are seeing some movement in Republican Guard formations, as well. What we believe we are seeing --

;;;;; Q (Inaudible) -- is that correct?

;;;;; GEN. MCCHRYSTAL: We are seeing movement around the battlefield. What we think we are seeing them do is move to reinforce other forces that have already been significantly degraded or attrited at this point. So we think they're trying to strengthen where they were.

;;;;; Q And they're putting their armor in civilian areas. Does that continue to be a problem with taking that armor out?

;;;;; GEN. MCCHRYSTAL: Well, we continue to see them put it next to houses, all kinds of structures. So it's still targetable, but it's more difficult.

;;;;; Q Can you describe the combat you had this morning or earlier today between the Republican Guard and the probing units of the U.S.? How long did that encounter last? How violent was it? What was the result?

;;;;; GEN. MCCHRYSTAL: Sir, we have some movement of our forces, and I think it's inappropriate if I discuss actions which are still ongoing in any kind of specificity.

;;;;; Q Is there an effort to try to stop the units that are up on that front line from retreating back into Baghdad?

;;;;; GEN. MCCHRYSTAL: Sir, there is -- there are maneuvers going to try to destroy those divisions that stand in our way.

;;;;; Q Two questions -- one about the night-vision equipment that the secretary said that he heard was coming over the border from Syria. Has any of it actually been found in country on any of the Iraqis?

;;;;; MS. CLARKE: I don't have anything new on that report.

;;;;; Q Okay. And the other question, it seemed like the secretary yesterday was trying to say that we were close to taking Basra, that coalition forces were close to taking Basra, but we continue to see reports of the British, who are primarily kind of the forces there, engaging Iraqis, and the fighting just seems to keep going on and on. Is there any reason it's taking so long to take down Basra?

;;;;; MS. CLARKE: I'll start. I know one thing he was trying to do, which we don't do often enough, is talk about the fabulous job the Brits are doing there. They are doing a phenomenal job of trying to go after the death squads and lessen their influence there -- my understanding is,

there is less of an influence there in Basra -- trying to make sure things like water and humanitarian assistance can get in. And I think they are making good progress. It's too soon to characterize which way it's going. We know where it will go eventually, but it could take some time.

;;;;; Q Are the Iraqis that strong in Basra?

;;;;; MS. CLARKE: I think it's too soon to make characterizations about it. We know that is a place where some of the worst of the worst of the Iraqi regime were, slaughtering people, putting civilians in front of the fighting, those sorts of things. And the Brits are doing fabulous work, and they made good progress.

;;;;; Q Torie --

;;;;; Q General, when you talk about the degradation of the Iraqi Republican Guard units, can you characterize how they're supplying their troops? And we've seen video, gun camera of taking out fuel trucks and supply trucks. Can you make a broad statement about how the Iraqi Republican Guard divisions are supplying their forward troops?

;;;;; GEN. MCCRYSTAL: I would say with great difficulty at this point. Another thing about the attrition or degradation of a unit like that is, once you start to take a certain percentage of a force like that down, particularly a mechanized or armor force, the systems start to break down -- the resupply systems; the maintenance systems; all of the (things ?), command and control that go together. So it doesn't always require you to go down to zero percentage to take a unit to the point where it's not very combat-effective, if you can break those systems.

;;;;; MS. CLARKE: Let me go back to Carl for a second, and then we'll do Barbara. I know one of the positive signs we've seen in Basra is in a neighborhood, for instance, they were able to reopen the marketplace, reopen the school.

;;;;; So again, I think -- I know what the secretary was trying to do yesterday was demonstrate what a great job the Brits are doing there.

;;;;; Barbara --

;;;;; Q But is he shifting back and forth --

;;;;; MS. CLARKE: Barbara?

;;;;; Q General McChrystal, could you talk a little bit about the planned follow-on force that's now moving to the region -- the 1st AD, the 1st Cav, the 2nd and 3rd APR -- why you are sending that force, the general role and mission they would fulfill? And would they have been sent anyhow, no matter how the battle was progressing at this point?

;;;;; GEN. MCCRYSTAL: That's a great question. And we talked a little bit about it Saturday. As you know, the plan was sent up or was developed initially to start with a force with a flow that then could be shut off if not required. We have the follow-on forces that are now -- some in movement, some in preparation for movement, all under orders for movement -- that can be shut off if not required. And the way it was designed was, if opportunity struck and conflict was not required, or if very early success was achieved, in fact, the number of forces flowed could be adjusted. The others that come in all come in with their full combat capability and can support the actions required.

;;;;; Q So what will they be doing now, broadly speaking? There's a hundred thousand or so. The mission that they will be fulfilling once they get there, broadly speaking?

;;;;; GEN. MCCRYSTAL: It will be exactly based upon what's required on the ground. If in fact they're required to maneuver and be part of the combat fight, that's what they'll do, and they are prepared for that.

;;;;; Q General, for the record, have you -- have any coalition forces to date located any chemical weapons or biological weapons in Iraq? If not, more broadly, do you think you have an idea of where they are? And how concerned are you that some of our air attacks, coalition air attacks, might hit a storage place for chemical weapons and release a toxic plume?

;;;;; GEN. MCCHRYSTAL: We are -- we have not located any chemical or biological weapons to date. We still believe very strongly that the regime has the capability and potentially the intent to employ those weapons. We are targeting in a number of ways -- through information operations, through attacking launchers or capabilities, the different ways they could deliver those munitions -- to try, again, to prevent their use. We are very carefully targeting suspected or potential storage sites, for just the reasons you outlined, so that we don't get an unintended effect by targeting something kinetically. So we have some other methods we can do that.

;;;;; But I'd remind you that when chemical and biological weapons are used, in fact once they're disseminated, they can be put in fairly small, difficult-to-predict areas.

;;;;; They can be delivered by everything from a garbage truck to a car bomb, as well as, of course, conventional artillery. So we have got to maintain our own posture in preparation for that.

;;;;; MS. CLARKE: Tony.

;;;;; Q General, you showed that video of a bomb hitting a bunker near H-2, and that's one of the few times that I've seen much information at all come out about what's happening in western Iraq. Could you describe what's going on out there? What sort of Iraqi forces are in the area, and what U.S. troops are doing out there?

;;;;; GEN. MCCHRYSTAL: Sir, we have a combination of special operations forces operating in western Iraq supported by air, support by information operations. It's -- they represent the countries of the coalition. They are doing what probably could be termed an area- denial mission. They are able to move almost at will wherever they want. They have been cutting some lines of communication. They've been raiding some facilities. They've been going to some suspected weapon of mass destruction locations. We've had a series of direct- action raids as well as interdiction. So we think what we've done is, in addition to doing some counter-Scud work out there and denial, we think that we have denied the regime the ability to operate effectively at all in western Iraq.

;;;;; Q What kind of forces are out there on the Iraqi side? And what kind of a bunker was this?

;;;;; GEN. MCCHRYSTAL: Sir, that particular bunker is at H-2 airfield. I don't remember exactly what's in it. The Iraqis have a combination of forces -- some caretaker units, and they've moved some commando forces out to the west, as we saw on Saturday when the Rangers hit a commando headquarters.

;;;;; MS. CLARKE: Dale.

;;;;; Q Can you update us on the status of the troops in the Red Sea, the eastern Med? Are you in fact going to bring them around into the Persian Gulf? And in particular, are the carriers going to stay in the eastern Med?

;;;;; MS. CLARKE: Future operations.

;;;;; GEN. MCCHRYSTAL: I know of no plan that we could discuss here on moving ships around.

;;;;; Q How about the smaller ships, the Tomahawk shooters? Are they



being brought around, as has been reported?

;;;;; MS. CLARKE: Yeah, we just -- we wouldn't -- it's up to General Franks to decide where and how and when he moves people, he moves assets. One thing we can say, and it's being demonstrated every day, is we have enormous flexibility. Because we're getting so much support from so many countries, we have enormous flexibility to use these assets to their greatest effectiveness.

;;;;; Q What sort of --

;;;;; Q Torie?

;;;;; MS. CLARKE: One more for Dale, because he failed on his first one. (Laughter>0

;;;;; Q You've fired 800 TLAMs to date. Is there going to be a pause while you get some of those ships resupplied before a push into Baghdad?

;;;;; GEN. MCCHRYSTAL: Sir, we've fired I think 700 Tomahawks to date, and we resupply on a constant basis as required.

;;;;; Q For the general.

;;;;; You had said you'd seen a very significant weakening of the Iraqi Republican Guard. And then you also said that once you take the system, that whole system starts to go down. That sort of echoes what a senior defense official was saying earlier today in Doha, Qatar; he was saying that he senses a tipping point -- they sense a tipping point in Basra and Nasiriyah, and once that comes, it all starts to spread.

;;;;; Do you actually -- is this a beginning of a tipping point?

;;;;; GEN. MCCHRYSTAL: Ma'am, I couldn't say that I see a tipping point, but we clearly look for that. That's true in units, it's true in places like Basra and an-Nasiriyah. And that's what we're working towards.

;;;;; Q But is the -- you were -- elaborate a little bit on that very significant weakening of the Iraqi Republican Guard. Is this reaching a tipping point there?

;;;;; GEN. MCCHRYSTAL: Yes, ma'am, we see some very significant weakening, and it will hit a tipping point in some of their formations.

;;;;; MS. CLARKE: I would just go back to a vision Secretary Rumsfeld used yesterday on the shows, is put yourself in Saddam Hussein's shoes. You're losing control over more and more of your country; you have forces coming at you from every direction. It is not a good picture for him. But we always say in the same sentence, some of the toughest fighting could lie ahead. The outcome is inevitable. We know how it will end: the Iraqi regime will end. But we know that there could be some tough fighting ahead.

;;;;; Jamie?

;;;;; Q Torie, one of the underpinnings of the strategy that the U.S. is using is what you keep referring to, this -- creating the feeling that there's an inevitable outcome. That's --

;;;;; MS. CLARKE: The inevitable outcome is more than a feeling --

;;;;; Q Well --

;;;;; MS. CLARKE: -- it is reality.

;;;;; Q -- except, wouldn't you concede that at this point in the campaign, whether it's premature or not, you have yet to achieve that feeling of inevitability among the Iraqi people and the Iraqi leadership?

;;;;; MS. CLARKE: Again, I'd push back on how you're saying it. It's not a feeling that we will achieve, it is the inevitable outcome that the Iraqi regime will be ended, the Iraqi people will be free of decades and decades and decades of torture and oppression, the likes of which I think the world has not ever seen before; and we'll find the WMD and we'll get rid of it. That is absolutely inevitable.

;;;;; What goes on in the mind of every one of the Iraqis, I don't know. I know if I were an Iraqi citizen I'd be saying, "Huh. Look at what's been going on here for the last 10 days -- or 12 days -- and we haven't seen any of our leaders." That's pretty extraordinary, when you think about it.

;;;;; Bob?

;;;;; Q Torie, you mentioned the attack on what you called the terrorist facility in northern Iraq. Were you referring to the Ansar al-Islam, the holdout?

;;;;; MS. CLARKE: Right.

;;;;; Q Could you tell us about -- either one of you -- what exploitation you've managed to achieve so far from that point of view?

;;;;; MS. CLARKE: The general probably has more. What I know is very extensive facility, and a lot of hard work to get through it.

;;;;; GEN. MCCHRYSTAL: Exactly that. It is, as General Franks said, I think, massive.

;;;;; We have a significant-sized force there. We actually believe we destroyed a significant force in -- portion of the Ansar al-Islam force there, and they're doing the exploitation as we speak.

;;;;; Q Any results whatsoever from --

;;;;; GEN. MCCHRYSTAL: There are no results yet.

;;;;; MS. CLARKE: None to report yet.

;;;;; Tom?

;;;;; Q Some members of the 101st today received a briefing in which they were told to be on heightened alert for the possibility of a chemical agent attack -- actually, it was said that a chemical agent attack might be imminent -- and were told to watch out for particular types of vehicles or aircraft. Do you have any idea why -- what prompted that heightened alert

;;;;; GEN. MCCHRYSTAL: Sir, that specific report -- I'm not sure what caused it, but clearly we knew and planned, as we got closer to threatening the core of the regime, the likelihood to use chemical and biological weapons would go up dramatically. And we're responding to that with posturing.

;;;;; Q Is it -- but is it in response to particular, specific intelligence?

;;;;; GEN. MCCHRYSTAL: Sir, I am not aware of any particular intelligence in that case.

;;;;; Q Torie, you mentioned that the forces were moving from the North on Baghdad. We haven't seen the 173rd moving. Could you elaborate on what you meant by that?

;;;;; And are the Kurds -- are the Kurdish forces being allowed to move south, especially on the city of Kirkuk?

;;;;; MS. CLARKE: I wouldn't elaborate on what I said, but it is very clear there is pressure bearing down on the regime from all directions.

;;;;; Let's do one more. Right there. Next to him. Behind there.

;;;;; Q Can either of you give us any kind of estimate on Iraqi civilian or military casualties? And if not, why not?

;;;;; MS. CLARKE: On civilian casualties, when we have ground troops, we bring it forward. That is our habit, that is our policy, and we will continue to do that.

;;;;; Numbers on Iraqi -- I just don't think we have them. I think it's very hard to tell.

;;;;; GEN. MCCRYSTAL: That's exactly right. Even as we do what we call battle damage assessment, trying to get numbers of casualties is really inexact.

;;;;; Q Torie --

;;;;; MS. CLARKE: Thank you.

END.

;

**From:** Skelly, Layton  
**To:** stephanie.wilson@hhs.gov <Gilbert, Alan>;stephanie.wilson@hhs.gov <Hall, Philo D.>;paula.stannard@hhs.gov <paula.stannard@hhs.gov>;peter.urbanowicz@hhs.gov <peter.urbanowicz@hhs.gov>;viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>;alex.azar@hhs.gov <alex.azar@hhs.gov>;john.hoff@hhs.gov <john.hoff@hhs.gov>;jennifer.young@hhs.gov <jennifer.young@hhs.gov>;jennifer.young@hhs.gov <Schacht, Diana L.>;jennifer.young@hhs.gov <Badger, William D.>;jennifer.young@hhs.gov <Jensen, Amy>;jennifer.young@hhs.gov <Loper, Ginger G.>;jennifer.young@hhs.gov <Grubbs, Wendy J.>;jennifer.young@hhs.gov <Lefkowitz, Jay P.>;jennifer.young@hhs.gov <Perry, Philip J.>;jennifer.young@hhs.gov <Silverberg, Kristen>;jennifer.young@hhs.gov <Deleire, Thomas C.>;jennifer.young@hhs.gov <Kavanaugh, Brett M.>;zurawski-paul@dol.gov <zurawski-paul@dol.gov>;zurawski-paul@dol.gov <Young, Tracy>;zurawski-paul@dol.gov <Besanceney, Brian R.>;marc.kesselman@usdoj.gov <marc.kesselman@usdoj.gov>;marc.kesselman@usdoj.gov <Ackerly, Dana>  
**CC:** pamela.roller@hhs.gov <pamela.roller@hhs.gov>;joyce.b-moore@hhs.gov <joyce.b-moore@hhs.gov>;marie.belt@hhs.gov <marie.belt@hhs.gov>;marie.belt@hhs.gov <Winland, Emily>;marie.belt@hhs.gov <Smith, Marty P.>;marie.belt@hhs.gov <Vestewig, Lauren J.>;marie.belt@hhs.gov <Lineberry, Stephen M.>;dana.ceasar@hhs.gov <dana.ceasar@hhs.gov>;india.luckett@hhs.gov <india.luckett@hhs.gov>;scriver-langford-lat@dol.gov <scriver-langford-lat@dol.gov>;heather.mcnaught@usdoj.gov <heather.mcnaught@usdoj.gov>;stephanie.wilson@hhs.gov <stephanie.wilson@hhs.gov>;stephanie.wilson@hhs.gov <Stone, Carla B.>;stephanie.wilson@hhs.gov <Skelly, Layton>  
**Sent:** 3/31/2003 4:20:32 PM  
**Subject:** Weekly Medical Liability CC tomorrow at 10:00

This is to remind you that we will be having the weekly Medical Liability Working Group conference call tomorrow at 10:00.

Call in:

**PRA 6**

CODE:

Layton Skelly

03/24/2003 04:54:28 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

bcc:

Subject: Medical Liability meeting tom. will be a Conf. Call



REV\_00113374

Call in:

Code:

**PRA 6**

Layton Skelly

03/17/2003 04:20:00 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

Subject: weekly Medical Liability meeting

This is a reminder that we are on for the weekly Medical Liability Working Group meeting tomorrow (3/18) at 10:00 in room 211. Thank you.

Layton

**PRA 6**

Message Sent To:

---

Alan Gilbert/OPD/EOP@EOP

Philo D. Hall/OPD/EOP@EOP

paula.stannard@hhs.gov @ inet

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William D. Badger/OPD/EOP@EOP

Amy Jensen/WHO/EOP@Exchange@EOP

Ginger G. Loper/WHO/EOP@Exchange@EOP

**REV\_00113375**

Wendy J. Grubbs/WHO/EOP@EOP  
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Philip J. Perry/OMB/EOP@EOP  
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Message Copied To:

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Layton Skelly/OPD/EOP@EOP

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>  
**Sent:** 3/31/2003 5:31:42 PM  
**Subject:** please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others



---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 3/31/2003 5:38:50 PM  
**Subject:** RE: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

Can we do it on the 9th? He has a lunch on the 10th.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, March 31, 2003 5:32 PM  
**To:** Nelson, Carolyn  
**Subject:** please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

**From:** CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brian Reardon/OPD/EOP@EOP [ OPD ] <Brian Reardon>  
**CC:** Keith Hennessey/OPD/EOP@Exchange [ OPD ] <Keith Hennessey>;jt.young@do.treas.gov@SMTP@Exchange [ UNKNOWN ] <jt.young@do.treas.gov@SMTP@Exchange>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/1/2003 5:27:54 AM  
**Subject:** : RE: debt ceiling question

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 1-APR-2003 10:27:54.00

SUBJECT:: RE: debt ceiling question

TO:Brian Reardon ( CN=Brian Reardon/OU=OPD/O=EOP@EOP [ OPD ] )

READ:UNKNOWN

CC:Keith Hennessey ( CN=Keith Hennessey/OU=OPD/O=EOP@Exchange [ OPD ] )

READ:UNKNOWN

CC:jt.young@do.treas.gov@SMTP@Exchange ( jt.young@do.treas.gov@SMTP@Exchange [ UNKNOWN ] )

READ:UNKNOWN

CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Good.;

How much time would a declaration through the end of the session buy us?

;-----Original Message-----

From: ; Reardon, Brian;

Sent;;; Tuesday, April 01, 2003 9:57 AM

To:;;;; Silverberg, Kristen

Cc:;;;; Kavanaugh, Brett M.; Hennessey, Keith; jt.young@do.treas.gov

Subject:;;;;;; Re: debt ceiling question

Frist will talk to Stevens today or tomorrow about putting a "place holder" in the supplemental so a debt ceiling increase can be added in conference.;

Meanwhile, Treasury has the following draft prepared to declare a three month debt suspension period at the end of the week.; This would provide enough room to get us into late May or early June.; If Congress fails to act, Treasury GC is prepared to make a second declaration through the end of the session.

April 3, 2003

;

The Honorable J. Dennis Hastert

Speaker of the House

U.S.House of Representatives

Washington, D.C.20515

;

Dear Mr. Speaker:

;

;;;;;;;;;; I am notifying you, as required under 5 U.S.C.  8348 (1)(2) that by reason of the public debt limit, it is my determination

REV\_00113410

that I will be unable to invest fully the portion of the Civil Service Retirement and Disability Fund (CSRDF) not immediately required to pay beneficiaries.; For purposes of this statute, I have determined that a "debt issuance suspension period" will begin as early as April 3, 2003; but no later than April 11, 2003 and will last until July 11, 2003.; Therefore, during the debt issuance suspension period, the Treasury Department will suspend additional investments of amounts credited to the CSRDF and redeem a portion of the investments held by the CSRDF, as authorized by law.; Beneficiaries will be fully protected and will suffer no adverse consequences.; The governing statute requires that the Treasury restore all due interest and principal to these funds as soon as this can be done without exceeding the public debt limit.

;

;;;;;;;;; Even though the debt issuance suspension period will last until July 11th, the investment suspensions and redemptions may only provide debt issuance capacity under the statutory debt limit until the latter half of May or early June.; I know that you share the President's and my commitment to maintaining the full faith and credit of the U.S. government. Together we must continue working to enact an increase in the statutory debt limit as quickly as possible to avoid any negative repercussions at home or abroad during this critical time.

;

;;;;;;;;;  
;;; Sincerely,

;

;

;

;;;;;;;;;  
;;; John W. Snow

From;;; Kristen Silverberg/WHO/EOP@Exchange on 04/01/2003 08:24:05 AM  
Record Type;;; Record

To;;; Brian Reardon/OPD/EOP@EOP, Keith Hennessey/OPD/EOP@Exchange  
cc;;;;  
Subject;;; debt ceiling question

Are we in good shape on the debt ceiling?; Is leadership preparing to put it on the supp and, if so, in what amount?

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/1/2003 8:32:13 AM  
**Subject:**

I just called Feinstein's office.... after 5 mins of holding they reported that she is "unavailable" and ARG is headed out to NSC meeting.

---

**From:** PFA War Room) ( warroom@progressforamerica.org (PFA War Room) [ UNKNOWN ]  
**To:** warroom@progressforamerica.org [ UNKNOWN ] <warroom@progressforamerica.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/1/2003 5:10:46 AM  
**Subject:** : FW: Articles from CustomScoop  
**Attachments:** P\_6UJ7F003\_WHO.TXT\_1.htm

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:warroom@progressforamerica.org (PFA War Room) ( warroom@progressforamerica.org (PFA War Room) [ UNKNOWN ] )

CREATION DATE/TIME: 1-APR-2003 10:10:46.00

SUBJECT:: FW: Articles from CustomScoop

TO:warroom@progressforamerica.org ( warroom@progressforamerica.org [ UNKNOWN ] )

READ:UNKNOWN

BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

What follows is the daily update of articles, opinion, and related information on the judicial confirmation issue. This update includes positive and negative opinion. Please filter appropriately before sending to your respective coalition members.

If you have any questions or have an item you think needs to be included in the next update please email us at warroom@progressforamerica.org

Thank you.

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CustomScoop - www.customscoop.com

#### ARTICLES & OPINION

\* Orange County Register: What's behind the war over judges  
[http://www2.ocregister.com/ocrweb/ocr/article.do?id=32634??ion=COMMENTARY&subsection=ORANGE\\_GROVE&year=2003&month=4&day=1](http://www2.ocregister.com/ocrweb/ocr/article.do?id=32634??ion=COMMENTARY&subsection=ORANGE_GROVE&year=2003&month=4&day=1)

\* Bay Viewer: Feingold & Nominations  
<http://www.zwire.com/news/newsstory.cfm?newsid=7553833&title=Judging%20Feingold%20on%20judges&BRD=1357&PAG=461&CATNAME=Opinions&CATEGORYID=418>

\* CommonDreams.org: People for the American Way: Ninth Circuit Appeals Court Nominee Has Long History of Hostility Toward Women's Rights, Civil Rights and Access to Justice...

<http://www.commondreams.org/news2003/0331-01.htm>

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_6UJ7F003\_WHO.TXT\_1>

What follows is the daily update of articles, opinion, and related information on the judicial confirmation issue. This update includes positive and negative opinion. Please filter appropriately before sending to your respective coalition members.

If you have any questions or have an item you think needs to be included in the next update please email us at [warroom@progressforamerica.org](mailto:warroom@progressforamerica.org)

Thank you.

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#### ARTICLES & OPINION

\* Orange County Register: What's behind the war over judges

[http://www2.ocregister.com/ocrweb/ocr/article.do?id=32634&ion=COMMENTARY&subsection=ORANGE\\_GROVE&year=2003&month=4&day=1](http://www2.ocregister.com/ocrweb/ocr/article.do?id=32634&ion=COMMENTARY&subsection=ORANGE_GROVE&year=2003&month=4&day=1)

\* Bay Viewer: Feingold & Nominations

<http://www.zwire.com/news/newsstory.cfm?newsid=7553833&title=Judging%20Feingold%20on%20judges&BRD=1357&PAG=461&CATNAME=Opinions&CATEGORYID=418>

\* CommonDreams.org: People for the American Way: Ninth Circuit Appeals Court Nominee Has Long History of Hostility Toward Women's Rights, Civil Rights and Access to Justice...

<http://www.commondreams.org/news2003/0331-01.htm>

;;;;; SEN. SCHUMER: The formula doesn't specify a specific named city and --

;;;;; SEN. DASCHLE: Here, Chuck.

;;;;; SEN. SCHUMER: I'm sorry.

;;;;; And the secretary of Homeland Security will have to make a judgment.

;;;;; What we tried to do here is be fair to everyone, be fair to South Dakota, which has some needs, and yet understand that places like New York, like Washington, like San Francisco and Los Angeles have special needs.

;;;;; Q (Off mike.)

;;;;; SEN. CLINTON: Right.

;;;;; Q Do you have some kind of sheet that would show us at a minimum --

;;;;; SEN. CLINTON: Yes.

;;;;; Q -- at a minimum what each state -- (off mike) --

;;;;; SEN. CLINTON: Yes. In -- right.

;;;;; Q -- and then you can say, in addition to that, they might get other money?

;;;;; SEN. CLINTON: That's -- yes, that's exactly right. The formula-driven part of this will give you the specifics. And you know, we can work through that for you and give it to you.

;;;;; And then, in all the intelligence that all of us see, you know, there are five to 10 places that always come up. L.A. is one of them, obviously. San Francisco is one of them. Chicago is one of them. You know, these are places that you can just read in the newspaper are, you know, places of concern. Then there are specific areas in other, less-populated states that have a particular attraction for attention to be paid.

;;;;; So yeah, I think you get the formula-driven piece of it, and then you get the discretionary piece on top of it.

;;;;; Q But there is a breakdown for each state?

;;;;; SEN. CLINTON: Yes.

;;;;; SEN. SCHUMER: Not on the high needs part. This is on the 2.5 billion that is distributed as a formula.

;;;;; Q Right.

;;;;; SEN. CLINTON: Right.

;;;;; Q Senator Daschle, do you think the Pentagon underestimated the amount of resistance that U.S. troops would confront in Iraq?

;;;;; SEN. DASCHLE: Well, I think our troops are doing an absolutely superb job. We get briefed daily, and I am struck by the extraordinary professionalism they demonstrate each and every day. We can be very proud of the work that they've done.

;;;;; And I think there will be adequate time later on for us to provide or to be given a better understanding of our circumstances. But right now I have to say I think we're doing well, and the troops ought to be lauded for the effort made so far.

;;;;; Q Is there any money for Senator Corzine's chemical security --  
(off mike)?

;;;;; SEN. DASCHLE: Yes, there is. I don't know what the exact amount is.  
Maybe somebody can tell us.

;;;;; SEN. CLINTON: It's a separate amendment.

;;;;; SEN. DASCHLE: It is a separate amendment.

;;;;; SEN. CLINTON: A separate amendment. There's a first responders --

;;;;; SEN. DASCHLE: Yeah. It's not in this first responders amendment.

;;;;; SEN. CLINTON: Right.

;;;;; SEN. DASCHLE: It's a separate one.

;;;;; SEN. CLINTON: Right.

;;;;; Q This is for all three of you. Are the cities telling you they're  
going to have to cut -- (off mike) -- programs if they don't get this  
money? Are they going to have to cut -- (off mike) -- hours?

;;;;; SEN. CLINTON: Yes.

;;;;; Q (Off mike) -- and people may not realize exactly what -- (off  
mike).

;;;;; SEN. DASCHLE: Well, first you have to realize what tremendous  
economic pressure the cities are already facing. I think both my  
colleagues from New York expressed that concern. But that's true in South  
Dakota as well. I don't know of a state, I don't know of a city that  
doesn't face extraordinary pressures right now budgetarily, in part  
because of the economy, in part because there's been a reduction in the  
support at the federal level for programs that are implemented at the  
local level.

;;;;; So, because of the economic pressures and the budgetary effects of  
those pressures, there is no question that they go into this new threat  
recognizing the need for their new-found responsibilities but not able to  
begin to cope with the costs associated with them.

;;;;; SEN. SCHUMER: Yeah. In New York City, right now the mayor has to  
make choices. He said he will fund security, whatever it takes, as he  
should, but then we're cutting huge numbers of teachers from schools;  
they're thinking of eliminating pre-kindergarten, all pre-kindergarten;;  
they're thinking of raising taxes again even though they just raised the  
property tax 18 percent. That choice is not just New York City's. You go  
to Rochester, go to Buffalo, go to Syracuse; the same choices: cutting  
schools, raising taxes. These are all choices that have been foisted upon  
local cities and local communities in part -- in part -- because they have  
security needs and security has to come first, but if we don't give them  
this help, they're not going to be able to do what else they have to do.

;;;;; Q Senator Daschle, why do you suppose the White House didn't  
recognize this issue that you all are talking about, this tremendous  
funding gap and the pressures being put on the states and localities?

;;;;; SEN. DASCHLE: That's a good question, but I'd invite you to ask the  
White House. I can't possibly guess why they couldn't. I think you ought  
to ask them. They ought to be asked why. What we're simply doing is not  
calling attention to their shortfalls, but to give them an opportunity,  
and our Republican colleagues, everybody in Congress, one last opportunity  
to address this issue this year as we're addressing these needs right now.  
As we said, the war is being fought -- the war on terrorism is being  
fought on two fronts, the one abroad, the one here at home. We need to  
fully fund the one abroad, but we certainly need to fully fund the one



here at home. That's what we're trying to do here.

;;;;; Q What have your Republican colleagues said? Why are there no Republicans here asking for this here today? Because the terrorists aren't targeting one party or another.

;;;;; SEN. CLINTON: Well, you know, I have been working on this in terms of first-responder funding literally since November of 2001, and there are a number of responses one gets. A couple of months ago Mitch Daniels said: Well, what do people expect? We can't possibly protect every little town in America.

;;;;; There are budgetary problems. I mean, they've made their choices. Their choices are to fund a huge tax cut and to fund the war, and that leaves out a lot of things, not only homeland security but a lot of other pressing needs. There is a sense in the administration that this should be a state and local responsibility because it basically comes down to police and fire.

;;;;; At the very same time that we're looking at these increased burdens, they're sending us budgets that try to eliminate the COPS program, something that Chuck Schumer worked on, you know, when he was in the House with my husband, which has contributed to lowering crime.

;;;;; I don't understand the calculus, except that it is all part of their continuing effort to lower the revenues of the government, either because they think they'll get them back under supply-side economics, which you know is voodoo economics and defies the laws of arithmetic -- we saw that in the '80s -- or because they really do believe that starving the rest of the government means that we will always pay for national defense and they can get the long-held goal of the more extreme members of their party and some in the administration to turn the clock back not just on the Clinton administration but, you know, on Johnson, Kennedy, Truman and FDR, as far as I can tell. So I think it's as much ideologically and fiscally driven as any objective assessment.

;;;;; SEN. DASCHLE: Why don't we take these two questions and then we'll --

;;;;; Q I have a question on the high need money. New York City metropolitan area covers three different states. Is there some way to treat the New York metropolitan area as a region for that money, to a multi-state authority of some sort to try to get in on that?

;;;;; SEN. CLINTON: Well, there are, you know --

;;;;; SEN. SCHUMER: We've been trying to do that for 30 years. (Laughs.)

;;;;; SEN. CLINTON: Yeah. There are certainly lots of cooperations. I met with the governor of New Jersey over the weekend because they're as concerned as we are in New York and there's a lot of cooperation that has to go on across the Hudson. So there's a lot of that that is happening. But if you just look at New York City alone, we have a \$900 million set of budgetary needs that are immediate. You know, New York City has its own separate counterterrorism unit, in part going back to the times when they didn't think that they could get much cooperation from the federal government, so they fund that plus the \$5 million a week that I referred to earlier. So, each jurisdiction is obviously looking to its own needs. But there's a lot of cooperation that's going on without the need for an authority or some agency.

;;;;; SEN. DASCHLE: And this last question?

;;;;; Q (Inaudible) -- each separately apply to that high need money and get it?

;;;;; Q Is the entire Democratic Caucus behind all of these amendments? And secondly, do you expect the Republican leadership to try and defeat

all of them? Or have you gotten nibbles from them that they might accept some or have their own alternatives?

;;;;; SEN. DASCHLE: I will -- the answer to your first question is that I know of no Democratic opposition. That doesn't mean on every single one of the amendments we're going to have unanimity, but I think it's overwhelming. And as I say, I know of no one who has expressed opposition.

;;;;; And again, as I say, I think that there is the potential of real bipartisan support on all of these amendments, in part because of discussions we've had with our Republican colleagues; in part, I know, because they share many of the same concerns we do. So we expect that there will be bipartisan support.

;;;;; Thank you all very much.

;;;;; SEN. CLINTON: Thank you all.

END.

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**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/1/2003 8:36:34 AM  
**Subject:** : TRANSCRIPT - Press Conference with Sens. Daschle, Reid, Clinton, Schumer, Corzine, and Mikulski

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PRESS CONFERENCE WITH SENATE MINORITY LEADER TOM DASCHLE (D-SD); SENATOR HARRY REID (D-NV); SENATOR HILLARY CLINTON (D-NY); SENATOR CHUCK SCHUMER (D-NY); SENATOR JON CORZINE (D-NJ); AND SENATOR BARBARA MIKULSKI (D-MD)  
RE: PROPOSED AMENDMENTS TO THE SUPPLEMENTAL APPROPRIATIONS BILL

SENATE RADIO/TV GALLERY, THE CAPITOL BUILDING, WASHINGTON, D.C.  
10:48 A.M. EST, TUESDAY, APRIL 1, 2003

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SEN. DASCHLE: Good morning, everyone. Thanks for joining us.

;;;;; Last week, the president issued his supplemental budget to fund military action in Iraq, new foreign aid commitments, and our homeland security needs.

;;;;; Let me say first that regarding the funding request for ongoing military action, the Senate and the country stands united on the need to provide every necessary tool to our armed forces. No resource will be spared to make sure that our troops get what they need to complete their mission as safely and as quickly as possible.

;;;;; But the war on terrorism has two fronts, and we need to apply the same vigilance, the same commitment that we're showing abroad to our anti-terrorism efforts here at home. We can't hang on to the September 10th priorities in a post-September 11th world.

;;;;; Regrettably, the administration's supplemental budget seems to do that. This supplemental budget fails to reflect the reality of the homefront. States and cities and towns remain extremely vulnerable to terrorist attack and are ill-equipped to deal with this challenge. Due to the worst fiscal crisis in decades, state and local budgets are stretched to the breaking point, and police and firefighters are struggling just to maintain peacetime staffing levels. Meanwhile, our nation remains under Code Orange threat advisory, and the intelligence community tells us that al Qaeda operatives are likely to attack just as much today as they were before September 11th.

;;;;; This week we will offer a series of amendments to reduce our nation's vulnerability to terrorist attack, and to give the men and women who protect our homeland at the federal, state and local levels the tools they need to do their job.

;;;;; I'm grateful that some of the sponsors of these amendments are here to elaborate on their particular proposals. Together, these amendments will help police and fire departments add staff, they will beef-up port and border security, they help local governments pay for the cost of smallpox vaccinations, secure our nuclear power plants and laboratories, and increase our capacity to protect our skies, our railways and our

coastline. The federal government can provide the resources necessary to help prevent terrorism on our shores and respond to an attack effectively, should one occur.

;;;;; We have no choice but to get those resources into the hands of those with the skills to protect us. Just as we have reached across partisan divides to support our troops, so should we come together to protect our homeland. It shouldn't be a partisan issue. We face a clear threat; we know the terrorists' targets; we know how to protect them. We owe it to the American people to work together to make our country safer.

;;;;; Let me call on our distinguished Democratic -- assistant Democratic leader for his discussion or his description of the first amendment, nuclear security.

;;;;; SEN. REID: Thank you, Mr. Leader.

;;;;; We in Nevada are aware of what can happen when a nuclear device goes off. In the deserts above Las Vegas, we've had almost a thousand of them set off over the years -- small ones, medium size ones, and large ones. All you need to do is travel that desert and look at the holes in the ground and the tremendous damage done by things nuclear.

;;;;; That's why I'm terribly disappointed that since September 11th, we have not had any help to focus on the nuclear problems we have as a world and as a country.

;;;;; If we're going to have homeland defense, we must have a defense against things nuclear.

;;;;; The amendment that I will offer will provide \$400 million to the Department of Energy to safeguard nuclear weapons and nuclear material in the United States and throughout the world. The amendment provides \$300 million for the nuclear nonproliferation program and \$100 million in additional funding to the Department of Energy to fund enhanced safeguards and security programs at the nation's nuclear weapons labs and plants, environmental management sites throughout the nation, and DOE Office of Science labs. There are all kinds of nuclear reactors in our universities. We have foreign students who use those reactors, as do other students. We have to make sure that they're safe and they're secure.

;;;;; The largest item in this amendment will be \$135 million for nuclear detectors at major seaports around the world. We have the necessary equipment today to do surveillance of seaports to find out if there are things nuclear in those ships. It's important, if there is some foreign country where we find something nuclear, that we found out about it there rather than waiting to the United States to detect it. And certainly, last resort, we need the ability to detect it here in the United States. This amendment, as far as I'm concerned, is vitally important to the safety and security of the American people.

;;;;; It's my pleasure now to introduce someone who has been personally impacted as a result of the September 11th incident, Senator Chuck Schumer.

;;;;; SEN. SCHUMER: Well, thank you, Harry. And first I want to thank Senator Daschle for his leadership in this issue; Senator Byrd, who helped us craft these amendments; and all of my colleagues here, but particularly Senators Clinton, who is on her way, and Senator Mikulski, because we are carrying the amendments on the first responders together and have worked long and hard on this.

;;;;; The bottom line is simple: When it comes to this administration and homeland security, we don't need any more rhetoric, we don't need any more photo ops; we need more dollars. But so far, this White House has been unwilling to do that. They are spending, as they should, all the money that's needed to fight the war on terror overseas, but they're just laggard in fighting the war here at home. And so on so many different

issues, from first responders, to port security, to nuclear security, to bioterrorism funding, the administration talks the talk, but it doesn't walk the walk.

;;;;; The amendments we're doing here today are supposed to walk the walk. The one on first responders -- you all know throughout America our police, our fire, our first responders are under huge strains. In every part of my state, whether it be New York City or up on the northern border, our police and fire are stretched. They have new responsibilities, particularly since the Iraq war. They have to make sure they make sure their old -- or, their regular jobs, fighting crime, fighting fire, are still done. And overall, they have less money and fewer personnel because the budgets are so bad at state and local levels and because, particularly for police and fire throughout America, there are large numbers who are in the Reserves and National Guard and are being called up.

;;;;; The responsibility is Washington's. Terrorism is a national responsibility. And the amendment we're proposing here says to localities, to local police, and fire fighters and local property taxpayers, you should not bear this burden -- this extra burden; we will. And the amendment is a very simple one. It adds \$4.3 billion for first responders as part of our overall package.

;;;;; Of that, 3 billion is distributed on a formula basis and will go all around the country so that every state will benefit. There's a minimum floor and then the rest on a per capita basis. But of that, 500 million is for critical infrastructure, and that will be more on a application basis.

;;;;; Then, of particular importance to Barbara and Hillary and myself, who have areas that have special -- who have been under special attack -- New York, Washington -- there's \$1.045 billion for high needs areas. And so that will help areas like New York, like Washington, that have particular, particular needs. Here in New York City, we're spending \$5 million extra a week on top of everything else extra we were spending since the war and Operation Atlas.

;;;;; And then there will also be money to help our police and fire throughout the country keep doing the jobs their doing for the COPS program and the Fire program; 150 for fire and 130 for COPS.

;;;;; It's a comprehensive package. It is supported by local governments and police and fire fighters throughout. Eighty percent, by the way, of the formula money has to be distributed to the localities. The states can't keep it. And we think it will really take a burden off the now-overburdened police, fire, local governments and local taxpayers, given our post-9/11 world.

;;;;; And now I'd like to call on my colleague who's been such a leader on this issue, as on so many others --

;;;;; SEN. : (Off mike.)

;;;;; SEN. SCHUMER: Well, he's a leader too, but I'm just going to call on Senator Barbara Mikulski.

;;;;; SEN. MIKULSKI: Okay. Thank you. Thank you, Senator Schumer, and to all here.

;;;;; First of all, America's at war, and America's under attack. We need to support our troops over there, and we need to support our homeland troops here. And we need to do it not only with words, but we need to do it with deeds.

;;;;; And the best way to show our support over there is to make sure that they have the best equipment, the best support and financial support here for their families.

;;;;; The way we support the homeland troops is to make sure that they

have the best equipment, that they have the interoperability of radio and communication, so they can talk with each other, in order to protect each other. Then they need to have the best equipment, so that we can protect the protector as they protect us.

;;;;; You cannot do this on the cheap. Homeland security requires financial resources to be able to meet the need of the homeland troops, which are policemen, firefighters, emergency management people, and then the support for local public health people and their personnel.

;;;;; This is why we are offering a series of amendments to be able to put our resources where our rhetoric is, to make sure that we fund the programs while everybody else wants to have a parade. The parade begins in the supplemental. The parade is to the floor of the United State Senate when the banners that we carry will be the amendments that will make sure that we help the people who are trying to protect us.

;;;;; In my own hometown of Baltimore, every time we go to Code Orange, we have to spend \$500,000 extra a week in overtime personnel. In Anne Arundel County, a high-risk urban, where we have the National Security Agency, the United States Naval Academy, the capital of the state of Maryland, again, overtime goes up.

;;;;; Now you might say, "So what? So what is overtime?" Overtime for policemen, overtime for firemen, overtime for standing sentry, protecting our ports and our communities. Well, I'll tell you what it means. It means as we put in the money for police overtime on this, we're -- we will -- taking money out of limited local budgets. Local budgets usually can only go to property tax. We can't raise property tax, but it means that we don't fund schools. It means that we don't fund libraries. It means that we don't fund public health and public works infrastructure. If a local community only has so much to give, and it's giving it to homeland security, it means the homeland is essentially local communities, or making homeland security an unfunded federal requirement.

;;;;; Now our police and our firemen, our emergency people, our nurses, are all ready to do this, but we need to be able to support them. That's why the amendments that will come out of -- that we're going to be offering -- more money for homeland security, for policemen, firemen, emergencies -- emergency people, for port security and others, are absolutely, absolutely so crucial.

;;;;; So when we talk about the land of the home -- the land of the free and the home of the brave, we need to make sure we protect it, and the first place we protect it is in the federal budget and in this supplemental. The fight really is here today. Thank you.

;;;;; SEN. DASCHLE: Senator Clinton, who is also a prime cosponsor of this amendment.

;;;;; SEN. CLINTON: Thank you much -- very much, Senator Daschle. And I thank all of my colleagues, because this is, as my good friend, Barbara Mikulski, says, where the parade starts and stops, because if we don't provide the funding that we need for our men and women in uniform here on the homefront, we are essentially not fighting this war on the two fronts that it's being waged against us.

;;;;; And for the last 18 months, I've been meeting with mayors and fire chiefs and police commissioners and public health officials who have told me that they simply cannot do the job they're being asked to do without more help from Washington.

;;;;; Back in the fall of 2001, I introduced a bill that would provide money directly to our cities and our counties, because what I was hearing, and what all of us have heard, is that not only on overtime costs, but there was a lot of training and equipment that many of our communities just didn't have, and they were being asked to do this new task of protecting reservoirs and bridges and tunnels and airport perimeters

without any additional assistance.

;;;;; Now, asking for this money is just good common sense, and the amendment which we are going to be supporting guarantees that federal resources will get out of Washington to where they are most needed. It's not enough to shuffle the money around, we have to put more money into homeland security. Some of our colleagues in the other house and on the other side of the aisle are saying, "Well, we'll reallocate within the pie that we have." The pie is not big enough. That's why we are coming with this amendment, to provide a total of \$4.3 billion, which includes \$3 billion in direct grants to states and local communities, \$500 million of that to protect critical infrastructure; 1.045 -- one billion, forty-five million -- for high-risk areas; an additional \$155 million for the FIRE Act, and \$130 million for the COPS program. Because another problem that we've seen -- and we saw it in this budget that was just presented by the administration -- is that in order to get the homeland security money, they cut the money that we have traditionally given for the regular functions of our fire departments and our police departments, which to me is also an unacceptable trade-off.

;;;;; And I'm very pleased and grateful that the leadership has accepted an idea that I have been working on with many of you to get \$1 billion for high-threat areas. New York and New York City are spending a total of \$12.5 million a week. Every time we go to Code Orange and we have to have additional security in New York City, it's \$5 million a week. New York State, which has to work hand in hand with the city as well as protect so much of our ports and our border and our airports and others, has a \$7.5 million price tag.

;;;;; Now, the president set aside only \$50 million to cover such costs for every high-risk area in the country. You know, New York will have exhausted those resources by next week. Everybody knows New York City is still the number-one area of vulnerability for future terrorist attack. It is absolutely unbelievable to me that we are still having this debate about getting more money to the people who do the jobs.

;;;;; When 911 is called, it doesn't ring in the White House, it doesn't ring in my office, it rings in the local call center or the precinct station or the firehouse. And we're going to have to convince this administration that it is essential for them to come to the plate and work with us in a bipartisan way for additional money.

;;;;; Now, it's not just New York that's spending a lot on homeland security. Today's Washington Post addresses how these costs are causing additional financial burdens for already-strapped cities that are already in deficits. Because this is a two-front war, we're going to make sure that we do pass the wartime supplemental to give our men and women in uniform, who are fighting so courageously against very unusual and difficult odds, everything that they need, but we also have to do the same for our men and women who are our homeland defenders, our front-line soldiers here at home.

;;;;; It is essential that we get this additional funding. I'm hoping that the administration and the Republican leadership will work with us. I've never felt more strongly about anything, certainly in my time here in the Senate, that it would be tragic indeed if we force these false choices on our communities, choosing between schools, hospitals, and police and fire. It's not a choice we should have to make. And additionally, we've got to make sure that we're well defended as well here at home.

;;;;; SEN. DASCHLE: Senator Jon Corzine.

;;;;; SEN. CORZINE: Thank you, Senator Daschle.

;;;;; Let me say that this really is a false choice when we talk about homeland defense relative to the other domestic choices, is a false choice when we don't recognize that we have a (true ?) two-front war.

;;;;; And one of those areas that has gone completely off the radar screen of the federal government are our chemical security plants. And I intend to offer an amendment that reflects a chemical plant security bill that went through committee and met resistance when it came to the floor. By the way, it went through committee with a 19 to 0 vote -- 19 to zero vote. And it is a serious problem.

;;;;; And I -- just to illustrate it, on February 12th, when the Homeland Security Department raised the level to Code Orange, they sent out a memorandum to local officials saying: "Al Qaeda operatives may attempt to launch conventional attacks against U.S. nuclear, chemical and industrial infrastructure to cause contamination, disruption and terror. Based on information, nuclear power plants and industrial chemical plants remain viable targets." We've got a real deal here, and it just keeps being ignored. There are 123 plants in this country where a million or more Americans are subject to being in the wake of toxic fumes. There's another 700 where it's 100,000 people.

;;;;; Security has been shown to be lax. I could read you a specific comment by Governor Tom Ridge at a July 10th, 2002 hearing, where he clearly emphasized the deficiencies that occur with regard to the vulnerabilities of our chemical facilities across this country. We need to address this issue. It needs to be done now. And if you needed any other verification, on March 18th this year, homeland security -- by GAO -- the voluntary issues are under -- "voluntary initiatives are underway at chemical facilities, but the extent of security preparedness is unknown." It's like somebody prepared a talking memo for me to come to a press conference to read to you with regard to acknowledging a problem, a request for the administration or Congress to act, and that's what I will try to do with our amendment.

;;;;; The only thing that will be different, other than acknowledging and assessing the vulnerabilities, creating priorities and working to have oversight going forward out of the Department of Homeland Security, with the EPA as a partner in that process, is we will try to add a tax credit program to help business shoulder some of that cost.

;;;;; But this is -- (pounds fist) -- an absolute essential. It is not because of hard work and publicity that the New York Times has it written up as an editorial today.

;;;;; This is a real issue. Eleven of these plants surround the region that we live in. An explosion of one of these chemical plants, that's seven and a half million people in its potential plume site. This is not something that should be ignored on any additional basis by the American people. We understand it's a problem; it ought to be dealt with now. That's what we'll be doing. Thank you.

;;;;; SEN. DASCHLE: Tom?

;;;;; Q Senator, just a clarification. What is the total sum of your amendments to increase Homeland Security? How much would they bring this -- how much additional money are you talking about?

;;;;; SEN. DASCHLE: How much is it, Ranit?

;;;;; STAFF: Five point eight.

;;;;; SEN. DASCHLE: Five point eight.

;;;;; Q Five point eight. And at this point, what type of -- you need at least a couple of Republican votes to get this. Do you see any at this point?

;;;;; SEN. DASCHLE: You know, I -- I do. I'd have to believe that once you hear the compelling arguments you've just heard that a number of Republicans who share the same concerns, who have publicly expressed them and who have certainly gone to the floor to articulately address many of



these same issues, will join us in these amendments.

;;;;; As I said in my opening comment, these are not partisan issues. These should not be partisan in any way. And we welcome the support and hopefully the involvement of our colleagues on the Republican side as these amendments are brought up.

;;;;; Q Senators Schumer and Clinton, over one billion dollars, in your amendment, would go to high risk areas. How much of that will be allocated for New York City and New York State?

;;;;; SEN. SCHUMER: There are standards in the amendment that talk about high threat, how much money has been allocated already. And it will be on an application basis to the Homeland Security Department. I've already talked, as I know Mayor Bloomberg has, and I know Congressmen Walsh and Sweeney have as well, to the city of New York. And I've talked to Tom Ridge. And he thinks that New York City and New York State will do very well under this formula. But because it's a formula basis we couldn't say how much will go. But it will be a good share.

;;;;; Q So it's a formula for both the high risk and first responder --

;;;;; SEN. SCHUMER: There's -- the formula for the first responders, yes. The high risk is separate. The one billion is separate. That's on a grant basis. There is no set amount per state. The 2.5 billion of the 3 billion that is not high risk and not cops and fire is done on a formula basis. A certain amount goes to each state, and then it's per capita.

;;;;; SEN. CLINTON: Right.

;;;;; Q If I could follow up on that. Maybe this is a nit-picking question. But could any jurisdiction apply for that high need money?

;;;;; SEN. CLINTON: Yes. Yeah. We've got -- we're talking about the first responders as opposed to what Senator Corzine was talking about, which was a specific program.

;;;;; The formula for 2-1/2 billion out of the 3 billion that will go to direct responders is population-based. That is a strict formula. The 5-1/2 million that brings us to the total of 3 billion has other factors that will be taken into account.

;;;;; Now in the -- this is complicated, but this is the way the government works -- in the 2-1/2 billion, the -- 80 percent goes directly to cities, to counties on this formula population-driven basis. The states get 20 percent. So certainly the states are going to be looking out for areas that are not receiving the direct funding through the pass-through from the federal government and are going to be looking within the state to make some tough decisions.

;;;;; The 500 million is going to be based on a discretionary formula that really looks at high-threat areas. You know, what are the places that have the -- you know, the biggest potential vulnerabilities? And there are many.

;;;;; Then the 1 billion, 45 million fund is a discretionary fund that will be totally up to the Department of Homeland Security, because part of what we're trying to do is to get the Department of Homeland Security to get more money in its pot. The president only gave them \$50 million. We're trying to get more money, because that \$50 million wouldn't go far at all.

;;;;; There's one additional factor that I think is especially important, because this is something I tried to get through the committee, when it passed out my version of this block grant I couldn't get, and that was that the money can go for overtime costs and personnel costs. There was a lot of resistance to that. But as we have seen, that's where the bulk of the money at the local community level is going. You know, when you go to Code Orange, you've got 12-hour shifts on, 12-hour shifts off. So that's

another big breakthrough that I'm very happy about.

;;;;; SEN. DASCHLE: I misspoke on the amount. The total amount is \$4.8 billion, not 5. --

;;;;; SEN. SCHUMER: Or more.

;;;;; Q (Off mike.)

;;;;; SEN. DASCHLE: No, no, total amount of additional. So --

;;;;; SEN. CLINTON: Above the 2 billion --

;;;;; SEN. SCHUMER: The total's 9 billion.

;;;;; SEN. DASCHLE: The total amount of this would be 9 billion.

;;;;; Q You're proposing in an amendment 4.8 --

;;;;; SEN. DASCHLE: That's correct.

;;;;; SEN. CLINTON: That adds on to the president's.

;;;;; Q President's total is now --

;;;;; SEN. CLINTON: Right.

;;;;; SEN. DASCHLE: The president's is 4.2, and ours is 4.8 in addition to.

;;;;; Q More than double.

;;;;; SEN. DASCHLE: Well, and which, not totally uncoincidentally, is the amount that is dedicated in the supplemental in assistance for countries abroad. Many of us strongly support that assistance. But it's -- certainly if we are going to provide that level of assistance in the needed ways which are represented in this budget, we believe as well that that kind of assistance ought to be directed towards the needs here at home. So there is a symmetry, in addition to a need, that we think is more than just symbolic.

;;;;; Jonathan?

;;;;; Q Senator Daschle, are you going to support the effort to add money to the supplemental for the airlines as well?

;;;;; And are you concerned that with that going along, \$2 (billion), maybe \$3 billion; another 4.8 (billion dollars) coming from you on homeland security; the possibility that this war may go on longer than originally anticipated, it could cost more money than the amount allocated to the military in the supplemental -- you've been concerned about the deficit; aren't you concerned that this is all adding up to too much money?

;;;;; SEN. DASCHLE: (Laughs.) Well, the way to deal with it, of course, is to have addressed the tax cut last week in even a more consequential way than we did. The \$1.6 trillion the House is still advocating for a tax cut is the source of the problem. Obviously we're concerned about the costs here. As I understand it, our Republican colleagues will be adding some assistance for airlines and we will have an amendment to that which directs aid to workers, as well, extending their unemployment benefits beyond that which they are entitled to now. But yes, there is a significant cost question here that has to be of concern to all of us. But in a magnitude of scale, this is minor compared to the extraordinary costs involved with the tax cut Republicans are still pressing.

;;;;; Q Senator Daschle, this is to clarify the airline question. So, you're talking about additional money to what the Republicans are talking

about for the airlines for the unemployment?

;;;;; SEN. DASCHLE: Well, the only additional will be the unemployment compensation for airline workers. Senator Murray is offering that amendment. I don't know how much additional amount that is.

;;;;; Q Will there be anything else that you guys are talking about --

;;;;; SEN. DASCHLE: Not that I know -- not that I'm aware. We've listed the amendments that you have available to you today.

;;;;; Q Senator Daschle, what do you think about the Republican proposal to add to the airline package a cap on executive compensation for companies that benefit under this new tranche of money?

;;;;; SEN. DASCHLE: I haven't looked at -- I want to see it in writing. I haven't seen it yet, so before I can comment on it, I'd like to see it more specifically.

;;;;; Helen?

;;;;; Q I'm sorry -- is it headed in the right direction, though, given previous concerns about the airlines --

;;;;; SEN. DASCHLE: Well, I think we want to provide some balance here. I don't know -- as I say, this may not be the right vehicle, it may not be the right language. I want to take a look at it before I comment. But certainly, we want to make sure that there is a recognition of the need for balance here.

;;;;; Helen?

;;;;; Q Are you concerned about regional pressures here and particularly the small states that have benefited under the present formula and whether they would get proportionally as much here? And have you done any missionary work on that -- (laughs) --

;;;;; SEN. DASCHLE: I think our colleagues have done an admirable job in recognizing the nationwide nature of these issues, recognizing that we may have somewhat different needs in South Dakota than they have in New York, that there are areas that have higher vulnerability and we have to address those. I don't feel as vulnerable when I'm in South Dakota, frankly. But that doesn't mean we don't have significant issues and concerns that have to be addressed even in rural states like mine. So this package of amendments attempts to address that need for balance and that need for geographical sensitivity.

;;;;; Nick?

;;;;; Q Yeah, I'm not sure you answered Jonathan's first question. Are you going to support the Republican effort to add money to the airline industry?

;;;;; SEN. DASCHLE: It's already in the bill. I mean, somebody would have to offer an amendment to take it out. So it will be in the bill.

;;;;; Q You will not seek to strip that out?

;;;;; SEN. DASCHLE: No.

;;;;; Q And a second question following on what Helen just asked. I write for the L.A. Times and I'm sure Los Angeles is very interested in all this first responder money and California's very interested in it.

;;;;; SEN. CLINTON: Right.

;;;;; Q And you mentioned New York and Washington, but is Los Angeles going to be considered a high need area, as well?

---

**From:** Bumatay, Patrick J.  
**To:** <Francisco, Noel J.>;<Leitch, David G.>;<Kavanaugh, Brett M.>  
**CC:** <Montiel, Charlotte L.>;<Nelson, Carolyn>  
**Sent:** 4/1/2003 12:57:48 PM  
**Subject:** Michigan case transcripts

Ashley Snee is wondering if anyone is working on getting a transcript of today's hearing. If so, she would like it before Ari's briefing at 2 pm.

Please let me know.

Thanks,  
Patrick

---

**From:** Bumatay, Patrick J.  
**To:** <Francisco, Noel J.>  
**CC:** <Leitch, David G.>;<Kavanaugh, Brett M.>;<Montiel, Charlotte L.>;<Nelson, Carolyn>  
**Sent:** 4/1/2003 1:10:12 PM  
**Subject:** RE: Michigan case transcripts

Okay, I let Ashley know. I'll ask Rachel if transcripts are being made at the Supreme Court.

-----Original Message-----

**From:** Francisco, Noel J.  
**Sent:** Tuesday, April 01, 2003 1:03 PM  
**To:** Bumatay, Patrick J.  
**Cc:** Leitch, David G.; Kavanaugh, Brett M.; Montiel, Charlotte L.; Nelson, Carolyn  
**Subject:** Re: Michigan case transcripts

I don't think it's possible that a transcript will be ready that soon. Patrick, please confirm. Thanks.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 04/01/2003 12:57:48 PM  
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP, David G. Leitch/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Charlotte L. Montiel/WHO/EOP@Exchange, Carolyn Nelson/WHO/EOP@Exchange  
Subject: Michigan case transcripts

Ashley Snee is wondering if anyone is working on getting a transcript of today's hearing. If so, she would like it before Ari's briefing at 2 pm.

Please let me know.

Thanks,  
Patrick

REV\_00113438

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/1/2003 2:49:39 PM  
**Subject:**

The Bartlett, Hobbs, Leitch meeting has been moved to 9:45 tomorrow morning.

---

**From:** Montiel, Charlotte L.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/1/2003 4:07:48 PM  
**Subject:** phone message

Jeff Toobin called for you. He's a reporter so I transfered him to Press

PRA 6

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Brosnahan, Jennifer R.>; <Newstead, Jennifer G.>; <Bartolomucci, H. Christopher>; <Sampson, Kyle>; <Francisco, Noel J.>; <Powell, Benjamin A.>; <Ulliot, Theodore W.>  
**Sent:** 4/1/2003 4:16:53 PM  
**Subject:** Tymkovich confirmed 58-41



---

**From:** McClellan, Scott  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/1/2003 5:05:04 PM  
**Subject:** pardons ruling

Brett -- I need to talk to you about Judge Kessler's ruling on the Judicial Watch case seeking access to Clinton pardon records. Please call me at your earliest convenience.

456-1985

---

**From:** Greenstone, Adam F.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/1/2003 5:25:16 PM  
**Subject:** FW: Mail Question

Fyi, regarding my last.

-----Original Message-----  
From: Hill, Bartholomew G.  
Sent: Tuesday, April 01, 2003 5:06 PM  
To: Greenstone, AdamF.  
Subject: FW: Mail Question

Information below.

-----Original Message-----  
From: Beverly, Jennifer L.  
Sent: Tuesday, April 01, 2003 5:04 PM  
To: Hill, Bartholomew G.  
Subject: Re: Mail Question

Rex Cowdry wants to take his email with him. I believe that it is a similar job just with OPD/NEC rather than with CEA. Thanks, Jennifer

-----Original Message-----  
From: Hill, Bartholomew G.  
To: Beverly, Jennifer L.  
Sent: Tue Apr 01 16:58:58 2003  
Subject: FW: Mail Question

Jennifer,

Can you please remind me of the name of the person from CEA who has gone to WHO and wants to take their mail with them? I cannot find the name. Thanks, Bart

-----Original Message-----  
From: Greenstone, Adam F.  
Sent: Tuesday, April 01, 2003 4:31 PM  
To: Hill, Bartholomew G.  
Subject: FW: Mail Question

Bart--What's the person's name?

-----Original Message-----  
From: Hill, Bartholomew G.  
Sent: Tuesday, March 25, 2003 9:33 AM  
To: Greenstone, AdamF.  
Subject: Mail Question

Adam,

We have a person who is moving from CEA to WHO and wants to take their mail with them. CEA does not have a General Counsel. Do one of the other Counsels act for them? Can we let this person take their mail to WHO? CEA Chief of Staff acts as CEA's ethics officer. Would that person be able to make the determination? Thanks, Bart

REV\_00113450

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/1/2003 1:32:40 PM  
**Subject:** : White House Global Messenger - 04/02/03  
**Attachments:** P\_R3K8F003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 1-APR-2003 18:32:40.00  
SUBJECT:: White House Global Messenger - 04/02/03  
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(See attached file: GM 4-2-03 FINAL.doc)

THE GLOBAL MESSENGER  
Tuesday, April 2, 2003

\*\*\*\*\*KEY POINTS FROM THE PRESIDENT'S REMARKS IN PHILADELPHIA,  
3-31-03\*\*\*\*\*

\*It has been 13 days since the major ground war began. In this short time, Coalition forces have taken control of most of western and southern Iraq, seized key bridges, opened a northern front, achieved complete air superiority, and we are delivering tons of humanitarian aid.

\*By quick and decisive action, our troops are preventing Saddam Hussein from destroying the Iraqi people's oil fields. Our forces moved into Iraqi missile launch areas that threatened neighboring countries. Many dangers lie ahead, but day by day, we are moving closer to Baghdad and closer to victory.

\*Our victory will mean the end of a tyrant who rules by fear and torture and will remove a sponsor of terror, armed with weapons of terror. Our victory will uphold the just demands of the United Nations and the civilized world. And when victory comes, it will be shared by the long-suffering people of Iraq, who deserve freedom and dignity.

\*The Iraqi regime has ruled with fear as a tool of domination to the end. Many Iraqis have been ordered to fight or die by Saddam's death squads. Others are pressed into service by threats against their children. Civilians attempting to flee to liberated areas have been shot from behind by Saddam's thugs.

\*Our enemies are desperate and dangerous. The dying regime in Iraq and other parts of the global terror network may try to bring terror to American shores. The United States and allied troops are shattering the al Qaeda network, meeting threats and acting to prevent dangers.

\*The people of Iraq have lived in this nightmare world for more than two decades. Fear and distrust run deep.

\*We give this pledge to the citizens of Iraq: We're coming with a mighty force to end the reign of your oppressors. We are coming to bring you food and medicine and a better life, and we will not relent until your country is free.

REV\_00113451

\*\*\*\*\*NEW PERSPECTIVES\*\*\*\*\*

Reflections of individuals who traveled to Iraq to act as human shields

"I was shocked when I first met a pro-war Iraqi in Baghdad - a taxi driver taking me back to my hotel late at night. I explained that I was American and said, as we shields always did, 'Bush bad, war bad, Iraq good.' He looked at me with an expression of incredulity. As he realized I was serious, he slowed down and started to speak in broken English about the evils of Saddam's regime. Until then I had only heard the President spoken of with respect, but now this guy was telling me how all of Iraq's oil money went into Saddam's pocket and that if you opposed him politically he would kill your whole family."

Daniel Pepper, traveled to Iraq as a human shield, op-ed in The Sunday Telegraph

(UK), 3-23-03

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Standard. Subject to Change

7:00 am CENTCOM Operations Update

1:00 pm State Department Briefing

2:30 pm White House Briefing

TBD Defense Department Briefing

\*\*\*\*\*Operation Iraqi Freedom: Force and Progress\*\*\*\*\*

Source: Department of Defense

\*There are approximately 300,000 Coalition troops in Gulf Region: more than one-third inside Iraq.

\*Roughly 2,000 additional troops advance into Iraq every day.

\*Coalition aircraft are flying more than 1,000 sorties per day.

\*There are 12 humanitarian distribution centers open in southern Iraq. In addition, the Coalition:

\*Holds 4,500 Iraqi prisoners.

\*Has near total air dominance and controls Iraq's only port.

\*Has secured 600 oil wells for the Iraqi people.

\*Maintains and defends a robust, uninterrupted logistics & supply line stretching 250 miles through Iraq to units on the front lines.

THE WHITE HOUSE

Office of Global Communications

For more information log on to <http://www.whitehouse.gov/ogc>

\*\*\*\*\*

You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.

- GM 4-2-03 FINAL.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_R3K8F003\_WHO.TXT\_1>



# THE GLOBAL MESSENGER

Wednesday, April 2, 2003



## **TODAY'S SCHEDULE**

*All Times Eastern Standard. Subject to Change*

7:00 am	CENTCOM Operations Update
1:00 pm	State Department Briefing
2:30 pm	White House Briefing
TBD	Defense Department Briefing

## **NEW PERSPECTIVES**

*Reflections of individuals who traveled to Iraq to act as human shields*

"I was shocked when I first met a pro-war Iraqi in Baghdad - a taxi driver taking me back to my hotel late at night. I explained that I was American and said, as we shields always did, 'Bush bad, war bad, Iraq good.' He looked at me with an expression of incredulity. As he realized I was serious, he slowed down and started to speak in broken English about the evils of Saddam's regime. Until then I had only heard the President spoken of with respect, but now this guy was telling me how all of Iraq's oil money went into Saddam's pocket and that if you opposed him politically he would kill your whole family."

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- Coalition aircraft are flying more than 1,000 sorties per day.
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## **KEY POINTS FROM THE PRESIDENT'S REMARKS IN PHILADELPHIA, 3-31-03**

- It has been 13 days since the major ground war began. In this short time, Coalition forces have taken control of most of western and southern Iraq, seized key bridges, opened a northern front, achieved complete air superiority, and we are delivering tons of humanitarian aid.
- By quick and decisive action, our troops are preventing Saddam Hussein from destroying the Iraqi people's oil fields. Our forces moved into Iraqi missile launch areas that threatened neighboring countries. Many dangers lie ahead, but day by day, we are moving closer to Baghdad and closer to victory.
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- The Iraqi regime has ruled with fear as a tool of domination to the end. Many Iraqis have been ordered to fight or die by Saddam's death squads. Others are pressed into service by threats against their children. Civilians attempting to flee to liberated areas have been shot from behind by Saddam's thugs.
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**THE WHITE HOUSE**  
**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00113454

---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/1/2003 5:53:07 PM  
**Subject:**

Reminder to send me the info on diversity of judges. Thanks.

---

**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>  
**Sent:** 4/1/2003 5:59:13 PM  
**Subject:** Re:

36 circuit nominees

15 non-traditional (42%)

9 women (25%)

3 African-American (8%)

3 Hispanic (8%)

From: David G. Leitch/WHO/EOP@Exchange on 04/01/2003 05:53:07 PM

Record Type: Record

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

cc:

Subject:

Reminder to send me the info on diversity of judges. Thanks.



---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>; Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>  
**Sent:** 4/2/2003 3:28:05 AM  
**Subject:** : ARG article on affirmative action

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 2-APR-2003 08:28:05.00  
SUBJECT:: ARG article on affirmative action  
TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

From Washington & Lee  
;  
;  
Copyright 2003 Richmond Newspapers, Inc. ;  
Richmond Times Dispatch (Virginia)

April 1, 2003 Tuesday City Edition

SECTION: AREA/STATE; Pg. B-2

LENGTH: 346 words

HEADLINE: RACE-NEUTRAL ADMISSIONS;  
BUSH AIDE URGES SEEKING DIVERSITY WITHOUT QUOTAS

BYLINE: Calvin R. Trice, Times-Dispatch Staff Writer, \* Contact Calvin R. Trice at (540) 574-9977 or ctrice@timesdispatch.com,

DATELINE: LEXINGTON

BODY:  
Colleges and universities should try to maintain diverse student bodies with race-neutral admissions, President Bush's counsel said yesterday.

On the eve of the U.S. Supreme Court taking up the controversial affirmative-action cases out of the University of Michigan, Alberto R. Gonzales addressed the topic at Washington and Lee University's School of Law.

Gonzales said Bush believes in diversity in admissions and hiring, but that institutions should use race-neutral methods first.

"It allows the court to avoid the difficult and divisive question of whether race can ever be a factor in university admissions," he said.

He cited as race-neutral models the admissions policies of Texas, Florida and California.

Gonzales gave the lecture for the Washington and Lee law school's first Powell Lecture, created to bring pre-eminent legal scholars to the school

for a public address.

The entirely student-run lecture program is named in honor of Lewis F. Powell Jr., a Washington and Lee alumnus who served as a Supreme Court justice for 15 years.

Powell graduated from Washington and Lee's undergraduate college in 1929 and its law school in 1931. Appointed to the Supreme Court in 1972, he rendered opinions in key cases involving abortion, the death penalty and affirmative action.

One of the key cases in Powell's career marked the last time affirmative action came before the high court. While the court ruled 5-4 against racial quotas in the case of California medical-school candidate Allan Bakke, Powell wrote an opinion saying that admissions policies could take race into consideration - endorsing a form of affirmative action.

Before working in the White House, Gonzales served as a justice of the Texas Supreme Court and as Texas' secretary of state under then-Gov. George W. Bush.

As a personal adviser to Bush on legal matters, Gonzales works with lawyers in the Department of Justice, the CIA and the State Department, among others.

His name has also been mentioned in connection with possible future U.S. Supreme Court vacancies.

GRAPHIC: PHOTO

**From:** CN=Kimberley S. Luczynski/OU=OMB/O=EOP [ OMB ]  
**To:** Adam F. Greenstone/OA/EOP@Exchange [ OA ] <Adam F. Greenstone>  
**CC:** brett m. kavanaugh/who/eop@eop [ WHO ] <brett m. kavanaugh>; faisal m. gill/who/eop@eop [ WHO ] <faisal m. gill>; edward mcNally/who/eop@eop [ WHO ] <edward mcNally>  
**Sent:** 4/2/2003 6:08:40 AM  
**Subject:** : Re: FW: Steve Cooper

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kimberley S. Luczynski ( CN=Kimberley S. Luczynski/OU=OMB/O=EOP [ OMB ] )  
CREATION DATE/TIME: 2-APR-2003 11:08:40.00  
SUBJECT:: Re: FW: Steve Cooper  
TO: Adam F. Greenstone ( CN=Adam F. Greenstone/OU=OA/O=EOP@Exchange [ OA ] )  
READ: UNKNOWN  
CC: brett m. kavanaugh ( CN=brett m. kavanaugh/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
CC: faisal m. gill ( CN=faisal m. gill/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
CC: edward mcNally ( CN=edward mcNally/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Just a thought, but since the records he's asking to copy are on a WHO computer (and presumably, the computer contains additional records from his time as a WHO employee -- i.e., prior to working at TPO), then doesn't he need to follow the procedures outlined in the WHO memo?

I don't have a copy of the WHO memo handy, but here's an excerpt from Phil's memo to TPO employees that touches on this subject:

White House Documents (applies to all TPO employees):  
When TPO was created, the White House Counsel's Office made special arrangements for handling documents from "White House" entities that were temporarily provided to TPO personnel (OMB is not a "White House" entity under relevant law).; Those arrangements (addressed in depth in earlier memoranda from the White House Counsel's Office) applied generally to emails and other documents from OHS and other White House entities.; Those materials should already have blue cover sheets and/or bear the legend "White House-controlled Material/Protected from Disclosure."  
Please return all such materials to the White House entity from which they originated by routing them through Ken Hill, Executive Secretary for TPO. You should not take copies of any materials from White House entities with you, unless you receive clearance to do so by Ed McNally, OHS General Counsel.;  
If you have any questions regarding the treatment of materials from White House entities, please contact Ed McNally at 6-1700.

From: Adam F. Greenstone/OA/EOP@Exchange on 04/02/2003 10:14:07 AM  
Record Type: Record

To: Edward McNally/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Faisal M. Gill/WHO/EOP@EOP, Kimberley S. Luczynski/OMB/EOP@EOP  
Subject: FW: Steve Cooper

Please advise.;  
-----Original Message-----  
From: Hill, Bartholomew G.

REV\_00113463

Sent: Wednesday, April 02, 2003 9:28 AM  
To: Greenstone, Adam F.  
Subject: Steve Cooper

Jennifer Beverly (our government customer support rep at 1800 G St) says that Steve Cooper is refusing to relinquish possession of his WHO (OHS); PC. He wants a CD of the data burned first. When he requested the CD originally, they went to his TPO computer, but there was no data on it. It seems he was using his WHO computer for his TPO work. So now he;has stated he will not give us back the WHO PC until he gets a CD burned of the data on the hard drive of the WHO computer. Jennifer has emailed Faisal since it is way past the agreed upon date, but has not heard back yet. Evidently, Cooper is putting on a lot of pressure on this issue, and Jennifer says he is getting nasty about it.;We are trying to verify whether he still has a WHO laptop. Does this need WHO and OHS (HSC) counsel concurrence? Just need some guidance. Thanks. Bart

**From:** CN=Kimberley S. Luczynski/OU=OMB/O=EOP [ OMB ]  
**To:** Adam F. Greenstone/OA/EOP@Exchange [ OA ] <Adam F. Greenstone>  
**CC:** brett m. kavanaugh/who/eop@eop [ WHO ] <brett m. kavanaugh>; faisal m. gill/who/eop@eop [ WHO ] <faisal m. gill>; edward mcNally/who/eop@eop [ WHO ] <edward mcNally>  
**Sent:** 4/2/2003 6:08:40 AM  
**Subject:** : Re: FW: Steve Cooper

##### Begin Original ARMS Header #####  
RECORD TYPE: FEDERAL (NOTES MAIL)  
CREATOR: Kimberley S. Luczynski ( CN=Kimberley S. Luczynski/OU=OMB/O=EOP [ OMB ] )  
CREATION DATE/TIME: 2-APR-2003 11:08:40.00  
SUBJECT:: Re: FW: Steve Cooper  
TO: Adam F. Greenstone ( CN=Adam F. Greenstone/OU=OA/O=EOP@Exchange [ OA ] )  
READ: UNKNOWN  
CC: brett m. kavanaugh ( CN=brett m. kavanaugh/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
CC: faisal m. gill ( CN=faisal m. gill/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
CC: edward mcNally ( CN=edward mcNally/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Just a thought, but since the records he's asking to copy are on a WHO computer (and presumably, the computer contains additional records from his time as a WHO employee -- i.e., prior to working at TPO), then doesn't he need to follow the procedures outlined in the WHO memo?

I don't have a copy of the WHO memo handy, but here's an excerpt from Phil's memo to TPO employees that touches on this subject:

White House Documents (applies to all TPO employees):  
When TPO was created, the White House Counsel's Office made special arrangements for handling documents from "White House" entities that were temporarily provided to TPO personnel (OMB is not a "White House" entity under relevant law).; Those arrangements (addressed in depth in earlier memoranda from the White House Counsel's Office) applied generally to emails and other documents from OHS and other White House entities.; Those materials should already have blue cover sheets and/or bear the legend "White House-controlled Material/Protected from Disclosure."  
Please return all such materials to the White House entity from which they originated by routing them through Ken Hill, Executive Secretary for TPO. You should not take copies of any materials from White House entities with you, unless you receive clearance to do so by Ed McNally, OHS General Counsel.;  
If you have any questions regarding the treatment of materials from White House entities, please contact Ed McNally at 6-1700.

From: Adam F. Greenstone/OA/EOP@Exchange on 04/02/2003 10:14:07 AM  
Record Type: Record

To: Edward McNally/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Faisal M. Gill/WHO/EOP@EOP, Kimberley S. Luczynski/OMB/EOP@EOP  
Subject: FW: Steve Cooper

Please advise.;  
-----Original Message-----  
From: Hill, Bartholomew G.

REV\_00113465

Sent: Wednesday, April 02, 2003 9:28 AM  
To: Greenstone, Adam F.  
Subject: Steve Cooper

Jennifer Beverly (our government customer support rep at 1800 G St) says that Steve Cooper is refusing to relinquish possession of his WHO (OHS); PC. He wants a CD of the data burned first. When he requested the CD originally, they went to his TPO computer, but there was no data on it. It seems he was using his WHO computer for his TPO work. So now he;has stated he will not give us back the WHO PC until he gets a CD burned of the data on the hard drive of the WHO computer. Jennifer has emailed Faisal since it is way past the agreed upon date, but has not heard back yet. Evidently, Cooper is putting on a lot of pressure on this issue, and Jennifer says he is getting nasty about it.;We are trying to verify whether he still has a WHO laptop. Does this need WHO and OHS (HSC) counsel concurrence? Just need some guidance. Thanks. Bart

---

**From:** Kirk Blalock <kblalock@fierce-isakowitz.com>  
**To:** <Schacht, Diana L.>;<Warsh, Kevin>;<Silverberg, Kristen>;<Kavanaugh, Brett M.>  
**Sent:** 4/2/2003 8:02:00 AM  
**Subject:** Congress Daily on Hatch Court

#### JUDICIARY

Hatch Drafting New Asbestos Litigation Reform Legislation

Aides to Senate Judiciary Chairman Hatch were drafting and vetting new concepts for asbestos litigation reform legislation Tuesday, the rough outlines of which Hatch sketched at a private meeting last week with insurance and other business executives.

Industry lobbyists were chewing over Hatch's proposals Tuesday at various meetings and conference calls around town, as they and other stakeholders were poised to meet privately with senators that evening to continue the legislative conversation.

That meeting was organized by Sen. Christopher Dodd, D-Conn., and included a larger circle of interested players from the insurance industry, from defendant companies and also from labor, the trial bar and from the broader legal community.

Hatch and Senate Democrats publicly and privately have emphasized the importance of keeping the legislation bipartisan, and sources asserted that Dodd, Hatch, Senate Judiciary ranking member Patrick Leahy, D-Vt., and Sen. Mike DeWine, R-Ohio, already are working closely together.

Sources said that the Dodd "summit," as it was billed, included some heated exchanges, including one between representatives for the American Bar Association and the Association of Trial Lawyers of America, but that it ended on a positive note.

Aspects of the Hatch proposal were alluded to, but not directly discussed during the meeting, several attendees said. One source described the tenor of the entire discussion as more "philosophical" than legislative in nature.

Many sources agreed that the summit had been somewhat overtaken by events -- namely Hatch's meeting last week in which he established a new set of parameters for legislation, which his aides have since been "furiously" trying to flesh out, one source said.

Still, participants welcomed yet another opportunity at Tuesday's forum to "open up" the process, another source added.

Reform proponents were even more heartened to see the bipartisan nature of the meeting, which in addition to Dodd, included Hatch, Leahy and Sens. Thomas Carper, D-Del., DeWine and Patty Murray, D-Wash.

Murray made a pitch for a litigation reform bill to include legislation she authored last year banning the use of asbestos-containing products.

Attendees said each of the senators and most summit participants agreed that the current asbestos litigation system is in need of repair and that a legislative solution is required this year -- before the Senate's agenda gives way to the political vagaries of the 2004 election cycle.

The new legislative direction being tested by Hatch encompasses elements of proposals earlier suggested by others, but is meant to provide a way through the stalemate that had hindered consensus.

According to several sources, the cornerstone of Hatch's plan is the creation of a "specialized court" of federal claims, or a federally established resolution body for dealing with asbestos

claims, which in turn could include an administrative component, such as a trust fund.

Sources said Hatch envisions two "blue-ribbon" commissions, one for defendant companies and one for their insurers, being created to determine annual allocations among the various contributors to a fund that would be used to compensate victims.

Hatch's plan also calls for limited judicial review of the funding allocation and claimant compensation as determined by that expert body, sources familiar with the plan said.

Hatch apparently also agrees that some sort of medical criteria would need to be applied to deter frivolous claims and to ensure that the sickest of victims can quickly and easily get compensation; however, sources said the specifics of that criteria remained up in the air.

Sources said Hatch also is adamant that companies that have been targeted in the past "aren't required to pay twice" and that insurers pay in an "equitable" manner. Contributions would be flexible, based on funding needs and also would be subject to an annual cap, sources said.

A Hatch spokeswoman was not available at presstime Tuesday evening to confirm these points.

Hatch is soliciting interest group input during this exploratory portion of the legislative process, which sources said is a precursor to more formal drafting efforts Hatch has indicated would take place in earnest over the April recess.

Hatch, who has repeatedly challenged the interested parties to put aside their preconceived notions and disputes over what the legislation ought to look like, is aiming for a May markup.

Said Julie Rochman of the American Insurance Association as she left Tuesday's packed meeting: "The Hill owns this process now, they're driving it. And everybody downtown should be doing everything they can to respond to that." By Pamela Barnett



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**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/2/2003 4:44:10 AM  
**Subject:** : TRANSCRIPT - Secretary Powell Press Conference with Turkish Foreign Minister Abdullah Gul  
04/02/03

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 2-APR-2003 09:44:10.00  
SUBJECT:: TRANSCRIPT - Secretary Powell Press Conference with Turkish Foreign Minister  
Abdullah Gul 04/02/03  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

JOINT PRESS CONFERENCE BY TURKISH FOREIGN MINISTER ABDULLAH GUL AND  
SECRETARY OF STATE COLIN POWELL FOLLOWING THEIR MEETING

ANKARA, TURKEY  
6:45 A.M. EST, WEDNESDAY, APRIL 2, 2003

;

FOREIGN MINISTER ABDULLAH GUL: (Through Translator) We are very pleased to host Secretary Powell -- (inaudible) -- but we are very pleased to see him in Turkey as the Turkish government and also the Turkish people. The visit of Secretary Powell has been very timely in answering those criticisms about the -- (inaudible) -- of the Turkish-American relations. I would like to state that the Turkish- American relations are based on very strong foundations, they are deeply rooted, and they are based on half a century of friendship. And our friendship with the United States have also been mentioned in our consecutive government programs.

;;;;; (Inaudible) -- up to the situation in Afghanistan. Currently we have a war in the region, which could not be prevented, unfortunately, and we hope that this war in Iraq does not last long, and it ends, it results with minimal casualties for all sides.

;;;;; (Inaudible) -- coalition efforts. And the cooperation that has been conducted with the United States is within the framework of the Turkish constitutions and undertaken upon the decisions of the governments. You know -- you all know about the decision to allow over-flights for coalition airplanes over Turkey, and the cooperation within these frameworks will continue with the United States.

;;;;; (Inaudible) -- the cooperation between Turkey and the United States will continue. The cooperation, the means for further cooperation with the United States have been discussed in today's talks, and foremost the issue of humanitarian assistance was taken up, and other means of cooperation were also looked into. And the cooperation in northern Iraq was also taken up.

;;;;; This cooperation between the United States and Turkey will continue -- (inaudible) -- of Iraq as well. And new doors will open for us in the future. The model nature of Turkey with its democracy, its free-market economy, is a model for all in the region, and this reciprocal assistance will continue.

;;;;; (Inaudible) -- of Secretary Powell has strengthened our relations, and it has increased the opportunities for future cooperation between both nations. And I would like to state that this visit has -- (inaudible) -- issues with regards to the relations between both countries.

;;;;; SECRETARY OF STATE COLIN POWELL: Thank you very much, Mr. Minister.

It's a great pleasure to be back in Turkey. And I have found that our conversations have been very fruitful, the conversations that you and I have had as well as my conversations with the president and the prime minister, and I look forward to my conversations later this afternoon with the general staff.

;;;;; Will you be translating or not? Do you need translation?

;;;;; FOR. MIN. GUL: Well, no the translator -- (inaudible) --

;;;;; SEC. POWELL: Okay. Let me reaffirm what the minister said. The U.S.-Turkish relationship is a strong one. It has endured for over 50 years, and we have been with each other and for each other in war and peace over that 50-year period. We especially treasure our relationship within the NATO alliance.

;;;;; Turkey is an important member of the coalition that is now aligned against the regime of Saddam Hussein. We were all disappointed, both the United States and the Turkish government, when we were unable to obtain the approval of the Turkish parliament on the first of March for the large package that we wanted to move through Turkey, but as a result of flexible planning a great deal of skill on the part of our commanders, we have been able to work around that, and we are now deeply appreciative of the over-flight clearances that have been provided by the parliament and the Turkish government.

;;;;; The minister and I discussed other areas of cooperation, other needs we have now to sustain the forces, coalition forces that are operating in northern Iraq, and we have solved all of the outstanding issues with respect to providing supplies through Turkey to those units that are doing such a wonderful job in northern Iraq to keep the situation in northern Iraq stable.

;;;;; As the minister noted, we also agreed on means by which we can expedite the provision of humanitarian aid into northern Iraq and construction aid into northern Iraq as the beginning of what I hope will be a very productive relationship between Turkey and Iraq as Iraq, after the conflict, goes about the process of rebuilding its society, rebuilding its country under new leadership, under a new government committed to democracy and protecting all of the people of Iraq. Turkey will have an important role to play in this reconstruction effort, not only helping with direct reconstruction help, but also by the example that Turkey will provide to Iraq of a democracy -- a Muslim democracy living in peace with its friends and neighbors, and hopefully that is the kind of Iraq we will be creating.

;;;;; We also had a chance to discuss at some length concerns that Turkey has with respect to the situation in northern Iraq. As we all know, Turkey has been concerned about a potential rush of refugees toward the border, as well as terrorist attacks that might be directed toward Turkey, or an extension of control out of the Kurdish areas towards the south. In each one of these situations, I think we have been able to demonstrate to our Turkish friends that we are monitoring the situation closely, we have it under control, and therefore at the moment there is no need for any movement of Turkish forces across the border. We have agreed today that we will rapidly form a coordination committee so that we monitor this closely, and we will also develop ways in the next several days to ensure that we understand how we would respond to a problem that might arise in northern Iraq that might affect Turkish interests. All of this I think is in the spirit of cooperation, and it shows how Turkey is working so closely with the coalition.

;;;;; I gave the minister and the president and prime minister an update on the campaign, Operation Iraqi Freedom. It is progressing well. It is a campaign that is being conducted with great skill and determination by coalition military forces. With each passing day, the Iraqi military becomes weaker and coalition forces become stronger, and it is just a matter of time before this conflict is brought to a successful end and we

can get on to the business of helping the Iraqi people build a better country, a better society, under democratic rule, creation a nation that will live in peace with its neighbors, that will use the wealth of Iraq, its oil, to benefit its people and not to develop weapons of mass destruction.

;;;;; We also discussed other aspects of our bilateral relations. We talked about the request that the president has put into the supplemental for \$1 billion to serve as an indication of America's willingness to provide support to Turkey, to take any of the economic shock that might come from this current situation out of their economic system, something for them not to have to worry about because we'll be able to provide some assistance through this supplemental.

;;;;; And we also discussed the situation in Cyprus and our desire to see some progress in the days ahead, even though we had a setback some -- a few weeks ago.

;;;;; So, all in all, I think it's been a very productive trip that reinforces the U.S.-Turkish relationship. And now I think the minister and I would be prepared to take some of your questions.

;;;;; Barry.

;;;;; Q Mr. Secretary, can you --

;;;;; (CROSS-TALK.)

;;;;; Q I think you can hear me -- can I --

;;;;; SEC. POWELL: Hang on. We'll --

;;;;; Q All right. Thank you. Can you give any other -- you were quite specific, but could you give more instances of enhanced Turkish cooperation on the military side? For instance, we are hearing more help in rescue operations. And so far as this coordination, this council, or this ongoing body, where do you get the Kurdish input into this? How do you make sure from the Kurdish side that there will be, you know, a lessening of tensions, no rush to the border?

;;;;; SEC. POWELL: With respect to the kind of support we're getting, our principal area of discussion today had to do with supplies -- food, fuel, other kinds of supplies that might go in. Once we are able to set up our forces in northern Iraq, then some of the issues with respect to search and rescue will be dealt with because it could be handled out of northern Iraq. On other matters, I know that the Turkish government will always act in a humanitarian way with respect to anybody who might be in distress at a particular time.

;;;;; With respect to the coordination group, we are working on that, and I hope in the next several days -- within a week is the goal we put on ourselves this morning -- within a week we will have solved the issue of representation within the coordination group. And frankly, tensions have been lessened.

;;;;; I think the concerns that everybody saw a few weeks ago that gave rise to all of these stories about "an incursion has occurred," "it's about to occur," "things are going in the wrong direction," turned out not to be the case, as a result of close consultation, and as a result of the presence of our military personnel in the north and the control that is being exercised by General Franks in the region and our relationship with the Kurds, we have been able to stabilize the situation in a way that I think will keep the likelihood of a need for an incursion very much under control and a low probability.

;;;;; Nevertheless, since one can't predict what might happen in the future, that's why we also agreed today to create a process by which we will get early warning of a potential problem and begin responding as soon

as we get early warning, and how the two sides could work together to deal with a situation that might arise.

;;;;; Q (Translator) (Inaudible) -- the United States in the region -- (inaudible) -- humanitarian and the humanitarian field we understand will also extend to the logistics fields, and there is a request in this direction. Can we understand from your comments that the requests of the United States will be met? And my second question is today, a hospital in Baghdad was hit, and as the war continues, we notice that more and more civilian targets has been hit. Can you comment on that please?

;;;;; FOR. MIN. GUL: (Through translator) (Inaudible) -- the fields of providing food stuff and fuel and other humanitarian assistance facilities to the United States will continue, and these all will take place within the mutual understanding between both sides. For instance, we have been allowing airplanes in distress to land in Turkish airfields, and also for the evacuation of wounded people from the region to be brought in. So, these are the assistance.

;;;;; SEC. POWELL: I'm not aware of the specific incident that you made reference to, but I do know that our commanders are conducting this campaign in a way that is designed to minimize the loss of innocent life or the destruction of property. As you look at these scenes on your television set, I think you will realize that we have been as careful as possible, as surgical as possible, as we can be in going after military targets and going after command and control targets that support the military forces of Iraq. And that will continue to be our policy. And we regret any loss of life that might occur, either through our action, innocent loss of life that might occur through our action, and also the action of Iraqi units that often fire indiscriminately and air defense missiles that go up and then come down and cause damage within built-up areas. But I am not aware of the specific incident that you are making reference to.

;;;;; Q (Many questions being shouted out.)

;;;;; SEC. POWELL: I'm sorry?

;;;;; Q What is your reaction to the American POW being freed?

;;;;; SEC. POWELL: Well, I'm absolutely delighted, and it is a great joy to her family that she is now free, and it also tested the skill of our soldiers in being able to get to her and release her. I'm very, very pleased, of course.

;;;;; Q (Inaudible.)

;;;;; SEC. POWELL: Yes, we always regret loss of life. War is a terrible thing, to be avoided. This war was caused by Saddam Hussein and his unwillingness to comply with his international obligations, a dictator who tortured people, who has brought devastation and destruction to his country, who developed weapons of mass destruction. And once this regime is gone, a better regime will be put in place -- not just put in place, really, will create itself, will rise up. We will help it. But this will be a regime that comes up, it will be a government that comes up out of the Iraqi people, representing all of the Iraqi people. And we will help this government rise up, and it is a government that we're confident will lead Iraq into a brighter future and create a country and a system that will live in peace with its neighbors, and use a wealth of the nation to support the people and not to support the weapons of mass destruction.

;;;;; (Audio feed break.)

;;;;; Q (Translator) First question -- (inaudible) -- cooperation to take place from now on? Will there be a need for another motion? And the second question, to Secretary Powell, is have you totally given up on the northern option? Is that no longer an option?

;;;;; FOR. MIN. GUL: (Through translator) (Inaudible) -- and whatever assistance that will be provided from now is within the jurisdiction of the council of ministers of the government, therefore another motion will not be needed.

;;;;; SEC. POWELL: The norther option has changed shape. Instead of using the 4th Division for that purpose, we have put special forces teams into the north, and the 173rd Airborne Brigade. Whether other forces might at some point be introduced or not, or they'll be coming up from the south, I will leave to the military commanders to decide. We are just now executing the northern option, that part of the campaign, in a different way than had originally been planned. But our planning is flexible, and we respond to events as they occur, and I think we're conducting this campaign in a very efficient way, and I have utmost confidence in our campaign plan and in the commanders who are executing it.

;;;;; Thank you.

END.

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**From:** Leitch, David G.  
**To:** <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<Francisco, Noel J.>  
**Sent:** 4/2/2003 9:36:25 AM  
**Subject:**  
**Attachments:** a.gif; page\_2002\_comment.gif; spacer.gif; spacer\_5x8\_transparent.gif

FYI




[E-mail Author](#)  
[Send to a Friend](#)  
Request.ServerVariables("URL")%>Print  
Version

April 1, 2003, 9:50 a.m.

## You Don't Need Quotas

Expanding opportunity without discrimination.

### By Jeb Bush

 As the Supreme Court considers the University of Michigan case, our state of Florida offers an inviting alternative to traditional race-based programs that are coming under growing constitutional scrutiny nationwide.

Just over four years ago, our state launched the One Florida initiative with the ambitious goal of increasing opportunity and diversity in Florida's state universities and in state contracting, without relying on the divisive policies of the past such as quotas, racial preferences, and set-asides. The One Florida initiative is designed to level the education playing field for all Floridians by providing rewarding school experiences to all students regardless of race, gender, ethnicity, or zip code. We have broadened the search for talented minorities through greater outreach and recruitment, and increased access for and success of underrepresented students while employing race-neutral admissions criteria. Since 1999, we have pursued policies that empower and prepare all of our students while simultaneously targeting assistance to the most needy. The result has been that minority enrollment at our state universities has either risen or held steady under One Florida, including at our flagship universities. Our record of success clearly demonstrates that diversity can be attained through race-neutral means.

In stark contrast, the University of Michigan continues to use race as a determining factor for admissions at both the undergraduate and graduate levels. More specifically, the university awards extra points to minority candidates at the undergraduate level, while the law school uses race as one of the factors that can greatly enhance an applicant's chance of admission. Regardless of how one tries to explain the rationale behind the university's policy, this system is fundamentally flawed. As President Bush pointed out, the Michigan program "amounts to a quota system that unfairly rewards or penalizes prospective students solely on their race."

For those in search of a solution, we offer the One Florida approach. In striving to achieve greater diversity in our state universities, my administration never lost sight of two guiding principles: 1) Diversity *is* a worthy goal, and 2) Outreach and encouragement at the K-12 level is the key to success. As governor of one of the most racially diverse states in the country, I know firsthand that our classrooms and workplaces benefit greatly when opportunity is extended to all. By strengthening the

pre-college education experience for all students, we can maintain and increase diversity without a formulaic, one-size-fits-all approach that serves no one's best interest. From the outset, I challenged all university presidents and admissions officers to implement new ways of reaching out to and recruiting minority students to maintain a diverse student population. Today, each of Florida's eleven public universities has established Opportunity Alliances with high schools that have high minority populations, relatively high proportions of dropouts, and relatively low performance on standardized tests. Students in these schools are now being actively recruited while curriculum reform strengthens their high-school experience. In addition, my administration has doubled funding for need-based financial aid over the past four years to help ensure access and the ability to pay for college go hand-in-hand.

In addition, we have entered into a partnership with the College Board to expand AP course opportunities statewide for students in low performing schools, provide free SAT test prep classes for low-income students, and free PSAT or PLAN testing for all tenth graders. The results speak for themselves: In the 2002-03 class of undergraduate and graduate students enrolled in the State University System, minorities comprise 36.2 percent of all new students and 23.5 percent of all new graduate students, respectively. In addition, from 2001-2002, the number of African-American and Hispanic students who took AP Examinations increased by 21 percent and 22 percent, respectively. Both of these increases are higher than the averages for U.S. public schools, as are the numbers of African-American and Hispanic students in Florida with scores of 3 or higher on the AP Examinations.

We are committed to diversity here in Florida, but it *must* be achieved in ways that both comply with the Constitution and truly benefit our students. Our track record under One Florida proves that it *can* be achieved through race-neutral means. Florida's programs, and the principles that they advance, are more than just another way of accomplishing true diversity. They provide a better way. Florida's plan is better in that it no longer accepts the lack of quality in the public schools that serve our underprivileged children; better because it encourages all students regardless of race or economic status to aspire to post-secondary education; and better because it looks forward to a day when racial classifications and separate standards are no longer deemed necessary by anyone.

— Jeb Bush is the governor (R.) of Florida.

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**From:** CN=Edward McNally/OU=WHO/O=EOP [ WHO ]  
**To:** Adam F. Greenstone/OA/EOP@Exchange@EOP [ OA ] <Adam F. Greenstone>  
**CC:** Kimberley S. Luczynski/OMB/EOP@EOP [ OMB ] <Kimberley S. Luczynski>; Faisal M. Gill/WHO/EOP@EOP [ WHO ] <Faisal M. Gill>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**BCC:** Catherine S. Anderson ( Catherine S. Anderson/WHO/EOP [ WHO ] )  
**Sent:** 4/2/2003 6:16:18 AM  
**Subject:** : Judge's 1/23/03 memo on doc copy transfers

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-APR-2003 11:16:18.00  
SUBJECT:: Judge's 1/23/03 memo on doc copy transfers  
TO:Adam F. Greenstone ( CN=Adam F. Greenstone/OU=OA/O=EOP@Exchange@EOP [ OA ] )  
READ:UNKNOWN  
CC:Kimberley S. Luczynski ( CN=Kimberley S. Luczynski/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
CC:Faisal M. Gill ( CN=Faisal M. Gill/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Catherine S. Anderson ( CN=Catherine S. Anderson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Add'l background re: protocols for (a) WHO docs, and (b) OMB (TPO) docs.

----- Forwarded by Edward McNally/WHO/EOP on 04/02/2003  
11:13 AM -----

Edward McNally  
01/23/2003 09:58:01 PM  
Record Type: Record

To: Steven I. Cooper TPO/TPO/OMB/EOP@EOP, Lucy G. Clark  
TPO/TPO/OMB/EOP@EOP  
cc: See the distribution list at the bottom of this message  
Subject: Re: Phil Perry, OMB General Counsel

Steve -- WHO e-mail accounts and electronic docs, hard drives, etc are covered by Judge Gonzales' memo today. That memo does NOT apply to TPO/OMB e-mail accts or electronic docs -- TPO/OMB are under Phil + Lucy's guidance.

.

----- Original Message -----  
From:Steven I. Cooper TPO/TPO/OMB/EOP  
To:Lucy G. Clark TPO/TPO/OMB/EOP@EOP  
Cc:Philip J. Perry/OMB/EOP@EOP,  
Carlos Solari/OA/EOP@Exchange,  
Bruce O'Dell/OA/EOP@Exchange@EOP,  
Edward McNally/WHO/EOP@EOP,  
Joseph R. Peters TPO/TPO/OMB/EOP@EOP,  
James L. Buchanan TPO/TPO/OMB/EOP@EOP,  
Gail E. Tedesco TPO/TPO/OMB/EOP@EOP  
Date: 01/23/2003 08:40:52 PM  
Subject: Re: Phil Perry, OMB General Counsel

i spoke with carlos and bruce o'dell today...based on guidance from phil perry's memo, we have agreed on a process to properly migrate data from

REV\_00113494



tpo and white house machines...we'll document this process and relay to all dhs details and employees tomorrow...

a step in the process will require review by ed or his office before any migration is effected if the person wants to transfer white house controlled material...

Lucy G. Clark TPO  
01/22/2003 02:59:28 PM  
Record Type: Record

To: Steven I. Cooper TPO/TPO/OMB/EOP@EOP  
cc:  
Subject: Phil Perry, OMB General Counsel

Just spoke to him....he's going to call WH Counsel and I told him that Carlos will call him. He's at 395-5044. Please make sure Carlos calls him.

Message Copied

To: \_\_\_\_\_  
Philip J. Perry/OMB/EOP@EOP  
Carlos Solari/OA/EOP@Exchange  
Bruce O'Dell/OA/EOP@Exchange@EOP  
Edward McNally/WHO/EOP@EOP  
Joseph R. Peters TPO/TPO/OMB/EOP@EOP  
James L. Buchanan TPO/TPO/OMB/EOP@EOP  
Gail E. Tedesco TPO/TPO/OMB/EOP@EOP

**From:** CN=Edward McNally/OU=WHO/O=EOP [ WHO ]  
**To:** Adam F. Greenstone/OA/EOP@Exchange@EOP [ OA ] <Adam F. Greenstone>  
**CC:** Kimberley S. Luczynski/OMB/EOP@EOP [ OMB ] <Kimberley S. Luczynski>; Faisal M. Gill/WHO/EOP@EOP [ WHO ] <Faisal M. Gill>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**BCC:** Catherine S. Anderson ( Catherine S. Anderson/WHO/EOP [ WHO ] )  
**Sent:** 4/2/2003 6:16:18 AM  
**Subject:** : Judge's 1/23/03 memo on doc copy transfers

##### Begin Original ARMS Header #####  
RECORD TYPE: FEDERAL (NOTES MAIL)  
CREATOR: Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-APR-2003 11:16:18.00  
SUBJECT:: Judge's 1/23/03 memo on doc copy transfers  
TO: Adam F. Greenstone ( CN=Adam F. Greenstone/OU=OA/O=EOP@Exchange@EOP [ OA ] )  
READ: UNKNOWN  
CC: Kimberley S. Luczynski ( CN=Kimberley S. Luczynski/OU=OMB/O=EOP@EOP [ OMB ] )  
READ: UNKNOWN  
CC: Faisal M. Gill ( CN=Faisal M. Gill/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
CC: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
BCC: Catherine S. Anderson ( CN=Catherine S. Anderson/OU=WHO/O=EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Add'l background re: protocols for (a) WHO docs, and (b) OMB (TPO) docs.

----- Forwarded by Edward McNally/WHO/EOP on 04/02/2003  
11:13 AM -----

Edward McNally  
01/23/2003 09:58:01 PM  
Record Type: Record

To: Steven I. Cooper TPO/TPO/OMB/EOP@EOP, Lucy G. Clark  
TPO/TPO/OMB/EOP@EOP  
cc: See the distribution list at the bottom of this message  
Subject: Re: Phil Perry, OMB General Counsel

Steve -- WHO e-mail accounts and electronic docs, hard drives, etc are covered by Judge Gonzales' memo today. That memo does NOT apply to TPO/OMB e-mail accts or electronic docs -- TPO/OMB are under Phil + Lucy's guidance.

----- Original Message -----  
From: Steven I. Cooper TPO/TPO/OMB/EOP  
To: Lucy G. Clark TPO/TPO/OMB/EOP@EOP  
Cc: Philip J. Perry/OMB/EOP@EOP,  
Carlos Solari/OA/EOP@Exchange,  
Bruce O'Dell/OA/EOP@Exchange@EOP,  
Edward McNally/WHO/EOP@EOP,  
Joseph R. Peters TPO/TPO/OMB/EOP@EOP,  
James L. Buchanan TPO/TPO/OMB/EOP@EOP,  
Gail E. Tedesco TPO/TPO/OMB/EOP@EOP

REV\_00113496

Date: 01/23/2003 08:40:52 PM  
Subject: Re: Phil Perry, OMB General Counsel

i spoke with carlos and bruce o'dell today...based on guidance from phil perry's memo, we have agreed on a process to properly migrate data from tpo and white house machines...we'll document this process and relay to all dhs details and employees tomorrow...

a step in the process will require review by ed or his office before any migration is effected if the person wants to transfer white house controlled material...

Lucy G. Clark TPO  
01/22/2003 02:59:28 PM  
Record Type: Record

To: Steven I. Cooper TPO/TPO/OMB/EOP@EOP  
cc:  
Subject: Phil Perry, OMB General Counsel

Just spoke to him....he's going to call WH Counsel and I told him that Carlos will call him. He's at 395-5044. Please make sure Carlos calls him.

Message Copied

To: \_\_\_\_\_  
Philip J. Perry/OMB/EOP@EOP  
Carlos Solari/OA/EOP@Exchange  
Bruce O'Dell/OA/EOP@Exchange@EOP  
Edward McNally/WHO/EOP@EOP  
Joseph R. Peters TPO/TPO/OMB/EOP@EOP  
James L. Buchanan TPO/TPO/OMB/EOP@EOP  
Gail E. Tedesco TPO/TPO/OMB/EOP@EOP

REV\_00113497

---

**From:** Luczynski, Kimberley S.  
**To:** <Greenstone, Adam F.>  
**CC:** <McNally, Edward>;<Kavanaugh, Brett M.>;<Gill, Faisal M.>  
**Sent:** 4/2/2003 11:08:33 AM  
**Subject:** Re: FW: Steve Cooper

Just a thought, but since the records he's asking to copy are on a WHO computer (and presumably, the computer contains additional records from his time as a WHO employee -- i.e., prior to working at TPO), then doesn't he need to follow the procedures outlined in the WHO memo?

I don't have a copy of the WHO memo handy, but here's an excerpt from Phil's memo to TPO employees that touches on this subject:

**White House Documents (applies to all TPO employees):**

When TPO was created, the White House Counsel's Office made special arrangements for handling documents from "White House" entities that were temporarily provided to TPO personnel (OMB is not a "White House" entity under relevant law). Those arrangements (addressed in depth in earlier memoranda from the White House Counsel's Office) applied generally to emails and other documents from OHS and other White House entities. Those materials should already have blue cover sheets and/or bear the legend "White House-controlled Material/Protected from Disclosure."

Please return all such materials to the White House entity from which they originated by routing them through Ken Hill, Executive Secretary for TPO.

You should not take copies of any materials from White House entities with you, unless you receive clearance to do so by Ed McNally, OHS General Counsel.

If you have any questions regarding the treatment of materials from White House entities, please contact Ed McNally at 6-1700.

From: Adam F. Greenstone/OA/EOP@Exchange on 04/02/2003 10:14:07 AM

Record Type: Record

To: Edward McNally/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc: Faisal M. Gill/WHO/EOP@EOP, Kimberley S. Luczynski/OMB/EOP@EOP

Subject: FW: Steve Cooper

Please advise.

-----Original Message-----

**From:** Hill, Bartholomew G.

**Sent:** Wednesday, April 02, 2003 9:28 AM

REV\_00113519

**To:** Greenstone, Adam F.

**Subject:** Steve Cooper

Jennifer Beverly (our government customer support rep at 1800 G St) says that Steve Cooper is refusing to relinquish possession of his WHO (OHS) PC. He wants a CD of the data burned first. When he requested the CD originally, they went to his TPO computer, but there was no data on it. It seems he was using his WHO computer for his TPO work. So now he has stated he will not give us back the WHO PC until he gets a CD burned of the data on the hard drive of the WHO computer. Jennifer has emailed Faisal since it is way past the agreed upon date, but has not heard back yet. Evidently, Cooper is putting on a lot of pressure on this issue, and Jennifer says he is getting nasty about it. We are trying to verify whether he still has a WHO laptop. Does this need WHO and OHS (HSC) counsel concurrence? Just need some guidance. Thanks. Bart

---

**From:** Bumatay, Patrick J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/2/2003 11:10:43 AM  
**Subject:** Economic red tags

any comments on the Economic Fact Sheet due yesterday at 5 pm or the Meeting with Economists due today at 9:30 am?

---

**From:** McNally, Edward  
**To:** <Greenstone, Adam F.>  
**CC:** <Kavanaugh, Brett M.>;<Luczynski, Kimberley S.>;<Gill, Faisal M.>  
**Sent:** 4/2/2003 11:13:00 AM  
**Subject:** Judge's 1/23/03 memo on doc copy transfers

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Edward McNally

01/23/2003 09:58:01 PM

Record Type: Record

To: Steven I. Cooper TPO/TPO/OMB/EOP@EOP, Lucy G. Clark TPO/TPO/OMB/EOP@EOP

cc: See the distribution list at the bottom of this message

Subject: Re: Phil Perry, OMB General Counsel

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From: Steven I. Cooper TPO/TPO/OMB/EOP

To: Lucy G. Clark TPO/TPO/OMB/EOP@EOP

Cc: Philip J. Perry/OMB/EOP@EOP,

Carlos Solari/OA/EOP@Exchange,

Bruce O'Dell/OA/EOP@Exchange@EOP,

Edward McNally/WHO/EOP@EOP,

Joseph R. Peters TPO/TPO/OMB/EOP@EOP,

James L. Buchanan TPO/TPO/OMB/EOP@EOP,

Gail E. Tedesco TPO/TPO/OMB/EOP@EOP

Date: 01/23/2003 08:40:52 PM

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REV\_00113522

employees tomorrow...

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01/22/2003 02:59:28 PM

Record Type: Record

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cc:

Subject: Phil Perry, OMB General Counsel

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Joseph R. Peters TPO/TPO/OMB/EOP@EOP

James L. Buchanan TPO/TPO/OMB/EOP@EOP

Gail E. Tedesco TPO/TPO/OMB/EOP@EOP

REV\_00113523



---

**From:** Sean Rushton <SRushton@CommitteeforJustice.org>  
**To:** SRushton@CommitteeforJustice.org [ UNKNOWN ] <SRushton@CommitteeforJustice.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/2/2003 1:54:00 PM  
**Subject:** : Kennedy staffer.  
**Attachments:** P\_FI3AF003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Sean Rushton <SRushton@CommitteeforJustice.org> ( Sean Rushton  
<SRushton@CommitteeforJustice.org> [ UNKNOWN ] )  
CREATION DATE/TIME: 2-APR-2003 18:54:00.00  
SUBJECT:: Kennedy staffer.  
TO:SRushton@CommitteeforJustice.org ( SRushton@CommitteeforJustice.org [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

THE HILL

April 2, 2003

For Kennedy aide, it?s d?j? vu all over again

By Geoff Earle

In 1967, Jim Flug, a young ambitious Brooklyn-bred, Harvard-trained lawyer, left his job with the Justice Department to work for Sen. Edward Kennedy (D-Mass.), who he saw as ?the most exciting person to work for on the Hill.?

Kennedy was already making an impact in Congress five years after having been elected in 1962 to the seat held by his brother, who was assassinated in Dallas in 1963.

Now, at 64, Flug has re-enlisted to do more or less the same job that he left 30 years ago ? working for the same senator on the same committee, and even fighting some of the same battles.

Flug spent the intervening years building a substantial private law practice. He represented an association of state attorneys general and performed public-interest lobbying and legal work for generic drug companies.

Republicans, who have already had their troubles facing down Democrats on the Judiciary Committee, will no doubt soon take note of Flug, who served a key strategist behind some tough nomination fights in the late

1960s.

The top echelon of the Kennedy staff, then and now rated among the best on Capitol Hill, exhibits a profound passion for anonymity, although some alumni, including Supreme Court Justice Steven Breyer, have gone on to fame and fortune.

Flug is no exception, The father of three grown daughters is not known as a self-effacing man, but in a reluctant and unusual interview, he invariably steered the conversation to his old and new boss, in the finest tradition of a loyal Kennedy aide.

Nor did he did not mention that he took time off from his law practice to serve as Kennedy's campaign press secretary in his futile presidential primary race against Jimmy Carter in 1980.

Not long ago, Flug decided he would come back to the Hill if he got the chance. When Kennedy approached him recently and suggested he return, "I didn't have to think about it very long," he said. "It was an extraordinary opportunity to maybe repeat history."

So Flug, who served as Kennedy's counsel on the Judiciary Committee's subcommittee on administrative practice and procedure for nearly seven years, returned this month to serve as his counsel on the full committee. Like his iconic boss, Flug's hair has grayed but his desire to shape some of the most important issues of the day endures.

There is no shortage of bright young lawyers that Kennedy could have tapped for the job. But Kennedy prefers having seasoned staffers to handle judiciary and civil-rights issues. Melody Barnes, another longtime aide, left as chief counsel of the immigration subcommittee after more than seven years.

She has joined The Raben Group, where she will handle a variety of corporate and public-interest clients at the boutique law and lobbying firm headed by Robert Raben. Barnes joined Kennedy after a stint at House Judiciary and in the Equal Employment Opportunity Commission. "They always say, once you're in the Kennedy family, you don't get out," she joked.

In Flug, Kennedy has brought back a battle-tested staffer who can draw on lessons learned in six and a half years on the job ? during the nearly forgotten era of Watergate and Vietnam.

In a reluctant interview about a week into his new job, Flug had yet to

fully unpack his boxes of files. Stacked on his desk were four thick, marbled volumes of the Judiciary Committee hearings over Richard Kleindienst, President Richard Nixon's second attorney general -- not exactly the favored reading material of a typical Hill staffer.

Flug explained that he was going back over the old hearings to see if they are relevant to the committee's hearings on Miguel Estrada, President Bush's controversial choice for the D.C. Circuit Court of Appeals.

Flug was at Kennedy's side during big fights over civil-rights legislation, the creation of new social programs and the war in Vietnam. He said he got his first sense of Kennedy's impact and style when fighting efforts to roll back the Supreme Court ruling in *Baker v. Carr*, a landmark redistricting case.

Kennedy teamed with Republican Howard Baker (R-Tenn.) to reassert the principle of "one man, one vote" in the drawing of congressional districts and helped beat back attempts to allow states to draw districts with dramatically different populations.

"That was my introduction to both the scope of his interest, the strength of his feeling on constitutional issues, his ability to make alliances across the aisle, and his willingness to do tough things," Flug said.

Flug recalled with a chuckle that his counterpart on Baker's staff in the effort was a young legislative assistant named Lamar Alexander, who returned to the Capitol as a senator this year. "We were working side by side together the whole time," said Flug. "I saw him come back, and I figured I had to come back."

During the turbulent '60s, the political fights were no less important than they are today. Among the issues that Flug had a hand in shaping on Kennedy's staff were civil rights, gun control, crime, civil liberties and judicial nominations, where he helped defeat two Nixon appointees.

Flug recalled heated nomination fights over G. Harrold Carswell, Nixon's nominee for the Supreme Court. An alliance of Democrats, including Kennedy, had joined with several Republicans to turn back the earlier nomination of Clement Haynsworth, a conservative North Carolina appeals court judge. At that point, Flug said, "basically, Nixon and [attorney general John] Mitchell said, 'We'll rub their noses in it -- we'll come up with somebody even worse,'" prompting a subsequent fight over Carswell's nomination.

Kennedy then teamed with then-Sens. Phil Hart (D-Mich.), Birch Bayh

(D-Ind.), and Joseph Tydings (D-Md.) to defeat Carswell. Flug has been credited with spearheading the effort. "In each of these cases, it was always the Republican votes that made the difference," said Flug. "The senator was very good at forging those alliances. It was a very, very exciting place to work."

Adam Clymer's biography of Kennedy notes that Flug organized the opposition to Carswell, at one point crafting a memo to his boss calling Carswell "a mediocre candidate with no indications of particular intelligence, leadership, insight, or respect among his brethren."

Flug said the fight over Estrada is just as much about congressional prerogatives as it is about his conservative ideology. "The Estrada nomination is more about the Senate as an institution," he said. "Can the White House select someone whom they know everything about and the Senate knows nothing about?" he asked.

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Despite the fierce battles over civil rights, Flug said, bipartisan relations were better on the committee in the past.

Kennedy made a point of tending to relations with the committee's chairman, Sen. James Eastland (D-Miss.), who joined in the Southern conservative opposition to many of the civil-rights initiatives pushed by the minority of liberal Democrats.

"Their personal relationship was fabulous," he said. "Procedurally, it was always smooth sailing."

Flug said that staff relations on Judiciary at the time were humorous and relaxed and that he can't think of a time when there was any hostility. In recent years, relations between Sen. Orrin Hatch (R-Utah), the current chairman, and Patrick Leahy (D-Vt.), the ranking Democrat, have grown frostier.

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But that won?t keep either Kennedy or Flug from speaking up. ?He likes uphill battles, and I like uphill battles,? Flug said.

Sean Rushton

Executive Director

Committee for Justice

1275 Pennsylvania Avenue, NW

Tenth Floor

Washington, DC 20004

202-481-6850 phone

202-487-6439 mobile

[www.committeeforjustice.org](http://www.committeeforjustice.org)

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_FI3AF003\_WHO.TXT\_1>

THE HILL

April 2, 2003

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202-487-6439 mobile  
[www.committeeforjustice.org](http://www.committeeforjustice.org)



---

**From:** Davis, Alicia W.  
**To:** <Kavanaugh, Brett M.>;<Ralston, Susan B.>  
**Sent:** 4/2/2003 2:39:33 PM  
**Subject:** FOR YOUR REVIEW-Karl Rove at Grove City College

"Powell, Scott K."

04/01/2003 11:49:54 AM

Record Type: Record

To: Deborah J. Eng/WHO/EOP@EOP

CC:

Subject: FW:

Debbie--

This is the announcement that we would like to send to our campus community to inform them of the event. As requested, the event will be closed to the media, so we will not be sending out press releases. Would it be permissible to also post this announcement on our website so that local alumni may find out about it and attend?

Thanks again for your help!

Scott

> -----Original Message-----

> From: Clingensmith, Amy L.

> Sent: Tuesday, April 01, 2003 11:44 AM

> To: Powell, Scott K.

> Subject: RE:

>

> T <<...OLE\_Obj...>>

>

> Bush's senior adviser to give talk in Crawford

REV\_00113536

>

> As a senior in high school, the man whom the Washington Post calls "the

> most powerful adviser in the White House," volunteered for a political

> campaign to get an A in his social studies course.

>

> Today Karl Rove is senior adviser and assistant to President George W.

> Bush and he will speak at 4 p.m. April 9 in Grove City College's Crawford

> Hall Auditorium.

>

> "No political consultant has ever played the high-stakes game of electoral

> politics like Rove does. Not Michael Deaver, not Lee Atwater, not James

> Carville. None of these 'legends' was ever the dominant force in politics

> and policy that Karl Rove is today," say the writer's of Rove's biography,

> "Boy Genius."

>

> Rove oversees the strategic planning, political affairs, public liaison,

> and intergovernmental affairs efforts of the White House. He previously

> served as chief strategist for the Bush for President Campaign and for 18

> years before that, president of Karl Rove & Company, an Austin,

> Texas-based public affairs firm that worked for Republican candidates,

> non-partisan causes and non-profit groups. His clients have included over

> 75 Republican U.S. Senate, Congressional and gubernatorial candidates in

> 24 states, as well as the Moderate Party of Sweden.

>

> The Colorado native attended the University of Utah, the University of

> Texas at Austin and George Mason University.

>

> He has taught at the LBJ School of Public Affairs and in the Journalism

> Department at the University of Texas at Austin and was also faculty

> member at the Salzburg Seminar. Rove was also a member of the Board of

> International Broadcasting, which oversaw operations of Radio Free Europe

> and Radio Liberty, and served on the board of the McDonald Observatory

> before entering government.

>

> He and his wife, Darby, have one son, **PRA 6**

---

**From:** Kavanaugh, Brett M.  
**To:** <Davis, Alicia W.>  
**CC:** <Ralston, Susan B.>  
**Sent:** 4/2/2003 2:47:16 PM  
**Subject:** Re: FOR YOUR REVIEW-Karl Rove at Grove City College

This is fine from our perspective. I might delete reference to Swedish moderate party.

Alicia W. Davis

04/02/2003 02:41:54 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Susan B. Ralston/WHO/EOP@Exchange

cc:

Subject: FOR YOUR REVIEW-Karl Rove at Grove City College

"Powell, Scott K."

04/01/2003 11:49:54 AM

Record Type: Record

To: Deborah J. Eng/WHO/EOP@EOP

cc:

Subject: FW:

Debbie--

This is the announcement that we would like to send to our campus community to inform them of the event. As requested, the event will be closed to the media, so we will not be sending out press releases. Would it be permissible to also post this announcement on our website so that local alumni may find

REV\_00113539

out about it and attend?

Thanks again for your help!

Scott

> -----Original Message-----

> From: Clingensmith, Amy L.

> Sent: Tuesday, April 01, 2003 11:44 AM

> To: Powell, Scott K.

> Subject: RE:

>

> T <<...OLE\_Obj...>>

>

> Bush's senior adviser to give talk in Crawford

>

> As a senior in high school, the man whom the Washington Post calls "the

> most powerful adviser in the White House," volunteered for a political

> campaign to get an A in his social studies course.

>

> Today Karl Rove is senior adviser and assistant to President George W.

> Bush and he will speak at 4 p.m. April 9 in Grove City College's Crawford

> Hall Auditorium.

>

> "No political consultant has ever played the high-stakes game of electoral

> politics like Rove does. Not Michael Deaver, not Lee Atwater, not James

> Carville. None of these 'legends' was ever the dominant force in politics

> and policy that Karl Rove is today," say the writer's of Rove's biography,

> "Boy Genius."

>

> Rove oversees the strategic planning, political affairs, public liaison,

> and intergovernmental affairs efforts of the White House. He previously

> served as chief strategist for the Bush for President Campaign and for 18

> years before that, president of Karl Rove & Company, an Austin,

> Texas-based public affairs firm that worked for Republican candidates,  
> non-partisan causes and non-profit groups. His clients have included over  
> 75 Republican U.S. Senate, Congressional and gubernatorial candidates in  
> 24 states, as well as the Moderate Party of Sweden.

>

> The Colorado native attended the University of Utah, the University of  
> Texas at Austin and George Mason University.

>

> He has taught at the LBJ School of Public Affairs and in the Journalism  
> Department at the University of Texas at Austin and was also faculty  
> member at the Salzburg Seminar. Rove was also a member of the Board of  
> International Broadcasting, which oversaw operations of Radio Free Europe  
> and Radio Liberty, and served on the board of the McDonald Observatory  
> before entering government.

>

> He and his wife, Darby, have one son, **PRA 6**.

---

**From:** Goeglein, Tim  
**To:** <Rove, Karl C.>;<Neely, Sarah E.>;<Abrams, Elliott>;<Towey, Jim>;<Kavanaugh, Brett M.>  
**Sent:** 4/2/2003 4:32:51 PM  
**Subject:** Gratitude

Colleagues

Thanks so much for briefing today; I am very grateful for your time. You did great. The feedback has been terrific.

Regards

tsg

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/2/2003 2:13:50 PM  
**Subject:** : White House Global Messenger - 04-03/03  
**Attachments:** P\_Y24AF003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 2-APR-2003 19:13:50.00  
SUBJECT:: White House Global Messenger - 04-03/03  
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(See attached file: GM 4-3-03 FINAL.doc)

THE GLOBAL MESSENGER  
Thursday, April 3, 2003

\*\*\*\*\*KEY POINTS\*\*\*\*\*

\*Progress continues in the war to end the regime of Saddam Hussein. As we close in on Baghdad, our forces - air and ground - are performing superbly, but we must remember that some of the toughest fighting could still lie ahead.

\*We must not forget that the Iraqi regime has a history of killing hundreds of thousands of Muslims in Iraq, including the thousands of Shia Muslims who rose up after the Gulf War.

\*We are showing more respect for a prominent mosque in Najaf than Iraqi forces. Against all international laws of war, Saddam 's forces are using the mosque as a military fortress. Coalition troops have not fired back - and will continue to work to avoid civilian casualties and protect Iraq's holy sites.

\*More than mosques are being mistreated by the Iraqi regime. Coalition forces in An Najat found a school in which the Iraqi regime had stashed weapons and many rounds of ammunition.

\*Iraqi people are coming forward with vital information about the enemy.. They approach our troops and tell them where the enemy is hiding, where weapons are hidden, where torture chambers are, where bodies are buried..

\*\*\*\*\*NEW PERSPECTIVES\*\*\*\*\*

Excerpt from an interview with Essam Al-Ghalib, an Arab News correspondent, NPR  
4-1-03

Renee Montagne (NPR): "Speaking to people who live in Basra, were you able to ascertain what their feelings were about Saddam Hussein, about the American-led troops?"

Mr. Al-Ghalib : "When we went in [Basra] there was a humanitarian relief truck from the Kuwaiti Red Crescent Society. Along with it were a lot of media, a lot of cameras. So as we went in, people were shouting loudly this chant that we've heard many, many times, which was, 'Without blood,

REV\_00113570



without souls, we will die for you, Saddam.'

"And this struck me as being a little odd. So I took this 19-year-old aside, away from the cameras and asked him, 'Why are you guys chanting this, especially that all the relief is coming from Kuwait?' They said, 'On camera we have to always show our support for Saddam because if the US or the UK troops decide to withdraw, then Saddam is going to come and he's going to slaughter families and individuals of those who have voiced any opposition for him.'"

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Standard. Subject to Change

7:00 am CENTCOM Operations Update

11:30 am President Bush remarks at Camp Lejeune, North Carolina

1:30 pm Defense Department Briefing

\*\*\*\*\*COALITION HUMANITARIAN UPDATE\*\*\*\*\*

\*On Wednesday, America contributed \$200 million to the UN World Food Program, which will be used to procure 324,000 metric tons of food that will feed more than 23 million Iraqi people for one month.

\*The first shipments of U.S. humanitarian food aid are leaving ports in the U.S. this week bound for Iraq with more than 28,000 metric tons of American wheat. These shipments are enough to feed 4.5 million Iraqis for one month.

\*New water pipeline in southern Iraq has the capacity to produce 2.3 million liters of water per day.

\*Disaster Assistance Response Teams (DART) have identified "pockets of humanitarian need in Iraq, but there is not a massive humanitarian crisis."

\*\*\*\*\*IN CASE YOU MISSED IT\*\*\*\*\*

Excerpt from a briefing by Deputy Defense Secretary Wolfowitz, 3-28-03

"The word 'democracy' gets used kind of freely, but if you look around the world, there are 75 different variants of democracy. I think the essential idea is that the government has to represent the people. It has to respect the people through the rule of law. It has to provide for their freedom. And I think when this regime is gone and Iraqis are free to express themselves, that process will take place in a natural way."

THE WHITE HOUSE  
Office of Global Communications

For more information log on to <http://www.whitehouse.gov/ogc>

\*\*\*\*\*

You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.

- GM 4-3-03 FINAL.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_Y24AF003\_WHO.TXT\_1>

REV\_00113571



# THE GLOBAL MESSENGER

Thursday, April 3, 2003



## **TODAY'S SCHEDULE**

*All Times Eastern Standard. Subject to Change*

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**Mr. Al-Ghalib :** "When we went in [Basra] there was a humanitarian relief truck from the Kuwaiti Red Crescent Society. Along with it were a lot of media, a lot of cameras. So as we went in, people were shouting loudly this chant that we've heard many, many times, which was, 'Without blood, without souls, we will die for you, Saddam.'"

"And this struck me as being a little odd. So I took this 19-year-old aside, away from the cameras and asked him, 'Why are you guys chanting this, especially that all the relief is coming from Kuwait?' They said, 'On camera we have to always show our support for Saddam because if the US or the UK troops decide to withdraw, then Saddam is going to come and he's going to slaughter families and individuals of those who have voiced any opposition for him.'"

## **IN CASE YOU MISSED IT**

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"The word 'democracy' gets used kind of freely, but if you look around the world, there are 75 different variants of democracy. I think the essential idea is that the government has to represent the people. It has to respect the people through the rule of law. It has to provide for their freedom. And I think when this regime is gone and Iraqis are free to express themselves, that process will take place in a natural way."

## **KEY POINTS**

- Progress continues in the war to end the regime of Saddam Hussein. As we close in on Baghdad, our forces – air and ground – are performing superbly, but we must remember that some of the toughest fighting could still lie ahead.
- We must not forget that the Iraqi regime has a history of killing hundreds of thousands of Muslims in Iraq, including the thousands of Shia Muslims who rose up after the Gulf War.
- We are showing more respect for a prominent mosque in Najaf than Iraqi forces. Against all international laws of war, Saddam's forces are using the mosque as a military fortress. Coalition troops have not fired back – and will continue to work to avoid civilian casualties and protect Iraq's holy sites.
- More than mosques are being mistreated by the Iraqi regime. Coalition forces in An Najaf found a school in which the Iraqi regime had stashed weapons and many rounds of ammunition.
- Iraqi people are coming forward with vital information about the enemy. They approach our troops and tell them where the enemy is hiding, where weapons are hidden, where torture chambers are, where bodies are buried.

## **COALITION HUMANITARIAN UPDATE**

- On Wednesday, America contributed \$200 million to the UN World Food Program, which will be used to procure 324,000 metric tons of food that will feed more than 23 million Iraqis for one month.
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- Disaster Assistance Response Teams (DART) have identified "pockets of humanitarian need in Iraq, but there is not a massive humanitarian crisis."

**THE WHITE HOUSE**  
**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00113572

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>  
**Sent:** 4/2/2003 3:23:05 PM  
**Subject:** : Re: I'm off site; do you still need to talk

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 2-APR-2003 20:23:05.00

SUBJECT:: Re: I'm off site; do you still need to talk

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

no

H. Christopher Bartolomucci

04/02/2003 08:10:37 PM

Record Type: Record

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

cc:

Subject: I'm off site; do you still need to talk

**From:** CN=Noel J. Francisco/OU=WHO/O=EOP [ WHO ]  
**To:** Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>; Helgard C. Walker/WHO/EOP@EOP [ WHO ] <Helgard C. Walker>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>  
**Sent:** 4/3/2003 7:47:17 AM  
**Subject:** : The few, the proud...

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-APR-2003 12:47:17.00  
SUBJECT:: The few, the proud...  
TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )  
READ: UNKNOWN  
TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Military blogger L.T. Smash recounts a televised vignette that requires no further comment:

Martin Savidge of CNN, embedded with the 1st Marine battalion, was talking with 4 young Marines near his foxhole this morning live on CNN. He had been telling the story of how well the Marines had been looking out for and taking care of him since the war started. He went on to tell about the many hardships the Marines had endured since the war began and how they all look after one another.

He turned to the four and said he had cleared it with their commanders and they could use his video phone to call home.

The 19 year old Marine next to him asked Martin if he would allow his platoon sergeant to use his call to call his pregnant wife back home whom he had not been able to talk to in three months. A stunned Savidge who was visibly moved by the request shook his head and the young Marine ran off to get the sergeant.

Savidge recovered after a few seconds and turned back to the three young Marines still sitting with him and asked which one of them would like to call home first, the Marine closest to him responded with out a moments hesitation "Sir, if is all the same to you we would like to call the

parents of a buddy of ours, Lance Cpl Brian Buesing of Cedar Key, Florida who was killed on 3-23-03 near Nasiriya to see how they are doing." At that Martin Savidge totally broke down and was unable to speak. All he could get out before signing off was "Where do they get young men like this?"

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/3/2003 3:50:19 AM  
**Subject:** : hatch

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 3-APR-2003 08:50:19.00  
SUBJECT:: hatch  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

FYI, Judge is going to meet with Hatch @ 4pm today.

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/3/2003 8:50:37 AM  
**Subject:** hatch

FYI, Judge is going to meet with Hatch @ 4pm today.

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/3/2003 5:17:46 AM  
**Subject:** : Re: are you sure biden voted no on bybee

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-APR-2003 10:17:46.00  
SUBJECT:: Re: are you sure biden voted no on bybee  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Biden did not vote on Bybee



---

**From:** CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/3/2003 5:24:05 AM  
**Subject:** : Msg from Brett

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Lauren J. Vestewig ( CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange [ OPD ] )  
CREATION DATE/TIME: 3-APR-2003 10:24:05.00  
SUBJECT:: Msg from Brett  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

He will be a little late to the Victims meeting because he has to do an  
OPL briefing at 10:30.; He said to start without him.

---

**From:** CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/3/2003 5:26:00 AM  
**Subject:** : RE: Msg from Brett

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Lauren J. Vestewig ( CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange [ OPD ] )  
CREATION DATE/TIME: 3-APR-2003 10:26:00.00  
SUBJECT:: RE: Msg from Brett  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Whoops--sorry about that! Off it goes to Jay right now.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, April 03, 2003 10:24 AM  
To: Vestewig, Lauren J.  
Subject: Re: Msg from Brett

Did you send this to Jay?

From: Lauren J. Vestewig/OPD/EOP@Exchange on 04/03/2003 10:24:14 AM  
Record Type: Record

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

He will be a little late to the Victims meeting because he has to do an OPL briefing at 10:30. He said to start without him.

---

**From:** Vestewig, Lauren J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/3/2003 10:24:14 AM  
**Subject:** Msg from Brett

He will be a little late to the Victims meeting because he has to do an OPL briefing at 10:30. He said to start without him.

---

**From:** Vestewig, Lauren J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/3/2003 10:26:18 AM  
**Subject:** RE: Msg from Brett

Whoops--sorry about that! Off it goes to Jay right now.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Thursday, April 03, 2003 10:24 AM  
**To:** Vestewig, Lauren J.  
**Subject:** Re: Msg from Brett

Did you send this to Jay?

From: Lauren J. Vestewig/OPD/EOP@Exchange on 04/03/2003 10:24:14 AM  
Record Type: Record

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

He will be a little late to the Victims meeting because he has to do an OPL briefing at 10:30. He said to start without him.

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/3/2003 6:48:55 AM  
**Subject:** : Do you have the Owen bypass case citations I can forward to chafee's guy?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-APR-2003 11:48:55.00  
SUBJECT:: Do you have the Owen bypass case citations I can forward to chafee's guy?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

.

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** brian.a.benczkowski@usdoj.gov @ inet [ UNKNOWN ] <brian.a.benczkowski@usdoj.gov @ inet>  
**Sent:** 4/3/2003 6:53:40 AM  
**Subject:** : need citations for all of Owen's bypass cases; do you have handy?

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 3-APR-2003 11:53:40.00

SUBJECT:: need citations for all of Owen's bypass cases; do you have handy?

TO: brian.a.benczkowski@usdoj.gov @ inet ( brian.a.benczkowski@usdoj.gov @ inet [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

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**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>  
**Sent:** 4/3/2003 11:56:00 AM  
**Subject:** MD has had 3 judges on circuit only since 1994

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/3/2003 1:27:25 PM  
**Subject:** : finally

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 3-APR-2003 18:27:25.00  
SUBJECT:: finally  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

He's on the phone w/ feinstein.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 4/3/2003 9:46:25 AM  
**Subject:** : being a stalled circuit nominee is not always the end of the world . . .

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-APR-2003 14:46:25.00  
SUBJECT:: being a stalled circuit nominee is not always the end of the world . . .  
TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Elena Kagan named next dean of Harvard Law School

---

**From:** CN=Matthew Kirk/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/3/2003 1:48:20 PM  
**Subject:** : Re: any update?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew Kirk ( CN=Matthew Kirk/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 3-APR-2003 18:48:20.00  
SUBJECT:: Re: any update?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

No, everyone is trying to reports from the cloakroom, they are fairly scattered.; As it relates to State, they are aware but I don't believe their big shots have talked to Allen, it would probably require Armitage to have any impact.

---

**From:** Roger.Kodat@do.treas.gov [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** garym.stern@nara.gov [ UNKNOWN ] <garym.stern@nara.gov>;Randall.Lewis@do.treas.gov [ UNKNOWN ] <Randall.Lewis@do.treas.gov>  
**Sent:** 4/3/2003 10:17:00 AM  
**Subject:** : Re: President's Commission on US Postal Service: records

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Roger.Kodat@do.treas.gov ( Roger.Kodat@do.treas.gov [ UNKNOWN ] )  
CREATION DATE/TIME: 3-APR-2003 15:17:00.00  
SUBJECT:: Re: President's Commission on US Postal Service: records  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:garym.stern@nara.gov ( garym.stern@nara.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:Randall.Lewis@do.treas.gov ( Randall.Lewis@do.treas.gov [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks, Brett

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

---

**From:** Sean Rushton <SRushton@CommitteeforJustice.org>  
**To:** SRushton@CommitteeforJustice.org [ UNKNOWN ] <SRushton@CommitteeforJustice.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/3/2003 11:16:15 AM  
**Subject:** : Judiciary.  
**Attachments:** P\_ZTABF003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Sean Rushton <SRushton@CommitteeforJustice.org> ( Sean Rushton  
<SRushton@CommitteeforJustice.org> [ UNKNOWN ] )  
CREATION DATE/TIME: 3-APR-2003 16:16:15.00  
SUBJECT:: Judiciary.  
TO:SRushton@CommitteeforJustice.org ( SRushton@CommitteeforJustice.org [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

[www.nationalreview.com](http://www.nationalreview.com) <<http://www.nationalreview.com/>>

By Byron York

April 3, 2003  
The Democrats' Big Plan  
They don't want to stop a few Bush judges. They want to stop them all.

Although much attention has been paid to the filibuster of appeals-court nominee Miguel Estrada - just Wednesday, Republicans made yet another unsuccessful attempt to break the Democratic blockade on his nomination - there is in fact a far larger story taking shape, one that has gone mostly unreported in the press. Using a variety of complicated parliamentary techniques that attract little public notice, Democrats are now blocking nearly every Bush nominee to the federal circuit courts of appeals. Their actions suggest that party strategists have abandoned an earlier plan to stop a few, carefully selected Bush nominees. Now, they want to stop them all.

Since the new Senate convened in January, the president has nominated 19 candidates for the courts of appeals. At this moment, twelve of those nominees are being held up by Democratic opposition. Most of the rest are new nominations that haven't yet had time to be blocked. Just two have been confirmed.

Estrada is, of course, caught in a filibuster. Fifth Circuit nominee Priscilla Owen, recently approved by the Judiciary Committee, is in pre-filibuster limbo. So is fellow Fifth Circuit nominee Charles Pickering, who has yet to come up for a new vote in the committee. Jeffrey Sutton and Deborah Cook, of the Sixth Circuit, and John Roberts, of the D.C. Circuit, are still awaiting floor votes after Democrats refused to allot time to debate their nominations. (In addition, Sutton has had a hold placed on his nomination by Democrat Tom Harkin, while Cook and Roberts are also under Democratic holds). Sixth Circuit nominees Richard Griffin, David McKeague, Susan Bieke Neilson, and Henry Saad have all been stopped by procedural tactics - the so-called "blue slip" - used by Michigan's two Democratic senators, Carl Levin and Debbie Stabenow. Fourth Circuit Terrence Boyle has been blocked by North Carolina Democrat John Edwards. And the nomination of the Ninth Circuit's Carolyn Kuhl, who had a hearing on Tuesday, appears headed for a protracted fight over the opposition of California's Barbara Boxer.

Together, that makes twelve nominees paralyzed by Democratic opposition. Of the rest of the 19 Bush circuit-court nominees, five - Richard Wesley for the Second Circuit, Michael Chertoff for the Third Circuit, Edward

Prado for the Fifth Circuit, Steven Colloton for the Eighth Circuit, and Consuelo Callahan for the Ninth Circuit - were nominated for the first time this year (most of them in March), meaning they have not had time to go through the process (or to develop serious Democratic opposition). Two nominees - Timothy Tymkovich of the Tenth Circuit and Jay Bybee of the Ninth - have been confirmed, Tymkovich nearly two years after his nomination.

In the cases that are currently blocked, some involve substantive issues - for example, a candidate who is thought to be insufficiently faithful to *Roe v. Wade* or "insensitive" to minority rights - while others are hung up on procedural objections. In one instance, Democrats are blocking three nominees (Sutton, Cook, and Roberts) because party leaders are angry at Judiciary Committee chairman Orrin Hatch for considering them all in one hearing instead of separate sessions. In another instance, Democrats are objecting to a nominee (Kuhl) because they say Republicans have given too little deference to blue-slip issues. In another (Estrada), Democrats say they haven't been given enough information to make a decision.

"This is an indication of what a determined minority can do in the Senate," says one Republican. "I wouldn't go so far as to say we're flummoxed, but we are dealing with a very obstructionist minority in the best way we can."

Responding to charges of obstruction, Democrats say that it was Republicans who practiced wholesale obstruction of judicial nominees when they controlled the Senate during the last six years of the Clinton administration. But by any measure, Democrats have blocked more Bush appeals-court nominees than were blocked by Republicans in even the worst of the Clinton years, when relations between the parties were poisoned by scandal and impeachment.

Of course, at that time, some in the GOP were advocating wholesale obstruction. But party leaders rejected the idea. "This is something Republicans could have done during the Clinton administration, but there were a lot of [Republicans] who wouldn't go that far, who for reasons of comity and the sake of the process refused to do it," says one party aide.

But now, GOP leaders face those very obstructionist tactics from Democrats and are growing increasingly frustrated. Republicans control the Senate, albeit narrowly, and party leaders and activists believe they ought to be able to confirm the president's judicial nominations. But Senate rules give the minority party substantial power, and the only thing that would discourage them from using that power would be negative public opinion - that is, if there were a real political price to be paid for their actions. So far, however, most of the judicial battles have drawn little attention. Some of the reasons for that are obvious: there are lots of other things happening in the world. But many of the blocked judicial nominations involve arcane rules that would not make the front page even on a slow news day.

For example, Levin's and Stabenow's move to kill a bloc of four circuit court nominees - an astonishingly bold act - has received almost no attention (See "Much More Democratic Obstruction" <<http://www.nationalreview.com/york/york032003.asp>> "). It seems unreasonable to suggest that Levin and Stabenow could be pressured to back away without public opposition, yet it is difficult for the public to oppose what it doesn't know. So the four judges remain blocked.

It is not clear whether the new Democratic across-the-board blockade will ultimately succeed (although it is certainly succeeding at the moment). And it is true that the White House has other things to worry about now. But if the president wants to place judges on the federal courts of appeals, he will eventually have to engage Democrats in political battle - the only thing that can break the current stalemate.

Sean Rushton

Executive Director

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- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_ZTABF003\_WHO.TXT\_1>

## The Democrats' Big Plan

They don't want to stop a few Bush judges. They want to stop them all.

Although much attention has been paid to the filibuster of appeals-court nominee Miguel Estrada — just Wednesday, Republicans made yet another unsuccessful attempt to break the Democratic blockade on his nomination — there is in fact a far larger story taking shape, one that has gone mostly unreported in the press. Using a variety of complicated parliamentary techniques that attract little public notice, Democrats are now blocking nearly *every* Bush nominee to the federal circuit courts of appeals. Their actions suggest that party strategists have abandoned an earlier plan to stop a few, carefully selected Bush nominees. Now, they want to stop them all.

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Sean Rushton  
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Washington, DC 20004  
202-481-6850 phone  
202-487-6439 mobile  
[www.committeeforjustice.org](http://www.committeeforjustice.org)



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 4/3/2003 11:17:48 AM  
**Subject:** : was FAX to 310-454-6138 confirmed?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-APR-2003 16:17:48.00  
SUBJECT:: was FAX to 310-454-6138 confirmed?  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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**From:** Goeglein, Tim  
**To:** <Kavanaugh, Brett M.>;<Reardon, Brian>;<Anton, Michael N.>;<Towey, Jim>;<Lefkowitz, Jay P.>  
**Sent:** 4/3/2003 3:38:40 PM  
**Subject:**

Colleagues

Thanks for doing the briefing today; as ever, we are highly appreciative for the great job you did.

tsg

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/3/2003 11:41:52 AM  
**Subject:** : Re: Michigan 4

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-APR-2003 16:41:52.00  
SUBJECT:: Re: Michigan 4  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

About what?

.

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/3/2003 12:21:25 PM  
**Subject:** : Feinstein

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 3-APR-2003 17:21:25.00  
SUBJECT:: Feinstein  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

They report that she is still on the floor and is not reachable. I left another message.

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/3/2003 6:27:44 PM  
**Subject:** finally

He's on the phone w/ feinstein.

---

**From:** CN=Matthew Kirk/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/3/2003 4:47:20 PM  
**Subject:** : Re: any update?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew Kirk ( CN=Matthew Kirk/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 3-APR-2003 21:47:20.00  
SUBJECT:: Re: any update?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Allen is in the bill. Done in the managers amdt.

---

**From:** Kirk, Matthew  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/3/2003 9:47:41 PM  
**Subject:** Re: any update?

Allen is in the bill. Done in the managers amdt.

---

**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/4/2003 4:08:40 AM  
**Subject:** : TRANSCRIPT - Televised Statement of Saddam Hussein read by Iraqi Information Minister Mohammed Saeed Sahaf 04/04/03

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 4-APR-2003 09:08:40.00  
SUBJECT:: TRANSCRIPT - Televised Statement of Saddam Hussein read by Iraqi Information Minister Mohammed Saeed Sahaf 04/04/03  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

TELEVISED STATEMENT OF SADDAM HUSSEIN READ BY IRAQI INFORMATION MINISTER  
MOHAMMED SAEED SAHAF BAGHDAD, IRAQ, APPROX. 5:30 AM EDT, APRIL 4, 2003

;

MINISTER SAHAF: (Through interpreter) My dear brothers and sons and beloved, I call on you fighters here, men and women, friends everywhere. Throughout history, when consumed by Satan, invaders always target capitals and cities and believe that their war will be settled there. And when the aggressors are repressed and defeated, they return in humiliation from all the lands they defile. We are determined to conquer them at the footsteps of our capital. We are going to destroy the enemy's horses on all lands of Islam, the land of Iraq. Fight them, my brothers. Fight them day and night. Make the land of Islam a fire to kill them and burn them wherever they pass. And by the hand of God Almighty, they will find themselves in the fires of hell, and our martyrs will have paradise. God is great, and glory to God. Defeat for all those enemies of God. Long live Iraq. Long live our nation. Long live Palestine. Long live Iraq. Long live Iraq. God is great. God is great. And let those criminals be defeated.

;;;;;; Saddam Hussein on the 4th of April, 2003.

END.

;



---

**From:** Lefkowitz, Jay P.  
**To:** <Kavanaugh, Brett M.>;<Francisco, Noel J.>;<Joseffer, Daryl L.>  
**Sent:** 4/4/2003 9:50:56 AM  
**Subject:** airline question

Have any of you ever done a memo on the scope of DOT's 411 authority? If so, can you pls shoot it to me?

thanks

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/4/2003 6:20:08 AM  
**Subject:** : Please call me re: CA/4th Circuit letter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 4-APR-2003 11:20:08.00  
SUBJECT:: Please call me re: CA/4th Circuit letter  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Theodore W. Ulliot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliot>  
**Sent:** 4/4/2003 10:38:56 AM  
**Subject:** : reminder to tell Romney's guy to hold off a few days

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 4-APR-2003 15:38:56.00  
SUBJECT:: reminder to tell Romney's guy to hold off a few days  
TO:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>  
**Sent:** 4/4/2003 6:51:25 AM  
**Subject:** : Michael Kelly

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 4-APR-2003 11:51:25.00  
SUBJECT:: Michael Kelly  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

He was killed today in Iraq.; He wrote two withering columns during the Lewinsky matter that still stick in my mind.; Links are below:

;  
[http://www.usactuary.com/I\\_Believe.html](http://www.usactuary.com/I_Believe.html)  
<[http://www.usactuary.com/I\\_Believe.html](http://www.usactuary.com/I_Believe.html)>  
;  
[http://www.usactuary.com/I\\_Still\\_Believe.html](http://www.usactuary.com/I_Still_Believe.html)  
<[http://www.usactuary.com/I\\_Still\\_Believe.html](http://www.usactuary.com/I_Still_Believe.html)>

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**From:** CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/4/2003 6:52:46 AM  
**Subject:** : Reporter Michael Kelly Killed

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 4-APR-2003 11:52:46.00

SUBJECT:: Reporter Michael Kelly Killed

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

.

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**From:** CN=Theodore W. Ulliot/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/4/2003 11:14:01 AM  
**Subject:** : Re: reminder to tell Romney's guy to hold off a few days

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 4-APR-2003 16:14:01.00  
SUBJECT:: Re: reminder to tell Romney's guy to hold off a few days  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks for the reminder. It's done. He and I are going to talk on Monday. He will not send until after we have talked and made the necessary adjustments to the list.

.

---

**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/4/2003 11:15:51 AM  
**Subject:** : AP update - First U.S. Journalist Killed in Iraq War

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 4-APR-2003 16:15:51.00  
SUBJECT:: AP update - First U.S. Journalist Killed in Iraq War  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

First U.S. Journalist Killed in Iraq War

By JONATHAN D. SALANT  
The Associated Press

WASHINGTON - Michael Kelly, editor-at-large for The Atlantic Monthly, was killed while on assignment covering the war in Iraq. He is the first American journalist to die in the conflict.

Kelly, also a hard-hitting conservative columnist for The Washington Post and a former editor of The New Republic, died Thursday night while traveling with the U.S. Army's 3rd Infantry Division as it moved across Iraq, according to a statement issued by Atlantic Media.

President Bush "expresses his sorrow and his condolences to the Kelly family," White House press secretary Ari Fleischer said.

Atlantic Monthly owner David Bradley said the magazine "has had 145 years of good times and bad, but no moment more deeply sad than this one now."

The 46-year-old Kelly, who also covered the first Gulf War, was the first journalist to die among the 600 embedded with the U.S. armed forces. Four foreign journalists have been killed covering the war.

Atlantic Media provided no details about Kelly's death. The Washington Post, on its Web site, said Kelly was killed in a Humvee accident.

Navy Lt. Herlinda Rojas, a spokeswoman at the Coalition Press Information Center in Kuwait City, said a soldier and a reporter were killed near Baghdad when a Humvee went into a canal. Neither were identified. Military officials said they believed it was an accident and not the result of combat.

Kelly's final column for the Post was published Thursday. In it, he wrote about accompanying an Army task force as it captured a bridge across the Euphrates River.

"On the western side of the bridge, Lt. Col. Ernest 'Rock' Marccone, commander of Task Force 3-69, stood in the sand by the side of the road, smoking a cigar and drinking a cup of coffee," Kelly wrote. "Marccone's soldiers say he deeply likes to win, and he seemed quietly happy. ... 'We now hold the critical ground through which the rest of the division can pass and engage and destroy the Republican Guard,'" Marccone said.

A native of Washington, D.C., Kelly was the son of two journalists - Thomas Kelly, a former reporter, and Marguerite Kelly, who writes the syndicated column, "Family Almanac."

Kelly was fired as editor of The New Republic, a weekly political journal, in 1997 by owner Martin Peretz, a friend and former teacher of then-Vice President Al Gore. Peretz objected to what he felt was the magazine's

constant criticism of the Clinton administration, especially in Kelly's regular column.

Kelly became a columnist for the Post and continued to criticize Clinton. Around the same time, he was hired as the editor of National Journal, a weekly magazine that covers the federal government. When Bradley, the Journal's owner, bought The Atlantic Monthly in 1999, he named Kelly editor of the venerable magazine.

Last September, Kelly stepped down from that post and took the title editor-at-large. He is also chief editorial adviser to the Journal.

Before taking the helm of The New Republic, Kelly was a reporter for The New York Times and a writer and editor at The New Yorker.

He covered the first Gulf War as a stringer for The Boston Globe, GQ and The New Republic, as well as the Iraq-Kurdish conflict that followed it. He won a National Magazine Award and an Overseas Press Club award for his articles, and later wrote a book based on his reporting, "Martyr's Day: Chronicle of a Small War."

Kelly is survived by his wife, Madelyn, and two sons, Tom, 6, and Jack, 3.

;



---

**From:** Leitch, David G.  
**To:** <Gonzales, Alberto R.>; <Kavanaugh, Brett M.>  
**Sent:** 4/4/2003 11:51:45 AM  
**Subject:** Michael Kelly

He was killed today in Iraq. He wrote two withering columns during the Lewinsky matter that still stick in my mind. Links are below:

[http://www.usactuary.com/I\\_Believe.html](http://www.usactuary.com/I_Believe.html)

[http://www.usactuary.com/I\\_Still\\_Believe.html](http://www.usactuary.com/I_Still_Believe.html)

---

**From:** Kirk Blalock <kblalock@fierce-isakowitz.com>  
**To:** <Schacht, Diana L.>;<Silverberg, Kristen>;<Warsh, Kevin>;<Kavanaugh, Brett M.>  
**CC:** <Dougherty, Elizabeth S.>  
**Sent:** 4/4/2003 12:31:42 PM  
**Subject:** Department of Labor - Asbestos

FYI – Apparently Chairman Hatch has asked Secretary Chao to provide advice on how to develop an asbestos trust structure based off of previously established government run trusts. This has come to me indirectly, and I have indicated back indirectly that it would be in Labors' interest to first touch base with you all (Liz and Diana) before moving forward in this regard without WH guidance on the issue.

Let me know if you hear anything. Thanks.

---

**From:** CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/4/2003 8:34:35 AM  
**Subject:** : Re: are waldman and fisher papers in?

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 4-APR-2003 13:34:35.00

SUBJECT:: Re: are waldman and fisher papers in?

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

They are working on them. They know we want Monday delivery.

.

----- Original Message -----

From:Brett M. Kavanaugh/WHO/EOP

To:H. Christopher Bartolomucci/WHO/EOP@EOP

Cc:

Date: 04/04/2003 01:27:55 PM

Subject: are waldman and fisher papers in?

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/4/2003 2:25:17 PM  
**Subject:** : White House Global Messenger - \*MESSAGES TO THE IRAQI PEOPLE\* - 04/05/2003  
**Attachments:** P\_RVXCF003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 4-APR-2003 19:25:17.00  
SUBJECT:: White House Global Messenger - \*MESSAGES TO THE IRAQI PEOPLE\* - 04/05/2003  
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(See attached file: GM -4-5-03 FINAL.doc)

THE GLOBAL MESSENGER  
Saturday, April 5, 2003

\*\*\*\*\*MESSAGES TO THE IRAQI PEOPLE\*\*\*\*\*

\*\*\*\*\*IN THE PRESIDENT'S WORDS\*\*\*\*\*

"And the people of Iraq have my pledge: Our fighting forces will press on until your entire country is free. The Iraqi people deserve to live in peace under leaders they have chosen. They deserve a government that respects the rights of every citizen and ethnic group. They deserve a country that is united, that's independent, and that is released from years of sanctions and sorrow. Our coalition has one goal for the future of Iraq -- to return that great country to it's own people." 04-03-03

"The people of Iraq have lived in this nightmare world for more than two decades. It is understandable that fear and distrust run deep. Yet, here in the city where America itself gained freedom, I give this pledge to the citizens of Iraq: We're coming with a mighty force to end the reign of your oppressors. We are coming to bring you food and medicine and a better life. And we are coming, and we will not stop, we will not relent until your country is free." 03-31-03

"Well, they've been sent a message in this war, too, in that if you launch a weapon of mass destruction, you'll be tried as a war criminal. And I urge those Iraqi generals who have any doubt of our word to be careful, because we'll keep our word. We're going to keep our word to the Iraqi people and we'll keep our

REV\_00113729

word to those war criminals in Iraq." 03-27-03

"Many Iraqis can hear me tonight in a translated radio broadcast, and I have a message for them. If we must begin a military campaign, it will be directed against the lawless men who rule your country and not against you. As our coalition takes away their power, we will deliver the food and medicine you need. We will tear down the apparatus of terror and we will help you to build a new Iraq that is prosperous and free. In a free Iraq, there will be no more wars of aggression against your neighbors, no more poison factories, no more executions of dissidents, no more torture chambers and rape rooms. The tyrant will soon be gone. The day of your liberation is near." 03-17-03

\*\*\*\*\*U.S. SUNDAY SHOWS\*\*\*\*\*  
Subject to Change

ABC: General Pace

NBC: Deputy Secretary Wolfowitz and  
General Pace

CBS: Deputy Secretary Wolfowitz

FOX: Deputy Secretary Wolfowitz

CNN: General Pace

\*\*\*\*\*KEY QUOTES\*\*\*\*\*

\*\*\*  
"I urge the Iraqi people being threatened in the cities to try to remember the faces and the names of the death squad enforcers. Their time will come, and we will need your help and your testimony... They dress in civilian clothes and operate from private homes, confiscated from innocent people, and try to blend in with the civilian population. They conduct sadistic executions on sidewalks and public squares, cutting the tongues out of those accused of disloyalty and beheading people with swords. They put on American and British uniforms to try to fool regular Iraqi soldiers into surrendering to them, and then execute them as an example for others who might contemplate defection or capitulation." Secretary Rumsfeld, 03-28-03

\*\*\*  
"[W]e are liberating the Iraqi people from a ruthless tyranny that has showed utter contempt for human life. We are resolved to help the Iraqi people achieve a united and stable country and move toward democracy and prosperity under a representative government that respects the rights of all of its citizens." Secretary Powell, 03-31-03

THE WHITE HOUSE  
Office of Global Communications

REV\_00113730

For more information log on to <http://www.whitehouse.gov/ogc>

\*\*\*\*\*

You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.

- GM -4-5-03 FINAL.doc  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_RVXCF003\_WHO.TXT\_1>



# THE GLOBAL MESSENGER

MESSAGES TO THE IRAQI PEOPLE

Saturday, April 5, 2003



## U.S. SUNDAY SHOWS

*Subject to Change*

ABC: General Pace

NBC: Deputy Secretary Wolfowitz and  
General Pace

CBS: Deputy Secretary Wolfowitz

FOX: Deputy Secretary Wolfowitz

CNN: General Pace

## KEY QUOTES

"I urge the Iraqi people being threatened in the cities to try to remember the faces and the names of the death squad enforcers. Their time will come, and we will need your help and your testimony... They dress in civilian clothes and operate from private homes, confiscated from innocent people, and try to blend in with the civilian population. They conduct sadistic executions on sidewalks and public squares, cutting the tongues out of those accused of disloyalty and beheading people with swords. They put on American and British uniforms to try to fool regular Iraqi soldiers into surrendering to them, and then execute them as an example for others who might contemplate defection or capitulation." **Secretary Rumsfeld, 03-28-03**

"[W]e are liberating the Iraqi people from a ruthless tyranny that has showed utter contempt for human life. We are resolved to help the Iraqi people achieve a united and stable country and move toward democracy and prosperity under a representative government that respects the rights of all of its citizens." **Secretary Powell, 03-31-03**

## IN THE PRESIDENT'S WORDS

### Recent Messages to the Iraqi People

- "And the people of Iraq have my pledge: Our fighting forces will press on until your entire country is free. The Iraqi people deserve to live in peace under leaders they have chosen. They deserve a government that respects the rights of every citizen and ethnic group. They deserve a country that is united, that's independent, and that is released from years of sanctions and sorrow. Our coalition has one goal for the future of Iraq -- to return that great country to its own people." **04-03-03**
- "The people of Iraq have lived in this nightmare world for more than two decades. It is understandable that fear and distrust run deep. Yet, here in the city where America itself gained freedom, I give this pledge to the citizens of Iraq: We're coming with a mighty force to end the reign of your oppressors. We are coming to bring you food and medicine and a better life. And we are coming, and we will not stop, we will not relent until your country is free." **03-31-03**
- "Well, they've been sent a message in this war, too, in that if you launch a weapon of mass destruction, you'll be tried as a war criminal. And I urge those Iraqi generals who have any doubt of our word to be careful, because we'll keep our word. We're going to keep our word to the Iraqi people and we'll keep our word to those war criminals in Iraq." **03-27-03**
- "Many Iraqis can hear me tonight in a translated radio broadcast, and I have a message for them. If we must begin a military campaign, it will be directed against the lawless men who rule your country and not against you. As our coalition takes away their power, we will deliver the food and medicine you need. We will tear down the apparatus of terror and we will help you to build a new Iraq that is prosperous and free. In a free Iraq, there will be no more wars of aggression against your neighbors, no more poison factories, no more executions of dissidents, no more torture chambers and rape rooms. The tyrant will soon be gone. The day of your liberation is near." **03-17-03**

**THE WHITE HOUSE**

**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00113732

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**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Christopher J. Orr/WHO/EOP@EOP [ WHO ] <Christopher J. Orr>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/4/2003 11:11:11 AM  
**Subject:** : Judicial Nominee Web page

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 4-APR-2003 16:11:11.00  
SUBJECT:: Judicial Nominee Web page  
TO:Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can you both meet at about 4pm on Monday to go over content for the  
judicial nominees web page?



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Elizabeth S. Dougherty/OPD/EOP@EOP [ OPD ] <Elizabeth S. Dougherty>  
**Sent:** 4/4/2003 11:17:23 AM  
**Subject:** : Re: Airline Labor issues

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 4-APR-2003 16:17:23.00  
SUBJECT:: Re: Airline Labor issues  
TO:Elizabeth S. Dougherty ( CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

probably makes sense to put you in touch directly with a DOJ expert on that issue. I can inquire over there if you'd like?

Elizabeth S. Dougherty  
04/04/2003 12:37:01 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Airline Labor issues

Hi Brett! A couple of the industry experts have raised some issues in the labor arena that I could use some help understanding. The main suggestion was that repealing Clayton Act immunity for labor unions (I guess so they can conspire against all the airlines collectively) would help the labor cost situation. But I don't fully understand what the Clayton Act immunity entails and how it came about. Who would be the best person/agency to ask about this? DOJ? DOL? Your thoughts would be greatly appreciated!!

Thanks!

Liz

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>;<Orr, Christopher J.>  
**Sent:** 4/4/2003 4:02:18 PM  
**Subject:** Judicial Nominee Web page

Can you both meet at about 4pm on Monday to go over content for the judicial nominees web page?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>  
**Sent:** 4/4/2003 12:31:17 PM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 4-APR-2003 17:31:17.00

SUBJECT: :

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

NARAL report on Holmes

[http://www.naral.org/mediaresources/fact/pdfs/holmes\\_facts.pdf](http://www.naral.org/mediaresources/fact/pdfs/holmes_facts.pdf)

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/7/2003 6:44:52 AM  
**Subject:** : RE: Data

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 7-APR-2003 10:44:52.00  
SUBJECT:: RE: Data  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thank you.

-----Original Message-----  
From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Monday, April 07, 2003 9:45 AM  
To: Miranda, Manuel (Frist)  
Subject: Re: Data

108th Congress

---

**From:** Ralston, Susan B.  
**To:** <Kavanaugh, Brett M.>;<Everson, Nanette>  
**Sent:** 4/7/2003 8:16:33 AM  
**Subject:** Contract Work

Can I accept contract work from Keller Graduate School, my alma mater, to write course curriculum guides? This would have nothing to do w/ my official duties here.

---

**From:** CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/7/2003 4:16:17 AM  
**Subject:** : Contract Work

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 7-APR-2003 08:16:17.00  
SUBJECT:: Contract Work  
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can I accept contract work from Keller Graduate School, my alma mater, to write course curriculum guides?; This would have nothing to do w/ my official duties here.

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/7/2003 4:30:52 AM  
**Subject:** : rate?  
**Attachments:** P\_BXKDF003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 7-APR-2003 08:30:52.00

SUBJECT:: rate?

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

What is the current vacancy rate for Circuits? I know Districts is 5.9%

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_BXKDF003\_WHO.TXT\_1>

What is the current vacancy rate for Circuits? I know Districts is 5.9%



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**Sent:** 4/7/2003 4:31:48 AM  
**Subject:** : Re: rate?  
**Attachments:** P\_DYKDF003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 7-APR-2003 08:31:48.00

SUBJECT:: Re: rate?

TO: "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)"  
<Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

14%

"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov>

04/07/2003 08:30:17 AM

Record Type: Record

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

cc:

Subject: rate?

What is the current vacancy rate for Circuits? I know Districts is 5.9%

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_DYKDF003\_WHO.TXT\_1>

What is the current vacancy rate for Circuits? I know Districts is 5.9%

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>  
**Sent:** 4/7/2003 4:33:01 AM  
**Subject:** : Contract Work

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-APR-2003 08:33:01.00  
SUBJECT:: Contract Work  
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This is your bailiwick, I believe.  
----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
04/07/2003 08:32 AM -----

From: Susan B. Ralston/WHO/EOP@Exchange on 04/07/2003 08:16:33 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Nanette Everson/WHO/EOP@EOP  
cc:  
Subject: Contract Work

Can I accept contract work from Keller Graduate School, my alma mater, to write course curriculum guides?; This would have nothing to do w/ my official duties here.

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/7/2003 4:37:42 AM  
**Subject:** : RE: FW: Des Moines Travel

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 7-APR-2003 08:37:42.00  
SUBJECT:: RE: FW: Des Moines Travel  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes! As long as, the ta form is approved before they get on the flight.  
Sounds like a great plan!

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Monday, April 07, 2003 8:36 AM  
To: Litkenhaus, Colleen  
Subject: Re: FW: Des Moines Travel

For political flights, it seems to me they should book the flights when they can, then get the ta form approved. When there are problems with approval, they can cancel or re-scheduled flight. Does that solve the problem?

From: Colleen Litkenhaus/WHO/EOP@Exchange on 04/06/2003 01:39:20 PM  
Record Type: Record  
  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: FW: Des Moines Travel

Can I talk with you about this stuff on Monday? Ben Powell is deferring to you on this one.

-----Original Message-----  
From: Taylor, Sara M.  
Sent: Wednesday, April 02, 2003 10:25 AM  
To: Litkenhaus, Colleen  
Cc: Schlapp, Matthew A.  
Subject: Re: Des Moines Travel

Colleen - Can you help us on travel? Because the RNC pays for our travel there are lots of extra steps involved for us to book flights. As a result, usually by the time the approval comes through, the original flight is booked or much more expensive causing us to start the process all over. We are often forced to choose between making the RNC spend several hundred more dollars for our flights (as I will now do next Friday - in order to get a reasonably priced flight, I'm leaving at 10:30 am on Friday for a Saturday morning speech).

Perhaps I'm doing something wrong, but DT and others here have the same frustration with the travel office/process for approval. What can I do to help fix this - would it be easier if I wrote up a memo with examples?

Sara  
----- Forwarded by Sara M. Taylor/WHO/EOP on 04/02/2003  
10:25 AM -----

<< OLE Object: Picture (Device Independent Bitmap) >>

Lauren C. Barnett

04/02/2003 10:14:55 AM

Record Type: Record

To: Sara M. Taylor/WHO/EOP@EOP

cc:

Subject: Re: Des Moines Travel << OLE Object: StdOleLink >>

\objattph

We had a flight reservation on Northwest....the travel authorization didn't come until yesterday afternoon, and by that point, the Northwest flight was ridiculous. So, I looked into Midwest Express, which if you are willing to leave early on Friday, would be great. This isn't a problem...provided the new flight is in the same price ballpark as the Northwest flight (\$588).

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/7/2003 4:37:07 AM  
**Subject:** : RE: rate?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 7-APR-2003 08:37:07.00  
SUBJECT:: RE: rate?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

What was it at the end of the 107th?

-----Original Message-----  
From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Monday, April 07, 2003 8:32 AM  
To: Miranda, Manuel (Frist)  
Subject: Re: rate?

14 % in regional appeals courts (that is, excluding the Federal Circuit, which handles patent and trademark appeals)

(Embedded  
image moved "Miranda, Manuel (Frist)"  
to file: <Manuel\_Miranda@frist.senate.gov>  
pic29475.pcx) 04/07/2003 08:30:17 AM

Record Type: Record

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

cc:  
Subject: rate?

What is the current vacancy rate for Circuits? I know Districts is 5.9%

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**Sent:** 4/7/2003 4:47:02 AM  
**Subject:** : RE: rate?

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 7-APR-2003 08:47:02.00

SUBJECT:: RE: rate?

TO: "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)"  
<Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

same

"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov>  
04/07/2003 08:35:56 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: rate?

What was it at the end of the 107th?

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Monday, April 07, 2003 8:32 AM  
To: Miranda, Manuel (Frist)  
Subject: Re: rate?

14 % in regional appeals courts (that is, excluding the Federal Circuit,  
which  
handles patent and trademark appeals)

(Embedded  
image moved "Miranda, Manuel (Frist)"  
to file: <Manuel\_Miranda@frist.senate.gov>  
pic29475.pcx) 04/07/2003 08:30:17 AM

Record Type: Record

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

REV\_00113778

What is the current vacancy rate for Circuits? I know Districts is 5.9%



---

**From:** Everson, Nanette  
**To:** <Douglas, Penny G.>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 4/7/2003 9:14:49 AM  
**Subject:** RE: DID YOU SEE THIS AND SEND ON?

Thanks; all bases are now covered, so you may proceed.

Emory Rounds

04/07/2003 09:08:25 AM

From: Penny G. Douglas/WHO/EOP@Exchange on 04/04/2003 03:29:46 PM

Record Type: Record

To: Nanette Everson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: DID YOU SEE THIS AND SEND ON?

I just received a call from Dawn Perkeron at VOLPAC. She confirmed that it is a 527 (e) organization.

-----Original Message-----

**From:** Douglas, Penny G.

**Sent:** Thursday, April 03, 2003 9:00 AM

**To:** Everson, Nanette; Kavanaugh, Brett M.

**Subject:** RE: DID YOU SEE THIS AND SEND ON?

I called VOLPAC to see if they are a 527(e) organization. I'll let you know as soon as I hear back from them.

-----Original Message-----

**From:** Everson, Nanette

**Sent:** Wednesday, April 02, 2003 3:40 PM

**To:** Kavanaugh, Brett M.

**Cc:** Douglas, Penny G.

**Subject:** DID YOU SEE THIS AND SEND ON?

What are your thoughts? Attached below are the thoughts of our shop.

REV\_00113780

<< OLE Object: Picture (Device Independent Bitmap) >>

Emory Rounds

04/02/2003 03:37:42 PM

Record Type: Record

To: Nanette Everson/WHO/EOP@EOP

cc:

Subject: DID YOU SEE THIS AND SEND ON?

----- Forwarded by Emory Rounds/WHO/EOP on 04/02/2003 03:36 PM -----

<< OLE Object: Picture (Device Independent Bitmap) >>

Emory Rounds

03/25/2003 03:13:45 PM

Record Type: Record

To: Nanette Everson/WHO/EOP@EOP

cc:

Subject: VOLPAC Invitation

This responds to your e-mail request for advice, below. In addition, is this a matter for consideration also by Brett Kavanaugh, given the Hatch Act issues?

Penny Douglas is an Executive Assistant in the Office of Legislative Affairs, and is not a commissioned officer. She plans to participate in VOLPAC events scheduled for April 25 to 27, 2003, in Nashville, Tennessee, and asks whether she may accept VOLPAC's offer to pay her airfare to and from Nashville, so that she may attend the event.

Ms. Douglas explains that VOLPAC is the political action committee of Senator Bill Frist. She also advises that she has, in the past, volunteered to assist VOLPAC with the logistics of its annual Spring weekend event.

The Office of Special Counsel's web-site notes that an employee may attend and be active at political rallies and meetings; join and be an active member of a political party or club; and, hold office in political clubs or parties.

If this event is a fundraiser, the Office of Special Counsel's web-site also notes that, among other permissible activities, an employee may attend political fundraising functions and is allowed to organize a fundraiser, as long as she does not personally solicit, accept, or receive contributions. She may even give a speech or keynote address at a political fundraiser, as long as she is not on duty, and does not solicit political contributions. However, her name may not be shown on an invitation to such a fundraiser as a sponsor or point of contact.

Regarding the VOLPAC offer of travel expenses, ethics regulations provide that an employee who may take an active part in *political management* or in political campaigns under the Hatch Act, may accept meals, lodgings, transportation and other benefits, including free attendance at events, when provided, *in connection with such active participation*, by a political organization described in 26 U.S.C. 527(e). See 5 C.F.R. § 2635.204(f).

· The term "political organization" in 26 U.S.C. 527(e) means "a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function."

· The term "exempt function" in 26 U.S.C. 527(e) means "the function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not such individual or electors are selected, nominated, elected, or appointed. Such term includes the making of expenditures relating to an office described in the preceding sentence which, if incurred by the individual, would be allowable as a deduction under section 162(a)."

· The term "political management" is not otherwise defined.

It is not precisely clear from its web-site (<http://www.volpac.com/index.html> <<http://www.volpac.com/index.html>>) whether VOLPAC is actually a "527(e)" organization, although that most likely is the case considering its mission and purpose statements.

If Ms. Douglas ascertains that VOLPAC is such an organization, then she may accept the gift of free airfare, as well as any meals, lodgings, other transportation, and other benefits, from that group in connection with her participation in the event. However, the event apparently begins on a Friday and, if she travels to or attends the event during her normal duty hours, she should be in a leave status during those hours.

\*\*\*\*\*

----- Forwarded by Emory Rounds/WHO/EOP on 03/25/2003 03:05 PM -----

<< OLE Object: Picture (Device Independent Bitmap) >>

Nanette Everson

03/25/2003 12:09:51 PM

Record Type: Record

To: Emory Rounds/WHO/EOP@EOP

cc:

Subject: VOLPAC Invitation

please advise

----- Forwarded by Nanette Everson/WHO/EOP on 03/25/2003 12:14 PM -----

From: Penny G. Douglas/WHO/EOP@Exchange on 03/25/2003 11:37:37 AM

Record Type: Record

To: Nanette Everson/WHO/EOP@EOP

cc:

REV\_00113782

Subject: VOLPAC Invitation

Hi Nanette -

Last week, I spoke to you briefly at the New Employees' Ethics Briefing regarding my invitation to participate in the VOLPAC events on April 25-27, 2003. VOLPAC is the political action committee of Senator Bill Frist of TN. Each year VOLPAC hosts a Spring Meeting in Nashville, TN for its members. In the past, I have volunteered to assist with the logistics of each event i.e transportation.

VOLPAC has offered to pay my airfare to/from Nashville. Do you see any problem with accepting this? Please let me know if I need to provide you with more information.

Thank you -

Penny Douglas

Office of Legislative Affairs

6-2230

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>  
**Sent:** 4/7/2003 5:56:23 AM  
**Subject:** : do you have dab's e-mail

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 7-APR-2003 09:56:23.00

SUBJECT:: do you have dab's e-mail

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>;David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 4/7/2003 10:17:20 AM  
**Subject:** : editorial on blue slip -- if only . . .

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-APR-2003 14:17:20.00  
SUBJECT:: editorial on blue slip -- if only . . .  
TO: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Pink slip for blue slip  
Star-Telegram

When Senate Judiciary Committee Chairman Orrin Hatch convened a hearing for an appellate court nominee opposed by both her home-state senators, it was a significant step away from the tradition of the "blue slip." The blue slip is a form that is sent to a judicial nominee's home-state senators asking whether they approve of or object to the nomination. Through this form of senatorial courtesy, individual senators have been able to block consideration of nominees for years simply by returning a negative blue slip or not sending it back at all. The reason for opposition can be substantive or silly -- and it need not be made public. Theoretically, the blue slip enables senators to persuade the president to consult them on nominees, thus avoiding political showdowns. But too often the mechanism has put far too much of the Senate's "advice and consent" power into the hands of a single senator. By diluting that concentration of power, Hatch has done the right thing. The decision by the Utah Republican, who also was Judiciary Committee chairman under President Clinton, came on a controversial nominee: Carolyn Kuhl, who's strongly backed by the Bush White House and opposed by California's Democratic senators, Barbara Boxer and Dianne Feinstein. Eliminating the blue slip removes one means of warping the judicial selection process. The challenge remains for senators and the president to avoid other divisiveness that threatens an independent judiciary.

---

**From:** Kavanaugh, Brett M.  
**To:** <Bumatay, Patrick J.>  
**Sent:** 4/7/2003 10:25:45 AM  
**Subject:** do you have direct number for hew pate

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Patrick J. Bumatay/WHO/EOP@Exchange@EOP [ WHO ] <Patrick J. Bumatay>  
**Sent:** 4/7/2003 6:26:04 AM  
**Subject:** : do you have direct number for hew pate

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-APR-2003 10:26:04.00  
SUBJECT:: do you have direct number for hew pate  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####



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**From:** Everson, Nanette  
**To:** <Ralston, Susan B.>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 4/7/2003 11:07:46 AM  
**Subject:** Re: Contract Work

There is nothing in this position that is likely to conflict with your official duties so the acceptance of the work would not violate the Standards of Conduct ethics rules.

However, as White House staff you are subject to a total outside earned income limitation ban if you earn greater than \$33,254. See Executive Order 12731. This policy is described in detail at pages D-11 and D-12 of the White House Staff Manual.

Sorry to be the bearer of bad news. I'm sure you would have performed this work in an exemplary and valuable manner, as you perform your work on behalf of the President.

From: Susan B. Ralston/WHO/EOP@Exchange on 04/07/2003 08:16:33 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Nanette Everson/WHO/EOP@EOP

cc:

Subject: Contract Work

Can I accept contract work from Keller Graduate School, my alma mater, to write course curriculum guides? This would have nothing to do w/ my official duties here.

---

**From:** CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/7/2003 11:31:35 AM  
**Subject:** : Re: FW: Owen Debate Tonight!

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-APR-2003 15:31:35.00  
SUBJECT:: Re: FW: Owen Debate Tonight!  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can you come on the conservative call at 5pm, briefly?

tsg

Brett M. Kavanaugh  
04/07/2003 03:30:31 PM  
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP  
cc:  
Subject: FW: Owen Debate Tonight!

Important. Owen debate begins tonight.

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/7/2003 11:42:49 AM  
**Subject:** : RE: Tech service switched my email

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 7-APR-2003 15:42:49.00  
SUBJECT:: RE: Tech service switched my email  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Latest one on consults on CFC and sentencing commission.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Monday, April 07, 2003 3:40 PM  
To: Grubbs, Wendy J.  
Subject: Re: Tech service switched my email

which one, on what subject?

From: Wendy J. Grubbs/WHO/EOP@Exchange on 04/07/2003 03:39:14 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Tech service switched my email

and I cannot retrieve old docs (for the moment) so please resend Leahy letter. I have to return Bruce's charming call.

---

**From:** Skelly, Layton  
**To:** paula.stannard@hhs.gov <paula.stannard@hhs.gov>; peter.urbanowicz@hhs.gov <peter.urbanowicz@hhs.gov>; viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>; alex.azar@hhs.gov <alex.azar@hhs.gov>; john.hoff@hhs.gov <john.hoff@hhs.gov>; jennifer.young@hhs.gov <jennifer.young@hhs.gov>; jennifer.young@hhs.gov <Schacht, Diana L.>; jennifer.young@hhs.gov <Badger, William D.>; jennifer.young@hhs.gov <Jensen, Amy>; jennifer.young@hhs.gov <Loper, Ginger G.>; wendy.j.grubbs/who/eop <wendy.j.grubbs/who/eop@eop>; wendy.j.grubbs/who/eop <Perry, Philip J.>; wendy.j.grubbs/who/eop <Silverberg, Kristen>; wendy.j.grubbs/who/eop <Deleire, Thomas C.>; wendy.j.grubbs/who/eop <Kavanaugh, Brett M.>; zurawski-paul@dol.gov <zurawski-paul@dol.gov>; zurawski-paul@dol.gov <Young, Tracy>; zurawski-paul@dol.gov <Besanceney, Brian R.>; marc.kesselman@usdoj.gov <marc.kesselman@usdoj.gov>; marc.kesselman@usdoj.gov <Ackerly, Dana>; jafar.karim@hhs.gov <jafar.karim@hhs.gov>  
**CC:** pamela.roller@hhs.gov <pamela.roller@hhs.gov>; joyce.b-moore@hhs.gov <joyce.b-moore@hhs.gov>; marie.belt@hhs.gov <marie.belt@hhs.gov>; marie.belt@hhs.gov <Winland, Emily>; marie.belt@hhs.gov <Smith, Marty P.>; marie.belt@hhs.gov <Vestewig, Lauren J.>; marie.belt@hhs.gov <Lineberry, Stephen M.>; dana.ceasar@hhs.gov <dana.ceasar@hhs.gov>; india.luckett@hhs.gov <india.luckett@hhs.gov>; scriver-langford-lat@dol.gov <scriv-er-langford-lat@dol.gov>; heather.mcnaught@usdoj.gov <heather.mcnaught@usdoj.gov>; stephanie.wilson@hhs.gov <stephanie.wilson@hhs.gov>; stephanie.wilson@hhs.gov <Stone, Carla B.>; stephanie.wilson@hhs.gov <Skelly, Layton>  
**Sent:** 4/7/2003 12:08:49 PM  
**Subject:** Weekly Medical Liability CC

Due to a scheduling conflict, this call cannot take place at 10:00 tomorrow. For those of you who have been participating in this, please let me know if 11:15 will work instead. If not, please provide a better time. Thank you.

Layton Skelly

03/31/2003 04:20:32 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

bcc:

Subject: Weekly Medical Liability CC tomorrow at 10:00



This is to remind you that we will be having the weekly Medical Liability Working Group conference call tomorrow at 10:00.

Call in: 395-6392

CODE: 791803

REV\_00113818

Layton Skelly

03/24/2003 04:54:28 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

bcc:

Subject: Medical Liability meeting tom. will be a Conf. Call 

Call in: 395-6392

Code: 557036

Layton Skelly

03/17/2003 04:20:00 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

Subject: weekly Medical Liability meeting

This is a reminder that we are on for the weekly Medical Liability Working Group meeting tomorrow (3/18) at 10:00 in room 211. Thank you.

Layton

456-5085

Message Sent To: \_\_\_\_\_

Alan Gilbert/OPD/EOP@EOP

REV\_00113819

Philo D. Hall/OPD/EOP@EOP  
paula.stannard@hhs.gov @ inet  
peter.urbanowicz@hhs.gov @ inet  
viet.dinh@usdoj.gov @ inet  
alex.azar@hhs.gov @ inet  
john.hoff@hhs.gov @ inet  
jennifer.young@hhs.gov @ inet  
Diana L. Schacht/OPD/EOP@EOP  
William D. Badger/OPD/EOP@EOP  
Amy Jensen/WHO/EOP@Exchange@EOP  
Ginger G. Loper/WHO/EOP@Exchange@EOP  
Wendy J. Grubbs/WHO/EOP@EOP  
Jay P. Lefkowitz/OPD/EOP@Exchange@EOP  
Philip J. Perry/OMB/EOP@EOP  
Kristen Silverberg/WHO/EOP@Exchange@EOP  
Thomas C. DeLeire/CEA/EOP@EOP  
Brett M. Kavanaugh/WHO/EOP@EOP  
zurawski-paul@dol.gov @ inet  
Tracy Young/WHO/EOP@EOP  
Brian R. Besanceney/WHO/EOP@EOP  
marc.kesselman@usdoj.gov @ inet

Message Copied To:

---

Layton Skelly/OPD/EOP@EOP  
pamela.roller@hhs.gov  
joyce.b-moore@hhs.gov  
marie.belt@hhs.gov  
Emily Winland/OPD/EOP@EOP  
Marty P. Smith/OPD/EOP@EOP  
Lauren J. Vestewig/OPD/EOP@Exchange@EOP  
Stephen M. Lineberry/CEA/EOP@EOP  
dana.ceasar@hhs.gov  
india.luckett@hhs.gov

scrivier-langford-lat@dol.gov @ inet

heather.mcnaught@usdoj.gov

Message Sent To:

---

alan.gilbert/opd/eop@eop

philip d. hall/opd/eop@eop

paula.stannard@hhs.gov @ inet

peter.urbanowicz@hhs.gov @ inet

viet.dinh@usdoj.gov @ inet

alex.azar@hhs.gov @ inet

john.hoff@hhs.gov @ inet

jennifer.young@hhs.gov @ inet

diana l. schacht/opd/eop@eop

william d. badger/opd/eop@eop

amy.jensen/who/eop@exchange@eop

ginger g. loper/who/eop@exchange@eop

wendy j. grubbs/who/eop@eop

jay p. lefkowitz/opd/eop@exchange@eop

philip j. perry/omb/eop@eop

kristen silverberg/who/eop@exchange@eop

thomas c. deleire/cea/eop@eop

brett m. kavanaugh/who/eop@eop

zurawski-paul@dol.gov @ inet

tracy.young/who/eop@eop

brian r. besanceney/who/eop@eop

marc.kesselman@usdoj.gov @ inet

Dana.Ackerly/CEA/EOP@EOP

Message Copied To:

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pamela.roller@hhs.gov

joyce.b-moore@hhs.gov

marie.belt@hhs.gov

emily.winland/opd/eop@eop  
marty.p.smith/opd/eop@eop  
lauren.j.vestewig/opd/eop@exchange@eop  
stephen.m.lineberry/cea/eop@eop  
dana.ceasar@hhs.gov  
india.luckett@hhs.gov  
scrivener-langford-lat@dol.gov @ inet  
heather.mcnaught@usdoj.gov  
stephanie.wilson@hhs.gov  
Layton Skelly/OPD/EOP@EOP

Message Sent To: \_\_\_\_\_

alan.gilbert/opd/eop@eop  
philo.d.hall/opd/eop@eop  
paula.stannard@hhs.gov @ inet  
peter.urbanowicz@hhs.gov @ inet  
viet.dinh@usdoj.gov @ inet  
alex.azar@hhs.gov @ inet  
john.hoff@hhs.gov @ inet  
jennifer.young@hhs.gov @ inet  
diana.l.schacht/opd/eop@eop  
william.d.badger/opd/eop@eop  
amy.jensen/who/eop@exchange@eop  
ginger.g.loper/who/eop@exchange@eop  
wendy.j.grubbs/who/eop@eop  
jay.p.lefkowitz/opd/eop@exchange@eop  
philip.j.perry/omb/eop@eop  
kristen.silverberg/who/eop@exchange@eop  
thomas.c.deleire/cea/eop@eop  
brett.m.kavanaugh/who/eop@eop  
zurawski-paul@dol.gov @ inet



tracy.young/who/eop@eop

brian.r.besanceney/who/eop@eop

marc.kesselman@usdoj.gov @ inet

dana.ackerly/cea/eop@eop

Message Copied To:

---

pamela.roller@hhs.gov

joyce.b-moore@hhs.gov

marie.belt@hhs.gov

emily.winland/opd/eop@eop

marty.p.smith/opd/eop@eop

lauren.j.vestewig/opd/eop@exchange@eop

stephen.m.lineberry/cea/eop@eop

dana.ceasar@hhs.gov

india.luckett@hhs.gov

scriver-langford-lat@dol.gov @ inet

heather.mcnaught@usdoj.gov

stephanie.wilson@hhs.gov

Carla B. Stone/OMB/EOP@EOP

Layton Skelly/OPD/EOP@EOP

**From:** Washington, Tracy T <Tracy.T.Washington@usdoj.gov>  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>;Rena\_Johnson\_Comisac@judiciary.senate.gov [ UNKNOWN ] <Rena\_Johnson\_Comisac@judiciary.senate.gov>;Margarita\_Tapia@judiciary.senate.gov [ UNKNOWN ] <Margarita\_Tapia@judiciary.senate.gov>;makan\_delrahim@judiciary.senate.gov [ UNKNOWN ] <makan\_delrahim@judiciary.senate.gov>;joschal@att.net [ UNKNOWN ] <joschal@att.net>;Heather\_Wingate@who.eop.gov [ UNKNOWN ] <Heather\_Wingate@who.eop.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;alex\_vogel@frist.senate.gov [ UNKNOWN ] <alex\_vogel@frist.senate.gov>;William Hall <William.Hall2@usdoj.gov>;Steve Koebele <Steve.Koebele@usdoj.gov>;Pat O'Brien <Pat.O'Brien@usdoj.gov>;Nancy Scottfinan <Nancy.Scottfinan@usdoj.gov>;Lori SharpeDay <Lori.SharpeDay@usdoj.gov>;Kristi Remington <Kristi.L.Remington@usdoj.gov>;Heather Cutchens <Heather.Cutchens@usdoj.gov>;Dan Bryant <Dan.Bryant@usdoj.gov>;Andrew Schauder <Andrew.Schauder2@usdoj.gov>;SRushton@CommitteeforJustice.org [ UNKNOWN ] <SRushton@CommitteeforJustice.org>;Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>;Manuel\_Miranda@frist.senate.gov [ UNKNOWN ] <Manuel\_Miranda@frist.senate.gov>;Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;john\_abegg@mccconnell.senate.gov [ UNKNOWN ] <john\_abegg@mccconnell.senate.gov>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Ashley Snee/WHO/EOP@EOP [ WHO ] <Ashley Snee>;alex\_dahl@judiciary.senate.gov [ UNKNOWN ] <alex\_dahl@judiciary.senate.gov>;Viet Dinh <Viet.Dinh@usdoj.gov>;Sheila Joy <Sheila.Joy@usdoj.gov>;Nathan Sales <Nathan.Sales@usdoj.gov>;Monica Goodling <Monica.Goodling@usdoj.gov>;Lizette Benedi <Lizette.D.Benedi@usdoj.gov>;Jamie Brown <Jamie.E.Brown@usdoj.gov>;Don Willett <Don.Willett@usdoj.gov>;Brian Benczkowski <Brian.A.Benczkowski@usdoj.gov>;Adam Charnes <Adam.Charnes@usdoj.gov>  
**Sent:** 4/7/2003 8:14:47 AM  
**Subject:** : 4:00pm Judicial Working Group Conference Call is CANCELLED.

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Washington, Tracy T" <Tracy.T.Washington@usdoj.gov> ( "Washington, Tracy T" <Tracy.T.Washington@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 7-APR-2003 12:14:47.00

SUBJECT:: 4:00pm Judicial Working Group Conference Call is CANCELLED.

TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Rena\_Johnson\_Comisac@judiciary.senate.gov ( Rena\_Johnson\_Comisac@judiciary.senate.gov [ UNKNOWN ] )

READ:UNKNOWN

TO:Margarita\_Tapia@judiciary.senate.gov ( Margarita\_Tapia@judiciary.senate.gov [ UNKNOWN ] )

READ:UNKNOWN

TO:makan\_delrahim@judiciary.senate.gov ( makan\_delrahim@judiciary.senate.gov [ UNKNOWN ] )

READ:UNKNOWN

TO:joschal@att.net ( joschal@att.net [ UNKNOWN ] )

READ:UNKNOWN

TO:Heather\_Wingate@who.eop.gov ( Heather\_Wingate@who.eop.gov [ UNKNOWN ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:alex\_vogel@frist.senate.gov ( alex\_vogel@frist.senate.gov [ UNKNOWN ] )

READ:UNKNOWN

TO:William Hall <William.Hall2@usdoj.gov> ( William Hall <William.Hall2@usdoj.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:Steve Koebele <Steve.Koebele@usdoj.gov> ( Steve Koebele <Steve.Koebele@usdoj.gov> [ UNKNOWN ] )

READ:UNKNOWN

REV\_00113824

TO:Pat O'Brien <Pat.O'Brien@usdoj.gov> ( Pat O'Brien <Pat.O'Brien@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Nancy Scottfinan <Nancy.Scottfinan@usdoj.gov> ( Nancy Scottfinan  
<Nancy.Scottfinan@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> ( Lori SharpeDay <Lori.SharpeDay@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Kristi Remington <Kristi.L.Remington@usdoj.gov> ( Kristi Remington  
<Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Heather Cutchens <Heather.Cutchens@usdoj.gov> ( Heather Cutchens  
<Heather.Cutchens@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Dan Bryant <Dan.Bryant@usdoj.gov> ( Dan Bryant <Dan.Bryant@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Andrew Schauder <Andrew.Schauder2@usdoj.gov> ( Andrew Schauder  
<Andrew.Schauder2@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:SRushton@CommitteeforJustice.org ( SRushton@CommitteeforJustice.org [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Manuel\_Miranda@frist.senate.gov ( Manuel\_Miranda@frist.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:john\_abegg@mccconnell.senate.gov ( john\_abegg@mccconnell.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:alex\_dahl@judiciary.senate.gov ( alex\_dahl@judiciary.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Viet Dinh <Viet.Dinh@usdoj.gov> ( Viet Dinh <Viet.Dinh@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Sheila Joy <Sheila.Joy@usdoj.gov> ( Sheila Joy <Sheila.Joy@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Nathan Sales <Nathan.Sales@usdoj.gov> ( Nathan Sales <Nathan.Sales@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Monica Goodling <Monica.Goodling@usdoj.gov> ( Monica Goodling  
<Monica.Goodling@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> ( Lizette Benedi  
<Lizette.D.Benedi@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Jamie Brown <Jamie.E.Brown@usdoj.gov> ( Jamie Brown <Jamie.E.Brown@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Don Willett <Don.Willett@usdoj.gov> ( Don Willett <Don.Willett@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brian Benczkowski <Brian.A.Benczkowski@usdoj.gov> ( Brian Benczkowski  
<Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Adam Charnes <Adam.Charnes@usdoj.gov> ( Adam Charnes <Adam.Charnes@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Tracy T. Washington  
U.S. Department of Justice

REV\_00113825

Office of Legal Policy  
Main Building, Room 4234  
(202) 514-2737

**From:** CN=Layton Skelly/OU=OPD/O=EOP [ OPD ]  
**To:** dana ackerly/cea/eop@eop [ CEA ] <dana ackerly>;brian r. besanceney/who/eop@eop [ WHO ] <brian r. besanceney>;zurawski-paul@dol.gov @ inet [ UNKNOWN ] <zurawski-paul@dol.gov @ inet>;thomas c. deleire/cea/eop@eop [ CEA ] <thomas c. deleire>;philip j. perry/omb/eop@eop [ OMB ] <philip j. perry>;ginger g. loper/who/eop@exchange@eop [ WHO ] <ginger g. loper>;william d. badger/opd/eop@eop [ OPD ] <william d. badger>;jennifer.young@hhs.gov @ inet [ UNKNOWN ] <jennifer.young@hhs.gov @ inet>;alex.azar@hhs.gov @ inet [ UNKNOWN ] <alex.azar@hhs.gov @ inet>;peter.urbanowicz@hhs.gov @ inet [ UNKNOWN ] <peter.urbanowicz@hhs.gov @ inet>;jafar.karim@hhs.gov [ UNKNOWN ] <jafar.karim@hhs.gov>;marc.kesselman@usdoj.gov @ inet [ UNKNOWN ] <marc.kesselman@usdoj.gov @ inet>;tracy young/who/eop@eop [ WHO ] <tracy young>;brett m. kavanaugh/who/eop@eop [ WHO ] <brett m. kavanaugh>;kristen silverberg/who/eop@exchange@eop [ WHO ] <kristen silverberg>;wendy j. grubbs/who/eop@eop [ WHO ] <wendy j. grubbs>;amy jensen/who/eop@exchange@eop [ WHO ] <amy jensen>;diana l. schacht/opd/eop@eop [ OPD ] <diana l. schacht>;john.hoff@hhs.gov @ inet [ UNKNOWN ] <john.hoff@hhs.gov @ inet>;viet.dinh@usdoj.gov @ inet [ UNKNOWN ] <viet.dinh@usdoj.gov @ inet>;paula.stannard@hhs.gov @ inet [ UNKNOWN ] <paula.stannard@hhs.gov @ inet>  
**CC:** Layton Skelly/OPD/EOP@EOP [ OPD ] <Layton Skelly>;stephanie.wilson@hhs.gov [ UNKNOWN ] <stephanie.wilson@hhs.gov>;scriver-langford-lat@dol.gov @ inet [ UNKNOWN ] <scriver-langford-lat@dol.gov @ inet>;dana.ceasar@hhs.gov [ UNKNOWN ] <dana.ceasar@hhs.gov>;lauren j. vestewig/opd/eop@exchange@eop [ OPD ] <lauren j. vestewig>;emily winland/opd/eop@eop [ OPD ] <emily winland>;joyce.b-moore@hhs.gov [ UNKNOWN ] <joyce.b-moore@hhs.gov>;carla b. stone/omb/eop@eop [ OMB ] <carla b. stone>;heather.mcnaught@usdoj.gov [ UNKNOWN ] <heather.mcnaught@usdoj.gov>;india.luckett@hhs.gov [ UNKNOWN ] <india.luckett@hhs.gov>;stephen m. lineberry/cea/eop@eop [ CEA ] <stephen m. lineberry>;marty p. smith/opd/eop@eop [ OPD ] <marty p. smith>;marie.belt@hhs.gov [ UNKNOWN ] <marie.belt@hhs.gov>;pamela.roller@hhs.gov [ UNKNOWN ] <pamela.roller@hhs.gov>  
**Sent:** 4/7/2003 8:17:24 AM  
**Subject:** : Weekly Medical Liability CC

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Layton Skelly ( CN=Layton Skelly/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME: 7-APR-2003 12:17:24.00  
SUBJECT:: Weekly Medical Liability CC  
TO:dana ackerly ( CN=dana ackerly/OU=cea/O=eop@eop [ CEA ] )  
READ:UNKNOWN  
TO:brian r. besanceney ( CN=brian r. besanceney/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
TO:zurawski-paul@dol.gov @ inet ( zurawski-paul@dol.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:thomas c. deleire ( CN=thomas c. deleire/OU=cea/O=eop@eop [ CEA ] )  
READ:UNKNOWN  
TO:philip j. perry ( CN=philip j. perry/OU=omb/O=eop@eop [ OMB ] )  
READ:UNKNOWN  
TO:ginger g. loper ( CN=ginger g. loper/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
TO:william d. badger ( CN=william d. badger/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
TO:jennifer.young@hhs.gov @ inet ( jennifer.young@hhs.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:alex.azar@hhs.gov @ inet ( alex.azar@hhs.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:peter.urbanowicz@hhs.gov @ inet ( peter.urbanowicz@hhs.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:jafar.karim@hhs.gov ( jafar.karim@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:marc.kesselman@usdoj.gov @ inet ( marc.kesselman@usdoj.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:tracy young ( CN=tracy young/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN

TO:brett m. kavanaugh ( CN=brett m. kavanaugh/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
TO:kristen silverberg ( CN=kristen silverberg/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
TO:wendy j. grubbs ( CN=wendy j. grubbs/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
TO:amy jensen ( CN=amy jensen/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
TO:diana l. schacht ( CN=diana l. schacht/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
TO:john.hoff@hhs.gov @ inet ( john.hoff@hhs.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:viet.dinh@usdoj.gov @ inet ( viet.dinh@usdoj.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:paula.stannard@hhs.gov @ inet ( paula.stannard@hhs.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
CC:Layton Skelly ( CN=Layton Skelly/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:stephanie.wilson@hhs.gov ( stephanie.wilson@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:scriver-langford-lat@dol.gov @ inet ( scriver-langford-lat@dol.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
CC:dana.ceasar@hhs.gov ( dana.ceasar@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:lauren j. vestewig ( CN=lauren j. vestewig/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:emily winland ( CN=emily winland/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:joyce.b-moore@hhs.gov ( joyce.b-moore@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:carla b. stone ( CN=carla b. stone/OU=omb/O=eop@eop [ OMB ] )  
READ:UNKNOWN  
CC:heather.mcnaught@usdoj.gov ( heather.mcnaught@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:india.luckett@hhs.gov ( india.luckett@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:stephen m. lineberry ( CN=stephen m. lineberry/OU=cea/O=eop@eop [ CEA ] )  
READ:UNKNOWN  
CC:marty p. smith ( CN=marty p. smith/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:marie.belt@hhs.gov ( marie.belt@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:pamela.roller@hhs.gov ( pamela.roller@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Due to a scheduling conflict, this call cannot take place at 10:00 tomorrow. For those of you who have been participating in this, please let me know if 11:15 will work instead. If not, please provide a better time. Thank you.

Layton Skelly

03/31/2003 04:20:32 PM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: See the distribution list at the bottom of this message  
bcc:  
Subject: Weekly Medical Liability CC tomorrow at 10:00

This is to remind you that we will be having the weekly Medical Liability

REV\_00113828

Working Group conference call tomorrow at 10:00.

Call in: 395-6392  
CODE: 791803

Layton Skelly

03/24/2003 04:54:28 PM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: See the distribution list at the bottom of this message  
bcc:  
Subject: Medical Liability meeting tom. will be a Conf. Call

Call in: 395-6392  
Code: 557036

Layton Skelly

03/17/2003 04:20:00 PM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: See the distribution list at the bottom of this message  
Subject: weekly Medical Liability meeting

This is a reminder that we are on for the weekly Medical Liability Working Group meeting tomorrow (3/18) at 10:00 in room 211. Thank you.

Layton  
456-5085

Message Sent

To:

---

Alan Gilbert/OPD/EOP@EOP  
Philo D. Hall/OPD/EOP@EOP  
paula.stannard@hhs.gov @ inet  
peter.urbanowicz@hhs.gov @ inet  
viet.dinh@usdoj.gov @ inet  
alex.azar@hhs.gov @ inet  
john.hoff@hhs.gov @ inet  
jennifer.young@hhs.gov @ inet  
Diana L. Schacht/OPD/EOP@EOP  
William D. Badger/OPD/EOP@EOP  
Amy Jensen/WHO/EOP@Exchange@EOP  
Ginger G. Loper/WHO/EOP@Exchange@EOP  
Wendy J. Grubbs/WHO/EOP@EOP  
Jay P. Lefkowitz/OPD/EOP@Exchange@EOP  
Philip J. Perry/OMB/EOP@EOP  
Kristen Silverberg/WHO/EOP@Exchange@EOP

REV\_00113829

Thomas C. DeLeire/CEA/EOP@EOP  
Brett M. Kavanaugh/WHO/EOP@EOP  
zurawski-paul@dol.gov @ inet  
Tracy Young/WHO/EOP@EOP  
Brian R. Besanceney/WHO/EOP@EOP  
marc.kesselman@usdoj.gov @ inet

Message Copied

To: \_\_\_\_\_

Layton Skelly/OPD/EOP@EOP  
pamela.roller@hhs.gov  
joyce.b-moore@hhs.gov  
marie.belt@hhs.gov  
Emily Winland/OPD/EOP@EOP  
Marty P. Smith/OPD/EOP@EOP  
Lauren J. Vestewig/OPD/EOP@Exchange@EOP  
Stephen M. Lineberry/CEA/EOP@EOP  
dana.ceasar@hhs.gov  
india.luckett@hhs.gov  
sriver-langford-lat@dol.gov @ inet  
heather.mcnaught@usdoj.gov

Message Sent

To: \_\_\_\_\_

alan gilbert/opd/eop@eop  
philo d. hall/opd/eop@eop  
paula.stannard@hhs.gov @ inet  
peter.urbanowicz@hhs.gov @ inet  
viet.dinh@usdoj.gov @ inet  
alex.azar@hhs.gov @ inet  
john.hoff@hhs.gov @ inet  
jennifer.young@hhs.gov @ inet  
diana l. schacht/opd/eop@eop  
william d. badger/opd/eop@eop  
amy jensen/who/eop@exchange@eop  
ginger g. loper/who/eop@exchange@eop  
wendy j. grubbs/who/eop@eop  
jay p. lefkowitz/opd/eop@exchange@eop  
philip j. perry/omb/eop@eop  
kristen silverberg/who/eop@exchange@eop  
thomas c. deleire/cea/eop@eop  
brett m. kavanaugh/who/eop@eop  
zurawski-paul@dol.gov @ inet  
tracy young/who/eop@eop  
brian r. besanceney/who/eop@eop  
marc.kesselman@usdoj.gov @ inet  
Dana Ackerly/CEA/EOP@EOP

Message Copied

To: \_\_\_\_\_

pamela.roller@hhs.gov  
joyce.b-moore@hhs.gov  
marie.belt@hhs.gov  
emily winland/opd/eop@eop  
marty p. smith/opd/eop@eop  
lauren j. vestewig/opd/eop@exchange@eop  
stephen m. lineberry/cea/eop@eop  
dana.ceasar@hhs.gov  
india.luckett@hhs.gov  
sriver-langford-lat@dol.gov @ inet  
heather.mcnaught@usdoj.gov  
stephanie.wilson@hhs.gov  
Layton Skelly/OPD/EOP@EOP

Message Sent

To: \_\_\_\_\_

REV\_00113830



alan gilbert/opd/eop@eop  
philo d. hall/opd/eop@eop  
paula.stannard@hhs.gov @ inet  
peter.urbanowicz@hhs.gov @ inet  
viet.dinh@usdoj.gov @ inet  
alex.azar@hhs.gov @ inet  
john.hoff@hhs.gov @ inet  
jennifer.young@hhs.gov @ inet  
diana l. schacht/opd/eop@eop  
william d. badger/opd/eop@eop  
amy jensen/who/eop@exchange@eop  
ginger g. loper/who/eop@exchange@eop  
wendy j. grubbs/who/eop@eop  
jay p. lefkowitz/opd/eop@exchange@eop  
philip j. perry/omb/eop@eop  
kristen silverberg/who/eop@exchange@eop  
thomas c. deleire/cea/eop@eop  
brett m. kavanaugh/who/eop@eop  
zurawski-paul@dol.gov @ inet  
tracy young/who/eop@eop  
brian r. besanceney/who/eop@eop  
marc.kesselman@usdoj.gov @ inet  
dana ackerly/cea/eop@eop

Message Copied

To:

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pamela.roller@hhs.gov  
joyce.b-moore@hhs.gov  
marie.belt@hhs.gov  
emily winland/opd/eop@eop  
marty p. smith/opd/eop@eop  
lauren j. vestewig/opd/eop@exchange@eop  
stephen m. lineberry/cea/eop@eop  
dana.ceasar@hhs.gov  
india.luckett@hhs.gov  
scriver-langford-lat@dol.gov @ inet  
heather.mcnaught@usdoj.gov  
stephanie.wilson@hhs.gov  
Carla B. Stone/OMB/EOP@EOP  
Layton Skelly/OPD/EOP@EOP

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/7/2003 2:46:51 PM  
**Subject:** : White House Global Messenger - 4/08/03  
**Attachments:** P\_I9OEF003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 7-APR-2003 18:46:51.00  
SUBJECT:: White House Global Messenger - 4/08/03  
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(See attached file: GM 4-8-03 FINAL.doc)

THE GLOBAL MESSENGER  
Tuesday, April 8, 2003

\*\*\*\*\*KEY POINTS\*\*\*\*\*

President Bush's Trip to the United Kingdom

\*President Bush and British Prime Minister Blair are discussing the progress in the war in Iraq, the status of the ongoing military operation, and humanitarian relief efforts.

\*They will also work to help Iraqis build a post-war Iraq that is whole, free, and at peace within itself and with its neighbors.

\*They will discuss the role of the United Nations and other international organizations.

\*The President and the Prime Minister will also talk about the peace process in Northern Ireland, and discuss efforts to bring peace to the Middle East.

Update on Liberation of Iraq

\*Coalition forces are operating in and around Baghdad, on the ground and in the air. The regime's leaders are increasingly isolated. The circle is closing, and options are running out.

\*Coalition forces have come a long way in a short time. But there is dangerous and difficult work ahead.

\*Iraqi regime death squads have used schools and armories and hospitals as military headquarters. They have executed POWs. They use children as human shields. And they have forced civilians to fight at gunpoint, executing those who refused. They are moving their artillery into residential neighborhoods in Baghdad, hoping to draw coalition fire.

\*By contrast, Coalition forces have demonstrated their respect for the Iraqi people, going to extraordinary lengths to protect innocent lives and to safeguard Muslim holy sites, delivering humanitarian aid, and fixing schools where Iraqi children returned to their classrooms last week.

REV\_00113842

\*As the Coalition makes progress, the Iraqi people are losing their fear of the regime. We want to assure all Iraqis that life without Saddam Hussein is not a distant dream. Coalition forces will not stop until they have accomplished their mission, remove Saddam Hussein from power, and give Iraq back to the Iraqi people.

\*Just as we've planned for military victory, we're planning to win the peace. The Coalition is committed to helping Iraqis create a broad-based, representative government, based on democratic principles, that serves their interests and is worthy of their hopes.

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Daylight. Subject to Change

6:00 am President Bush and British Prime Minister Blair hold joint press conference

7:00 am CENTCOM Operations Update

TBD Defense Department Briefing

TBD State Department Briefing

\*\*\*\*\*LIBERATION UPDATE\*\*\*\*\*

The voices of freedom, now heard in parts of Iraq

For more reactions to Operation Iraqi Freedom, visit "Liberation Update" at: <http://www.whitehouse.gov/liberation>

\*\*\*

"Ayatollah Ali Mohammed Sistani is...the undisputed A'alam al-ulema (the most learned of the learned) of the mullahs who minister to the religious needs of Shiites, 60 percent of Iraq's population. This week he will resume lectures, banned by the Saddam regime for seven years, at the oldest Shiite seminary.

"....[T]he ayatollah said he had advised 'believers not to hinder the forces of liberation, and help bring this war against the tyrant to a successful end for the Iraqi people....Our people need freedom more than air [to breath]. Iraq has suffered, and it deserves better government.'" Op-Ed by Amir Taheri, Wall Street Journal, 4-7-03

\*\*\*\*\*KEY QUOTES\*\*\*\*\*

"For too long the world ignored the plight of the Iraqi people. That was wrong. We know and understand that many of you live in fear of Saddam. We promise that the events of 1991 will not happen again. We have pledged to remove Saddam. And we will deliver. Once he is gone, we will help Iraq rebuild itself, and become once more a member of the international family of nations."

British Prime Minister Blair, in message to the Iraqi people, 4-4-03

THE WHITE HOUSE  
Office of Global Communications

For more information log on to <http://www.whitehouse.gov/ogc>

\*\*\*\*\*

You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which

we can all better communicate the aspirations and interests that  
Americans share with freedom-loving people everywhere.

- GM 4-8-03 FINAL.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_I9OEF003\_WHO.TXT\_1>



# THE GLOBAL MESSENGER

Tuesday, April 8, 2003



## **TODAY'S SCHEDULE**

*All Times Eastern Daylight. Subject to Change*

6:00 am	President Bush and British Prime Minister Blair hold joint press conference
7:00 am	CENTCOM Operations Update
TBD	Defense Department Briefing
TBD	State Department Briefing

## **LIBERATION UPDATE**

*The voices of freedom, now heard in parts of Iraq*

For more reactions to Operation Iraqi Freedom, visit "Liberation Update" at:

<http://www.whitehouse.gov/liberation>

\*\*\*

"Ayatollah Ali Mohammed Sistani is...the undisputed A'alam al-ulema (the most learned of the learned) of the mullahs who minister to the religious needs of Shiites, 60% of Iraq's population. This week he will resume lectures, banned by the Saddam regime for seven years, at the oldest Shiite seminary.

"...[T]he ayatollah said he had advised 'believers not to hinder the forces of liberation, and help bring this war against the tyrant to a successful end for the Iraqi people....Our people need freedom more than air [to breath]. Iraq has suffered, and it deserves better government.'"

**Op-Ed by Amir Taheri, Wall Street Journal, 4-7-03**

## **KEY QUOTES**

"For too long the world ignored the plight of the Iraqi people. That was wrong. We know and understand that many of you live in fear of Saddam. We promise that the events of 1991 will not happen again. We have pledged to remove Saddam. And we will deliver. Once he is gone, we will help Iraq rebuild itself, and become once more a member of the international family of nations."

**British Prime Minister Blair, in message to the Iraqi people, 4-4-03**

## **KEY POINTS**

### **President Bush's Trip to the United Kingdom**

- President Bush and British Prime Minister Blair are discussing the progress in the war in Iraq, the status of the ongoing military operation, and humanitarian relief efforts.
- They will also work to help Iraqis build a post-war Iraq that is whole, free, and at peace within itself and with its neighbors.
- They will discuss the role of the United Nations and other international organizations.
- The President and the Prime Minister will also talk about the peace process in Northern Ireland, and discuss efforts to bring peace to the Middle East.

### **Update on Liberation of Iraq**

- Coalition forces are operating in and around Baghdad, on the ground and in the air. The regime's leaders are increasingly isolated. The circle is closing, and options are running out.
- Coalition forces have come a long way in a short time. But there is dangerous and difficult work ahead.
- Iraqi regime death squads have used schools and armories and hospitals as military headquarters. They have executed POWs. They use children as human shields. And they have forced civilians to fight at gunpoint, executing those who refused. They are moving their artillery into residential neighborhoods in Baghdad, hoping to draw coalition fire.
- By contrast, Coalition forces have demonstrated their respect for the Iraqi people, going to extraordinary lengths to protect innocent lives and to safeguard Muslim holy sites, delivering humanitarian aid, and fixing schools where Iraqi children returned to their classrooms last week.
- As the Coalition makes progress, the Iraqi people are losing their fear of the regime. We want to assure all Iraqis that life without Saddam Hussein is not a distant dream. Coalition forces will not stop until they have accomplished their mission, remove Saddam Hussein from power, and give Iraq back to the Iraqi people.
- Just as we've planned for military victory, we're planning to win the peace. The Coalition is committed to helping Iraqis create a broad-based, representative government, based on democratic principles, that serves their interests and is worthy of their hopes.

**THE WHITE HOUSE**  
**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00113845

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**From:** Kavanaugh, Brett M.  
**To:** <Grubbs, Wendy J.>  
**Sent:** 4/7/2003 3:40:19 PM  
**Subject:** Re: Tech service switched my email

which one, on what subject?

From: Wendy J. Grubbs/WHO/EOP@Exchange on 04/07/2003 03:39:14 PM

Record Type: Record

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

cc:

Subject: Tech service switched my email

and I cannot retrieve old docs (for the moment) so please resend Leahy letter. I have to return Bruce's charming call.

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Brosnahan, Jennifer R.>; <Newstead, Jennifer G.>; <Bartolomucci, H. Christopher>; <Sampson, Kyle>; <Francisco, Noel J.>; <Powell, Benjamin A.>; <Ulliot, Theodore W.>  
**Sent:** 4/7/2003 5:53:51 PM  
**Subject:** Owen debate on floor now

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**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/7/2003 5:57:58 PM  
**Subject:** RE: Owen debate on floor now

Under what procedure? UC???

-----Original Message-----

**From:** Kavanaugh, Brett M.

**Sent:** Monday, April 07, 2003 5:54 PM

**To:** Gonzales, Alberto R.; Leitch, David G.; Brosnahan, Jennifer R.; Newstead, Jennifer G.; Bartolomucci, H. Christopher; Sampson, Kyle; Francisco, Noel J.; Powell, Benjamin A.; Ulyot, Theodore W.

**Subject:** Owen debate on floor now



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**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/7/2003 8:46:03 PM  
**Subject:** Re: ARG letter to Leahy re CFC & USSC

Do you think this letter says that we filled two r slots on the sentencing commission?

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/7/2003 8:55:11 PM  
**Subject:** Re: ARG letter to Leahy re CFC & USSC

So we are counting the I as filling an r slot?

---

**From:** Kavanaugh, Brett M.  
**To:** <Grubbs, Wendy J.>  
**Sent:** 4/7/2003 8:57:22 PM  
**Subject:** Re: ARG letter to Leahy re CFC & USSC

as I read the letter, that's correct. Kyle is the expert on this, however.

From: Wendy J. Grubbs/WHO/EOP@Exchange on 04/07/2003 08:55:11 PM

Record Type: Record

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

cc:

Subject: Re: ARG letter to Leahy re CFC & USSC

So we are counting the l as filling an r slot?

.

---

**From:** Kavanaugh, Brett M.  
**To:** <Lefkowitz, Jay P.>;<Silverberg, Kristen>;<Schacht, Diana L.>;<Gilbert, Alan>  
**Sent:** 4/7/2003 9:08:02 PM  
**Subject:** Tony Mauro re Supreme Court decision

The U.S. Supreme Court on Monday handed a major victory to corporate defendants, imposing new limits on punitive damage awards in civil litigation.

By a 6-3 vote in *State Farm Mutual Automobile Insurance Co. v. Campbell*, No. 01-1289, the high court overturned a \$145 million verdict against an insurer -- saying it was out of whack with the \$1 million in compensatory damages awarded in the case.

Writing for the majority, Justice Anthony Kennedy said the ratio of punitive damages to compensatory damages almost never should exceed single digits -- a maximum of nine to one, in other words -- and that in many cases punitive damages should not exceed compensatory damages at all.

"Single-digit multipliers are more likely to comport with due process, while still achieving the state's goals of deterrence and retribution, than awards with ratios in the range of 500 to 1 or, in this case, of 145 to 1," wrote Kennedy.

**After a decade-long series of rulings on the issue of giant punitive damages awards, the ruling marks the Supreme Court's most explicit statement yet about how big is too big.**

In addition, the Court ruled that neither a defendant's wealth nor its out-of-state conduct could be a factor in calculating punitive damages. "A defendant should be punished for the conduct that harmed the plaintiff, not for being an unsavory individual or business," wrote Kennedy.

Kennedy also wrote, "The wealth of a defendant cannot justify an otherwise unconstitutional punitive damage award."

**The ruling offered the corporate defense bar a near treasure-trove of helpful language in fighting the large liability awards that have fueled an increasingly potent tort-reform movement.**

---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/7/2003 10:21:42 PM  
**Subject:** Re: idaho

Did I take the blame for missing his subtle signals?

-----Original Message-----

From: Kavanaugh, Brett M.  
To: Gonzales, Alberto R. ; Leitch, David G.  
Sent: Mon Apr 07 21:03:23 2003  
Subject: idaho

had a long talk with Sen. Craig's chief of staff. will discuss in am

---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/8/2003 1:18:34 AM  
**Subject:** : OpinionJournal - On the Editorial Page - April 8, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME: 8-APR-2003 05:18:34.00  
SUBJECT:: OpinionJournal - On the Editorial Page - April 8, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003311>

Waging trade war is the wrong way to punish European perfidy.  
12:01 a.m. EDT

The Western Front BY BRENDAN MINITER  
<http://www.opinionjournal.com/columnists/bminiter/?id=110003309>

The great Shiite hope for freedom in the Muslim world.  
12:01 a.m. EDT

Leisure & Arts BY ERIC GIBSON  
<http://www.opinionjournal.com/la/?id=110003310>

"Antiwar" artists turn out to be nothing but vandals.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Basra Revisited  
Apparently the majority of Iraqis think this war is about liberation.  
Apr 08 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB104976540197433600,00.html%3Fmod%3Dopinion>

~~~~~

A Republican Kyoto  
The energy bill should've been allowed to die.  
Apr 08 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB104976564820222800,00.html%3Fmod%3Dopinion>

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Patriot Games  
UPS and FedEx hope to capitalize on anti-European sentiment.  
Apr 08 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB104976581165>

532100,00.html%3Fmod%3Dopinion

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#### Commentary

Muslim Democrats? Why Not!

Islam is not the barrier to democracy in the Arab world.

By NOAH FELDMAN

Apr 08 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104976433555222500,00.html%3Fmod%3Dopinion>

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A Missed Chance to Trade Up From Poverty

The Third World doesn't need more handouts.

By MARK VAILE

Apr 08 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104976504270926700,00.html%3Fmod%3Dopinion>

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Flu Shot for the CDC

War and terror have a habit of repeating themselves.

By MADELINE DREXLER

Apr 08 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104976455796569500,00.html%3Fmod%3Dopinion>

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#### Manager's Journal

Mapping Better Security

Many industrial companies may be leaving themselves prone to terrorist reprisals because of information they provide in public environmental files that details the vulnerabilities of their facilities.

By STEVE RICE

Apr 08 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104976322154576700,00.html%3Fmod%3Dopinion>

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#### Global View

Chirac Has a Bad Case of Postwar Nerves

Nazi-like vandals finally went too far in defiling public property.

By GEORGE MELLOAN

Apr 08 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104976623925809700,00.html%3Fmod%3Dopinion>

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#### Leisure & Arts

Theater

A Director and the 21 Women Who Love Him

The Broadway revival of "Nine" features Chita Rivera, Antonio Banderas -- and a quest for character.

By MATTHEW GUREWITSCH  
Apr 08 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB104977069162931600,00.html%3Fmod%3Dopinion>

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The Gallery  
Insult to Artistry  
Art treasures are in danger, but not by allied forces.  
By ERIC GIBSON  
Apr 08 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB104976970456806100,00.html%3Fmod%3Dopinion>

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Music  
First Listen to Berlioz, Then Judge Him  
We didn't always hail Hector Berlioz as the most blazing musical innovator.  
By BARRYMORE LAURENCE SCHERER  
Apr 08 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB104976779921186000,00.html%3Fmod%3Dopinion>

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Books  
Political Murder  
"Terror and Liberalism"  
By BRET STEPHENS  
Apr 08 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB104976836093085700,00.html%3Fmod%3Dopinion>

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Time Off  
Diversions  
International Science and Technology Festival.  
Apr 08 2003

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International  
Talk Is Cheap  
When does the "peace process" become more about process than peace?  
From The Wall Street Journal Europe  
Apr 08 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB10497509861616600,00.html%3Fmod%3Dopinion>

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Bad Imperialist  
Too bad Britain and America are preparing to ignore the U.N.  
From The Wall Street Journal Europe  
Apr 08 2003



<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104975118116003700,00.html%3Fmod%3Dopinion>

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A Hailstorm of E-Mails Across the Atlantic  
Americans aren't in any mood to be magnanimous toward Europeans.  
By FREDERICK KEMPE  
From The Wall Street Journal Europe  
Apr 08 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104975433423371100,00.html%3Fmod%3Dopinion>

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U.S. and Saddam Fighting Different Wars  
Saddam needs his army to survive.  
By BARUN S. MITRA  
From The Asian Wall Street Journal  
Apr 08 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104976237433334100,00.html%3Fmod%3Dopinion>

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**From:** Allgood, Lauren K.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/8/2003 8:07:27 AM  
**Subject:** Mtg w/ Steve Friedman and Keith Hennessey

Steve and Keith would like to meet with you sometime today if that's possible regarding airline anti-trust issues.

They are both free between noon and 2pm. What works for you?

Let me know. Thanks!

Lauren

;;;;; We have a number of mechanisms that we use to try to be certain before we say, "Yes, we found some weapons of mass destruction." Initial indications were it could potentially be. And these were done by things like I described yesterday, the Fox chemical reconnaissance system that has some onboard capability to do testing and analysis.

;;;;; More detailed testing and analysis is required. That's ongoing. Some samples have been moved. And we don't know enough at this point to say that it should be discounted or that indeed we found some weapons of mass destruction available for use. So at this point we're simply remaining in waiting until we have additional information.

;;;;; Yes, warnings had been issued before and they continue to be issued. Even now, as we speak, there's certainly a warning that Baghdad is a dangerous location for anyone that is present in there and that the regime continues to put them at deliberate risk. And our combat actions also increase the risk.

;;;;; When we have a known location that is used for multiple purposes, including regime purposes, command and control and otherwise, and certainly when we potentially take fire from those locations, decisions have to be made at a very low tactical level.

;;;;; I think, in all cases, mosques, other buildings, hotels, things that are obviously at least or are apparently not military facilities, there's a decision that has to be made always on a tactical level. And, where appropriate, there should be as proportional a response as necessary to eliminate that threat.

;;;;; That, again, also is a decision made by a tactical leader on the ground. And we have to look into the circumstances to find out more about those decisions that were made, but the action occurs when the action occurs, and everything thereafter is speculative or investigative.

;;;;; That's where we stand at this point on that issue. We certainly pay attention to it. We don't target journalists. We certainly believe in having open access to journalism here, at other locations, and inside of our formations. And any loss of life that came as a result of combat action is regrettable.

;;;;; Yes, sir, please.

;;;;; Q (Inaudible) -- Knight-Ridder. I know that it's difficult for you to quantify the loss of life on the Iraqi side, but CENTCOM has been helpful in the past in describing the number of tanks destroyed and armored vehicles. Can you talk about the destruction of those tanks during the last 48 hours of operations in Baghdad? And also, can you elaborate, too, a little bit on the fighting east of Karbala?

;;;;; GEN. BROOKS: What I will tell you is that -- again, it's always difficult to get an accurate accounting of exactly what happened as a result of that combat action or what may have preceded it with air attacks in advance of an operation.

;;;;; For the most part, the encounters that we're seeing are formations that have somewhere between 20 and 60 vehicles, generally speaking. That's what the numbers tend to come out to be. And often all of those vehicles are destroyed, any vehicles that are encountered. Sometimes there are also technical vehicles that are added to that, in the 10s, 20s or 30s in some cases.

;;;;; Those that encounter our forces, especially ones that are firing or have weapons on them or are trying to flee, are engaged by direct fire systems. And so the degree of destruction varies on a daily basis. I really don't want to characterize it. I think it doesn't help the action that's happening out there.

;;;;; When threats appear, they're dealt with in a military fashion. There's discriminating fire that's provided. And unfortunately, lives are lost as a result of that on both sides. And that's probably where I'd want to stay on it.

;;;;; Q (Off mike.)

;;;;; GEN. BROOKS: The fighting east of Karbala is to eliminate some pockets that remained in place as we penetrated the defensive lines of the Republican Guard forces command. We have awareness that there still are some elements there that appear to remain loyal to the regime, and we'll conduct operations to reduce those pockets, as we are in other places where we find any regime forces that remain. Since it's an ongoing operation, I don't want to characterize it much more than that.

;;;;; Yes, ma'am, please.

;;;;; Q (Inaudible.) We see (a lot on the picture?) of Iraqi civilians died. And everybody knows the majority of Iraqi official buildings exist between civilian areas. So did you intend to continue your strategy while a lot of people died? And what's your priority here, the building or the people and their right to be safe?

;;;;; GEN. BROOKS: We certainly want -- thank you for the question. We certainly want the Iraqi population to be as safe as they possibly can. And we have demonstrated that throughout all parts of the country we've conducted operations, trying to take very deliberate efforts everywhere we can to minimize the loss of life, and certainly being aware of and trying to protect, as much as we can, sacred sites, religious sites, archaeological sites, places that are significant to the rich culture and heritage of the people of Iraq. And we've done that on a consistent basis.

;;;;; I've also showed you images over the last several days of the regime positioning combat systems, communication systems, artillery systems, directly beside buildings in populated areas. And so there will be some circumstances, as we've stated, where it becomes virtually unavoidable to prevent some degree of disruption.

;;;;; The priority clearly remains focusing on the military target that may be associated with that and trying, wherever possible, to minimize any secondary damages that occur. That will not change. It has not changed. And we believe we're doing the best we can to try to get that job done.

;;;;; We would ask that the Iraqi population try to understand. And in due time we can try to seek to pass on condolences to those whose lives were lost. We don't know what the number is. We don't know what the cause is. But we know that there are some that have lost their life in this, and we regret that.

;;;;; Yes, sir, please -- third row.

;;;;; Q Paul Hunter from Canadian Broadcasting Corporation. Nineteen days into the war and five or so, six days into Baghdad, can you give us an assessment of what you think is left of the conventional Iraqi resistance? Sort of chemical threats aside, do you think you've seen the worst of what they can throw at the coalition in terms of organization, weaponry and will?

;;;;; GEN. BROOKS: Well, Paul, I think that there are still some options available to whatever portion of the regime remains. We've seen a lot of forces that we've encountered on the outskirts of town. We think that was a significant defensive line, if you will, from Karbala across to Al Kut, where the Republican Guard forces command was arrayed. Most of those have been destroyed. And we have not seen a movement of those forces into Baghdad.

;;;;; We've encountered some forces along the closer parts of Baghdad, from about where Baghdad International Airport is located, around to the

corners where we're conducting operations on the east. There are indications that these are special Republican Guard, but there are also some indications there might be regular army equipment mixed in, and certainly some paramilitaries are mixed in.

;;;;; So the closer we get, the fewer conventional forces remain to be seen. There are still some. There are still artillery systems, for example, that are positioned in different places inside the town that can be brought to bear. There are still rockets in parts of the surrounding area that we have not moved through yet that pose a continuing threat. And there are any number of unconventional options available to this regime. And certainly according to its practice thus far, we expect to encounter those inside of Baghdad as we get closer to removing the remaining vestiges of the regime. We remain focused on it. We remain deliberate in our actions. And as we continue our work in and around Baghdad, we are seeking those types of things to remove them from the hands of the regime, taking away the military options.

;;;;; Sir? I haven't gone to you before, so we'll take you. Please?

;;;;; Q Steve -- (inaudible) -- from the Associated Press. Could you comment on this A-10 Warthog plane that went down today? Was it shot down?

;;;;; GEN. BROOKS: We had one A-10 aircraft conducting a close air support mission at low altitude, in support of ground troops in contact, and we believe that it was hit by surface-to-air missile fire. The pilot was immediately recovered and is safely back in coalition control.

;;;;; Yes. Please, Donna?

;;;;; Q Donna Leinwand from USA Today. We haven't talked a lot about Tikrit. I was wondering if you could tell us what indications you have that some of the forces might be, some of the Iraqi forces might be massing up there trying to reconstitute, or that regime leaders have fled there?

;;;;; GEN. BROOKS: Well, Donna, Tikrit is one of the areas we know is a stronghold for the regime leadership, and we know that there are any number of command and control related facilities in Tikrit. We know that there had been forces that originally were defending in and around Tikrit, although those moved to south and had been involved in combat actions before this time. Tikrit has not escaped our interest; nor has it escaped our targeting. There are ongoing actions against command and control facilities in Tikrit to make it not something that's available to the regime. And I'll leave it at that since operations are ongoing.

;;;;; Please, Tom.

;;;;; Q Let me take you back again to the Palestine Hotel and the other two incidents from this morning. You said you may have misspoke about fire coming from the lobby. I believe that the local commander on the ground was saying that he was taking RPGs from the roof, also on the other two buildings that were struck this morning, nearly nine hours ago. Were you taking fire from those ground targets? We seem to get information on the Warthog three hours ago, that it was taken down by surface-to-air, but no real information about the two targets this morning, nine hours ago.

;;;;; GEN. BROOKS: I should always be careful about trying to characterize actions that happened on the ground in a fire fight when those reports have not come up. The report of a pilot is different than a report of something that happens on the ground in a fire fight. In many cases we engage actions to try to go and get the pilot right away, and that becomes a significant event that's visible even at this level of the command.

;;;;; Things that happen in a fire fight are much more confused, and are also much slower in coming in details, because every fire fight that happens out there, obviously with the amount of combat action that occurs,

we are not going to get a report on every fire fight that happens. This one is obviously an item of interest, and there's interest that's flowing in right now, so I can't characterize exactly where we've seen fire from. Any comment I made earlier was premature. And so at this point it's best for me to wait for additional information to come in.

;;;;; Okay, off the right, please?

;;;;; Q Frederic Gastelle (ph), BBC French Service. General, considering the increase of military pressure on the regime, do you see any defection of Iraqi officials? And do you also see some fighting in between the paramilitary units? They had a very long history of bloody fights in between units created by Saddam Hussein.

;;;;; GEN. BROOKS: We're not seeing defections of people who are loyal to the regime, who are members of the Baath Party. We have captured a number, but we have not seen defections as you describe. But we have seen military commanders depart their post, or express a willingness to cease fighting. That's happened in a number of cases -- but not the ones who are the most loyal to the regime, the party officials, leaders of regime death squads -- not in those cases.

;;;;; The second half of your question?

;;;;; Q Any units -- the Iraqi paramilitary units, do they fight? Do you see any fighting between units?

;;;;; GEN. BROOKS: We are not seeing fighting between paramilitary units, and it's too early to determine exactly what may happen amongst other military units that are out there. There are some indications that there are some problems inside of some of the unit formations, and that has yet to develop, and I probably should not discuss it any further at this point since we don't know.

;;;;; Let me go in the back over here, please.

;;;;; Q Darren Curtis (ph), 7 Network, Australia. Does the coalition actually possess any DNA for Saddam Hussein and his family? Will that be the only means that you justify whether you have in fact got him or not? And, secondly, there's a team of Australian commanders out here at the moment that are tenacious urban fighters. Will you bring them into the battle in Baghdad?

;;;;; GEN. BROOKS: Well, I don't want to characterize what information that we have that might identify any remains that we encounter anywhere on the battlefield. That simply would not be appropriate to discuss. And any questions about Australian forces in detail, about specific units, you probably should talk to the Australians on. Okay?

;;;;; Yes, ma'am?

;;;;; Q Danelle Bell (ph) from CBC News, Canada. Thank you. Would you characterize an on-the-ground assessment of the strike in An Mansur as a priority? And what if any resistance do you expect in preventing or in challenging you to get to that site, to conduct an investigation?

;;;;; GEN. BROOKS: Well, the focus of our operations is not to conduct investigations at particular places where a strike occurred. We are operating inside Baghdad, and may well move to that site. That's a tactical commanders decision, and something I'm not aware of at this point in time.

;;;;; What we can characterize is that we -- when we see something that would provide us a fleeting moment of opportunity related to regime leadership or regime command and control, we'll try to attack that as quickly as we possibly can, given all the other parameters that I've described -- that we have a good confirmation that we think the target is what we say it is, we have eyes that can observe the operation either from

or ground, depending on what the delivery system is going to be, and that we can do so in such a way that mitigates potential damage that's unintended. That will continue to be the case.

;;;;; As to seeing what it is on the ground, I'm not sure when that's going to happen, whether we'd have some resistance on that or not. We've already fought inside of Baghdad. We have been successful moving at a variety of places inside of Baghdad, and we believe we still have reasonable freedom of action. That doesn't mean it won't be uncontested, but we are able to move in places of our time and choosing inside of Baghdad, and I think that will continue.

;;;;; Let me go all the way in the back row, please.

;;;;; Q You talked about the coming few days. How can you guarantee the safety of the journalists? What's the procedures you can tell the journalists in the Palestine Hotel? Tell them to just stay in the hotel, don't move out? And how can you -- what's the procedures which you can do in the future to guarantee the safety of them?

;;;;; GEN. BROOKS: The procedures remain as they are right now. First, we don't target journalists deliberately -- not now, not ever. So I can talk about the future in that particular case.

;;;;; We certainly know that the journalists that are with us have responsibility for their own safety, but they are inherently safe when they stay with a unit, or there is a higher degree of safety, I should say -- they are not inherently safe, because it's a dangerous business, and they are moving with forces that are in danger.

;;;;; Journalists that are moving on the battlefield, we don't know about. We don't know where they are in some cases. They're out -- some of them are operating independently, in a very, very dangerous and often contested area. And so we would certainly again express our concern for those who are choosing to do so that they are putting themselves at risk. Where we have knowledge of that, I think we can do what we can to try to prevent injuring journalists and any other noncombatants. And that remains consistent as well. But we can only deal with what we know in this case. That's how I'd address that.

;;;;; Yes, please?

;;;;; Q Nicole Enfield from Associated Press. You mentioned earlier elements of the Fifth Corps came down from the north -- I'd like some more details of that -- into Baghdad itself. What kind of resistance did you face? And do you get the sense that the Iraqis had drawn some of their lines to the south to prevent you from coming up? And did you have an time of it getting in from the north?

;;;;; And second question. Reports of pretty -- some looting in Basra from -- in these first few days of British control. I'm wondering if you are anticipating that will be repeated in Baghdad, perhaps even on a larger scale, just because it's Baghdad; what you're going to do differently to prevent this looting from occurring. Or is it, at least so far in Basra, a kind of reasonable amount of, you know, release of this pent-up frustration, as the British commander said yesterday, that that was -- in time they will be able to restore law and order, but not it's just frustration, people acting out? Thanks.

;;;;; GEN. BROOKS: The first question talks about the approach to Baghdad from the north. There was some forces that were encountered. We have the ability to operate and conduct actions at times and places of our choosing. We had awareness of forces that were positioned in the north. Those forces were attacked. That opened up an opportunity there for us to continue operations on a different line toward the center of Baghdad from a different direction.

;;;;; I am not going to characterize where we are going to go at any

given time. These are again tactical decisions that are made. They're focused at the same objective, and they are opportunistic in their nature. So tactical action in the north against the force that may have been defending in the north may open a hole in the north. That opportunity may be taken; maybe it's not. There are things that happen on the battlefield like that that our commanders are very skillful of creating and then taking advantage of. So that will be the case as we continue.

;;;;; The second half of your question was --

;;;;; Q A follow-up --

;;;;; GEN. BROOKS: Let's go to the second half of your first question.

;;;;; Q Basra looting, what are you going to do in Baghdad --

;;;;; GEN. BROOKS: Looting. Thank you. There have been some reports of looting in cities that have been initially liberated. I wouldn't want to speculate as to why the population in some cases is making that choice. We know that there is often in liberated areas a vacuum in terms of control -- especially when you've had as tight a grip as this regime has had on its people for so long. When that's pulled out of the way, humans make decisions about what they are going to do next and what opportunities may be presented to them. I think as time goes on more law and order will be established. Ideally that goes by way of Iraqi populations taking care of themselves. That's how we see this -- not something that's a military control over top of all people. And this will settle down as time goes on -- not unexpected. We might see it anywhere where there is a temporary vacuum that forms and law and order is pulled away.

;;;;; Q So you are expecting this in Baghdad just as well?

;;;;; GEN. BROOKS: I think anywhere that we have circumstances like this, and there's a removal of structures of control, there will be decisions that are made by members of the population. We will certainly discourage that, but I can't be certain that it won't happen in this case.

;;;;; Let me go up on this first row, please.

;;;;; Q Good afternoon, general, Neil Tweedie, from the Daily Telegraph in London. What efforts has Central Command made to ascertain the number of civilian casualties to date in Iraq? If you have got some preliminary figures, why aren't you releasing them? And, if not, why haven't you made a concerted effort to ascertain how many civilians have died in this war, which is after all one of its most important aspects, and something we have heard very, very little about?

;;;;; GEN. BROOKS: Our approach to civilians on the battlefield is one of concern first, and secondly effort to try to prevent impact of any sort. We can never guarantee that there would be civilians that are completely free from the hazards of battle in and around their area. All we can be certain of is our approach. We can't be certain even after action how many may have died, how many may have been wounded, other than those we encounter. And of course there will be reports that come in from members of the population that we encounter that tell us things. Those can't always be confirmed. There may be reports of dead that can't be accounted for. And so it's very imprecise. Suffice it to say where we have knowledge then that we can know. Causes we can't know whether something occurred by way of coalition action, unintended, or regime action by way of murder. We've certainly seen that type of thing happen. It's just something we cannot get our arms around at this point. It will take time. And I don't think in any case of recorded history of warfare that the full knowledge of all casualties and all secondary effects has ever been gained, and I don't anticipate that will happen here. That's the nature of the approach.

;;;;; Right now our focus is on removing the regime, doing the best we can to protect the Iraqi people, and deliver liberation to them in areas



where the regime has been removed. And we'll continue on that thrust to try to get that job done.

;;;;; I think we have time for one more question. Let me go to the second row, please.

;;;;; Q General, Chas Henry from WTOP Radio. The armored raid into Baghdad yesterday, rather than being a hit and run seemed to be a hit and stay. As the coalition makes its presence felt in Baghdad, are we likely to see more instances in which troops move to an area and then end up staying there, and piecemeal establish a presence around the city?

;;;;; GEN. BROOKS: I think you can anticipate that there will be a combination of actions. There will be some actions that go into a location, and we stage operations from there. There will be some operations perhaps that go into a location and then leave. There will be some operations that go into a location we reinforce. In some cases we will clear enemy resistance. In other cases we'll seize a site. The full combination of that is what creates the tactical operations in that objective areas -- and those are tactical decisions that are made. Again, they're very opportunistic. What can we get from this? What happens if we hit that location? What should we do about it? These decisions will be made by our commanders out there on the ground, and you'll see a variety of combinations to try to get it done.

;;;;; Okay, thanks very much, ladies and gentlemen, have a good day.

END.

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**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/8/2003 5:59:09 AM  
**Subject:** : US CentCom Briefing 04/08/03

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CREATOR:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-APR-2003 09:59:09.00  
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UNITED STATES CENTRAL COMMAND DAILY PRESS BRIEFING  
BRIEFER: GEN. VINCE BROOKS, DEPUTY DIRECTOR OF OPERATIONS

DOHA, QATAR  
7:05 A.M. EDT, TUESDAY, APRIL 8, 2003

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BRIG. GEN. VINCENT BROOKS: Good afternoon, ladies and gentlemen. Nineteen days ago, coalition forces entered Iraq with a campaign plan to remove a regime, to liberate the Iraqi people from the grip of the regime, and to begin the process of disarming Iraq. We remain on our plan, and the outcome is not in doubt.

;;;;; We continue to remember the brave young men and women who have lost their lives in this conflict to date, and we also remember their families.

;;;;; I'd like to now update you on some of the things that have occurred over the last 24 hours.

;;;;; First, the coalition continues to exert pressure on the regime and on the forces that remain willing to fight for the regime. I have one weapons systems video to show you today. This one is a recent close air support mission inside of Baghdad. And in this particular image you'll see that the regime has positioned heavy military equipment inside the capital city and also increased the risk to the population. But even in urban areas, the coalition forces make every possible effort to attack targets as precisely as we can.

;;;;; This image is of a tank positioned in trees along a canal. The trees are difficult to see because of the spectrum of light that's being used. And this is a close air support mission, unlike some of the other weapons systems videos we have shown where the may not have been someone on the ground focusing it. In those other cases, the pilot identified the target. In close air support missions like these and all other air operations now occurring in and around Baghdad, it requires not only the pilot to be able to see the target, but someone on the ground that can see the target and identify it as well before any weapons are released.

;;;;; Our coalition's special operations forces continue to make significant contributions to the campaign, and are now conducting special operations in the north, the west, the east, the south, and the center of Iraq. In the north, coalition special operations forces, in conjunction with Kurdish forces of northern Iraq, are maintaining pressure on the Iraqi military forces in that area, while preventing their movement to Tikrit or Baghdad.

;;;;; In one engagement yesterday near Irbill, in the north, our special operations forces, in conjunction with close air support, were able to destroy a force consisting of several armored personnel carriers, tanks, and infantry.

;;;;; In another engagement, a similar engagement near Kirkuk, a special operations element defeated an armored counter-attack, destroying several tanks, trucks and armored personnel carriers.

;;;;; In the west, coalition special operations forces continued to hold the important Hadithah Dam. We've talked about that before. There's a smaller body of water just off to the side here that's a result of the dam, and the Hadithah nearby, denying freedom of movement to regime forces, and also denying use of areas that could be used for ballistic missile launches. Unconventional warfare continues in other parts of Iraq.

;;;;; The coalition's operational maneuver remains deliberate, focused and successful. The first area to highlight is Basra. Coalition forces, under the leadership of the U.K. and supported by coalition special operations, succeeded yesterday in reducing the final remaining concentrations of Ba'ath Party officials and regime forces in Basra. The remaining pocket was in the old part of the city and it was cleared by forces during the night. And by the time the sun came up this morning, there were reports of jubilation in the streets. Now, the hard task of preserving security and getting Iraq's second city moving forward into the future can proceed in earnest.

;;;;; The capture of two more Ba'ath Party officials near the town of As-Zubair, on the outskirts of Basra, also reflects our ongoing efforts to rid the entire southern region of regime presence and influence.

;;;;; The next area is near As-Samawa. Coalition forces near As-Samawa continue to work in that area and the towns around it, eliminating any regime elements and also transitioning into humanitarian actions. While water resupply networks are still being reestablished, there are military units operating in that area that are providing purified water that they're generating from water purification systems to Samawa and Arupa (sp), located about 25 kilometers to the north.

;;;;; In An-Najaf and Karbala, our operations continue increasing security in those areas and also eliminating any remaining regime elements that are present. There are combat operations ongoing east of Karbala.

;;;;; The main focus of the operation continues to be, for the land component, in and around Baghdad. In the east, the 1st Marine Expeditionary Force attacked across the Biyala River into the southeast corner of Baghdad. They encountered forces, including T-72 tanks, armored personnel carriers, other armored vehicles, surface-to-surface missiles, artillery pieces, and numerous technical vehicles. These forces were encountered and destroyed, and they proceeded on their attack to seize the Rashid (sp) Airport, which you see identified by an airplane image in the lower right-hand corner of Baghdad.

;;;;; In the west, 5th Corps remained in the center of Baghdad overnight, and also continued attacks this morning from the north and from the south, conducting operations inside of the heart of Baghdad. They also encountered a mixture of forces, including T-72 tanks, armored vehicles, technical vehicles, and artillery pieces.

;;;;; While this is ongoing, our maritime component continues to take steps to maintain the flow of humanitarian assistance supplies into Iraq. And it's currently focused on dredging parts of the Khor- Abdullah to make it a deeper draft for larger ships that carry increasing amounts of humanitarian support and assistance into Umm Qasr.

;;;;; Our efforts to communicate with the Iraqi people on a variety of levels range from the radio and television broadcasts that we've spoken about before, all the way down to physically handing out leaflets in populated areas. I'd like to show you a short video of U.K. and American forces handing out leaflets on the streets of As-Zubair very recently. This was taken by one of our front line camera systems, a military system, and broadcast from there a few days ago.

;;;;; You see them holding the leaflet there. There's a closer image of the leaflet. This is what was actually produced and distributed by hand. And the message of the leaflet is really a future without the regime, and steps that will be taken leading up to the final comment down at the bottom, that the coalition forces will only stay as long as it is necessary to accomplish what we need to accomplish, and then we leave Iraq in the hands of the Iraqi people.

;;;;; Daily, our coalition forces take positive steps to ease the plight of the Iraqi people. In this next image, you'll see military civil affairs elements, again operating with free Iraqi forces, delivering medical supplies in this case. And the supplies being delivered are for the people of An-Nasiriyah. The initial distribution is often done by hand, and it's aimed at alleviating immediate needs of the communities encountered, and it also help to communicate the coalition's intentions to assist the Iraqi people.

;;;;; In the next images, I'll show you a short video of members from the 82nd Airborne Division distributing humanitarian daily rations. These are the yellow ones. We're still eliminating those from our stocks, but we're delivering them by hand, not doing them by air drop, as you'll see inside of this image. Each one of these rations contains enough rations for an adult for one day in each bag, and they're used to augment the existing supplies.

;;;;; Even as food and other rations are distributed in the field, there's more humanitarian assistance arriving in the ports in bulk. Yesterday, we had the arrival of the Royal Fleet Auxiliary Ship Sir Percival in the port of Umm Qasr, and the following video shows you the off-loading of those supplies, the humanitarian supplies intended for the people of Iraq. The gentlemen in the yellow hats and the reflective vests are Iraqi port workers who have returned to work and are working alongside coalition forces on a daily basis.

;;;;; We interact on a number of levels, certainly in the areas where combat have ceased, those areas that we have described as liberated cities and towns. There still are challenges that are out there. Sometimes it's just working through the language and cultural barriers, and of course security remains a focus for us. This video shows you some interactions along a street near Basra. It shows that the challenges are being overcome on a daily basis, and that coalition forces in fact are being well received by many citizens of Iraq. And these positive and cooperative relations are improving with every day.

;;;;; With that, ladies and gentlemen, I'll take your questions. Yes, please.

;;;;; Q David Lee Miller, Fox News. General, what can you tell us about this air strike targeting Iraqi leadership, presumably Saddam? And if you could go into the details, I understand that there was -- there is no coalition presence on the ground after this air strike -- what's being done to determine who in fact was hit, and we're going to accomplish that?

;;;;; GEN. BROOKS: As I've mentioned over a number of days throughout this conflict, we focus our actions directly against the regime leadership, against the regime command and control systems, against the things that protect the regime, whether it's air defense systems or whether it's forces, in an effort to eliminate the influence of the regime and its abilities to continue to conduct command and control. We had credible information that indicated that there was a regime leadership meeting occurring yesterday. While it's not useful to get into any speculation on who might have been present at that meeting, what we will say is that we had an opportunity -- as we've said before, we respond to opportunities, but we had an opportunity to attack that particular regime leadership meeting. We believe that the attack was effective in causing destruction of that facility. As to who was inside and what their conditions are, it will take some time before we can make that full

determination. But our efforts remain focused on regime leadership whenever we find it, and any remnants of command and control that might be exerted by any remaining portions of the regime, whether it's local-tactical or whether it's on a larger scale.

;;;;; Q I just want to follow that up.

;;;;; GEN. BROOKS: Please.

;;;;; Q It's my understanding that there was no coalition presence on the ground, so this air strike may have taken place, but members of the regime may have access to this site, and if it were a crime scene, it might be contaminated. How can you preserve it and make the determination later who, if anyone, was hit?

;;;;; GEN. BROOKS: It -- that's a very difficult challenge for us, and it's been a challenge throughout -- throughout these operations. That's why we can't on a daily basis say exactly who was inside of a building that may have been attacked where we had credible information. What we operate with is the information that leads us to it, and we are -- we are able in some cases to gather additional information after the strikes. But time will have to tell exactly how effective that particular strike was, and others that we've done as well.

;;;;; Yes, please, Adi (sp).

;;;;; Q Adi (sp) Rivale (sp), ABC News. Sir, could we get an update on the investigation into the second Baghdad market explosion? And the second question is, given the severity of and the intensity of the bombardment in yesterday's building, is it possible that we may never know just who was inside that building in terms of identification? Thank you, sir.

;;;;; GEN. BROOKS: I don't have anything new to report on the Baghdad markets. What we've found on these market explosions is there remains evidence that a number of things could have contributed to it. As with so many things, until we are in exactly the location where these incidents occurred, we can't make a full assessment and eliminated -- eliminate all possibilities.

;;;;; As to the results of this particular attack that occurred yesterday, like other places, it is possible that we may never be able to determine exactly who was present without some detailed forensic work, and that's just -- that's one of the circumstances we have to deal with as we go through this campaign.

;;;;; Yes sir, please.

;;;;; Q (Inaudible) -- Al Jazeera. Today, your plane hit Al Jazeera office in Baghdad. One of our colleagues was killed during the attack. The office of Abu Dhabi TV also hit, as well as the Palestine Hotel where most of journalists are staying.

;;;;; Do these attacks mean that you will intensify your military campaign against Baghdad and that you don't need the journalists to cover the bloodshed which will be (taken in?) Baghdad? Thank you.

;;;;; GEN. BROOKS: Well, Hassan (sp), if I may, let me begin by saying first that we regret the loss of life from correspondents and we extend our condolences to the family of your journalist and to the families of other journalists who have lost their lives throughout this conflict. It's most unfortunate indeed.

;;;;; We certainly know that we don't target journalists. That's just not something we do. We also know that the locations where the regime does its work in many cases will put civilians at risk. We've talked about that day after day.

;;;;; The regime does not seem to want to change its methods of providing

a higher degree of protection to journalists that in many cases we don't know where all journalists are on the battlefield. We certainly know where the embedded journalists are at any given time that are operating with our formations. And that was a conscious decision to take in embedded journalists.

;;;;; There were some combat actions that also occurred at the Palestine Hotel. Initial reports indicate that the coalition force operating near the hotel took fire from the lobby of the hotel and returned fire. And any loss of life, civilian loss of life or unintended consequences, again, we find most unfortunate and also undesirable.

;;;;; This is not something we seek to do. But at the same time, we know that we're conducting combat operations inside of an urban area, an area where the regime has chosen to deliberately defend and not stand down. And we can only be reminded that the risk increases for the population as we do these operations. But we have to remain focused on our objective of removing this regime before there's a greater loss of life.

;;;;; Please.

;;;;; Q Jeff Reed (sp) from Sky News. If I can continue on the point you made there, if you're claiming fire was coming from the lobby of the Palestine Hotel, why was this tank round directed at an upper floor? And what does that kind of marksmanship, or lack of it, suggest about the risks to civilians as your forces penetrate further into Baghdad?

;;;;; GEN. BROOKS: The response of fire is something that we always have to give details as time goes on for specifically where the fire was returned and what was hit, where the fire came from. So I may have misspoken on exactly where the fire came from.

;;;;; What I can tell you is, (to?) the marksmanship, there have been plenty of examples of very accurate marksmanship not only from air but also from our systems on the ground as we've conducted operations over time.

;;;;; We remain very confident in the capability of our crews and our folks that are doing the work on the ground, and we believe that where it is possible to avoid losses of civilian life, every effort will be taken. We've seen examples of trying to protect mosques where fire came, and we did not have to return fire at that point in time to protect ourselves, and therefore we did not.

;;;;; Circumstances change in different places, and the tactical decisions that are made can only be made by people on the ground. So I don't have anything else that I can give you in real detail on that. And I appreciate the question. But we'll remain focused on trying to do the job as well as we can without threatening the civilian population.

;;;;; Yes, please.

;;;;; Q (Inaudible) -- Reuters. Follow-up on the Palestine; one comment. First of all, journalists inside the hotel say that there was no firing coming from the hotel. And the second question is, did U.S. forces know that that was a media hotel?

;;;;; GEN. BROOKS: What we know is that there are a number of places in downtown Baghdad where there are civilian populations who are at risk. And we know that there are practices by this regime to increase that risk deliberately, whether it's by positioning or whether it's by taking certain actions.

;;;;; And we know that as we conduct operations inside of Baghdad, we should anticipate attacks from unexpected locations, that some of the military actions might be unconventional in nature, whether it's the use of car bombs or whether it's ambushes, the use of snipers, or certainly the consistent pattern we've seen elsewhere of using civilians as shields.

;;;;; It's too early to be able to say exactly what happened at that site, and so I don't want to get into a who says what happened. We don't know enough to be able to say that definitely. And frankly, I don't know that anyone does to have the whole picture.

;;;;; That's why we have to investigate these types of things and find out what the bottom line is. And when we find out, I think there will be more information for us to pass.

;;;;; Second row, please.

;;;;; Q (Inaudible.) Can you detail what you're doing to try and find out who was in that building and also say whether you actually have coalition forces on the spot going through the rubble?

;;;;; GEN. BROOKS: We have coalition forces that are operating in a variety of places inside of Baghdad and in a variety of different ways. In places where we can confirm on the ground the results of a strike, as in places where we've passed through and liberated, then there's more fidelity that we can gain on the precision of the strike and the actual results of the strike.

;;;;; Until that can occur in every location, we certainly can't make full determinations of what has happened. At this point in time I'm not aware of anyone from coalition forces that have walked the site. When that's possible, we'll have more information about what exactly happened there.

;;;;; Until then, we can only go with things that we can gain information on. And we believe the strike was effective in hitting the target, creating the desired effect, but we don't know all the circumstances of what happened to those who were contained inside.

;;;;; Yes, please.

;;;;; Q Thank you. Jonathan Marcus. Two points. One, we know pretty well who the leading figures are in the Iraqi regime. Who do you think is actually in charge, if anybody, at the moment?

;;;;; And secondly, as you take control of more areas of Baghdad, clearly with the continuing fighting there are going to be civilian casualties, whatever the precision of the weaponry. There are all sorts of reports of hospitals being overloaded and so on.

;;;;; Are you taking any steps to provide large-scale medical facilities to deal with some of the casualties, particularly now that you hold some of the ground in the Iraqi capital?

;;;;; GEN. BROOKS: We have not been certain for a very long time of who's in charge in this regime. What we've seen is that the regime leadership structure has been fragmented. We've seen that the ability for the regime to communicate instructions has been disrupted. We've seen that the application of authority has been interfered with on a number of occasions by coalition action. And we're not certain exactly who's in charge at this point in time.

;;;;; But what we do know is that there are still pockets of regime leadership, whether they be local-level Baath Party officials or whether they are unit commanders of military formations that still exist, or whether they are the higher-level leadership figures that were part of the regime and remain part of the regime.

;;;;; As we identify them, we have opportunities to try to reduce their capability to still command and control, whether that's by direct attack, by any other sort of action affecting their communications, whatever it might be, to prevent them from maintaining any degree of control.

;;;;; We do know indeed that as we are conducting military operations in an urban area, that the potential for casualties increases. Our approach to that, however, with regard to encountering casualties that occur on the battlefield, has not changed.

;;;;; We've established temporary hospitals, field hospitals, or used our own tactical aid stations throughout this combat operation whenever we encounter civilians or wounded Iraqi soldiers and provide medical treatment to them on the spot, sometimes for a longer-term basis.

;;;;; In some cases we've had some Iraqi soldiers that have been taken into our custody that ultimately become prisoners of war. They may be evacuated to a hospital ship and receive medical care where it is available.

;;;;; So that will continue as we have more forces operating in and around Baghdad. Those forces have a medical capability. And if we encounter civilians that are wounded in our actions, regardless of what caused them, we'll provide as much relief as we can. And that will continue.

;;;;; Please, George.

;;;;; Q George Curry (sp), editor-in-chief of the National Newspaper Publishers Association News Service, the Black Press of the United States. I want to return to the subject of the attack on the leadership meeting. There are reports today that the CIA passed along this information, and 45 minutes later there was the actual bombing. Was that information phoned through the headquarters here? And can you tell us, in general terms, the source of that information?

;;;;; GEN. BROOKS: George, I can't help you very much on that at all. We have a number of methods that we use to gain information, a wide array. And it's just not useful to describe what a particular source is.

;;;;; Generally speaking, for anything that we conduct operations against, a single source is never adequate. So there are always multiple sources that tell us, "We may have something here that is worthy of conducting a military action against."

;;;;; When we're satisfied that that is true, when we believe we can make positive identification of that target area, we make specific decisions: What weapons should be used? How should we deliver it? What is the potential consequence to areas in and around it?

;;;;; Even while we have what we call a time-sensitive opportunity, where it may be fleeting in time and has to be addressed, if it's going to be addressed at all, rather quickly, we still take the same deliberate process of deciding what happens to the area around it.

;;;;; How can we mitigate the effects? Should we choose a different weapon? Should we have it detonate a different way? Should we aim at a specific spot? Should we approach the target in a different way with the delivery system?

;;;;; All these types of things are considerations that go into every attack like that. It's done in a way that is -- frankly it's unparalleled. There is no one else that does it like this, with this degree of precision and deliberateness.

;;;;; So that's how it works. We take whatever information we have. We make sure that it's corroborated, that we're satisfied with the quality of the target. Then we make other decisions on how to attack it. And we try to do that in a way that achieves the desired effect.

;;;;; Yes, sir, please.

;;;;; Q Today is the journalists' day -- three attacks against three



journalists killed in a few hours. Why you don't order your forces to avoid the buildings where there are journalists doing their job?

;;;;; GEN. BROOKS: First, we don't know every place a journalist is operating on the battlefield. We know only those journalists that are operating with us. And we have always said that the area for combat operations is a very dangerous place indeed. And certainly there should be no surprise in anyone's mind that eventually operations were going to close on Baghdad. And that's ongoing as we speak.

;;;;; We always regret the loss of any civilian lives -- journalists, non-combatants, people who are used as shields. And we do everything we can to avoid that when we have knowledge of it. There is intermingling that happens, though, on the battlefield. And I don't have enough information to say how the dynamics of the battlefield came together today.

;;;;; What we can be certain of, though, is this coalition does not target journalists. And so anything that has happened as a result of our fire or other fires would always be considered as an accident. And we will look into the circumstances that contributed to it. Where we have responsibility, we'll accept that responsibility.

;;;;; Yes, sir, please.

;;;;; Q (Inaudible.) At the weekend, your forces broke slightly with the policy of not giving figures for casualties. And indeed, I think first General Perkins (sp) said there had been a thousand casualties in the incursion on Saturday, and then that figure was revised upwards to between 2,000 and 3,000.

;;;;; Can you tell us how many casualties you estimate there have been since then? How many of those were Iraqi forces and how many were civilians? And just for the record, my colleague from Reuter, I think, asked you whether you knew that the Palestine Hotel was a center for journalists. Could you just confirm that you did?

;;;;; GEN. BROOKS: First, the number of casualties is a figure that can never be completely well-determined. And so, as I have stated on previous days, I'm not going to speculate on exactly how many have been killed on either side and I'm not going to try to characterize the full dimension of that.

;;;;; We know that there have been losses of life. We know that many families have been affected by this on both sides. We know that we've seen people forced into situations by the regime that caused a loss of life, civilian non-combatants in some cases.

;;;;; We know that many have been wounded as a result of combat action, intended or unintended. And certainly, from the regime's perspective, we can't guess whether it was intended or unintended. From the coalition's perspective, we always know that it is unintended.

;;;;; We had some awareness of how the Palestine Hotel might be used and that there are a variety of activities that occur there. There are many places throughout Baghdad, and all who are not part of the regime should be aware that the regime uses places like the Palestine Hotel for other regime purposes. And in doing so, they try to achieve a degree of protection from the other activities that are ongoing there.

;;;;; So we're certainly aware of those types of places, and we've tried to mitigate the risk wherever we can. In some cases the risk cannot be driven to zero.

;;;;; Yes, ma'am, please.

;;;;; Q Good morning, General. Kelly O'Donnell from NBC. There are reports that some American troops are recommending that journalists or

civilians in places like the Palestine Hotel hang white sheets. Given the fact that you believe the regime uses that hotel, would you concur with that recommendation? And secondly, can you tell us more about the Rashid Airport circumstances, its operational value, things like that?

;;;;; GEN. BROOKS: First, on the images of surrender and protection, unfortunately we've found ourselves in a situation where, as those appear on the battlefield, often they are used by regime death squads, Baath Party members, or other regime-related forces to masquerade combat activity.

;;;;; Anything that would help to highlight, I think, would be useful, but we'd still have to take it with a degree of caution and skepticism, given the fact that we're now operating in the heart of the regime. And the regime practices to protect itself in its last days. We expect to be more extreme than ever. And so while that might be useful and helpful, I can't say that it would completely solve the problem at this point in time in terms of who's at risk.

;;;;; Frankly, the best method is to identify themselves and move out of harm's way. And that's a very difficult circumstance now that the battle has been joined inside of Baghdad.

;;;;; As to the Rashid Airport, that's an area also that provides some military advantage and also deprives the regime from being able to use it to depart. It's on the southeast side of the city, between the Diala (ph) River and the Tigris River. That corner is militarily significant, and that is just one of the many operating areas that we will conduct our tactical operations through.

;;;;; Since operations are continuing, I don't want to characterize much more than that, but the forces did enter the airport location this morning and are still doing work to increase the degree of security and control over top of that facility.

;;;;; Q (Off mike.)

;;;;; GEN. BROOKS: There was resistance, most of it leading to it. And there's also resistance beyond it. Since reports are still coming in from ongoing action, we don't have the full scope of it.

;;;;; But the force I described earlier of T-72 tanks, some artillery systems, some armored personnel carriers, were associated with preventing a crossing of the river. That was defeated. Our First Marine Expeditionary Force succeeded in crossing the Diala (ph) River and proceeded on its attack from there.

;;;;; Yes, please.

;;;;; Q General, Paul Adams, BBC. Let me be the one with the responsibility for asking the daily question about weapons of mass destruction; reports again this morning suggesting that the suspicious site near Karbala has now been discounted. Is that true? And have any other sites yielded anything of interest so far in that regard?

;;;;; And, just going back to the question of the Palestine Hotel, Pentagon officials warned news agencies weeks before this conflict began that they shouldn't be there. Are we now seeing your forces, if you like, compelled to open fire on buildings that they know are occupied by journalists? And unlike the mosques, the sacred sites in other cities, does the presence of a large number of western journalists not represent something that would cause your commanders to (pause)?

;;;;; GEN. BROOKS: Well, first, on the -- and forgive me; I called your name wrong, Paul. First, on the weapons-of-mass-destruction sites, the one particular one that you're referring to was found east of Karbala. It did have some preliminary testing done that indicated potentially the presence of some agents.

---

**From:** CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Eric C. Pelletier/WHO/EOP@Exchange [ WHO ] <Eric C. Pelletier>; Daniel Keniry/WHO/EOP@Exchange [ UNKNOWN ] <Daniel Keniry>; David W. Hobbs/WHO/EOP@Exchange [ WHO ] <David W. Hobbs>; Jay P. Lefkowitz/OPD/EOP@Exchange [ OPD ] <Jay P. Lefkowitz>  
**CC:** John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>; Kristen Silverberg/WHO/EOP@Exchange [ WHO ] <Kristen Silverberg>; Philip J. Perry/OMB/EOP@EOP [ OMB ] <Philip J. Perry>; David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Robert.Wood@HHS.GOV@SMTP@Exchange [ UNKNOWN ] <Robert.Wood@HHS.GOV@SMTP@Exchange>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/8/2003 10:06:31 AM  
**Subject:** : Re: Algiers

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Christopher C. Cox ( CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 8-APR-2003 14:06:31.00

SUBJECT:: Re: Algiers

TO: Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Daniel Keniry ( CN=Daniel Keniry/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

TO: David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )

READ: UNKNOWN

CC: John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ: UNKNOWN

CC: Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

CC: Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP@EOP [ OMB ] )

READ: UNKNOWN

CC: David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ: UNKNOWN

CC: Robert.Wood@HHS.GOV@SMTP@Exchange ( Robert.Wood@HHS.GOV@SMTP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

CC: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Spoke with wolf and his committee clerk. Wolf says he feels as though we owe him authorizing language for a comp fund that he called for in his approps bill 2 yrs ago. Says he is tired of being the only one to stand firm against this language the senate tries to include year after year.

Do we have thoughts of agreeing to authorizing a comp fund in the state auth this year?

---

**From:** CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Eric C. Pelletier/WHO/EOP@Exchange [ WHO ] <Eric C. Pelletier>; Daniel Keniry/WHO/EOP@Exchange [ UNKNOWN ] <Daniel Keniry>; David W. Hobbs/WHO/EOP@Exchange [ WHO ] <David W. Hobbs>; Jay P. Lefkowitz/OPD/EOP@Exchange [ OPD ] <Jay P. Lefkowitz>  
**CC:** John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>; Kristen Silverberg/WHO/EOP@Exchange [ WHO ] <Kristen Silverberg>; Philip J. Perry/OMB/EOP@EOP [ OMB ] <Philip J. Perry>; David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Robert.Wood@HHS.GOV@SMTP@Exchange [ UNKNOWN ] <Robert.Wood@HHS.GOV@SMTP@Exchange>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/8/2003 10:07:44 AM  
**Subject:** : Re: Algiers

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Christopher C. Cox ( CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 8-APR-2003 14:07:44.00

SUBJECT:: Re: Algiers

TO: Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Daniel Keniry ( CN=Daniel Keniry/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

TO: David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )

READ: UNKNOWN

CC: John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ: UNKNOWN

CC: Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

CC: Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP@EOP [ OMB ] )

READ: UNKNOWN

CC: David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ: UNKNOWN

CC: Robert.Wood@HHS.GOV@SMTP@Exchange ( Robert.Wood@HHS.GOV@SMTP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

CC: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

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Do we have thoughts of agreeing to authorizing a comp fund in the state auth this year?

---

**From:** Sales, Nathan <Nathan.Sales@usdoj.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Remington, Kristi L  
<Kristi.L.Remington@usdoj.gov>  
**Sent:** 4/8/2003 6:09:00 AM  
**Subject:** : RE: FW: PDF documents...

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Sales, Nathan" <Nathan.Sales@usdoj.gov> ( "Sales, Nathan" <Nathan.Sales@usdoj.gov>  
[ UNKNOWN ] )  
CREATION DATE/TIME: 8-APR-2003 10:09:00.00  
SUBJECT:: RE: FW: PDF documents...  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Remington, Kristi L" <Kristi.L.Remington@usdoj.gov> ( "Remington, Kristi L"  
<Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Fourteen? Has the court handed down another notification case?

I can confirm that the previous ("ten of thirteen") numbers are accurate,  
but I haven't seen this new fourteenth case.

-----Original Message-----

From: Brett\_M.\_Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Tuesday, April 08, 2003 9:53 AM  
To: Remington, Kristi L; Sales, Nathan  
Subject: Re: FW: PDF documents...

#### NEW FACTS

The cases of 12 teenage girls seeking bypasses have reached the  
Texas  
Supreme Court in 14 separate cases. (The cases of two girls  
reached  
the Supreme Court on more than one occasion after remands to the  
lower  
court.)

---

**From:** Remington, Kristi L <Kristi.L.Remington@usdoj.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/8/2003 6:11:40 AM  
**Subject:** : FW: PDF document  
**Attachments:** P\_2CXEF003\_WHO.TXT\_1.pdf

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Remington, Kristi L" <Kristi.L.Remington@usdoj.gov> ( "Remington, Kristi L"  
<Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 8-APR-2003 10:11:40.00

SUBJECT:: FW: PDF document

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

-----Original Message-----

From: Washington, Tracy T

Sent: Tuesday, April 08, 2003 10:08 AM

To: Remington, Kristi L

Subject: PDF document

Tracy T. Washington  
U.S. Department of Justice  
Office of Legal Policy  
Main Building, Room 4234  
(202) 514-2737

- Justice Gonzalez Ltr. re Owen.pdf

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_2CXEF003\_WHO.TXT\_1>

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Writer's Direct Dial No. 512-305-4746  
Writer's e-mail: rgonzalez@lockeliddell.com

July 19, 2002

The Honorable Patrick Leahy  
Chairman, Committee on the Judiciary  
United States Senate  
224 Russell Senate Office Building  
Washington, DC 20510

*Via Facsimile at 202-224-9516 and U.S. Mail*

Dear Mr. Chairman:

Last Sunday, the Austin American-Statesman printed an article regarding Justice Priscilla Owen's nomination to the Fifth Circuit Court of Appeals (see attached). I found the article to be inaccurate, one-sided and unfair. I write to encourage you and the members of the Judiciary Committee to read the article with caution.

The case referenced in the article is *Ford Motor Co. v. Miles*, 967 S.W.2d 377 (Tex. 1998). A copy of the opinion is attached. The litigation arose out of an automobile accident that occurred in Dallas County, Texas in April, 1993. Willie Searcy was riding in a Ford pickup being driven by his step-father, Kenneth Miles, when the pickup collided head-on with another vehicle. Willie was severely injured. The pickup in which Willie was riding had been purchased from a Dallas Ford dealer.

Willie's mother and step-father sued Ford Motor Co. and the Ford dealer, alleging that a defective seat-belt mechanism caused Willie's injuries. The lawsuit was filed in Rusk County, Texas about a year after the accident. It is undisputed that Rusk County had *no relationship* to the accident or the pickup. The plaintiffs asserted that venue was proper in Rusk County because there were two Ford dealerships in the county and the plaintiffs alleged those dealerships were Ford's "agents" for purposes of the venue statute. Ford asserted that venue was not proper in Rusk County. Ford sought to move the lawsuit to Dallas County because the accident occurred in Dallas County, the pickup was purchased and serviced in Dallas County, and Ford's regional headquarters was located in Dallas County. The trial court overruled Ford's motion to transfer venue.

A trial on the merits resulted in a sizeable judgment in favor of the plaintiffs (\$30 million in actual damages and \$10 million in punitive damages). Both sides appealed. The court of appeals affirmed in part and reversed in part. *See Miles v. Ford Motor Co.*, 922 S.W.2d 572 (Tex. App.—Texarkana 1996), *reversed* 967 S.W.2d 377 (Tex. 1998). A copy of the court of appeals' opinion is attached. It is important to note that the first substantive issue addressed by the court of appeals was

REV\_00113905

Ford's assertion that the trial court erred in refusing to transfer the case to Dallas County. The court of appeals affirmed the trial court's refusal to transfer the case and affirmed the actual damages awarded by the judgment, but reversed the trial court's finding of gross negligence and malice as a basis for awarding punitive damages.

Ford then appealed to the Supreme Court of Texas. As you can see from the attached docket sheet, Ford filed its "application for writ of error" with the Texarkana Court of Appeals on July 22, 1996. The court of appeals forwarded the application for writ of error and the appellate record to the Supreme Court of Texas, where it was received on September 5, 1996. Thus, the papers necessary for an appeal to the Supreme Court of Texas actually reached the Court on September 5, 1996.

The Supreme Court of Texas, in an opinion authored by Justice Priscilla Owen and handed down on March 19, 1998, reversed the court of appeals' judgment on the ground that venue was not proper in Rusk County. Reversal was required by Texas law, which mandates a reversal of any case tried in an improper county. I concurred in the Court's opinion and judgment.

With this background, let me turn to the Austin American-Statesman article. There are several misstatements which should be pointed out. First, the article states that the case "sat undecided" in the Supreme Court of Texas for "more than two years." That is not true. The record and application for writ of error were received by the Supreme Court of Texas on September 5, 1996, and an opinion was handed down on March 19, 1998, about a year and a half later. While a year and a half is still too long, it does not give the American Statesman license to distort the facts.

Second, I take exception to the article's reliance on information gained from a former Supreme Court of Texas briefing attorney. In fact, I was disappointed to read the comments attributed to the former briefing attorney, Ms. Hays, regarding the internal operations of the court and conversations among staff about a case, given that these matters are strictly confidential. As Ms. Hays knows, there are *numerous* reasons why it may take a substantial amount of time to render a decision in a particular case. For example, once a proposed majority opinion garners five votes, those justices who are concurring or dissenting are given additional time to write their opinions. Thus, in my opinion, it was inappropriate for Ms. Hays to lay all the blame for the delay at the feet of Justice Owen. Finally, at the very least, the article should have disclosed that Ms. Hays is not just "a Dallas attorney," but is the chairperson of the Dallas County Democratic Party.

Third, the delay in the ultimate resolution of the lawsuit, at least in part, was attributable to the plaintiffs and their attorneys. The plaintiffs' attorneys made a strategic decision to pursue the lawsuit in a county that had no relationship to the case. That decision, consciously made by plaintiff's attorneys, resulted in a reversal by the Supreme Court of Texas. The American-Statesman's article should have pointed out that plaintiffs often shop for a favorable forum, knowing that they risk reversal if they guess wrong about the appropriateness of the chosen forum.

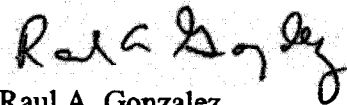


Fourth, according to the article, the court decided the case on "a question that was not among the issues the Supreme Court had agreed to hear when it accepted the case," implying that the court decided the case on an issue not presented. At best, the statement is misleading. As any experienced practitioner before the court knows, once a case is before the court, the whole case is before the court. The court has the right and ability to decide the case on any ground preserved for review and presented in the briefs. In this case, the venue issue was vigorously contested in the trial court, in the court of appeals, and in the briefs before the Supreme Court. It was an issue that was preserved for review and properly presented in the briefs. It, therefore, was appropriate for the court to decide the case on that issue.

Finally, it troubles me that the Austin American-Statesman would accuse a jurist of causing an individual's death under these circumstances. Frankly, I find it both offensive and beyond the bounds of appropriate journalism. Priscilla Owen no more caused the death of Willie Searcy than his attorneys who chose the wrong court to bring the lawsuit. His death was caused by an unfortunate accident. A judge of a court should not allow the bad facts such as these, to result in bad law. Justice Owen did her job as a member of the Supreme Court of Texas by writing a well-reasoned opinion that I believe reached the correct result in a heart-wrenching case. By any objective standard, this should not disqualify her from serving on the Fifth Circuit.

In closing, I served with Justice Owen for a number of years on the Supreme Court of Texas. I found her to be apolitical, extremely bright, diligent in her work, and of the highest integrity. I recommend her for confirmation without reservation.

Cordially,



Raul A. Gonzalez  
Justice, Supreme Court of Texas (retired)

RAG/glp

cc: The Honorable Orrin Hatch (*Via Facsimile at 202-228-1698 and U.S. Mail*)

930000:30000:AUSTIN:258810.4

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Remington, Kristi L <Kristi.L.Remington@usdoj.gov>  
**Sent:** 4/8/2003 6:17:18 AM  
**Subject:** : Re: FW: PDF document  
**Attachments:** P\_AUXEF003\_WHO.TXT\_1.pdf

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-APR-2003 10:17:18.00  
SUBJECT:: Re: FW: PDF document  
TO:"Remington, Kristi L" <Kristi.L.Remington@usdoj.gov> ( "Remington, Kristi L"  
<Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Only thing left is Stone press release if you have that. Thanks/

"Remington, Kristi L" <Kristi.L.Remington@usdoj.gov>  
04/08/2003 10:09:04 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: FW: PDF document

-----Original Message-----  
From: Washington, Tracy T  
Sent: Tuesday, April 08, 2003 10:08 AM  
To: Remington, Kristi L  
Subject: PDF document

Tracy T. Washington  
U.S. Department of Justice  
Office of Legal Policy  
Main Building, Room 4234  
(202) 514-2737

- Justice Gonzalez Ltr. re Owen.pdf

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_AUXEF003\_WHO.TXT\_1>

# LOCKE LIDDELL & SAPP LLP

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Writer's Direct Dial No. 512-305-4746  
Writer's e-mail: rgonzalez@lockeliddell.com

July 19, 2002

The Honorable Patrick Leahy  
Chairman, Committee on the Judiciary  
United States Senate  
224 Russell Senate Office Building  
Washington, DC 20510

*Via Facsimile at 202-224-9516 and U.S. Mail*

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REV\_00113909

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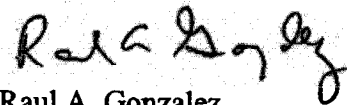
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Cordially,



Raul A. Gonzalez  
Justice, Supreme Court of Texas (retired)

RAG/glp

cc: The Honorable Orrin Hatch (*Via Facsimile at 202-228-1698 and U.S. Mail*)

930000:30000:AUSTIN:258810.4

---

**From:** Kavanaugh, Brett M.  
**To:** <Allgood, Lauren K.>  
**Sent:** 4/8/2003 10:34:13 AM  
**Subject:** Re: Mtg w/ Steve Friedman and Keith Hennessey

Can we do 1:45?

From: Lauren K. Allgood/OPD/EOP@Exchange on 04/08/2003 10:22:19 AM

Record Type: Record

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

cc:

Subject: Mtg w/ Steve Friedman and Keith Hennessey

Steve would like this meeting to happen today if possible. Please let me know when you are available. Thanks.

-----Original Message-----

**From:** Allgood, Lauren K.

**Sent:** Tuesday, April 08, 2003 8:07 AM

**To:** Kavanaugh, Brett M.

**Subject:** Mtg w/ Steve Friedman and Keith Hennessey

Steve and Keith would like to meet with you sometime today if that's possible regarding airline anti-trust issues.

They are both free between noon and 2pm. What works for you?

Let me know. Thanks!

Lauren

---

**From:** Lefkowitz, Jay P.  
**To:** <Perry, Philip J.>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 4/8/2003 11:41:49 AM  
**Subject:** victims of terror

Can you forward to me the most current version of the bill we have agreed to?

---

**From:** CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ]  
**To:** Philip J. Perry/OMB/EOP@EOP [ OMB ] <Philip J. Perry>  
**CC:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/8/2003 7:41:45 AM  
**Subject:** : victims of terror

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )  
CREATION DATE/TIME: 8-APR-2003 11:41:45.00  
SUBJECT:: victims of terror  
TO:Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can you forward to me the most current version of the bill we have agreed to?



**From:** CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ]  
**To:** Eric C. Pelletier/WHO/EOP@Exchange [ WHO ] <Eric C. Pelletier>; Daniel Keniry/WHO/EOP@Exchange [ UNKNOWN ] <Daniel Keniry>; David W. Hobbs/WHO/EOP@Exchange [ WHO ] <David W. Hobbs>; Christopher C. Cox/WHO/EOP@Exchange [ WHO ] <Christopher C. Cox>  
**CC:** John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>; Kristen Silverberg/WHO/EOP@Exchange [ WHO ] <Kristen Silverberg>; Philip J. Perry/OMB/EOP@EOP [ OMB ] <Philip J. Perry>; David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Wood, Robert D. (OS) <Robert.Wood@HHS.GOV>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/8/2003 9:15:50 AM  
**Subject:** : RE: Algiers

##### Begin Original ARMS Header #####  
RECORD TYPE: FEDERAL (NOTES MAIL)  
CREATOR: Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )  
CREATION DATE/TIME: 8-APR-2003 13:15:50.00  
SUBJECT:: RE: Algiers  
TO: Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Daniel Keniry ( CN=Daniel Keniry/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
READ: UNKNOWN  
TO: David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Christopher C. Cox ( CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
CC: John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )  
READ: UNKNOWN  
CC: Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
CC: Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP@EOP [ OMB ] )  
READ: UNKNOWN  
CC: David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )  
READ: UNKNOWN  
CC: "Wood, Robert D. (OS)" <Robert.Wood@HHS.GOV>@SMTP@Exchange ( "Wood, Robert D. (OS)" <Robert.Wood@HHS.GOV>@SMTP@Exchange [ UNKNOWN ] )  
READ: UNKNOWN  
CC: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

See message below --

I am hearing from State that Hegel will work with Lugar and Biden to eliminate provision but only if we support a victims compensation program.

They claim to be willing to do a PSOB model of the type we could accept, but of course, the minute we let Hegel tee it up with Administration support, we will be off the races on another compensation program.

Need to decide course of action.

-----Original Message-----

**From:** Cox, Christopher C.  
**Sent:** Tuesday, April 08, 2003 1:14 PM  
**To:** Lefkowitz, Jay P.; Keniry, Daniel ; Hobbs, David W.; Pelletier, Eric C.  
**Subject:** Algiers

Jay, can you give me an idea of the level of angst we have on this algiers accords language from the senate bill (language that allows iranian hostage families to sue iran govt)? If we really have heartburn here, we

REV\_00113937

need to communicate it to the speaker. You mentioned to Dan earlier an Armitage letter. Does that offer options? The Speaker, along with delay, is not gearing up to fight this one. And our usual ally on this issue, frank wolf, has not been as agitated on this as he has in the past.

Timeline is action today.

---

**From:** Miranda, Manuel \(\Frist\) <Manuel\_Miranda@frist.senate.gov>  
**To:** <Kavanaugh, Brett M.>; viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>; Benczkowski, Brian A  
<Brian.A.Benczkowski@usdoj.gov>; Wendy Grubbs \(\E-mail\) <wgrubbs@who.eop.gov>  
**Sent:** 4/8/2003 1:49:28 PM  
**Subject:** Principal's Meeting

We have locked in a Principal's Meeting on Judges for post-Recess on Tuesday, April 29<sup>th</sup> at 3 pm. Please let me know if this presents a problem.

---

**From:** CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Eric C. Pelletier/WHO/EOP@Exchange [ WHO ] <Eric C. Pelletier>; Daniel Keniry/WHO/EOP@Exchange [ UNKNOWN ] <Daniel Keniry>; David W. Hobbs/WHO/EOP@Exchange [ WHO ] <David W. Hobbs>; Jay P. Lefkowitz/OPD/EOP@Exchange [ OPD ] <Jay P. Lefkowitz>  
**CC:** John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>; Kristen Silverberg/WHO/EOP@Exchange [ WHO ] <Kristen Silverberg>; Philip J. Perry/OMB/EOP@EOP [ OMB ] <Philip J. Perry>; David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Robert.Wood@HHS.GOV@SMTP@Exchange [ UNKNOWN ] <Robert.Wood@HHS.GOV@SMTP@Exchange>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/8/2003 10:06:31 AM  
**Subject:** : Re: Algiers

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Christopher C. Cox ( CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 8-APR-2003 14:06:31.00

SUBJECT:: Re: Algiers

TO: Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Daniel Keniry ( CN=Daniel Keniry/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

TO: David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )

READ: UNKNOWN

CC: John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ: UNKNOWN

CC: Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

CC: Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP@EOP [ OMB ] )

READ: UNKNOWN

CC: David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ: UNKNOWN

CC: Robert.Wood@HHS.GOV@SMTP@Exchange ( Robert.Wood@HHS.GOV@SMTP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

CC: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Spoke with wolf and his committee clerk. Wolf says he feels as though we owe him authorizing language for a comp fund that he called for in his approps bill 2 yrs ago. Says he is tired of being the only one to stand firm against this language the senate tries to include year after year.

Do we have thoughts of agreeing to authorizing a comp fund in the state auth this year?

---

**From:** CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Eric C. Pelletier/WHO/EOP@Exchange [ WHO ] <Eric C. Pelletier>; Daniel Keniry/WHO/EOP@Exchange [ UNKNOWN ] <Daniel Keniry>; David W. Hobbs/WHO/EOP@Exchange [ WHO ] <David W. Hobbs>; Jay P. Lefkowitz/OPD/EOP@Exchange [ OPD ] <Jay P. Lefkowitz>  
**CC:** John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>; Kristen Silverberg/WHO/EOP@Exchange [ WHO ] <Kristen Silverberg>; Philip J. Perry/OMB/EOP@EOP [ OMB ] <Philip J. Perry>; David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Robert.Wood@HHS.GOV@SMTP@Exchange [ UNKNOWN ] <Robert.Wood@HHS.GOV@SMTP@Exchange>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/8/2003 10:06:58 AM  
**Subject:** : Re: Algiers

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Christopher C. Cox ( CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 8-APR-2003 14:06:58.00

SUBJECT:: Re: Algiers

TO: Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Daniel Keniry ( CN=Daniel Keniry/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

TO: David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )

READ: UNKNOWN

CC: John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ: UNKNOWN

CC: Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

CC: Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP@EOP [ OMB ] )

READ: UNKNOWN

CC: David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ: UNKNOWN

CC: Robert.Wood@HHS.GOV@SMTP@Exchange ( Robert.Wood@HHS.GOV@SMTP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

CC: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Spoke with wolf and his committee clerk. Wolf says he feels as though we owe him authorizing language for a comp fund that he called for in his approps bill 2 yrs ago. Says he is tired of being the only one to stand firm against this language the senate tries to include year after year.

Do we have thoughts of agreeing to authorizing a comp fund in the state auth this year?

---

**From:** CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Eric C. Pelletier/WHO/EOP@Exchange [ WHO ] <Eric C. Pelletier>; Daniel Keniry/WHO/EOP@Exchange [ UNKNOWN ] <Daniel Keniry>; David W. Hobbs/WHO/EOP@Exchange [ WHO ] <David W. Hobbs>; Jay P. Lefkowitz/OPD/EOP@Exchange [ OPD ] <Jay P. Lefkowitz>  
**CC:** John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>; Kristen Silverberg/WHO/EOP@Exchange [ WHO ] <Kristen Silverberg>; Philip J. Perry/OMB/EOP@EOP [ OMB ] <Philip J. Perry>; David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Robert.Wood@HHS.GOV@SMTP@Exchange [ UNKNOWN ] <Robert.Wood@HHS.GOV@SMTP@Exchange>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/8/2003 10:06:43 AM  
**Subject:** : Re: Algiers

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Christopher C. Cox ( CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 8-APR-2003 14:06:43.00

SUBJECT:: Re: Algiers

TO: Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Daniel Keniry ( CN=Daniel Keniry/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

TO: David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )

READ: UNKNOWN

CC: John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ: UNKNOWN

CC: Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

CC: Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP@EOP [ OMB ] )

READ: UNKNOWN

CC: David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ: UNKNOWN

CC: Robert.Wood@HHS.GOV@SMTP@Exchange ( Robert.Wood@HHS.GOV@SMTP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

CC: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Spoke with wolf and his committee clerk. Wolf says he feels as though we owe him authorizing language for a comp fund that he called for in his approps bill 2 yrs ago. Says he is tired of being the only one to stand firm against this language the senate tries to include year after year.

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---

**From:** CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Eric C. Pelletier/WHO/EOP@Exchange [ WHO ] <Eric C. Pelletier>; Daniel Keniry/WHO/EOP@Exchange [ UNKNOWN ] <Daniel Keniry>; David W. Hobbs/WHO/EOP@Exchange [ WHO ] <David W. Hobbs>; Jay P. Lefkowitz/OPD/EOP@Exchange [ OPD ] <Jay P. Lefkowitz>  
**CC:** John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>; Kristen Silverberg/WHO/EOP@Exchange [ WHO ] <Kristen Silverberg>; Philip J. Perry/OMB/EOP@EOP [ OMB ] <Philip J. Perry>; David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Robert.Wood@HHS.GOV@SMTP@Exchange [ UNKNOWN ] <Robert.Wood@HHS.GOV@SMTP@Exchange>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/8/2003 10:07:44 AM  
**Subject:** : Re: Algiers

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Christopher C. Cox ( CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 8-APR-2003 14:07:44.00

SUBJECT:: Re: Algiers

TO: Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Daniel Keniry ( CN=Daniel Keniry/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

TO: David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )

READ: UNKNOWN

CC: John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ: UNKNOWN

CC: Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

CC: Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP@EOP [ OMB ] )

READ: UNKNOWN

CC: David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ: UNKNOWN

CC: Robert.Wood@HHS.GOV@SMTP@Exchange ( Robert.Wood@HHS.GOV@SMTP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

CC: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Spoke with wolf and his committee clerk. Wolf says he feels as though we owe him authorizing language for a comp fund that he called for in his approps bill 2 yrs ago. Says he is tired of being the only one to stand firm against this language the senate tries to include year after year.

Do we have thoughts of agreeing to authorizing a comp fund in the state auth this year?

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/8/2003 3:40:42 PM  
**Subject:** Re: important

So do u want to risk this? If df objects, then what?



---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Addington, David S.>  
**Sent:** 4/8/2003 5:38:42 PM  
**Subject:** Algiers

Leg Affairs, Jay, Phil, Kristen, Taft, myself, and crew are talking again about this (and victims comp) at 8 in morning. Leg folks want to underscore to everyone (again) that we will lose.

---

**From:** Bumatay, Patrick J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/8/2003 6:04:49 PM  
**Subject:** please call

Carmen Mallon  
616-5474  
re: FOIA referral

---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/9/2003 1:30:06 AM  
**Subject:** : OpinionJournal - On the Editorial Page - April 9, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME: 9-APR-2003 05:30:06.00  
SUBJECT:: OpinionJournal - On the Editorial Page - April 9, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY JOHN MICKLETHWAITE AND ADRIAN WOOLDRIDGE  
<http://www.opinionjournal.com/editorial/?id=110003313>

What does Iraq need? Corporations.  
12:01 a.m. EDT

Extra BY BARBARA J. MAKUCH  
<http://www.opinionjournal.com/extra/?id=110003307>

"Thank you for my existence": An open letter to America's soldiers.  
12:01 a.m. EDT

Leisure & Arts BY WILLIAM MCGURN  
<http://www.opinionjournal.com/la/?id=110003314>

Order plus liberty: Fareed Zakaria's formula for freedom.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Punitive Damage Repairs  
The Supremes try to make up for earlier tort mistakes.  
Apr 09 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB104984783584554700,00.html%3Fmod%3Dopinion>

~~~~~

The U.N.'s Haitian Example  
Clinton and the U.N. offer an example of what not to do in Iraq.  
Apr 09 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB104984712593684800,00.html%3Fmod%3Dopinion>

~~~~~

Asbestos Games  
Miracles do happen, even in Washington.  
Apr 09 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB104984756169>

895500,00.html%3Fmod%3Dopinion

~~~~~

#### Commentary

##### The Company Way

What does Iraq need? Corporations.

By JOHN MICKLETHWAIT and ADRIAN WOOLDRIDGE

Apr 09 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10498479982994400,00.html%3Fmod%3Dopinion>

~~~~~

##### Postwar Home Truths

The war won't destroy the economy, but the economy could destroy Bush.

By NIALL FERGUSON

Apr 09 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104984853640317500,00.html%3Fmod%3Dopinion>

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#### Rule of Law

##### Burning to Say Something

The Supreme Court didn't endorse banning hate speech.

By EUGENE VOLOKH

Apr 09 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104984820774604600,00.html%3Fmod%3Dopinion>

~~~~~

#### Business World

##### Two Wars of CEO Rumsfeld

Success in Iraq makes military "transformation" all the more necessary.

By HOLMAN W. JENKINS JR.

Apr 09 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104984660271836300,00.html%3Fmod%3Dopinion>

~~~~~

#### Leisure & Arts

##### The Gallery

An Artist's Ubiquity Masks His Achievement

It's worth reviewing the work of a master of the human figure.

By WILLARD SPIEGELMAN

Apr 09 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104985589758314300,00.html%3Fmod%3Dopinion>

~~~~~

#### Music

Ruby Braff Was Anything but Old-Fashioned

His mother didn't know where she got him, but Louis Armstrong did.

By NAT HENTOFF

Apr 09 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104985537890776100,00.html%3Fmod%3Dopinion>

~~~~~

Avida Euros?  
Andre Breton's Surrealist trove is auctioned in Paris. Is this another French sellout?  
By BENJAMIN IVRY  
Apr 09 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104985444242832300,00.html%3Fmod%3Dopinion>

~~~~~

Books  
Votes Count, Not for Everything  
"The Future of Freedom"  
By WILLIAM MCGURN  
Apr 09 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104985504937401000,00.html%3Fmod%3Dopinion>

~~~~~

Time Off  
Diversions  
International Orchid Show; International Science and Technology Festival.  
Apr 09 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104977149856009600,00.html%3Fmod%3Dopinion>

~~~~~

International  
  
France's Realists, Continued  
It's no longer possible to deny that Iraq is being liberated.  
From The Wall Street Journal Europe  
Apr 09 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104983591225475700,00.html%3Fmod%3Dopinion>

~~~~~

'How We Got Here'  
It's no mystery why French Jews are being beaten in the streets.  
By MICHAEL GONZALEZ  
From The Wall Street Journal Europe  
Apr 09 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104983482278928300,00.html%3Fmod%3Dopinion>

~~~~~

Fighting a Potential Catastrophe  
Are quarantines and travel warnings justified? To beat SARS, yes.  
From The Asian Wall Street Journal  
Apr 09 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104984174248812900,00.html%3Fmod%3Dopinion>

~~~~~

China Must Dump North Korea  
Time to open the border to refugees.  
By JAMES YANG  
From The Asian Wall Street Journal  
Apr 09 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB104982539329468900,00.html%3Fmod%3Dopinion>

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<http://RealEstateJournal.com>

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You can also review OpinionJournal's privacy policy at <http://opinionjournal.com/about/privacy.html>

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**From:** Lefkowitz, Jay P.  
**To:** <Silverberg, Kristen>;<Kavanaugh, Brett M.>  
**Sent:** 4/9/2003 7:53:47 AM  
**Subject:** Mtg this am

Can you start mtg.

I will be there as soon as staff mtg breaks. Thx

---

**From:** Kirk Blalock <kblalock@fierce-isakowitz.com>  
**To:** <Schacht, Diana L.>; <Warsh, Kevin>; <Silverberg, Kristen>; <Kavanaugh, Brett M.>  
**Sent:** 4/9/2003 8:53:04 AM  
**Subject:** WSJ Editorial - Asbestos Games - Today

## WSJ – Asbestos Games – A12

Miracles do happen, even in Washington. The latest is that Congress is finally getting serious about solving the asbestos litigation mess. The worry now is that the perfect will become the enemy of the better.

Senate Judiciary Chairman Orrin Hatch has promised asbestos reform this year, and his committee already has a promising bill from Republican Senator Don Nickles. But just as things were chugging along, the business community split and Big Labor and the tort bar made new demands. So Mr. Hatch (who'd like a bipartisan solution) is now engaged in the Hans Blixian search for perfection while the window of political opportunity closes.

The problem is urgent enough. To date, asbestos lawsuits have driven 67 companies into bankruptcy and another 8,400 to court. Tens of thousands of workers have lost their jobs or seen their 401(k) plans implode. Meanwhile, the truly sick can't get compensation because claims by the healthy are clogging the courts.

The Nickles solution would cut through the court overload by setting medical standards for who can sue. His approach was gaining momentum until the unions and several asbestos companies resurrected a plan to set up a national asbestos trust fund. We're told Senator Hatch now wants to do it all – that is, set medical standards, create a new "asbestos court" and establish two trust funds (one financed by asbestos firms and one by insurers).

We have nothing in theory against either a special court or a trust fund. We like a trust fund when it was the only reform on the table because it envisioned strong medical standards and provided asbestos companies with finality. That's why some companies still prefer a fund.

The problem is that the fund concept is now being used as a poison pill to kill reform. Unions and liberal Senators want a fund in lieu of any real medical standards, meaning it would become a kind of permanent legal slush fund. Such class-action specialists as Fred Baron are also demanding an opt-out clause in case payoffs aren't large enough to keep them in new yachts. Mr. Hatch may find that in wooing these holdouts he will so gut reform that he loses Republicans and kills its chances in this Congress.

Senator Nickles's simple bill is attractive enough. It gives anyone with an asbestos-related cancer the automatic right to sue. Anyone with "non-malignant" diseases – asbestosis, pleural thickening – or other complaints would have to fit an American Medical Association definition of "impairment" to sue. If they don't meet that definition now, they can always sue later when they do.

The Nickles's bill would still allow the terminally ill to forum shop and it gives the tort bar its share of the lucre. It walks a fine enough political line to satisfy much of the business community. And medical standards have the support of both the American Bar Association and that part of the tort bar that still has a conscience. The bill therefore has a chance to win enough Democratic votes to defeat a filibuster.

Mr. Hatch's latest trust fund detour has had the effect of causing some of these Democrats to walk away from reforms they earlier endorsed. After more than a decade of waiting for some relief from the



asbestos scourge, both the economy and truly sick need a real solution, not more political games.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 4/9/2003 5:08:26 AM  
**Subject:** : fyi

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-APR-2003 09:08:26.00  
SUBJECT:: fyi  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I have put into a call to Philbin about abrogation of Algiers Accord issue as well.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 4/9/2003 9:20:15 AM  
**Subject:** : abrogation of executive agreements

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-APR-2003 13:20:15.00  
SUBJECT:: abrogation of executive agreements  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Although he will look into it some more, Pat Philbin confirmed my statement that Congress may abrogate an executive agreement by statute (which of course will either be signed by President or an override of veto).

---

**From:** CN=David S. Addington/OU=OVP/O=EOP [ OVP ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Alberto R. Gonzales/WHO/EOP@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 4/9/2003 11:06:35 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP [ OVP ] )  
CREATION DATE/TIME: 9-APR-2003 15:06:35.00  
SUBJECT::  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Al, David and Brett:

For your next-week list of things to watch--

On Thurs., April 17th at 9:30, the DC Cir will hear the oral arguments in Judicial Watch v. NEPDG (the VP appeal/mandamus in the Klayman effort to get NEPDG documents).

---

**From:** Orr, Christopher J.  
**To:** <Snee, Ashley>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 4/9/2003 11:18:27 AM  
**Subject:**

Judicial Nominations and web site.

Let's meet. I have good ideas.

---

**From:** Dorn, Nancy  
**To:** <Lefkowitz, Jay P.>;<Kavanaugh, Brett M.>  
**Sent:** 4/9/2003 11:26:14 AM  
**Subject:**

John Wood filled me in on the discussion this am on victims of terrorism. We are strongly objecting to inclusion of the Allen or other asset lang in the supp (as well as any other extraneous stuff). We do not want "second degree " type language breathing any additional life into these provisions. Also, whatever lang brett is working on needs to be circulated for review.

Thanks.

---

**From:** Snee, Ashley  
**To:** <Orr, Christopher J.>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 4/9/2003 11:26:23 AM  
**Subject:** RE:

Can we do 3:00 or 4:00 today, you guys want to come here?

-----Original Message-----

**From:** Orr, Christopher J.  
**Sent:** Wednesday, April 09, 2003 11:18 AM  
**To:** Snee, Ashley  
**Cc:** Kavanaugh, Brett M.  
**Subject:**

Judicial Nominations and web site.

Let's meet. I have good ideas.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** John F. Wood/OMB/EOP@EOP [ OMB ] <John F. Wood>  
**Sent:** 4/9/2003 7:38:13 AM  
**Subject:** : what did you tell Nancy???

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-APR-2003 11:38:13.00  
SUBJECT:: what did you tell Nancy???  
TO:John F. Wood ( CN=John F. Wood/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Nancy Dorn/OMB/EOP@EOP [ OMB ] <Nancy Dorn>  
**CC:** John F. Wood/OMB/EOP@EOP [ OMB ] <John F. Wood>; Philip J. Perry/OMB/EOP@EOP [ OMB ] <Philip J. Perry>; jay p. lefkowitz/opd/eop@exchange@eop [ OPD ] <jay p. lefkowitz>  
**Sent:** 4/9/2003 7:46:16 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-APR-2003 11:46:16.00  
SUBJECT:: Re:  
TO: Nancy Dorn ( CN=Nancy Dorn/OU=OMB/O=EOP@EOP [ OMB ] )  
READ: UNKNOWN  
CC: John F. Wood ( CN=John F. Wood/OU=OMB/O=EOP@EOP [ OMB ] )  
READ: UNKNOWN  
CC: Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP@EOP [ OMB ] )  
READ: UNKNOWN  
CC: jay p. lefkowitz ( CN=jay p. lefkowitz/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

I talked to John and think we cleared up the "language" issue.  
The "language" is the basic bill language that John has worked on (which of course is different from original State draft) and he just sent that to me for review. I will do nothing with it other than review it and give comments back to John, who has control of the master document.

Nancy Dorn  
04/09/2003 11:33:25 AM  
Record Type: Record

To: Jay P. Lefkowitz/OPD/EOP@Exchange@EOP, Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject:

John Wood filled me in on the discussion this am on victims of terrorism. We are strongly objecting to inclusion of the Allen or other asset lang in the supp (as well as any other extraneous stuff). We do not want "second degree " type language breathing any additional life into these provisions. Also, whatever lang brett is working on needs to be circulated for review.  
Thanks.

---

**From:** CN=Katherine M. Walters/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/9/2003 11:52:32 AM  
**Subject:** : Lincoln Day Dinner

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Katherine M. Walters ( CN=Katherine M. Walters/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-APR-2003 15:52:32.00  
SUBJECT:: Lincoln Day Dinner  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can they print Ken's bio in the program of a Lincoln Day Dinner? thanks

---

**From:** CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/9/2003 12:46:18 PM  
**Subject:** : Re: Meeting re. Algiers Accords

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Christopher C. Cox ( CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-APR-2003 16:46:18.00  
SUBJECT:: Re: Meeting re. Algiers Accords  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

No one else is jumping up and down. Looks like its just u. Margaret is ready to go any time. When can u do it and what number can we call?

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>  
**Sent:** 4/9/2003 1:13:00 PM  
**Subject:** abrogation of executive agreements

Although he will look into it some more, Pat Philbin confirmed my statement that Congress may abrogate an executive agreement by statute (which of course will either be signed by President or an override of veto).

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Philip J. Perry/OMB/EOP@EOP [ OMB ] <Philip J. Perry>  
**Sent:** 4/9/2003 1:16:14 PM  
**Subject:** : call at 5:45; I will conference you in then

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-APR-2003 17:16:14.00  
SUBJECT:: call at 5:45; I will conference you in then  
TO:Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/9/2003 1:18:17 PM  
**Subject:** : Re: Meeting re. Algiers Accords

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Christopher C. Cox ( CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-APR-2003 17:18:17.00  
SUBJECT:: Re: Meeting re. Algiers Accords  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes. Just on the treasury exposure issue.

---

**From:** Kavanaugh, Brett M.  
**To:** <Lefkowitz, Jay P.>  
**Sent:** 4/9/2003 1:25:33 PM  
**Subject:** are you hearing anything from hill on Algiers?

---

**From:** Addington, David S.  
**To:** <Leitch, David G.>;<Newstead, Jennifer G.>;<Kavanaugh, Brett M.>;<Francisco, Noel J.>  
**Sent:** 4/9/2003 2:43:06 PM  
**Subject:**

Gang:

The Eleventh Circuit said today (US v. Pritchett, 2003 WL 1824308, 4/9/03) that "traveled in interstate commerce at some point in the past" was a good enough nexus for the Commerce Clause:

"In this case, the government showed that the stolen firearm

possessed by Pritchett **traveled in interstate commerce**

**at some point in the past.** Thereby, the government

established at least a minimal nexus with interstate

commerce sufficient to permit the indictment and conviction

under 18 U.S.C. § 922(j) to stand. Accordingly, we affirm

Pritchett's conviction." (emphasis added)



---

**From:** CN=David S. Addington/OU=OVP/O=EOP [ OVP ]  
**To:** Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 4/9/2003 10:46:59 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP [ OVP ] )  
CREATION DATE/TIME: 9-APR-2003 14:46:59.00  
SUBJECT::  
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Gang:

The Eleventh Circuit said today (US v. Pritchett, 2003 WL 1824308, 4/9/03) that "traveled in interstate commerce at some point in the past" was a good enough nexus for the Commerce Clause:

"In this case, the government showed that the stolen firearm possessed by Pritchett traveled in interstate commerce at some point in the past. Thereby, the government established at least a minimal nexus with interstate commerce sufficient to permit the indictment and conviction under 18 U.S.C. § 922(j) to stand. Accordingly, we affirm Pritchett's conviction." (emphasis added)

---

**From:** Addington, David S.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Kavanaugh, Brett M.>  
**Sent:** 4/9/2003 3:04:24 PM  
**Subject:**

Al, David and Brett:

For your next-week list of things to watch--

On Thurs., April 17th at 9:30, the DC Cir will hear the oral arguments in *Judicial Watch v. NEPDG* (the VP appeal/mandamus in the Klayman effort to get NEPDG documents).

---

**From:** CN=Kevin Warsh/OU=OPD/O=EOP [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/9/2003 11:55:15 AM  
**Subject:** : Re: CRS

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME: 9-APR-2003 15:55:15.00  
SUBJECT:: Re: CRS  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

steve's assistant.

---

**From:** Kavanaugh, Brett M.  
**To:** <Cox, Christopher C.>;<Kavanaugh, Brett M.>  
**CC:** <Lefkowitz, Jay P.>;<Vestewig, Lauren J.>;<Silverberg, Kristen>;<Kirk, Matthew>;<Keniry, Daniel>;<Wood, John F.>;<Perry, Philip J.>;<Dorn, Nancy>  
**Sent:** 4/9/2003 4:20:03 PM  
**Subject:** Re: Meeting re. Algiers Accords

Anyone who wants on. I am talking to state lawyers shortly to get some more answers on operation of iran claims tribunal.

.  
----- Original Message -----

From: Christopher C. Cox/WHO/EOP@Exchange

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

Cc: Jay P. Lefkowitz/OPD/EOP@Exchange,

Lauren J. Vestewig/OPD/EOP@Exchange,

Kristen Silverberg/WHO/EOP@Exchange,

Matthew Kirk/WHO/EOP@Exchange,

Daniel Keniry/WHO/EOP@Exchange,

John F. Wood/OMB/EOP@EOP,

Philip J. Perry/OMB/EOP@EOP,

Nancy Dorn/OMB/EOP@EOP

Date: 04/09/2003 04:11:05 PM

Subject: Re: Meeting re. Algiers Accords

Thanks Brett. We could probably accomplish this with a conf call. Who else, if anyone, would need to participate?

---

**From:** CN=Philip J. Perry/OU=OMB/O=EOP [ OMB ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/9/2003 12:27:48 PM  
**Subject:** : Re: Meeting re. Algiers Accords

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP [ OMB ] )  
CREATION DATE/TIME: 9-APR-2003 16:27:48.00  
SUBJECT:: Re: Meeting re. Algiers Accords  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

somebody from our office should be on. if john ain't available, i'll have to do it. what time?

Brett M. Kavanaugh  
04/09/2003 04:20:12 PM  
Record Type: Record

To: Christopher C. Cox/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP  
cc: See the distribution list at the bottom of this message  
Subject: Re: Meeting re. Algiers Accords

Anyone who wants on. I am talking to state lawyers shortly to get some more answers on operation of iran claims tribunal.

.  
----- Original Message -----  
From:Christopher C. Cox/WHO/EOP@Exchange  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:Jay P. Lefkowitz/OPD/EOP@Exchange,  
Lauren J. Vestewig/OPD/EOP@Exchange,  
Kristen Silverberg/WHO/EOP@Exchange,  
Matthew Kirk/WHO/EOP@Exchange,  
Daniel Keniry/WHO/EOP@Exchange,  
John F. Wood/OMB/EOP@EOP,  
Philip J. Perry/OMB/EOP@EOP,  
Nancy Dorn/OMB/EOP@EOP  
Date: 04/09/2003 04:11:05 PM  
Subject: Re: Meeting re. Algiers Accords

Thanks Brett. We could probably accomplish this with a conf call. Who else, if anyone, would need to participate?

Message Copied

To: \_\_\_\_\_  
Jay P. Lefkowitz/OPD/EOP@Exchange  
Lauren J. Vestewig/OPD/EOP@Exchange  
Kristen Silverberg/WHO/EOP@Exchange  
Matthew Kirk/WHO/EOP@Exchange  
Daniel Keniry/WHO/EOP@Exchange  
John F. Wood/OMB/EOP@EOP  
Philip J. Perry/OMB/EOP@EOP  
Nancy Dorn/OMB/EOP@EOP

REV\_00114057

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Christopher C. Cox/WHO/EOP@Exchange [ WHO ] <Christopher C. Cox>  
**Sent:** 4/9/2003 12:45:28 PM  
**Subject:** : Re: Meeting re. Algiers Accords

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-APR-2003 16:45:28.00  
SUBJECT:: Re: Meeting re. Algiers Accords  
TO:Christopher C. Cox ( CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

what time is call?

From: Christopher C. Cox/WHO/EOP@Exchange on 04/09/2003 04:11:05 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: See the distribution list at the bottom of this message  
Subject: Re: Meeting re. Algiers Accords

Thanks Brett. We could probably accomplish this with a conf call. Who else, if anyone, would need to participate?

Message Copied

To: \_\_\_\_\_  
Jay P. Lefkowitz/OPD/EOP@Exchange  
Lauren J. Vestewig/OPD/EOP@Exchange  
Kristen Silverberg/WHO/EOP@Exchange  
Matthew Kirk/WHO/EOP@Exchange  
Daniel Keniry/WHO/EOP@Exchange  
John F. Wood/OMB/EOP@EOP  
Philip J. Perry/OMB/EOP@EOP  
Nancy Dorn/OMB/EOP@EOP

---

**From:** Cox, Christopher C.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/9/2003 4:46:41 PM  
**Subject:** Re: Meeting re. Algiers Accords

No one else is jumping up and down. Looks like its just u. Margaret is ready to go any time. When can u do it and what number can we call?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>  
**Sent:** 4/9/2003 4:54:30 PM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-APR-2003 20:54:30.00  
SUBJECT:: Re:  
TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

ok, onto Plan B.

From: Alberto R. Gonzales/WHO/EOP@Exchange on 04/09/2003 08:54:25  
PM  
Record Type: Record  
  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re:

I think this is not going to work.



---

**From:** CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/9/2003 4:58:42 PM  
**Subject:** : Re: Any news on Algiers?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )  
CREATION DATE/TIME: 9-APR-2003 20:58:42.00  
SUBJECT:: Re: Any news on Algiers?  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Ok thx.

Mitch talked to Delay who said he would see hwat he could do.

.

-----Original Message-----

From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>  
To: Lefkowitz, Jay P. <Jay\_P\_Lefkowitz@opd.eop.gov>  
Sent: Wed Apr 09 20:55:21 2003  
Subject: Re: Any news on Algiers?

;;;;;;;; have heard nothing since last discussion with Margaret Pederlin a few hours ago.

;;;;;;;; From;;; Jay P. Lefkowitz/OPD/EOP@Exchange on 04/09/2003 08:49:48 PM

;;;;;;;; Record Type;;; Record

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

;;;;;;;; CC;;;

;;;;;;;; Subject;;;;;;;; Any news on Algiers?

;;;;;;;; .

---

**From:** Kavanaugh, Brett M.  
**To:** <Cox, Christopher C.>  
**Sent:** 4/9/2003 5:01:11 PM  
**Subject:** Re: Meeting re. Algiers Accords

call me at 5:15 at 456-7984. I can conference in Phil Perry.

From: Christopher C. Cox/WHO/EOP@Exchange on 04/09/2003 04:46:41 PM

Record Type: Record

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

cc:

Subject: Re: Meeting re. Algiers Accords

No one else is jumping up and down. Looks like its just u. Margaret is ready to go any time. When can u do it and what number can we call?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Christopher C. Cox/WHO/EOP@Exchange [ WHO ] <Christopher C. Cox>  
**Sent:** 4/9/2003 1:01:26 PM  
**Subject:** : Re: Meeting re. Algiers Accords

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-APR-2003 17:01:26.00  
SUBJECT:: Re: Meeting re. Algiers Accords  
TO:Christopher C. Cox ( CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

call me at 5:15 at 456-7984. I can conference in Phil Perry.

From: Christopher C. Cox/WHO/EOP@Exchange on 04/09/2003 04:46:41 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: Meeting re. Algiers Accords

No one else is jumping up and down. Looks like its just u. Margaret is ready to go any time. When can u do it and what number can we call?

---

**From:** Kavanaugh, Brett M.  
**To:** <Cox, Christopher C.>  
**Sent:** 4/9/2003 5:07:34 PM  
**Subject:** Re: Meeting re. Algiers Accords

can we say 5:45?

From: Christopher C. Cox/WHO/EOP@Exchange on 04/09/2003 05:07:36 PM

Record Type: Record

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

cc:

Subject: Re: Meeting re. Algiers Accords

I can't. I have another 515 call. Can I try at 540 or so?

---

**From:** CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/9/2003 1:08:37 PM  
**Subject:** : Re: Meeting re. Algiers Accords

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Christopher C. Cox ( CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-APR-2003 17:08:37.00  
SUBJECT:: Re: Meeting re. Algiers Accords  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I can't. I have another 515 call. Can I try at 540 or so?

---

**From:** Rounds, Emory  
**To:** <Nelson, Carolyn>  
**CC:** <Everson, Nanette>; <Kavanaugh, Brett M.>  
**Sent:** 4/9/2003 5:08:06 PM  
**Subject:** APRIL TEXAS TRIP

As discussed, this addresses the Judge and Mrs. Gonzales' proposed travel to Texas on Friday, April 25, and Saturday, April 26, 2003.

The rules regarding the Judge's travel to these events differ from those for Mrs. Gonzales, and the analysis below reflects the different travel status and rules involved for each traveler.

### **The Judge's Travel**

#### Friday, April 25: Hispanic Public Policy Institute Hispanic Leadership Luncheon

· Judge Gonzales may accept the invitation to be the Key Note Speaker at Friday's Hispanic Public Policy Institute (HPPI) Hispanic Leadership Luncheon, at which Hispanic elected officials will be honored, and give an oral presentation focusing on his official duties or on the policies, programs, or operations of the White House. Acceptance of the invitation and travel payment regarding this event would not cause a reasonable person with knowledge of all the relevant facts to question the integrity of White House programs or operations.

· Because the Judge's travel to Friday's HPPI luncheon involves an official speaking engagement, his travel to Texas on Friday morning should be handled as official travel and as a TEFOS, from HPPI (which is a private, non-profit organization, and not a "527(e)" political entity).

#### Saturday, April 26: Travis County Republican Party Lincoln-Reagan Day Dinner

· Following the HPPI event, the Judge's travel in Texas (and return to Washington), and related lodging and meal expenses, will be provided by the Travis County Republican Party, for his participation in Saturday's Lincoln-Reagan Day Dinner, a political event at which the Judge will be an honoree.

· The Judge's travel expenses regarding Saturday's Lincoln-Reagan Day Dinner must actually be from and provided by the Travis County Republican Party itself, and not from any one private individual.

### **Mrs. Gonzales' Travel**

#### Friday, April 25: Hispanic Public Policy Institute Hispanic Leadership Luncheon

· Mrs. Gonzales may accept HPPI's invitation to attend the Friday luncheon, and accompany Judge Gonzales to that event, if others in attendance at that event will generally be accompanied by a spouse or other guest.

#### Saturday, April 26: Travis County Republican Party Lincoln-Reagan Day Dinner

· Mrs. Gonzales may accept an invitation to her from the Travis County Republican Party organization to attend its Lincoln-Reagan Day Dinner.

· She also may accept the Travis County Republican Party's offer to pay her travel expenses to Texas on Friday, April 25, in anticipation of her attendance at the Party's Dinner event on Saturday. However, this travel arrangement should not result in additional expense (e.g, as long as lodging expenses do not increase because she is sharing the accommodations with the Judge).

· Mrs. Gonzales travel expenses for the Texas trip must be provided by the Travis County Republican Party organization, and not from HPPI (even partially), because she may not travel in an official travel status with funding from HPPI under the official travel regulations, and may not accept a gift from HPPI for transportation under the gift rules.

· Mrs. Gonzales' travel expenses regarding Saturday's Lincoln-Reagan Day Dinner also must actually be from and

provided by the Travis County Republican Party itself, and not from any one private individual.

---

**From:** Kavanaugh, Brett M.  
**To:** <Cox, Christopher C.>  
**Sent:** 4/9/2003 5:16:20 PM  
**Subject:** Re: Meeting re. Algiers Accords

The call will be solely on the Algiers Accord provision, correct?

From: Christopher C. Cox/WHO/EOP@Exchange on 04/09/2003 05:09:24 PM

Record Type: Record

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

cc:

Subject: Re: Meeting re. Algiers Accords

Yes



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Christopher C. Cox/WHO/EOP@Exchange [ WHO ] <Christopher C. Cox>  
**Sent:** 4/9/2003 1:16:35 PM  
**Subject:** : Re: Meeting re. Algiers Accords

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-APR-2003 17:16:35.00  
SUBJECT:: Re: Meeting re. Algiers Accords  
TO: Christopher C. Cox ( CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

The call will be solely on the Algiers Accord provision, correct?

From: Christopher C. Cox/WHO/EOP@Exchange on 04/09/2003 05:09:24 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: Meeting re. Algiers Accords

Yes

---

**From:** Lefkowitz, Jay P.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/9/2003 5:40:03 PM  
**Subject:** Algiers

pls email me update after your Margaret call.

thanks

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] <Brian.A.Benczkowski@usdoj.gov>  
**Sent:** 4/9/2003 5:54:17 PM  
**Subject:** : RE: 2:30 call??

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 9-APR-2003 21:54:17.00  
SUBJECT:: RE: 2:30 call??  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brian.A.Benczkowski@usdoj.gov ( Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Ok, let' do a call at 10 on Friday. I will be glad to absorb Makan's ire.

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

---

**From:** Cox, Christopher C.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/9/2003 6:00:16 PM  
**Subject:** Re: Meeting re. Algiers Accords

One other question: how much has the US paid out in past suits that we have honored?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**Sent:** 4/9/2003 6:10:50 PM  
**Subject:** : RE: 2:30 call??

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 9-APR-2003 22:10:50.00

SUBJECT:: RE: 2:30 call??

TO: "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)"  
<Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

who is on our call? just Admin and senate to discuss strategy? or also  
outside groups?

"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov>

04/09/2003 10:05:58 PM

Record Type: Record

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

cc: brian.a.benczkowski@usdoj.gov

Subject: RE: 2:30 call??

IT's ok, his has been at 10:30 and irregular, so it will work if he  
decides to have one.

-----

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

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>  
**Sent:** 4/9/2003 8:18:29 PM  
**Subject:**

My plan A is that we should put the hard sell on Crapo through some combination of you, Craig, Karl, and Hatch. I do not have a plan B yet.

---

**From:** Kavanaugh, Brett M.  
**To:** <Lefkowitz, Jay P.>  
**Sent:** 4/9/2003 8:55:21 PM  
**Subject:** Re: Any news on Algiers?

have heard nothing since last discussion with Margaret Pederlin a few hours ago.

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 04/09/2003 08:49:48 PM

Record Type: Record

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

cc:

Subject: Any news on Algiers?

---

**From:** Lefkowitz, Jay P.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/9/2003 8:59:06 PM  
**Subject:** Re: Any news on Algiers?

Ok thx.

Mitch talked to Delay who said he would see hwat he could do.

-----Original Message-----

From: Kavanaugh, Brett M.  
To: Lefkowitz, Jay P.  
Sent: Wed Apr 09 20:55:21 2003  
Subject: Re: Any news on Algiers?

have heard nothing since last discussion with Margaret Pederlin a few hours ago.

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 04/09/2003 08:49:48 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Any news on Algiers?



---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**Sent:** 4/9/2003 9:58:37 PM  
**Subject:** did you talk to toobin?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 4/9/2003 5:59:02 PM  
**Subject:** : did you talk to toobin?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-APR-2003 21:59:02.00  
SUBJECT:: did you talk to toobin?  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/9/2003 6:38:42 PM  
**Subject:** : Re: did you talk to toobin?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-APR-2003 22:38:42.00  
SUBJECT:: Re: did you talk to toobin?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yeah, ill tell you about it tomorrow.

.

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/9/2003 10:39:02 PM  
**Subject:** Re: did you talk to toobin?

Yeah, ill tell you about it tomorrow.

---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/10/2003 1:23:28 AM  
**Subject:** : OpinionJournal - On the Editorial Page - April 10, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME:10-APR-2003 05:23:28.00  
SUBJECT:: OpinionJournal - On the Editorial Page - April 10, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003317>

How far will the State Department go to smear an Iraqi freedom-fighter?

12:01 a.m. EDT

John Fund's Political Diary  
<http://www.opinionjournal.com/diary/?id=110003315>

The dangers of a televised war.  
12:01 a.m. EDT

Extra BY WILLIAM SHAWCROSS  
<http://www.opinionjournal.com/extra/?id=110003318>

"April 9 is not just spring, it is for Iraqis eternal spring."

12:01 a.m. EDT

Leisure & Arts BY DAVE SHIFLETT  
<http://www.opinionjournal.com/la/?id=110003319>

The Burk battallion fails to take Augusta.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Smearing Mr. Chalabi  
The State Department tries to corrupt its own audit process.  
Apr 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104993585923623700,00.html%3Fmod%3Dopinion>

~~~~~

Birds and Warriors -- II  
Clarifying environmental laws isn't too much for our military to ask.  
Apr 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104993466495188400,00.html%3Fmod%3Dopinion>

~~~~~

The GOP's Tax Twins  
Senators Snowe and Voinovich undermine economic growth.  
Apr 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104993635075429300,00.html%3Fmod%3Dopinion>

~~~~~

#### Commentary

Baghdad Day  
"April 9 is not just spring, it is for Iraqis eternal spring."  
By WILLIAM SHAWCROSS  
Apr 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104993408376252800,00.html%3Fmod%3Dopinion>

~~~~~

Lest We Forget  
It's time to name the names of people who morally bankrupt France.  
By MICHAEL GONZALEZ  
Apr 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104993340997739000,00.html%3Fmod%3Dopinion>

~~~~~

Oh Deer!  
Military preparedness? Not if it kills antelope -- excerpts from a Senate Armed Services hearing.  
Apr 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB1049934414523000,00.html%3Fmod%3Dopinion>

~~~~~

#### Politics & People

Unshared Sacrifices  
The poor bear an undue burden in the cost of this war.  
By ALBERT R. HUNT  
Apr 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104993662647718000,00.html%3Fmod%3Dopinion>

~~~~~

#### Leisure & Arts

Opera  
'Hansel and Gretel' Is Just the Beginning  
A new program that proves elementary school isn't too soon to introduce opera.  
By MARK YOST  
Apr 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104994403037962300,00.html%3Fmod%3Dopinion>

~~~~~

#### Sports

Burk Battalion Fails to Take Augusta

Martha Burk's teed off, but unable to intimidate the Masters.

By DAVE SHIFLETT

Apr 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104994314632507700,00.html%3Fmod%3Dopinion>

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#### Art Documents and Survives Dresden

London exhibition, theater and opera.

By MANUELA HOELTERHOFF

Apr 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104994510919586300,00.html%3Fmod%3Dopinion>

~~~~~

#### Books

The Sun Set on One, But Rises on Another

"Empire"

By JOHN O'SULLIVAN

Apr 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104994221546495200,00.html%3Fmod%3Dopinion>

~~~~~

#### International

##### General Brown Misfires

Business as usual isn't good news for the British economy.

From The Wall Street Journal Europe

Apr 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104992352483903700,00.html%3Fmod%3Dopinion>

~~~~~

#### Liberation Day

What the Iraqis know that Chirac doesn't.

From The Wall Street Journal Europe

Apr 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104992385375794300,00.html%3Fmod%3Dopinion>

~~~~~

#### Flawed Military Model, Made in the U.S.A.

Enticing volunteers with family benefits has its drawbacks.

By CINDY WILLIAMS

From The Wall Street Journal Europe

Apr 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104992088624011700,00.html%3Fmod%3Dopinion>

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#### China's Cover-Up Compulsion

Beijing still isn't doing all it can on SARS.  
From The Asian Wall Street Journal  
Apr 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104991434929558000,00.html%3Fmod%3Dopinion>

~~~~~

The Age of Terror  
Winning hearts and minds is a full time occupation.  
By GREG SHERIDAN  
From The Asian Wall Street Journal  
Apr 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB104991381438131000,00.html%3Fmod%3Dopinion>

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<http://StartupJournal.com>

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**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/10/2003 6:11:38 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:10-APR-2003 10:11:38.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett, do you need to talk to him about today's lunch? His 11:30 mtg. was cancelled, so he'll be at Morton's by 12.

---

**From:** Bumatay, Patrick J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/10/2003 8:15:35 AM  
**Subject:** Please call

Harriet Miers, 6-2702  
re: McCollough letter

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/10/2003 4:15:21 AM  
**Subject:** : Please call

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:10-APR-2003 08:15:21.00  
SUBJECT:: Please call  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Harriet Miers, 6-2702  
re: McCollough letter

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/10/2003 4:59:13 AM  
**Subject:** : RE: 2:30 call??

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:10-APR-2003 08:59:13.00  
SUBJECT:: RE: 2:30 call??  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I wanted the WH coalitions people and the RNC, groups might include Jennifer, Sean, and Kay.

What do you think?

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett M. Kavanaugh@who.eop.gov]  
Sent: Wednesday, April 09, 2003 10:11 PM  
To: Miranda, Manuel (Frist)  
Subject: RE: 2:30 call??

who is on our call? just Admin and senate to discuss strategy? or also outside groups?

(Embedded  
image moved "Miranda, Manuel (Frist)"  
to file: <Manuel\_Miranda@frist.senate.gov>  
pic21838.pcx) 04/09/2003 10:05:58 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
  
cc: brian.a.benczkowski@usdoj.gov  
Subject: RE: 2:30 call??

IT's ok, his has been at 10:30 and irregular, so it will work if he decides to have one.

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

REV\_00114167

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>  
**Sent:** 4/10/2003 5:02:21 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:10-APR-2003 09:02:21.00  
SUBJECT: :  
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Manny thinks we need a coalitions call with at least RNC, Kay, Jennifer,  
Sean Rushton perhaps on Friday at 10. What do you think?

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/10/2003 5:03:07 AM  
**Subject:** : 445 today to talk about the website, right?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:10-APR-2003 09:03:07.00  
SUBJECT:: 445 today to talk about the website, right?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;

---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**Sent:** 4/10/2003 9:06:50 AM  
**Subject:** Re: 445 today to talk about the website, right?

yes

From: Ashley Snee/WHO/EOP@Exchange on 04/10/2003 09:03:32 AM

Record Type: Record

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

cc:

Subject: 445 today to talk about the website, right?

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange [ WHO ] <Ashley Snee>  
**Sent:** 4/10/2003 5:07:06 AM  
**Subject:** : Re: 445 today to talk about the website, right?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:10-APR-2003 09:07:06.00  
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yes

From: Ashley Snee/WHO/EOP@Exchange on 04/10/2003 09:03:32 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
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coalition members -- have a sophisticated capability to monitor signals in a number of ways. We continue to do that. As to what we've actually received from that, I'm really not willing to go down that road, so I'll just leave it alone and say that we'll continue to evaluate all types of intelligence to try to help us find those last pockets of the regime.

;;;;; Let me come back over to this side. Hold on. I'll come back over here.

;;;;; Yes, sir?

;;;;; Q Tim Wrigley (sp) from Jane's Defence Weekly magazine. Could you give us some rundown on the quantity and the types of equipment that you've captured, and what's actually going to happen to the equipment of the Iraqi armed forces?

;;;;; GEN. RENUART: Well, quantities of equipment would be a challenge for me to be specific because any number I give you right now would be a lie. It changes from hour to hour as we uncover a number of sites throughout the country. But I will say that each day we have uncovered either numbers of destroyed pieces of equipment, which will go to the nearest scrap metal yards and be turned over to people that can do something with it in recycling, or those pieces of equipment that are still functional, we will maintain control of. In some point in the future -- just as we did in Afghanistan, we are rebuilding the Afghan national army -- there will be some form of military security force built back for Iraq, and it would be a shame to not use some of that equipment that is still functional in order to keep the cost of returning that force -- a force in the future.

;;;;; Kelly?

;;;;; Q Thanks, General. Kelly O'Donnell from NBC. Could you give us a snapshot right now of the area of Baghdad that you feel comfortably under coalition control, an assessment of what you think the capability is still of Iraqi forces? And has there been any directive given to U.S. troops not to display a U.S. flag in Iraq again?

;;;;; GEN. RENUART: I don't think there's been direction for U.S. forces not to display a U.S. flag. I think you've seen in a couple cases instances where, in sort of enthusiasm and jubilation, we've seen some of our forces bring out the American flag and then think better of it. And truly, there is -- the guidance from headquarters is you have to understand that this is the country of Iraq. We will have our flag over our forces where we find our forces. And where the Iraqi people begin to reclaim their country, then the Iraqi flag will be flown. And I think, for example, yesterday you saw both coming from the same young man. So I think we'll continue to be enthusiastic where we've succeeded and understanding of the importance of establishing Iraq for free Iraqis for the future.

;;;;; Yes, sir?

;;;;; Q The assessment of the area of Baghdad?

;;;;; GEN. RENUART: Baghdad's still an ugly place.

;;;;; (To next questioner.) Don't go away; I'm going to come over there.

;;;;; (Returning.) Baghdad's still an ugly place. There are many parts of the city that are either not secured by U.S. forces or are sort of unsecured at all, and there are other places in the city where we believe there are still pockets of remaining small elements of Republican Guard, Special Republican Guard and paramilitary forces. And that's really the objective of our operations in Baghdad now, is to go to those locations and return some stability. In terms of how big a percentage or what have you, it would be, again, unfair because, just as I mentioned with counting tanks, we are succeeding each day to secure more and more of the city, and I think we're making good progress with it.

;;;;; Yes, sir?

;;;;; Q (Name inaudible), Irish Times. I had two questions. Number one, where are Saddam, Uday, Qusay, Tariq Aziz, all those other folks? Secondly --

;;;;; GEN. RENUART: Do y'all, like, draw straws to see where that question's going to go in the room each day? (Laughter.)

;;;;; Q Secondly -- you're not going to answer this one either -- (laughter, some applause) -- the MOAB. I saw a report on TV this morning that it had been brought in for possible use. Are you going to use it? Is it really necessary at this stage? Thanks.

;;;;; GEN. RENUART: Well, I'll go to the second question first. The so-called MOAB, or the BLU-82, which is a 15,000-pound weapon, are surely weapons that are available to us to use really anywhere it's appropriate. We wouldn't want to take away from any commander the opportunity to use appropriate weapons for their part of the battlefield. As to an intention to use it, a target to use it for, I think it would be very unfair of me to presuppose any of those possibilities, and we leave that to the commanders out in the battlefield to make a recommendation on both targets and applicable weapons.

;;;;; With respect to Saddam and Uday and Qusay and Mr. Aziz, don't know where they are. But we'll continue our pursuit of any intelligence that might indicate where they are. I don't know that they're alive and I don't know that they're dead. But that's, again, not really important to us. We will continue to pursue the security and the successful accomplishment of the operation. And as that occurs, those other pieces will fall into place, I'm confident.

;;;;; Yes, sir?

;;;;; Q Patrick Moser (ph) from Agence France-Presse. You were talking about the mosque, and you said several people, enemy forces were captured or killed. Can you give us more details as to who they were, whether they were Ba'ath leadership? And also how about casualties on your side?

;;;;; GEN. RENUART: We did suffer some wounded. The specific numbers of those casualties, we really don't have a good number, so I'd prefer not to describe that. In terms of the enemy forces, the only report I have that I think is fairly valid is that a number of the killed and captured were dressed in the similar black kinds of garb that we have seen at least other of these paramilitary forces dressed in. Now, whether that means they were Special Republican Guard or Republican Guard who have changed uniforms or some of these other organizations, I'm really not able to give you more specifics on that.

;;;;; Nicole?

;;;;; Q Hi. Nicole Winfield (sp), Associated Press. At the top of the briefing you spoke a bit about Mosul and said that, I think, special forces had moved into the area. Does that mean you're actually in Mosul itself? And what kind of resistance are you meeting there? Are you with any Kurdish fighters as well? And secondly, yesterday we saw some reports of foreign fighters inside Baghdad itself; if you could give an assessment of how big of a role are they playing now in the current resistance in Baghdad, elsewhere? Are you seeing more coming in even from Syria, from that side, currently?

;;;;; GEN. RENUART: Oh, you mean bad-guy foreign fighters.

;;;;; Q Bad guy, yeah.

;;;;; GEN. RENUART: Okay. That's good, because I didn't know we had some others. (Laughter.)

;;;;; Q Are they still coming into the country as they were a week ago?

;;;;; GEN. RENUART: Let me first talk to Mosul. We have had and continue to have military forces, U.S. forces, in the vicinity of Mosul. They are supported by -- as you know, we have the 173rd Brigade on the ground. We have additional military force that is continuing to flow into that region. Certainly we have support from the Kurdish fighters in that area.

;;;;; The operations will continue there, and as the U.S. forces see the opportunity and can seize the opportunity to further expand, to push the Iraqi forces out of Mosul or Kirkuk or other places, they'll certainly try to take advantage of that. As we flow forces from the south to the north, we will continue to squeeze those forces. So in terms of do we have U.S. forces in Mosul, I'm not aware that we do. But we certainly have U.S. forces that are close by, observing, calling fires and taking advantage of opportunities that might arise.

;;;;; Q And foreign?

;;;;; GEN. RENUART: Foreign fighters. You know, we've had some reports. We had a number of reports about a week ago. We've since seen fewer reports, but we have had a number on the battlefield killed or captured. We've not seen additional influxes that I can tell. And as I said, I think our forces in the west are doing a pretty credible job of keeping elements from coming into the country that aren't desired.

;;;;; Now let me go back here. Yes, sir?

;;;;; Q I'm George Kerr (ph), editor-in-chief of National Newspaper Publishers Association News Service, the black press of the United States. I want to go back to a point that General Brooks made yesterday. He conformed that uniforms of U.S. personnel have been found in Rasheed, near the airport, at the old prison. Without going into the names, unless you want to volunteer that --

;;;;; GEN. RENUART: (Laughs.) It's a good try.

;;;;; Q -- (laughs) -- thank you -- could you tell us whether those names match the names of those who are prisoners of war or missing in action? And also, do you have any information on their conditions?

;;;;; GEN. RENUART: No, I can't confirm that, and won't confirm that, whether they match names, don't match names. I think what General Brooks said is we had evidence of U.S. that may have been held there because we saw some U.S. uniforms. I think it would be unfair to speculate anything more than that. And so I'll leave it at that.

;;;;; Yes, sir?

;;;;; Q Autie Raval (ph), ABC News. As law and order becomes more of a concern in Baghdad, how are coalition forces changing their military orientation from one of combat to one of stability? That's the word you mentioned at least five times now in the last half hour or so. How are you changing your military operations, your orientation, so that soldiers might have to become more of a military policeman in the streets of Baghdad?

;;;;; GEN. RENUART: Well, that's a good question. Our forces have been trained for a broad variety of circumstances on the battlefield, and some of those circumstances are civil military operations. I hesitate to say military police, because that's really not their task. But, for example, in the Marine side of the city, part of the training of our Marines is to deal in both urban environments and to deal in a relationship of civil military kinds of operations. And I think the answer to the question is it will be a natural transition from combat to providing presence and stability -- that's six times in a half an hour -- into these neighborhoods. And there's probably a very good reason why I say that. It

is important for us to create the environment that is secure. And with a secure environment come the more routine functions of day-to-day life -- schools reopening, markets reopening. Those things add to and create stability in each of those neighborhoods. That doesn't mean you have to be the enforcer of the law on the street. I think you can do that with presence and compassionate relationships with the members of the community. I think that's the direction we'll go forward.

;;;;; Yes, sir?

;;;;; Q Greg Gordon (sp) from Newsday. Let's go back north again. Two questions. Tikrit: You said something that surprised me a little bit, that we don't have significant forces around Tikrit right now, I think since some of us hear that was potentially the last stand, the last battlefield. Can you paint us a picture of what the United States has in Tikrit and perhaps what Iraq has there?

;;;;; Kirkuk: You are describing a situation that what a lot of people were referring to before the war as the Afghan model, where Special Forces would team up with local fighters, but the local fighters, in this case the Kurds, would sort of do the fighting on the United States' behalf. Is that a sense, the sense of what's happening around Kirkuk right now?

;;;;; GEN. RENUART: No, I think -- I think the way we used our Special Forces in Afghanistan was appropriate to that situation. I think the way we are using our Special Forces in the Kurdish territory and in northern Iraq, while it has many of the attributes, is unique to that environment. So I'll say, no, it's not the way -- I wouldn't say it is the Afghan model.

;;;;; And that will beg the question, So, what are you doing? Well, I think the answer to the question is allow time to show, and you will see the results.

;;;;; With respect to Tikrit, certainly Tikrit is one of the key strongholds, potential strongholds of the Baath Party and the Tikriti clan, and that is an area that is important to us. I don't want to misrepresent the fact that we have put a great deal of emphasis on Tikrit. Some of it has been conventional, some of it has been unconventional. In many of those cases it doesn't take many people to create a desired effect. So we'll continue to increase our emphasis on Tikrit and other of the remaining strongholds of the Baath Party, and continue to operate along the plan, the timeline that we have laid out.

;;;;; Let me come over to this side first. Yes, sir?

;;;;; Q (Off mike) -- China Radio International. General, can you tell us how many hospitals in Baghdad have been under control of the coalition forces? And the Red Cross says many of the hospitals are overwhelmed by patients. Can you describe the situation there?

;;;;; GEN. RENUART: Well, we -- as far as we know, there are about 125 or so hospitals within the greater Baghdad area. We have been trying to do surveys of those. There are certainly some who have a large number of patients, and that have been hit by a lack of electricity and lack of water.

;;;;; As to how many of that 125, I can't really say. We are continuing to expand those assessments. One thing is clear: that we are attempting to identify those areas where we can restore power and water very rapidly. We are trying to move some additional supplies into some of the most hard-hit of the hospitals, and we will continue to do that over time. And that operation will expand just as our military operations within the city have expanded.

;;;;; Yes, ma'am?

;;;;; Q (Off mike) -- from Reuters. Going back to Kirkuk, how are you

going to reconcile the different -- the different desires of the Kurds and Turkey? And if the Kurds seem to have gone into Kirkuk, which is very much what Turkey was worried about, are you in contact with Turkey to reassure them? Are you trying to persuade the Kurds not to take up certain positions? How will you reconcile that?

;;;;; GEN. RENUART: Well, first, I'd say that the coalition forces are in direct contact with all of the parties in the region -- the Turks, the Kurds, both sides, the PUK and the KDP. It is clear to all of those what our position is, what our guidance is to the forces on the ground, and I think we will be able to maintain a very consistent approach to that problem over time. So I am not worried that one side may miscalculate the other. We continue to work very aggressively with both sides to ensure that our intentions are very clear: is to return stability to the country as quickly as we can.

;;;;; Yes, ma'am?

;;;;; Q Sir, Margaret Brandt (ph) with Newsweek magazine. Is there any more detail you can give us by MEF rolling into Baghdad yesterday? Did it happen more quickly than you expected? Were they responding to some opening that --

;;;;; GEN. RENUART: No. Actually the construct of that operation was designed initially to provide an encirclement, if you will, and then to move through the main sectors, the area between the canal and the river, and then the area to the east of the canal. It was designed to be a coordinated effort, and it worked pretty much right on the plan.

;;;;; Yes, sir?

;;;;; Q (Off mike) -- the Moscow Channel. Two questions, general, if you please. First, there was information in some media that Saddam -- two nights ago Saddam left in the direction to Iran. That's why Fedayeen left the city and it was not a big battle. Please, do you think the operation will be complete if you will not find Saddam, like it was in Afghanistan with Osama bin Laden?

;;;;; And the second question. Before the war, Iraq had something about 3,500 tanks. And according to the information from Internet, from Russian satellites, the coalition has not destroyed half of these tanks. Where are these tanks now? Just what part of it you have and what part of it is now with the Iraqis? Are they just in Tikrit? Thank you.

;;;;; GEN. RENUART: Okay, two good questions. First, I guess I would not argue with what Russian satellites are able to see. I'd just say that our estimates may differ a little bit, and we feel that we have either taken control of -- which means we may not have destroyed, we may own them now -- or destroyed a substantial portion of the armor that is -- that was -- that made up the Iraqi military.

;;;;; With respect to Saddam, it would be surprising to me that Saddam would go to Iran. I wouldn't think he would have a hearty welcome there. And with respect to completing the operation, you'll recall that, as we said a number of times, the operation is designed to end the regime, to take away any capability to use weapons of mass destruction, and to eliminate the possibility that either support of terrorism could occur here or that proliferation of those weapons would continue.

;;;;; I have time for one more.

;;;;; Q Hi, it's Paul Hunter (sp) from Canadian Broadcasting Corporation. Notwithstanding there are still pockets of fighting going on in Baghdad, can you explain how winning Baghdad alters or assists you in the search for weapons of mass destruction? Does this mean you can -- there are resources freed up or that there are documents that you now have access to? And what are you doing to exploit that?

;;;;; GEN. RENUART: That's a good question. We've said a couple of times that we believe that many of the sources of information would be in and around the Baghdad area. And so as we move into that area and establish more and more control, we hope to gain access to more and more of the facilities that may yield some of that information.

;;;;; I think, also, it's important to say that many of the places where WMD might be hidden are not going to be obvious to the eye, and we are going to have to use some detailed intelligence study, and then some very detailed detective work to identify some of these locations and then exploit them. certainly as you stabilize Baghdad, the force requirements to be in the city will adjust slightly, and I would hope that that would give us some additional capability to get out to some of the other outlying areas that may not yet have been visited. I appreciate everybody's time. Thank you very much.

END.

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**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/10/2003 5:35:58 AM  
**Subject:** : US CentCom Briefing 04/10/03

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UNITED STATES CENTRAL COMMAND DAILY PRESS BRIEFING  
BRIEFERS: MAJ. GEN. VICTOR RENUART, DIRECTOR OF OPERATIONS; BRIG. GEN.  
VINCE BROOKS, DEPUTY DIRECTOR OF OPERATIONS

DOHA, QATAR  
7:03 A.M. EDT, WEDNESDAY, APRIL 9, 2003

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GEN. RENUART: ;Good afternoon, everybody. I'm General Gene Renuart, director of operations for United States Central Command.; I want to spend a little bit of time with you today summarizing some of the activities that we've seen over the last day or two. General Brooks will follow with some specifics on some of the key aspects of the campaign that we feel like are important to make you aware of.

;;;;; Our message has been consistent. Some of you say, "You stand up here and tell us every day you're on plan." I think that's a good thing, and we are on plan. We continue to conduct our operations throughout the country. We continue to reduce pockets of resistance, especially in the southern areas, where we see a growing air of security among the cities from Basra continuing up until -- up to Baghdad. We've seen a lot of activity in Baghdad over the past 48 hours. Those operations continue, and I'll talk a little bit about those a little later in the briefing.

;;;;; But it's important to note that despite what you see in terms of localized euphoria in places in the -- in some of the cities, that this -- this operation is a long way from complete. We have localized pockets throughout the area of the greater Baghdad area that we have to deal with, and we have a number of areas throughout the country that are not yet stabilized, that are not yet engaged in terms of reducing or eliminating the Iraqi military, the paramilitary forces, the Ba'ath Party, and some of the leadership.

;;;;; So, there's a long way to go still. We'll continue on our path, continue on our track, and we will in the end reach all of our objectives.

;;;;; And as we've said over time, each -- really each time we've been up here, none of that comes for free. The men and women of our coalition are bearing a heavy cost, and we always take a moment to remember those military personnel, their families, and also the members of the civilian population, and sort of what I'll say third parties -- members of the media, members of the IOs and NGOs that have been caught in some of the firing around the country. The war comes -- brings with it a cost that affects us all.

;;;;; Just to give you a summary of operations that have been ongoing, the outer cordon in the vicinity of Baghdad really is complete. Elements of the 1st Marine Expeditionary Force and 3rd U.S. Division have completed the cordon around, and we believe we've cut the major routes in and out of the city, eliminating the opportunity for large forces to move in and

reinforce, and certainly complicating the problem of anyone trying to leave the city.

;;;;; In the south, the first U.K. Armored Division is conducting a number of operations in the Basra area, and continuing to move to the north to link up with elements of the 1st Marine Division in the vicinity of Al-Amara. We have now secured all of the southern oil fields. We're in the process of moving through those oil fields to ensure they are secure, and I'm pleased to say that about 800 of the thousand wellheads have physically been inspected, and the repair requirements have been determined for many of those. That work continues, and we think we'll have those inspections completed over the next few days.

;;;;; In each area where we go, the population seems supportive and continues to welcome our coalition forces.

;;;;; And interesting side line in Basra, I've mentioned the U.K. has been actively engaged there, is doing a superb job -- they report that some of the senior clerics are now coming out into the city asking for two things: one, for our help to pronounce looting to be illegal, and ask us to help with reinforcing their curfew in the city so that we don't have large groups of folks roaming around at hours that could get them into trouble. They've also -- the clerics have also asked for their local citizenry to turn in weapons. So, those are very positive things, and those are, while they are things we enjoy success with and we are pleased with, the best story is it's coming from the leadership of the company -- or the communities themselves.

;;;;; In the center part of the country, the 101st Airborne Division conducted operations near the town of al-Hilla. They returned stability to that area. Found four warehouses of food that were held by the regime. We are now turning that around and distributing it to the local population.

;;;;; Throughout the southern region of the country, the 1st Marine Expeditionary Force has been actively engaged providing humanitarian assistance and civil military support. General Brooks will talk to that here in just a minute, with a number of anecdotal pieces that will demonstrate a real success story and something we're really pleased with.

;;;;; In Baghdad, I mentioned operations are ongoing. They are active in terms of combat operations. We've had a number of localized pockets of resistance, and some combat operations that are more substantial through the city, as we engage targets of regime leadership and paramilitary forces. At the same time -- and we've talked before about those two pillars at this campaign -- at the same time we're conducting assessments of the utility systems in the city, the sanitation capability, the hospitals to see if we can very rapidly infuse water, electricity, sanitation into those areas and to those facilities so that we can return quality care to the people of Baghdad.

;;;;; One note out in the west, another good news story in the town of ar-Rutpah (sp), our special forces had a meeting with the leaders in the community. That town has in fact declared itself open to coalition forces. We've met with the new mayor and his town council. They've asked for our help in returning power to the community and working the flow of water. We've assisted them by providing power generation equipment to get the wells running, and then we have a repair team going in to help with some of the power generation capability for the city. So, a lot of real success stories there.

;;;;; There's been some questions about media access for the people of Iraq. And we have been working very hard over the last week to get a media broadcast capability to bring into Baghdad. We hope we'll have that in very soon, and we're working very aggressively to find the contacts within the city and in the country who would like to begin an Iraqi broadcast network, if you will, and over the coming days and weeks we hope to allow the free Iraqis to begin their own TV, radio throughout the country.



;;;;; In the meantime, our information operations continue with themes like tune into our information radio and TV to ensure that they understand that Baghdad is still not a safe city, and that they should try to remain in their homes, not be out in the streets, and certainly not be anywhere where former regime officials might be.

;;;;; I think the final point I'll make before I turn it over to General Brooks is that as we have been aggressively planning military operations for a military victory, we've also been equally involved planning for the peace that follows. We're not sure when a military victory will be complete. As I said, there's still work to do. But we want to ensure that in parallel we are planning for the follow-on operations to ensure stability, to bring the infrastructure of the country back up to pace, so we're reviewing railroads, road infrastructure, bridge work, power, lights, water -- all of those things in the major metropolitan areas around the country so that we can begin to infuse elements to repair and restore each of those capabilities just as rapidly as we can.

;;;;; With that, I'll turn it over to General Brooks and let him walk you through a couple of the key activities over the last few days.

;;;;; GEN. BROOKS: Thanks, General. Ladies and gentlemen, as General Renuart said, our operations do continue, and so do our efforts to transition the liberated areas into the future of Iraq.

;;;;; Our coalition special operations forces will be where I begin today. We have succeeded in maintaining a lethal pressure against Iraqi forces in northern Iraq, and consolidated some gains in the area of Mosul. I talked about that yesterday, up in this area, where Iraqi forces have been pushed back from what was the green line, and under coalition special operations force lead, supported by some Peshmerga, they've moved into that area and begun to consolidate around the area. It's not yet secure; there's still work to be done.

;;;;; In the west, special operations continued against regime forces in the town of Al-Qa'im. And this is an area that is strategically located on the route that joins Syria and Iraq, and it also is an area that is potentially for use by the launch -- for the launching of ballistic missiles.

;;;;; General Renuart talked about what happened in ar-Rutpah (sp). That is a very good news story indeed. That was a scene of fighting early in the war, and at this point now, special operations forces having joined with the citizens of ar-Rutpah (sp), and being welcomed in a friendly way, are able to get on with the work that's necessary to carry on to the future together.

;;;;; Finally, our special operations forces in this case also conducted operations near Hadithah Dam. This is an area we've spoken about before. Hadithah, located here, to the west, northwest of Baghdad, has a very important dam that we have been able to secure for a period of time, and it also serves as an important crossing point over top of the Euphrates River. Two days ago, our special operations forces there were reinforced by coalition armor and infantry, after a movement by air into an airfield that is controlled by special operations forces, and then that was followed by a link-up.

;;;;; I've got a short video that shows you a part of that operation. These are tanks arriving by C-17 aircraft. The Hadithah Dam area. And tanks rolling across the dam. This is really a very good example of the flexibility of the forces that are involved in this operation, and it shows that an even greater set of options now exist to defeat the remnants of the regime.

;;;;; Our special operations forces now control five different airfields, and those are shown by the airplane symbols on this map.

;;;;; Coalition maneuver operations focus in the areas of Karbala --

let's go to the next map, please -- Karbala, al-Hilla, and also Baghdad. And I'll talk about some of the work in each one of those areas.

;;;;; First, as General Renuart mentioned, in Karbala, we continue our efforts to increase the security in the area, eliminating any remaining pockets of regime forces, clearing out buildings that had been used by them for other purposes, and just increasing the security in that very important city.

;;;;; In al-Hilla, coalition forces of 5th Corps attacked during the night to eliminate remaining pockets of regime forces. There were some still present. Our coalition forces encountered some rocket- propelled grenade ambushes on the approach into town, and also found artillery and air defense systems. But they were successful in causing the resistance to collapse. After consolidating, the force found significant amounts of weapons and equipment, and also liberated that warehouse. We believed the warehouse contained foodstuff and fuel that was associated with the Oil-for-Food Program. It was a very large distribution center, it appeared to be, and of course these will be distributed to the population.

;;;;; Can we go to the Baghdad map, please? I just want to highlight a few more things about work in and around Baghdad. The 1st Marine Expeditionary Force increased its presence. They entered from the southeast and also proceeded to the northeast yesterday. There have been pockets of intense resistance in the center of the city, and also near the Imam al-Adham (sp) mosque, which is located in this area, and that's where the fighting occurred this morning. At this point, the fighting has ended. We know that the mosque was used, and the area around it, for fighting positions for that intense fight that occurred this morning, and the assessments of the fight are ongoing.

;;;;; Fifth Corps forces also increased their presence in several areas west of the Tigris River to further eliminate any pockets of resistance. There was one example of a fight that occurred last night where some regime forces attempted to cross the Tigris River in boats and they were driven back.

;;;;; Our coalition forces continue to interact with the population, and that helps us to gain additional information. You have seen some of the scenes of interaction on the streets. The white circles, just like yesterday, show generalized areas where we've been conducting operations over the last 24 hours. Of course, still near Baghdad International Airport and Rasheed Airport, but it's a much large area now of where we've conducted operations west of the river. We've tightened into this area, and also from the northeast toward the center of town in this area. Operations continue.

;;;;; Of course, there have been reports of ambushes in a number of locations, reinforced in many cases with surface laid mines that have been hastily placed by regime forces that are still out there, and this importantly demonstrates the continuing hazard to not only coalition forces but an even greater hazard to non-combatants that are moving through the area in vehicles.

;;;;; We do continue our efforts in communicating with the Iraqi population, as well as military forces, delivering leaflets by hand and by air, and our broadcasts over the airways. At this point, we've distributed more than a million leaflets yesterday alone, and have reached more than 43 million leaflets overall. And our broadcast messages are adjusting to account for the changes in circumstances as we find them. The good news is we are quickly moving beyond the one- way communications of broadcasts and interacting directly with the population every day.

;;;;; Finally, in the area of humanitarian assistance and efforts, something that becomes increasingly important with each day that passes, are we find that the initial needs that our forces encounter are in the areas of food, water and medical. And while there has not been a crisis in food availability, our coalition forces are able to provide some

supplements to the existing food stocks.

;;;;; What I have here is an image of daily rations. (Image is shown.) These were distributed by hand, and we've shown images like that before. What I want to highlight here is two different types of humanitarian daily rations. We've had questions about that before. (Image is shown.) You see the yellow ones that have been seen in other operations. And again, we are distributing these by hand, not air- dropping them.

;;;;; But the new type is a different color, to make it very clear that it's not anything close to any munitions that might be hazardous. (Image is shown.) They're salmon-colored. And there's an additional shot here in this case. (Image is shown.) These were distributed by the 82nd Airborne Division near Asamallah (ph) on the 5th of April.

;;;;; We're also expanding our ability to provide medical care on a variety of levels. The arrival of the Spanish ship Galicia yesterday in Umm Qasr brought humanitarian supplies and also a medical bay with over 50 beds and an off-ship field hospital that can be pushed out in the area surrounding that.

;;;;; What we have is a video that was taken during the offloading of the ship. (Video is shown.) This is a very important coalition contribution to the medical condition, and the effort will be provided for the Iraqi population. That's not military medical support that this effort will provide.

;;;;; But that's not the only medical effort. There's also immediate medical attention that occurs in communities every day. (Image is shown.) This image shows a Navy corpsman near Numaniyah assessing immediate medical needs in the community. And a similar image. (Image is shown.) Whenever possible, we can provide treatment for the immediate needs of the population.

;;;;; Clean drinking water continues to be a daily challenge for communities without electrical power. But the coalition is taking several steps to try to meet the immediate needs for water. First, water is trucked into communities and then transferred into distribution bags, like the ones shown in this image. (Image is shown.)

;;;;; In some cases, the coalition dedicates its own water-purification equipment to meet community needs. What you see in this image are three water bags near As Samawa that were filled with water, taken from the Euphrates River, and purified through military water- purification equipment. And those can generate up to 2,000 liters of water an hour.

;;;;; Eventually we believe that our efforts will make the existing water-purification resources, the ones that are part of the Iraqi infrastructure, functional and operational again, like this in Rumaythah (ph) just north of As Samawa, where we're testing the water conditions to ensure that they, in fact, are safe for use again.

;;;;; Throughout the liberated areas of Iraq, there are efforts like these to quickly transition into the future of Iraq.

;;;;; Sir?

;;;;; GEN. RENUART: Thanks, Vince. Let me -- two points before I open up to questions, one on -- we mentioned the 40-some-odd million leaflets. And people have said, "Well, so what do they really do for you?" Well, let me give you an example. As we were going back into the oil fields with the UK engineers, U.S. engineers, Kuwaiti engineers, and returning the Iraqi oil workers back to the sites, we were interviewing the staff of the Iraqi oil industry.

;;;;; We noticed that many of these wells had, in fact, been wired to be destroyed. And we also noticed that many of them, even though there were explosives set in place, had the valves turned off, so that, even if you

had an explosion, it wouldn't necessarily damage the oil well. And we said, "You all were here. You watched this happen. How did they do this?"

;;;;; And they said, "We read your leaflets. We heard your broadcasts. We understand that keeping the oil infrastructure was important for our future. And so while we complied for our own protection with the regime, we ensured that true damage to the oil fields would not occur."

;;;;; So there's a case where a message passed by a number of means -- leaflets, radio broadcasts, and even some television broadcasts -- was getting to the people that could protect the future of the country. So there's a real powerful message there.

;;;;; And I'm pretty old; I forgot what the second point is. I'll get to it in questions.

;;;;; Now, I'm going to start -- I always go to the front row, but I'm going to go to the back first. So let me go back here to the gentleman in the gray shirt, and then I'll come up to the front row in a minute.

;;;;; Q (Inaudible) -- La Repubblica Newspaper of Italy. Could you tell us something more about civil administration? I understand that this pillar of your operation is getting more and more important by the day. So could you tell us about your endeavor to set up a civil administration?

;;;;; We understand that this has been postponed somehow -- maybe you are encountering difficulties; I don't know -- and also about this meeting of all Iraqi political (section?) in Nasiriyah, which had been announced by Vice President Cheney yesterday. And then, I don't know, maybe it has been canceled (or something?). Thank you.

;;;;; GEN. RENUART: Well, let me first say that you're absolutely right, that the pillar of humanitarian assistance, civil affairs, civil military operations is becoming more and more important. But I want to make sure that no one believes that the military operation has even yet slowed down.

;;;;; But let me go back to the issue of civil governance. As we have seen in many of these cities, there is a governance that has been based on tradition for many, many years in many of these cities. It's based on the clerics in the community and the tribal leaders in the community.

;;;;; As we have taken away the regime dominance, if you will, we have seen that re-emerge. That gives us a natural avenue to restore order and to begin to put some structure back into the communities.

;;;;; Clearly the Iraqi people will choose how each of these towns will be governed. Clearly the Iraqi people will choose what their country's government will look like. So we attempt to work with the known and respected leaders in each of the communities to maintain security while the country begins to move forward towards whatever will be the final government.

;;;;; Now, with respect to the meeting that you mentioned, I didn't hear Vice President Cheney's words, so I wouldn't want to quote what he said. But we do intend to have a meeting of many of the interested parties from all over Iraq, both inside and outside the country, to discuss just this point.

;;;;; I can't tell you what will be the outcome, because this truly is the first in a series of discussions to allow the Iraqi people to begin to voice their preference for the future. I don't know of any indication that that has been canceled. In fact, I believe it's still on track. And so the reports that it had been canceled, I can't give you anything there.

;;;;; Yes, sir. Right here.

;;;;; Q Jonathan Marcus, BBC. Two questions about two areas; one, Kirkuk. Could you confirm whether or not Kurdish fighters, backed up by Special

Forces, have actually entered the city there? Could you perhaps clarify whether this is a planned operation sponsored by the Americans or a unilateral operation that the Kurdish fighters themselves have embarked upon?

;;;;; The fighting in the second area, over to the Syrian frontier, in al Qaim, or however you pronounce it, we've heard a lot from Donald Rumsfeld about Iraqi leaders moving to Syria, possibly weapons of mass destruction moving to Syria. That is obviously the main shortest land route from the Iraqi capital. Could you kind of settle that in some sort of wider context?

;;;;; GEN. RENUART: Let me go to your second question first. You're right; the route from Baghdad through Ar Ramadi out to al Qaim is the shortest route to the west out of the country. Our Special Forces, as we've talked over a number of days, are in a position to carefully monitor and control the flow of traffic, both westbound and eastbound, on that road. And we are doing so.

;;;;; With respect to al Qaim, it is, as you know, the border town right along the Syrian border. It has had a substantial presence of Iraqi Special Republican Guard paramilitary force and some regular army units in that area.

;;;;; And we have continued to conduct unconventional warfare direct-action missions and air strikes against those forces. We believe that those forces have been significantly reduced over the last week or two, and we believe we're in a position where we can begin to control that area more freely.

;;;;; I can't put a time on that to you. We'll continue to work that. We continue to have some discussions with leaders in that area, and we believe we're making good progress.

;;;;; With respect to Kirkuk, the first point I would make is that, as you know, we've had Special Forces in the northern region for quite some time. They have established a relationship with fighters in that area, Kurdish fighters in that area, and, in close coordination with the leadership of the Kurdish region, have established that the coalition forces would be the command element, if you will, for operations in the north. So operations that may occur will be done in close coordination with and under the control of our U.S. forces.

;;;;; With respect to this specific story, I don't have information that says are any fighters in the city. I know that there have been a number of movements along what we call the green line over the last week or so. In many cases the Iraqi regular army forces have been falling back away from that. And in many of those cases, our U.S. forces are pushing forward. We'll continue to monitor those operations. And it would be premature to say anything specifically has happened or will happen in the city itself of Kirkuk.

;;;;; Let me come over here. Yes, sir.

;;;;; Q (Inaudible.) Two questions. One, can you tell us a little bit more about the fighting that's taking place in Baghdad today? We understand there's been some very fierce fighting around an area where it's believed senior Baathist Party members were meeting.

;;;;; And also, could you give us a little more perhaps about what's happening in al Qaim? What is so interesting there for the coalition forces? Is it simply the presence of Special Republican Guards, or is this a missile launch site or weapons of mass destruction? What is it that's specifically interesting to you there?

;;;;; GEN. RENUART: Let me -- since we were talking about al Qaim, I'll go to that question first. If you look back during the Gulf War, the al Qaim area, greater al Qaim -- that happens to be just a city that's sort

of in that region -- but that area was the site of the largest number of surface-to-surface missile launches that occurred from the western portion of Iraq.

;;;;; We clearly are interested in protecting the neighbors in that region, and so it's in our strategic interest to ensure that we preclude any capability of surface-to-surface missiles, especially those that are long-range, to be launched from that area. That allows us to preserve the security of Saudi Arabia, Jordan and other countries on the border.

;;;;; So it's preventive medicine, I think, is probably the best way to describe it. By our presence, by our activity, by our air power, we hope to reduce the possibility that if there is that capability there -- and we truly don't know for sure -- but if there is that capability, that we would prevent it from being a serious factor, especially at this point in the campaign.

;;;;; Now, let me go back to your question on the fight within Baghdad. An interesting dynamic has begun to occur as you see areas of the city sort of shed the bonds of the Iraqi regime. That has brought to light a number of leads -- "They're over here, they're over there" -- wherever they are.

;;;;; I think it's an understandable situation in the city because these people have been held, you know, in terror for quite some time. But not all of those leads are either current or even accurate, but we have to try to run each of them to ground.

;;;;; In this case we had information that a meeting may be occurring of some senior leadership in this particular area of the city. It happened that this area was also an area that was planned for military operations for today. And so the confluence of both of those came together this morning in the vicinity of the mosque that General Brooks mentioned.

;;;;; Our troops were fired on, took heavy fire from the vicinity of this mosque and another location, and were engaged in a fairly heavy firefight for a number of hours. We've resolved that now. We've killed or captured the enemy force that was taking us under fire. And we continue operations through there.

;;;;; We will have a number of these reports, people who believe that they have some information. And we're going to have to take each of those in, evaluate them against what we know to be the case, and then take action either on the ground or through the use of Special Forces, as it's appropriate.

;;;;; Yes, sir. I didn't call on Al Jazeera my last time here, so please let me do that.

;;;;; Q (Inaudible) -- Al Jazeera. Can you please update us on the situation in and around Tikrit, what sort of a fight is going on there or what sort of fight you expect?

;;;;; And also the situation in Baghdad and Basra, especially the looting. A couple of months ago the Iraqi government let out a lot of criminals, thousands of criminals out of prisons. And it seems that they're also taking advantage of the power vacuum. What are you going to do about that? Because citizens who are sitting at home are also getting attacked. It's not only government property.

;;;;; GEN. RENUART: That's a very good point and I think it's one that we need to spend a moment on.

;;;;; Two aspects. First, for a city, in some cases cities, maybe even a country that has been held prisoner, there is a great deal of bad feelings towards the regime. So it's not necessarily surprising that many of these people would choose to go to these symbols of regime leadership and take things or express their anger.

;;;;; On the other hand, that's not the way we would like to have cities conduct themselves each day. In the case of Basra, for example, I mentioned some of the senior clerics have asked the UK military to help to provide presence in neighborhoods so that the emotions will have a chance to calm. And that's occurring. And, in fact, today we've seen many fewer reports of that kind of behavior in Basra.

;;;;; Some of the reports that we saw yesterday were from the eastern portion of Baghdad, and those were areas where we had not yet actually put military forces into, but rather the reaction of many of the people in those neighborhoods to small pockets of regime leaders or regime figures in that area.

;;;;; Today we have begun to move some U.S. military, coalition military into some of these areas, and again, it starts to settle. Our intent would be to work with the leaders in each of these areas because I think all of us understand that it's better to have a safe quiet life in our neighborhoods than not. And we will continue, through our civil-military operations, our civil affairs teams and our special forces to work with these neighborhood leaders initially to begin to help to calm their own neighborhoods, and that usually is the best way to succeed. And then over time, the Iraqi officials in cities will begin to build a police force to do the normal security things that we would expect in any city.

;;;;; Q Will you declare a curfew?

;;;;; GEN. RENUART: We really haven't addressed that issue. In some areas -- for example, in Basra we were asked if we would consider a curfew. The local commander there is discussing that with the leaders to decide. He was asked by the local community leaders. And they'll make a decision based on what they believe to be appropriate. It may not be for the city. Might be for just an area of a neighborhood. It will depend.

;;;;; Our intent is not to be heavy-handed, but it is to ensure that stability is brought back into the areas. And I think some of the natural emotion will begin to settle and has already.

;;;;; Tom?

;;;;; Q The Tikrit --

;;;;; GEN. RENUART: Oh, I'm sorry. Yes, Tikrit. I can't give you a lot on Tikrit because we do not have any substantial U.S. forces in that area. It certainly is an area that we're focused on as we continue our military operations towards the north. As I mentioned, we still have a long ways to go. We've really only covered about half or 60 percent of the country as we move to the north. So we have operations that will continue, that will address those areas that so far we have not been able to get our forces into.

;;;;; Okay. Tom?

;;;;; Q Yes, sir. Tom Itu (ph) with CNN. Your secretary of State demonstrated the ability of the U.S. military to not only monitor but intercept communications from the regime before this conflict even started. I'm curious to know what kind of communications, if any, you are still able to monitor; and are there any communications from the regime, within?

;;;;; GEN. RENUART: Boy, you're going to get me in trouble. I'm not sure I can tell you what the secretary of State said, and I wouldn't try to evaluate his comments.

;;;;; Q He had what appeared to be cell-phone recordings before the U.N.

;;;;; GEN. RENUART: Ah. I got it. I got it. I would say that this coalition -- and it's not just the United States, it's certainly all the

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**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/10/2003 9:49:14 AM  
**Subject:** : 11:30 tomorrow  
**Attachments:** P\_ZFGIF003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:10-APR-2003 13:49:14.00

SUBJECT:: 11:30 tomorrow

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Can we move it to 11:30 tomorrow instead of 10?

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_ZFGIF003\_WHO.TXT\_1>



Can we move it to 11:30 tomorrow instead of 10?< /span>

---

**From:** Charles Spies - Legal <CSpies@rnchq.org>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/10/2003 6:11:40 AM  
**Subject:** : RE: Invitation and Return Card

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Charles Spies - Legal <CSpies@rnchq.org> ( Charles Spies - Legal <CSpies@rnchq.org>  
[ UNKNOWN ] )

CREATION DATE/TIME:10-APR-2003 10:11:40.00

SUBJECT:: RE: Invitation and Return Card

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

I just left you a voice mail message re: this.

- Charlie

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov

[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]

Sent: Thursday, April 10, 2003 8:40 AM

To: Charles Spies - Legal

Subject: FW: Invitation and Return Card

(See attached file: 55237 Invitation 4panel2.pdf) (See attached file: 55237  
Invite.pdf)

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/10/2003 10:12:24 AM  
**Subject:** RE:

Phew! They sent the invite w/o forwarding it to me, as they were instructed to do. I'm just glad it worked out.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Thursday, April 10, 2003 10:09 AM  
**To:** Nelson, Carolyn  
**Subject:**

the Travis County event is ok so long as he does not solicit money at the event. thanks and sorry for false alarm.

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/10/2003 6:15:23 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:10-APR-2003 10:15:23.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Phew! They sent the invite w/o forwarding it to me, as they were instructed to do. I'm just glad it worked out.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, April 10, 2003 10:09 AM  
To: Nelson, Carolyn  
Subject:

the Travis County event is ok so long as he does not solicit money at the event. thanks and sorry for false alarm.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 4/10/2003 6:17:29 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:10-APR-2003 10:17:29.00  
SUBJECT:  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

the Travis County event is ok so long as he does not solicit money at the event. thanks and sorry for false alarm.

---

**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>  
**Sent:** 4/10/2003 2:15:55 PM  
**Subject:** issues

1. Are we on for tomorrow mtg?
2. Talked to SS gen counsel and still no problems with WAVES approach as indicated. Let me know what info your meeting produced.
3. Do you still want to move forward on pkg spaces?

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/10/2003 2:17:53 PM  
**Subject:** Re: Specter proposal

Message relayed...they plan to meet with majority leader and hatch next. Clearly hatch will have problems with members.... And maj leader will be interesting to watch...

---

**From:** Litkenhaus, Colleen  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/10/2003 3:56:59 PM  
**Subject:** RE: issues

1. Yes. 11 pm in our area.
2. great! Do you want to speak with Addington about it or not? Also, do we care if the VP has the CEO of Halliburton over for dinner and it is part of our Presidential records? Just still trying to make sure we don't care, even politically.
3. I want to know if I can move forward on that plan, but haven't decided for sure to move forward with that plan.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Thursday, April 10, 2003 2:16 PM  
**To:** Litkenhaus, Colleen  
**Subject:** issues

1. Are we on for tomorrow mtg?
2. Talked to SS gen counsel and still no problems with WAVES approach as indicated. Let me know what info your meeting produced.
3. Do you still want to move forward on pkg spaces?



---

**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>  
**Sent:** 4/10/2003 4:20:34 PM  
**Subject:** checking on call to fbi re completing backgrounds?

END.

;

;

---

**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/10/2003 12:27:18 PM  
**Subject:** : TRANSCRIPT - Defense Department Briefing 04/10/03

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:10-APR-2003 16:27:18.00  
SUBJECT:: TRANSCRIPT - Defense Department Briefing 04/10/03  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

DEFENSE DEPARTMENT REGULAR BRIEFING  
BRIEFER: VICTORIA CLARKE, ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC  
AFFAIRS; AND ARMY GENERAL STANLEY MCCHRYSTAL, VICE DIRECTOR FOR  
OPERATIONS, J-3, JOINT STAFF

PENTAGON BRIEFING ROOM, ARLINGTON, VIRGINIA  
1:46 P.M. EDT, THURSDAY, APRIL 10, 2003

;

MS. CLARKE: Good afternoon, everybody. As the statues of Saddam Hussein fall in Baghdad, hopes continue to rise for the people of Iraq. The enemy is surrendering and scattering, but not everyone, and not yet. The fate of Saddam Hussein himself is not clear, and some of his supporters may be willing to go down with him. We continue to search for the remaining enemy in Baghdad and elsewhere. Troops had a fierce fight in northcentral Baghdad within the past 24 hours, leaving at least one Marine dead. And we may well face more tough fighting ahead.

;;;;; The firefight reminds us that in any war, victorious or otherwise, there is a price to be paid. And in the last few days, seven Army soldiers, seven Marines, and one airman have lost their lives. We respect and honor those brave Americans who have paid the price on the battlefield so their fellow citizens can live in peace and freedom.

;;;;; There have been some concerns continued to be expressed about a possible humanitarian crisis in parts of Iraq. As Secretary Rumsfeld said yesterday, the Iraqi people were already suffering before this war started. Saddam Hussein had oppressed and abused his people for many years. The war didn't launch a humanitarian crisis, it is ending one, however. Free of the Iraqi regime, the people and the economy will have a chance to recover and grow.

;;;;; The coalition is giving the Iraqi people substantial amounts of food and medical aid. The British ship Sir Galahad unloaded 200,000- plus tons of food, water and medicine at the port of Umm Qasr. The United States sent off two ships from Galveston, with a total of more than 50,000 tons of wheat for Iraq. Australia is shipping 100,000 tons of wheat. And President Bush and Prime Minister Blair have called for the United Nations to restart the oil-for-food program for Iraq to get more aid to the people immediately.

;;;;; Let me just walk through a few of the key areas of Iraq and give you a sense of what is going on.

;;;;; In Umm Qasr, the water supply is above prewar levels, as the secretary said; electricity is restored; sufficient food is readily available. The medical facilities are sufficient and operating. The United Nations Children's Fund is providing medical supplies to Umm Qasr. The Czech Republic, a coalition partner, is setting up a hospital for enemy prisoners of war in Umm Qasr. A hospital ship from Spain, another

coalition partner, has arrived there carrying food and medical supplies.

;;;;; In Basra, food supplies are sufficient; electricity has been restored; piped water is available to 60 to 80 percent of the city, water is being trucked to the suburbs, and supplies are adequate; the medical facilities are functioning at prewar levels.

;;;;; In Nasiriyah, also the food supply is sufficient. However, water is in limited supply, the electricity is not operating well and health care is rudimentary. The first Marine expeditionary force is providing medical support to the population of Nasiriyah. And the United States Agency for International Development is also providing health kits, enough basic health supplies for 5,000 people for three months.

;;;;; In As Samawa, citizens tell us they have stockpiled two to three months of food. We're delivering water supplies and are working to get their water and electricity service back to normal. The medical situation there is still being assessed.

;;;;; In An Najaf, there are no reported shortages of food, and we're working to restore the water and the electricity. The main hospital there is fully operational. On April 7th, an 18-truck relief convoy arrived in An Najaf, coming from Kuwait. The cargo included water, food and medical supplies provided by the Kuwaiti Joint Red Crescent Society. Kuwait is providing humanitarian aid literally every day to the people of Iraq.

;;;;; In Baghdad, the food is adequate. Hospitals are operating at reduced rates, with a large patient load at some hospitals and not at others. Power is down in some parts of the city, but emergency power is going to critical facilities. Their water supply is in no immediate crisis in Baghdad.

;;;;; In northern Iraq, water, electrical, food and medical service all remain at prewar conditions. Five UNICEF trucks carrying 31 tons of hospital equipment and supplies are headed toward northern Iraq, and another 11 UNICEF trucks are destined for southern Iraq.

;;;;; The food supplies are expected to last for some time, but obviously, we remain concerned. And that's why we are working so hard with our coalition partners to make sure the Iraqi people get what they need.

;;;;; General McChrystal?

;;;;; GEN. MCCRYSTAL: Thank you, Ms. Clarke.

;;;;; Operation Iraqi Freedom continues. As Ms. Clarke mentioned, and as the secretary and the chairman clearly stated yesterday, the conflict is not over. Since the Saddam statue was toppled yesterday, two U.S. servicemen were killed and several dozen injured in firefights throughout Baghdad and around the country. We continue to discover weapons caches and military equipment hidden and abandoned. Death squads still pose a threat. And there's still coalition forces fighting organized resistance in the north near Tikrit and Mosul.

;;;;; We've already begun removing remaining pockets of resistance in the north. Specifically, earlier today, elements of the 173rd Airborne Brigade entered the town of Kirkuk, meeting minimal resistance.

;;;;; I have three pre- and post-strike images for you today that indicate the kinds of targets we've been focusing on lately. All three are from the Tikrit area.

;;;;; The first one is of a Special Republican Guard military barracks. It also housed an obstacle course, a small-arms firing range, and a parade field. The second one is of a VIP retreat house. The residence was used by a small network of VIPs when they needed to move from place to place around the country while maintaining command and control for Saddam's regime. And the last image is of a facility that was used to jam radio

broadcasts of foreign news services and internal groups that tried to disseminate news and ideas contrary to the regime's viewpoint.

;;;;; And with that, we'll be happy to take your questions.

;;;;; MS. CLARKE: Charlie?

;;;;; Q Torie, regarding Kirkuk, you've said repeatedly from this podium that Kirkuk and the northern Iraqi oil fields are extremely important. You said that, I believe, units from the 174th Airborne entered Kirkuk today, meeting minor resistance. Our story out of Kirkuk says, in fact, that Kurdish forces have taken control of Kirkuk, under the auspices -- (inaudible) -- U.S. forces. When will U.S. forces take control of Kirkuk? The Turks are quite worried about this, and they seem to feel that U.S. forces are going to throw the Kurds out of Kirkuk. What's the situation there? When will U.S. forces take control of Kirkuk?

;;;;; GEN. MCCHRYSTAL: Sir, the situation is fluid and has been all day. In fact, Kurdish forces, a combination of KDP and PUK forces, entered Kirkuk earlier today with United States Special Forces with them. Elements of the 173rd Airborne Brigade, in fact, followed them later in the morning and are now in the city as well. We view it as an important opportunity that was given when regular army forces in the north, Iraqi regular army forces in the, north pulled back.

;;;;; Q Do U.S. forces now control Kirkuk or do the Kurds? And the Turks seem to feel that they've been assured by Secretary Powell that Kurdish forces will be removed from Kirkuk, and yet the White House says that U.S. forces were sent to be -- who controls Kirkuk?

;;;;; GEN. MCCHRYSTAL: I think the situation is fluid. We have United States forces in Kirkuk. We are talking very closely with the Turkish forces as well, as we have been throughout this, as they are a coalition partner.

;;;;; Q Is that a battalion-size force, the 173rd, or larger?

;;;;; GEN. MCCHRYSTAL: Sir, the first element that went in was about a battalion-size force, and then they retain the capability to reinforce as required.

;;;;; MS. CLARKE: And I would just add on, we tend to stay away from words like "control," for the obvious reasons and because these situations do remain fluid, often, for quite some time.

;;;;; But looking at it from the other perspective, the Iraqi regime no longer controls that town.

;;;;; Carl?

;;;;; Q Torie, there was another suicide bombing in Baghdad today. I wondered, A, if you could give us any detail of that, and B, if you could address the issue of how concerned you are as the organized fighting goes down and the Fedayeen Saddam or whomever does more and more of these suicide bombings in various parts of the country.

;;;;; GEN. MCCHRYSTAL: Sir, I think we're very concerned about it, because force protection is a complex task, because, as you try to allow life to get back to normal, maintaining protection of your forces is increasingly difficult, as we transition from high-intensity combat. This certainly reinforces the danger that will remain.

;;;;; So we'll have to take all the steps that we do in any other high-threat environment to both protect the population and allow them to try to get some semblance of normalacy (sic) -- normality, but still protect ourselves.

;;;;; Q Any details on the bombing that took place today?

;;;;; GEN. MCCHRYSTAL: Sir, all I've seen is the initial articles.

;;;;; MS. CLARKE: Bill?

;;;;; Q It's been several days since there have been reports of chemical weapons. Do you have any update on whether the tests on those weapons prove that there are chemical weapons?

;;;;; MS. CLARKE: No update.

;;;;; GEN. MCCHRYSTAL: None, sir.

;;;;; Q There's a report with the Pittsburgh Tribune Review, embedded with a Marines unit at the Al-Tuwaitha facility, and he reports that a large underground facility has been found there and that he has been told by the Marines of the possible presence of weapons-grade plutonium.

;;;;; Now, understanding that initial reports are sometimes wrong and you want to give tests, can you tell us anything about this, what you know about it, anything that's developing?

;;;;; MS. CLARKE: I really can't. I'm only aware of the report from the embedded reporter.

;;;;; GEN. MCCHRYSTAL: I'm in the same situation.

;;;;; Q Okay. What about the process? When these reports come in, does the exploitation task force then go in right away? How does that work?

;;;;; MS. CLARKE: I think every situation is different. The one common factor is, it takes time. It's hard work. It is a long process. You often have, in different circumstances -- sometimes things test positive, and then it turns out to be negative. We're taking our time, and we remain focused on the primary task of winning the war. Doesn't mean we can't do other things at the same time. We do. But we will take our time and do it properly.

;;;;; Q Can there be definitive tests on the ground, or do all of these samples have to be sent back to the United States?

;;;;; MS. CLARKE: I don't know. I think different circumstances will be different.

;;;;; Q Torie, a question for General McChrystal. General, yesterday General Myers said that there are approximately 10 divisions of the regular Iraqi Army in northern Iraq. Can you tell us, without violating OPSEC, roughly where they are? Are they around Tikrit or elsewhere?

;;;;; And perhaps more important, what is the -- what is the fighting capability of those forces as intelligence analyzers? Are they well trained, poorly trained, well equipped, poorly equipped? What can you tell us about them?

;;;;; GEN. MCCHRYSTAL: Yes, sir. If you remember, some weeks ago there were also two Republican Guard divisions up north as well, which were essentially backstopping the regular army divisions, which at that time were 11, I believe, in the north, and they pulled one south. They have been viewed on the low end of the spectrum of the Iraqi army, on the low end of readiness of the regular army. And so they have not been viewed as combat-ready as some of their other forces, and certainly less than the Republican Guard.

;;;;; We have been targeting them aggressively, both from the air, and then with the Special Operations Forces, for the last days. And we judge their capability to have dropped significantly, both from casualties and also from people just simply leaving the battlefield.

;;;;; Q Are they the last main force, so to speak, of Iraqi troops?

;;;;; GEN. MCCRYSTAL: Sir, they are the last significant formations on the battlefield that we're aware of.

;;;;; Q I want to go back to the 173rd -- (word inaudible). Can you give a sense of when elements of the 173rd will actually seize or -- will seize the oil fields up there? A lot of the world wants to know that. And what steps are being taken to reinforce what's essentially a 2,000-person light brigade? Are there steps -- is the 4th going to go up there at some point?

;;;;; GEN. MCCRYSTAL: Well, that'd be a decision for General Franks. I think it's, clearly, just an option at this point. We have -- and you may have seen -- begun to reinforce the 173rd from outside by air with some heavy forces, and that will continue to the extent that General Franks sees the need to do that.

;;;;; And then, as for their move into the oil fields, that's clearly a future operation. They respond to opportunities and to the enemy situation on the ground.

;;;;; Q Well, it's an obvious one, though. I mean, in the next day or two, is it likely they'll go in?

;;;;; GEN. MCCRYSTAL: I just wouldn't speculate on a future op like that.

;;;;; Q Can I just sort of follow on that? The oil fields themselves, sir, have you seen any instance of sabotage in there by the Iraqi regime?

;;;;; GEN. MCCRYSTAL: I wouldn't go into detail. We're certainly concerned about that and certainly looking for that.

;;;;; MS. CLARKE: Barbara?

;;;;; Q General McChrystal, understanding that Baghdad is still a combat zone or combat operations are certainly going on there, nonetheless, can you -- two questions. Can you tell us now what the U.S. military task is in Baghdad in terms of providing security for the people of Baghdad? What will U.S. troops do specifically to help provide security for the people?

;;;;; And the other question is, once again, as another day goes by, any update on your concerns about the fate of the POWs, since they have not yet emerged?

;;;;; MS. CLARKE: Two very different questions.

;;;;; GEN. MCCRYSTAL: Yes, ma'am. We are very concerned about the prisoners of war. We do not have intelligence that I could share with you now. We are -- we're working very hard to get that. We believe that now that we are in the city and among the population and they -- essentially regime control has gone that the opportunity to get information about our prisoners goes way up, because as the regime can no longer threaten, we believe more people are available for us to talk to, more people may feel free to give us information. So we're very hopeful about that. But I couldn't share any specifics.

;;;;; Our task in the city right now is still very two-fold. On the one, we have to defeat those remaining elements of the regime -- some Special Republican Guard elements, potentially some Saddam regime elements -- that are in pockets throughout the city and still fighting fiercely, as we saw from the firefight with the Marines. So that is a direct war fighting task. And then the end result of that has to be a safe and secure environment so that life can get on for the Iraqi people. We have got to be able to secure certain things so that they can get around and do what it is people have to do in a city just to live a life. And that will take some time.

;;;;; Q What would you be doing, though? What would -- any specifics about what you will be doing to provide security for the people of Baghdad?

;;;;; GEN. MCCRYSTAL: Well, the first is to get rid of the death squads and get rid of those elements that are threatening. And then to secure key facilities, routes, transportation, and then facilitate -- not necessarily execute themselves -- bringing key supporting assets on line like electricity and water and things like that.

;;;;; Q Thank you. This is a question for Egyptian television. My question is about the power vacuum now in -- there seems to be in Iraq. It is chaotic in Basra, the suicide bombing in Baghdad. Are you concerned about that, the occurrence of such suicide bombings again in Baghdad?

;;;;; MS. CLARKE: We're always concerned about things like that, and we're -- force protection is so important to us. But I'd say the situation is erratic throughout the country. In some places, obviously, when you have a power vacuum, some bad things happen. But it happens differently in different places. There are towns in the south, for instance, in which now that the influence of the regime is gone, some of the locals have come forward themselves and started to take control of some of those issues: working with the coalition forces to get the power and the water back on, encouraging the people there don't loot. Some of the clerics have been going out and saying the right things to try to maintain calm. So it's different in different places throughout the country. And we take different steps, depending on the circumstances.

;;;;; Q Do you have any clue or any information as to where the top Iraqi officials have gone, the people that we used to see on television screens every day?

;;;;; MS. CLARKE: We don't.

;;;;; Pam.

;;;;; Q Could you clarify one thing for me, General McChrystal? The -- when you said Kirkuk is a fluid situation, do you mean it's fluid between do the coalition forces have control or the Iraqis, or fluid within the coalition as to who's in control?

;;;;; And could you explain to us the reason why Military Police -- or why the troops themselves aren't going in and actively stopping looting? The Pentagon -- or, the military's coming under a lot of criticism on that from the humanitarian community, which says it makes it hard for them to do their work and it makes Iraqis feel unsafe.

;;;;; MS. CLARKE: Let me push back on part of this. They have not come under a lot of criticism from the humanitarian community. I think I saw one person that might have been from the ICRC who said they had concerns about their people being in certain neighborhoods because of problems like looting, which I'll let the general address. But throughout the country, as I was just saying, we're working with humanitarian organizations, we're working with the ICRC, we're working with coalition partners to bring in the humanitarian assistance. So --

;;;;; Q Right, I'm not trying to criticize what you're doing, I'm trying to understand -- can you explain from a military standpoint why you wouldn't want to go in and get involved in that at this point?

;;;;; GEN. MCCRYSTAL: I can take that part on. You can't do everything at once, although you try to do as many things simultaneously as you can do safely. Clearly, the focus right now has got to be on getting the death squads and the Special Republican Guard elements identified and defeated and out of the city, because that is the major threat. Looting is a problem, but it is not a major threat. People are not being killed in looting. So that's something we have to do as we have the time and capability to do it. Sure, we want the looting to stop. But it's something



that will be gotten to.

;;;;; In terms of the situation in Kirkuk, what I mean by fluid is when I came to work early this morning, it was one situation that has continued to change throughout the day; it has not seesawed back and forth. But the Iraqis owned it when we went to bed last night, they do not own it anymore; the regime doesn't own it, the Iraqi people own it now.

;;;;; Q So there's no question that it's not questions between U.S. forces or Kurdish forces?

;;;;; GEN. MCCRYSTAL: No.

;;;;; Q General, I wanted to ask you about Tikrit. Torie described it as a stronghold for Saddam. What remains there air defense-wise, ground defenses; what's happening on --

;;;;; GEN. MCCRYSTAL: We are trying to figure that out right now. There were some elements that we know that they had positioned routinely around Tikrit, historically. They moved the Republican Guard elements down around Baghdad, so there's not a Republican Guard element there. So we are trying to see whether it's a combination of Special Republican Guard elements, maybe some remnants of other forces, maybe some Ba'athists, Saddam Fedayeen, trying to judge their strength, trying to judge to what extent they have an integrated air defense, although we think we've taken most of that down.

;;;;; I wouldn't -- if anyone starts throwing around "Fortress Baghdad" or "Fortress Tikrit," I don't think we're prepared to say that at this point. But I think we are prepared to be very, very wary of what they may have and prepared for a big fight.

;;;;; MS. CLARKE: Tom?

;;;;; Q Following that up, you said, I think, if I'm not mistaken, a little earlier that bringing up armored units from the South to the North is an option at this point, I guess, as opposed to a plan. Can you really take on the situation around Tikrit just with those airborne troops you have up there, or are you going to need more heavily armored force in order to tackle what you might be facing there?

;;;;; GEN. MCCRYSTAL: I leave it up to General Franks to make the decision, of course. We have the forces that are postured already in Baghdad, significant forces, which is a hundred miles from Tikrit. So it's actually pretty well postured. The 4th Infantry Division has largely flowed into Kuwait now. On very short order, they'll be ready to start flowing north. So it gives us even more options, either to use the forces vicinity Baghdad (sic), to use forces from the North, or some combination, which is, in the end, probably what will happen.

;;;;; MS. CLARKE: Yeah?

;;;;; Q Torie, can you say whether there are any plans to start broadcasting from Iraqi TV, rather than Commando Solo?

;;;;; MS. CLARKE: Well, we use every we can. I was trying to get more details before this briefing, but we're broadcasting a lot now -- radio and television -- using Commando Solo and those sorts of resources.

;;;;; Then again, the primary focus right now is finishing the fighting, assessing that sort of infrastructure and see what could be used going forward. But again, it's also transitioning it to the Iraqi people as soon as possible. There's a significant amount -- hopefully we'll have more information for you tomorrow -- but a significant amount of what I would call enhanced Commando Solo-like activity, and we hope to do more going forward.

;;;;; Q Has the damage to the TV installations there been such that

that's something that would be difficult to do?

;;;;; MS. CLARKE: I don't know that the assessments have been done yet, but it is something we hope to do going forward. It was part of the -- a major element in the strategy was to try to end the regime and do as little damage as possible to the infrastructure, so the Iraqi people can get it up and running again fairly quickly.

;;;;; Dale?

;;;;; Q Can you tell us a little about the level of activity now in the air and, in particular, about -- some of us with -- reporters embedded on aircraft carriers are continuing to hear reports about a shortage of tankers, that missions are long because they have to break away from target zones early to get in line to get gas. Is that a continuing problem? And have extra tankers been dispatched to deal with it?

;;;;; GEN. MCCHRYSTAL: I honestly don't know the answer on the tanker issue.

;;;;; We've been flying more than a thousand sorties a day. We continue to fly more than a thousand sorties a day. So there's been no shortage of being able to generate sorties. We have been able to focus -- now that there's less of the regime power available, we've been able focus more at certain areas, like the units around the Tikrit or the regular army divisions in the north, which allows us to do more damage.

;;;;; Q Can you tell us, the photograph that you showed of the VIP retreat near Tikrit, do you believe anyone was in that facility when it was struck?

;;;;; GEN. MCCHRYSTAL: I don't know.

;;;;; Q Secretary-General Kofi Annan earlier today said that he hoped to get his weapons inspectors back into Iraq as soon as possible. And he said that their mandate had not finished, had not been -- was still valid. What role do you see for weapons inspectors -- for U.N. weapons inspectors in Iraq, given the administration's previous -- given your skepticism over their effectiveness in the past few years?

;;;;; MS. CLARKE: It was less skepticism over the inspectors; it was more the reality of the regime was not going to allow anybody in any numbers do an effective job. So set that aside. What might happen with inspectors going forward, I don't know. I think it's probably better addressed over at the State Department.

;;;;; Thelma?

;;;;; Q Following up on the forces in the north, who exactly made the decision to go into Kirkuk? Was it the Kurdish fighters who saw this opportunity and then the U.S. followed along, or who was actually giving the orders to the Kurdish fighters?

;;;;; GEN. MCCHRYSTAL: Ma'am, I'd let CENTCOM provide the details on that. Our Special Operations Forces have been with the Kurdish forces throughout, and so they've been accompanying them for the last weeks, in fact.

;;;;; Q Is there any doubt, though, about -- that the Kurdish fighters would be taking orders from the U.S.?

;;;;; GEN. MCCHRYSTAL: I don't think that they are taking orders from United States Special Forces. I think they are working with them. I certainly wouldn't want to give the impression that we are commanding and controlling all of the forces in the north, the Kurdish forces.

;;;;; MS. CLARKE: We'll make -- two in the back, right there, and then -- (off mike).

;;;;; Q What access or investigation has there been so far regarding any of the underground bunkers in terms of weapons of mass destruction and/or any injured or dead members of the Iraqi regime?

;;;;; MS. CLARKE: I think going into these structures, they're pretty, what we've seen thus far, fairly extensive underground facilities, some at great depth, some very, very complex. But my understanding is they have just begun to start to work their way through some of those.

;;;;; Tom? Last question.

;;;;; Q (Off mike) -- about the significant erosion of the combat power of the 10 divisions in the north. Do you have any numerical estimates on how many have demobilized themselves and gone home, how many have surrendered? In that kind of environment, where there isn't a significant American presence, how do you surrender?

;;;;; GEN. MCCHRYSTAL: That's a good question. The first one is the issue of what strength are they at. It's hard to tell. We continue to target them with information operations, we continue to target them from the air, and with limited elements from the ground.

;;;;; To get a very precise number would be difficult. But they have been significantly degraded or attrited as time passes.

;;;;; They're -- how they surrender is --

;;;;; Q I mean, is it a white flag, like in the movies? Is there an 800 number? I mean --

;;;;; GEN. MCCHRYSTAL: No. (Laughter.)

;;;;; Q There's a big -- again, in Baghdad, there's significant American presence; there isn't from the north. How -- how do they surrender?

;;;;; GEN. MCCHRYSTAL: We dropped a number of leaflets providing instructions for how to indicate that you wanted out of the fight. And they included some steps to park your equipment in such a way that from the air it could be so identified, to move away from that, to do some other things which signal their intention not to fight, and they just stop being targeted.

;;;;; Q Has that happened? Do you see that in the north? Do you see surrenders like that in the north?

;;;;; GEN. MCCHRYSTAL: We have not seen major surrenders like that in the north.

;;;;; MS. CLARKE: Thank you.

;;;;; Q Torie, could I just get -- just something on numbers straightened up? General, you said that the 4th ID is largely -- has moved into -- into Iraq now and is ready to -- did you say Iraq, or did you say Kuwait? I'm sorry.

;;;;; Q Kuwait. Kuwait.

;;;;; Q Could you tell us how many forces there are in Iraq now, how many troops there are? You said approaching 125(,000) before. Is it closer to 150(,000) now? Could you give us a number?

;;;;; GEN. MCCHRYSTAL: Sir, I don't know the exact number at this point. I'd hate to speculate on it.

;;;;; Q Could you take that and try to fill us in next time?

;;;;; MS. CLARKE: Thank you.

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**From:** Lefkowitz, Jay P.  
**To:** <Keniry, Daniel>;<Cox, Christopher C.>  
**CC:** <Kavanaugh, Brett M.>;<Bolten, Joshua B.>;<Addington, David S.>;<Dorn, Nancy>;<Daniels, Mitchell>  
**Sent:** 4/10/2003 4:30:32 PM  
**Subject:** Algiers Accord abrogation

Dan or Chris -- Can you pls provide a leg update on any developments related to this issue?

thanks

---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/10/2003 4:52:53 PM  
**Subject:** RE: checking on call to fbi re completing backgrounds?

Haven't made the call yet. Sorry. Is there some reason to think they're going to be behind or are we just being safe.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Thursday, April 10, 2003 4:21 PM  
**To:** Leitch, David G.  
**Subject:** checking on call to fbi re completing backgrounds?

---

**From:** Bartolomucci, H. Christopher  
**To:** <Leitch, David G.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Sampson, Kyle>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Ulliot, Theodore W.>;<Brosnahan, Jennifer R.>  
**Sent:** 4/10/2003 6:35:39 PM  
**Subject:** Newsweek Conventional Wisdom Tracker

This is from Newsweek's April 7 issue. My how quickly things can change.

#### **IRAQI QUICKSAND EDITION**

**Gee, that little war was easy, just like we told everybody. Now it's on to Iran, North Korea and...  
Wha!! They're fighting *back*? No fair!**

**C.W.**

**Bush**

Steadfast, but his war cluelessly flings open the gates of hell, making any sort of victory Pyrrhic.

**Blair**

British P.M. can actually explain this thing coherently. He's Churchill to Bush's Red Buttons.

**Cheney**

Tells "Meet the Press" just before war, "We will be greeted as liberators." An arrogant blunder for the ages.

**Rumsfeld**

Taking fire from TV retired generals for flawed war plan. And how did you miss the fedayeen?

## Wallace

Top general honest enough to admit U.S. misjudged the enemy. But bosses not honest enough to admit he's right.

## Blogs

Internet diarists, both here and abroad, offer fresh, feisty angles. Beats Aaron Brown every time.

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**From:** Mike Allen <allenm@washpost.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/10/2003 8:19:30 PM  
**Subject:** : LAT re Cisneros special counsel

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Mike Allen <allenm@washpost.com> ( Mike Allen <allenm@washpost.com> [ UNKNOWN ] )  
CREATION DATE/TIME:11-APR-2003 00:19:30.00  
SUBJECT:: LAT re Cisneros special counsel  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

bc-cisneros - a183

Counsel Promises to Bring Cisneros Probe to a Close

By David G. Savage

(c) 2003, Los Angeles Times

WASHINGTON ? The independent counsel who spent \$9 million to win a misdemeanor conviction against former Housing Secretary Henry G. Cisneros nearly four years ago is still in business ? although he has promised to bring his now \$19 million probe to a close soon.

"We're wrapping it up," said David M. Barrett, the lawyer and lobbyist who was selected in 1995 to look into whether Cisneros had lied about how much money he had given to a former mistress.

"I will be the second happiest person around when this is finished," he said. "The happiest will be my wife."

The taxpayers might have cause to feel relieved too.

Barrett has been spending about \$2 million a year trying to determine whether Clinton administration officials thwarted his probe.

But three weeks ago, the special three-judge panel in Washington that originally chose Barrett sent him an order saying he needs to write a final report and quit.

"This is a classic example of why this (now-lapsed) independent counsel statute was a problem," said Lawrence Barcella, a former federal prosecutor. "You give this person all the resources to go after one person, and the first thing that's lost is perspective."

Barrett's probe of the former San Antonio mayor is not the most expensive of the Clinton-era investigations.

He trails the Kenneth Starr investigation that began with the Clintons' Whitewater real estate venture in Arkansas, expanded into whether Monica S. Lewinsky obstructed the Paula Jones lawsuit, which in turn led into whether President Clinton lied about his relationship with the former White House intern.

That probe cost about \$71.5 million, according to reports filed with the General Accounting Office.

Still, Barrett's probe stands out in the annals of Washington's investigations for seeming to make the most out of the least.

No one accused Cisneros of taking government money or of corrupting his office. Instead, he was accused of misstating how much money he had given to an ex-mistress before he took office.

He had been a popular mayor and a rising star in Democratic circles when he revealed in 1988 that he had a close relationship with Linda Medlar, a married woman and one of his aides.

His political career appeared to be over. After finishing his term as mayor, he went into private business.

However, after Clinton won the presidency in 1992, he asked Cisneros to head the department of Housing and Urban Development.

During a background interview with FBI agents, Cisneros said he had been giving Medlar about \$2,500 a month until she re-established her career. She and her daughter had moved back to her hometown of Lubbock, Texas. He said he had given her about \$60,000 in all.

Medlar and the new HUD secretary had maintained a long-distance phone relationship. And, in a preview of later Clinton scandals, Medlar taped their phone conversations.

REV\_00114247



When the two broke off their relationship entirely, Medlar sold the tapes to a tabloid television show. And on one of the tapes, Cisneros seemed to agree with her that he may have given as much as \$250,000 over four years.

Cisneros later said he had minimized the amount to protect his wife. But FBI Director Louis J. Freeh demanded an investigation into whether Cisneros had deliberately lied to his agents. Lying to a federal investigator is a crime. Attorney General Janet Reno balked since the offense appeared to be minimal, but she finally agreed to ask for an independent counsel to look into the matter.

A three-judge panel, led by David B. Sentelle in Washington, chose Barrett in May, 1995 to investigate Cisneros. It was seen by some as an odd choice.

Barrett had been named by a House committee's investigators as one of the Republican lawyers who used influence and connections to win housing contracts during the Reagan administration. Rep. Tom Lantos, R-Calif., denounced the choice of Barrett, saying he had "clearly benefited from influence-peddling at HUD." He likened the choice to "appointing the well-fed fox to investigate the missing hens at the chicken coop."

But there were no congressional hearings or FBI background interviews required of independent counsels.

Barrett plunged into his new duties and soon had a staff of 23, along with six full-time FBI agents assigned to him.

His investigators fanned out across Texas looking for evidence that Cisneros might have been involved in other corruption, but they came up with nothing.

His lead witness ? indeed, his only witness ? was Medlar, the woman who had taped Cisneros. But he soon learned that she had doctored the tapes by recording over parts of them.

She had been given immunity to talk freely, but Barrett revoked the immunity deal and focused his probe on her. At one point, he indicted Medlar's sister and brother-in-law in Lubbock on bank fraud charges. He alleged they committed a federal crime by taking out a loan in their name that allowed Medlar to buy a house for her and her daughter.

The house was sold three years later, for a slight profit. At the time, lawyers in Lubbock said they had never heard of a charge of "bank fraud" in a case where no one, including the bank, lost any money.

The couple agreed to plead guilty to one count of making a false statement on a bank loan and were given probation. On the same day, Medlar pleaded guilty to lying to the investigators and received 18 months in prison. She also agreed to testify against Cisneros.

Barrett then brought an 18-count indictment against Cisneros, and separate indictments against two of his aides at HUD, Sylvia Arce-Garcia and John Rosales. He alleged vaguely that they had conspired to cover up his payments to his mistress.

But the entire case unraveled as it was about to go to trial in September 1999. Neither his lead witness ? Medlar ? nor the tapes were credible evidence in a case about lying. Barrett dropped the indictments of the two aides.

Cisneros was allowed to plead to a misdemeanor and was fined \$10,000.

"During my background investigation, I was not candid with the FBI about a personal matter. I regret my lack of candor," he told U.S. District Judge Stanley Sporkin.

The judge commented the case had taken "much too long." This matter "should have been resolved years ago," he said.

Barrett issued a statement defending the four-year probe that led to the misdemeanor conviction. "This disposition should in no way be viewed as minimizing the serious ethical breach by Mr. Cisneros," he said.

Two months later, Freeh hosted a breakfast at the FBI to present Barrett an award for "exemplary service" to law enforcement.

Barrett was also not ready to give up. He believed that officials of the Internal Revenue Service, conspiring with Clinton appointees at the Justice Department, had withheld tax information that could have implicated Cisneros in other crimes.

Before leaving office, Clinton pardoned Cisneros for his offense. A few months later, Sentelle's panel gave Barrett a green light to continue his probe.

The one Democratic appointee on the panel, Judge Richard Cudahy of

Chicago, dissented. He noted Barrett continued to spend about \$2 million a year.

Apparently, "Mr. Barrett can go forever," he wrote in a dissent. "A great deal of time has elapsed and a lot of money spent in pursuing charges that on their face do not seem of overwhelming complexity."

Although nothing has come of this phase of his investigation, Barrett said he believed that it was improper for him to defend his probe publicly. "I've been a low-profile kind of guy," he said in an interview last week. He also said he has had health problems that kept him away from his work for a time.

But by last fall, Sentelle's panel had run out of patience.

The panel issued a "show cause" order and said it was time to cease "all investigative and prosecutorial activities." In its March 17 order, the panel said Barrett should work on his final report.

As of Sept. 30 of last year, Barrett had spent more than \$18.7 million, the GAO said.

Barrett said his final report will help to explain why the effort was necessary and justified.

"The public has a right to know," he said. "It will be there in the final report."

AP-NY-04-10-03 2131EDT

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**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>  
**Sent:** 4/10/2003 9:26:55 PM  
**Subject:** Re: can we do it at 9:15 am with Joe Hagin tomorrow?

yes

From: Colleen Litkenhaus/WHO/EOP@Exchange on 04/10/2003 09:15:05 PM

Record Type: Record

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

cc:

Subject: can we do it at 9:15 am with Joe Hagin tomorrow?

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**From:** Kavanaugh, Brett M.  
**To:** <Lefkowitz, Jay P.>  
**Sent:** 4/10/2003 10:26:41 PM  
**Subject:** Re: what's happening with algiers

456-7984

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 04/10/2003 10:27:01 PM

Record Type: Record

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

cc:

Subject: Re: what's happening with algiers

Where can I reach you now?

---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/11/2003 1:13:44 AM  
**Subject:** : OpinionJournal - On the Editorial Page - April 11, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME:11-APR-2003 05:13:44.00  
SUBJECT:: OpinionJournal - On the Editorial Page - April 11, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003327>

The U.N. has already lost its moral legitimacy on Iraq.  
12:01 a.m. EDT

Wonder Land BY DANIEL HENNINGER  
<http://www.opinionjournal.com/columnists/dhenninger/?id=110003328>

Building democracy isn't easy, but there's ample reason for hope.  
12:01 a.m. EDT

On the Taste Page

<http://opinionjournal.com/taste/>

As one dictator falls, another cracks down. What do Casto's celebrity admirers say?

12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

What Moral Legitimacy?  
The United Nations lost its chance on Iraq.  
Apr 11 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105002298278622600,00.html%3Fmod%3Dopinion>

~~~~~

The Little Engines That Couldn't  
Major automakers pull the plug on electric cars.  
Apr 11 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105002241222816700,00.html%3Fmod%3Dopinion>

~~~~~

Spitzer's Low Tobacco Road  
New York's attorney general puts lawyers over taxpayers.

Apr 11 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105002215157668000,00.html%3Fmod%3Dopinion>

~~~~~

#### Commentary

##### Crimes and Punishment

Justice demands an accounting for Saddam's crimes against his people.

By ERIC A. POSNER and ADRIAN VERMEULE

Apr 11 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB10500217725156800,00.html%3Fmod%3Dopinion>

~~~~~

#### Wonder Land

##### Berlin to Baghdad

Building democracy isn't easy, but there's ample reason for hope.

By DANIEL HENNINGER

Apr 11 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB10500266534981700,00.html%3Fmod%3Dopinion>

~~~~~

#### The Americas

##### The Clinton-Aristide Lovefest

Why does the former president carry water for a thug like Aristide?

By MARY ANASTASIA O'GRADY

Apr 11 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105002874321846300,00.html%3Fmod%3Dopinion>

~~~~~

#### Examining Asia

##### My Mask Fatigue

Living in fear of SARS isn't easy.

By HUGO RESTALL

Apr 11 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105002151987586900,00.html%3Fmod%3Dopinion>

~~~~~

#### International

##### Turkey's Military Misadventures

Iraq would be a different place if the Turks had let 60,000 U.S. soldiers open a northern front.

From The Wall Street Journal Europe

Apr 11 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105000755931996300,00.html%3Fmod%3Dopinion>

~~~~~

Blair Won't Reap the Rewards of Victory  
A large part of the Labour Party members hate their prime minister.  
By ANDREW GIMSON  
From The Wall Street Journal Europe  
Apr 11 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105000793365084500,00.html%3Fmod%3Dopinion>

~~~~~

Saddam's Worthless Medals  
A Kremlin Web site described the Iraq war as a good advertising opportunity for Russian arms sales.  
By VLADIMIR SOCOR  
From The Wall Street Journal Europe  
Apr 11 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB10500091119551000,00.html%3Fmod%3Dopinion>

~~~~~

Disquiet in Pyongyang  
The North Korean dictator has to be pondering recent events in Iraq.  
From The Asian Wall Street Journal  
Apr 11 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB10500062554642700,00.html%3Fmod%3Dopinion>

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<http://cj.careercast.com/texis/jm/jobPostForm.html?lookid=cj&jp=C>

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**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>  
**Sent:** 4/11/2003 9:01:25 AM  
**Subject:** Joe's office at 9:15?



---

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/11/2003 5:31:44 AM  
**Subject:** : Recess Appointment Meeting - New Time & Place

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 11-APR-2003 09:31:44.00  
SUBJECT: : Recess Appointment Meeting - New Time & Place  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

I'm out next week; can you cover this meeting for me?

----- Forwarded by Kyle Sampson/WHO/EOP on 04/11/2003  
09:31 AM -----

Brian S. Cossiboom

04/11/2003 09:21:28 AM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Andrea McDaniel/WHO/EOP@EOP, Heather R. Fitzgerald/WHO/EOP@EOP  
Subject: Recess Appointment Meeting - New Time & Place

Hello everyone,

The recess appointment meeting has been rescheduled for Monday, April 14, 2003 at 10:00AM. The meeting will take place in Z's office. Please let me know of any scheduling conflicts.

-Brian

Message Sent

To: \_\_\_\_\_  
Edmund C. Moy/WHO/EOP@EOP  
Katja Bullock/WHO/EOP@EOP  
Liza Wright/WHO/EOP@EOP  
Virginia B. Saxton/WHO/EOP@EOP  
David Higbee/WHO/EOP@EOP  
Jan E. Williams/WHO/EOP@EOP  
Rebecca Contreras/WHO/EOP@EOP  
Raquel Cabral/WHO/EOP@Exchange@EOP  
Alison Jones/WHO/EOP@Exchange@EOP  
Wendy J. Grubbs/WHO/EOP@Exchange@EOP  
Ziad S. Ojakli/WHO/EOP@Exchange@EOP  
Matthew A. Schlapp/WHO/EOP@EOP  
Darren W. Bearson/WHO/EOP@EOP  
Kyle Sampson/WHO/EOP@EOP  
Ashley Snee/WHO/EOP@Exchange@EOP

---

**From:** Lefkowitz, Jay P.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/11/2003 11:13:16 AM  
**Subject:** you looking for me?

---

**From:** Kavanaugh, Brett M.  
**To:** <Lefkowitz, Jay P.>  
**Sent:** 4/11/2003 11:13:12 AM  
**Subject:** Re: you looking for me?

just wondering if there is any algiers update?

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 04/11/2003 11:13:16 AM

Record Type: Record

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

cc:

Subject: you looking for me?

---

**From:** CN=Theodore W. Ulliyot/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>  
**CC:** Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; jennifer g. newstead/who/eop@eop [ WHO ] <jennifer g. newstead>  
**Sent:** 4/11/2003 7:56:07 AM  
**Subject:** : RE: OA appropriation question re: HSC?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Theodore W. Ulliyot ( CN=Theodore W. Ulliyot/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:11-APR-2003 11:56:07.00  
SUBJECT:: RE: OA appropriation question re: HSC?  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:jennifer g. newstead ( CN=jennifer g. newstead/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Has OA cleared this approps transfer idea with OHS/HSC and White House (Chief of Staff)? COS needs to be looped in on this given OHS/HSC's status as part of WHO.

Benjamin A. Powell  
04/11/2003 11:15:02 AM  
Record Type: Record

To: Theodore W. Ulliyot/WHO/EOP@EOP, Jennifer G. Newstead/WHO/EOP@EOP  
cc:  
Subject: RE: OA appropriation question re: HSC?

I think Ed is handling, but FYI.  
----- Forwarded by Benjamin A. Powell/WHO/EOP on  
04/11/2003 11:14 AM -----

From: Adam F. Greenstone/OA/EOP@Exchange on 04/11/2003 01:17:01 AM  
Record Type: Record

To: Edward McNally/WHO/EOP@EOP  
cc: Benjamin A. Powell/WHO/EOP@EOP, David Aidekman/WHO/EOP@EOP  
Subject: RE: OA appropriation question re: HSC?

Ed--Thanks.; I think the twist here is that as evidenced by the conference report language on the \$9 million, about half the appropriation was intended for something other than the plain language of the law would suggest.; Here's the draft reprogramming letter, which I would like to discuss once you've had a chance to review--there would also be one to the Senate.; (Incidentally, I would anticipate that the money would be transferred to GSA to perform the work under the Economy Act, though that would of course not affect the purpose for which the funds were available.);

April 11, 2003

The Honorable Ernest Istook, Jr.  
Chairman  
Subcommittee on Transportation, Treasury,  
; And Independent Agencies  
House Appropriations Committee  
2358 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Istook:

The purpose of this letter is to request your approval for reprogramming of funds in the amount of \$2 million appropriated to the Office of Homeland Security (OHS) to continue the microbial decontamination of the Office of Administration,s Remote Delivery Site (RDS).; The need for this additional funding became evident after the submission of the FY 2003 budget request, and so this project was not covered in the Office of Administration,s FY2003 budget.; Prior to the enactment of FY 2003 funding levels, the EOP CFO and OA director held discussions with appropriation committee staff regarding the RDS requirement and it was decided that \$2 million would be available from the OHS appropriation to fund the RDS decontamination activities.; There is no language in the appropriations law or associated conference report specifically designating funds from the OHS account for this particular project.; However, the conference report,s reference to the transfer of other funds for another project regarding the EOP,s response to the anthrax attacks reflects a sense of Congress that funds for this appropriation were available for that purpose.; Because the amount was not listed in the original budget request and would therefore be used for a specific activity other than those earmarked, we are requesting your approval to reprogram and use \$2 million from the OHS account in support of the RDS project.;

The \$2 million will fund labor, materials, equipment and subcontractor services for the microbial decontamination of the Anacostia Naval Station RDS Facility, which was contaminated by anthrax in October 2001.; As you know, the RDS screens and processes all parcel mail including packages and bulk items such as equipment and furniture sent to the EOP complex; thus this funding will help ensure the security of the President, his senior staff, and all White House complex employees.

To date the RDS project has received \$2.45 million from Congress;; \$250,000 on 1/10/2002 from P.L. 107-117 in emergency relief funds for the initial purchase of RDS equipment; \$1.5 million on 5/1/2002 from reprogrammed funds to award the initial contract for decontamination of RDS; and \$700,000 on 8/26/02 from reprogrammed funds for the disposal of hazardous waste.; I would like the Committee to recognize that we made every effort to develop sound estimates based on the information we had at the time previous reprogramming requests were submitted in support of the RDS.; I want to emphasize that since previously requested funds were received we have obtained additional information updating the RDS project costs necessitating the additional \$2 million requested.; See attached statement of work and cost estimate.

None of the funds included in the request have been obligated and none will be obligated until the Committee on Appropriations has approved this request.; We appreciate your consideration of this request and are available to provide any future information that may be required.

Sincerely,

////////// Timothy Campen  
////////// Special Assistant to the

REV\_00114388

President and

; Director, Office of Administration

cc;; The Honorable John W. Olver, Ranking Member

;-----Original Message-----

From: ; McNally, Edward;

Sent;;; Thursday, April 03, 2003 10:35 PM

To:;;; Greenstone, Adam F.

Cc:;;; Powell, Benjamin A.; Aidekman, David

Subject:;;;;;; OA appropriation question re: HSC?

Adam, does the reprogramming request cover your concerns?; Or do you still see significant issues here?;

As I understand it, OA is proposing to transfer \$2 million in (what had been marked as OHS?) funds to OA to cover the costs of the RDS anthrax cleanup (do we have that right?).; My understanding from you is that OHS has consented -- pls indicate who so we know who to close the loop w/ here.; While this appears to be a worthy project that needs to be completed, my very limited understanding of appropriations law is that statutory authority is generally required for transfers of appropriations between agencies or accounts.; 31 U.S.C. 1532.; Is that OA's view as well?; Or perhaps there are exceptions that are escaping my quick look?

(Although the conferees apparently authorized OHS to transfer \$783K to OA in support of a pilot program to centralize procurement of certain common goods and services, I think that transfer authority is limited to a specific dollar amount and purpose?; Again, if your view is different, we're interested Adam.);

Final question re: costs of the RDS' cleanup;; if they're not absorbed by OA as part of its mission, is there an issue we need to address re: whether they're required to be prorated among the various EOP entities?;

Pls advise.; And pls let us know what if anything you need from HSC management to make sure this is appropriately addressed.; How can we help?

From;;; Adam F. Greenstone/OA/EOP@Exchange on 04/03/2003 01:12:10 PM

Record Type;;; Record

To:;;; Edward McNally/WHO/EOP@EOP

cc:;;; Tim Campen/OA/EOP@Exchange

Subject:;;;;;; FW: OA appropriation question re: HSC?

Ed--An update on this.; We are working on a reprogramming request that should provide clear and formal demarcation of this project from HSC policy work.;

;-----Original Message-----

From: ; Greenstone, Adam F.;

Sent;;; Wednesday, April 02, 2003 6:33 PM

To:;;; McNally, Edward

Cc:;;; Aidekman, David

Subject:;;;;;; RE: OA appropriation question re: HSC?

I understand through Tim Campen and Jim Daniel that \$2,000,000 of the appropriation was intended for decontamination of our Remote Delivery Site (RDS) (which was shut down due to anthrax).; Like the \$9,000,000 that was also in the appropriation for the general EOP mail processing, this

REV\_00114389

was discussed with Committee staff (Tim and Jim personally discussed it with them).; As you know, the \$9,000,000 (which I think has already been transferred to DHS/Secret Service) was specifically addressed in the Conference Report.; The \$2,000,000 was not addressed, apparently by mistake since they left the money in despite understanding that by that time, it was otherwise not needed.; This is a critical requirement, so we are reviewing the situation with the hope that the appropriation can be used for it.;

;-----Original Message-----

From: ; McNally, Edward;  
Sent;;; Wednesday, April 02, 2003 5:45 PM  
To:;;; Greenstone, Adam F.  
Cc:;;; Aidekman, David  
Subject:;;;;;; OA appropriation question re: HSC?

Adam, got your message, sorry we haven't been able to talk yet.;  
I'm enroute to the Hill.; What is the question/issue you have re: Homeland appropriation?

---

**From:** CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ]  
**To:** cspies@rnchq.org @ inet [ UNKNOWN ] <cspies@rnchq.org @ inet>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Ken Mehlman/WHO/EOP@EOP [ WHO ] <Ken Mehlman>  
**Sent:** 4/11/2003 11:54:34 AM  
**Subject:** : Rove fundraiser for Sen. Bunning (R, KY)  
**Attachments:** P\_GF2KF003\_WHO.TXT\_1.doc; P\_GF2KF003\_WHO.TXT\_2.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:11-APR-2003 15:54:34.00  
SUBJECT:: Rove fundraiser for Sen. Bunning (R, KY)  
TO:cspies@rnchq.org @ inet ( cspies@rnchq.org @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Attached are invites for Rove to attend a fundraiser in KY for Bunning -  
thanks for reviewing!

c

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_GF2KF003\_WHO.TXT\_1>

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_GF2KF003\_WHO.TXT\_2>



*R.S.V.P.*

\_\_\_\_\_ Yes, I will be able to attend and am enclosing \$\_\_\_\_\_for \_\_\_\_\_person(s).

\_\_\_\_\_ No, I will not be able to attend, but am enclosing a contribution of \$\_\_\_\_\_.

*Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer of individuals whose contributions exceed \$200 per calendar year.*

Name \_\_\_\_\_

Address\_\_\_\_\_

City \_\_\_\_\_State\_\_\_\_\_Zip\_\_\_\_\_

Occupation\_\_\_\_\_Employer\_\_\_\_\_

Home Phone\_\_\_\_\_Work Phone\_\_\_\_\_

Please make checks payable to: CITIZENS FOR BUNNING

Corporate contributions are not acceptable-FEC regulations. Contributions to Citizens for Bunning are not deductible as charitable contributions for Federal income tax purposes. Contributions from foreign nationals are prohibited.

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Bunning.

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5/15/2003

You are cordially invited to a reception honoring

**Jim Bunning**  
United States Senator

with special guest

**Karl Rove**  
*A Long-time advisor to President George W. Bush*  
on

Thursday, May 15, 2003

Marriott Griffin Gate  
Lexington, Kentucky

Sponsor Reception ~ \$2,000 per couple - 6:00 p.m.

Co-Host Reception ~ \$500 per couple - 6:30 p.m.

General Reception ~ \$250 per couple - 7:00 p.m.

*Please R.S.V.P. by enclosed card or 859/341-6480*

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Bunning.

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---

**From:** Schacht, Diana L.  
**To:** <Spellings, Margaret M.>;<Lefkowitz, Jay P.>;<Kavanaugh, Brett M.>;<Silverberg, Kristen>;  
<Warsh, Kevin>  
**Sent:** 4/11/2003 4:52:38 PM  
**Subject:** class action

Senate Judiciary reported out the class action bill today by vote of 12-7. The Feintin amendment was adopted.

---

**From:** Comisac, RenaJohnson \ (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
**To:** jamie.e.brown@usdoj.gov <jamie.e.brown@usdoj.gov>; jamie.e.brown@usdoj.gov <Grubbs, Wendy J.>; jamie.e.brown@usdoj.gov <Kavanaugh, Brett M.>; brian.a.benczkowski@usdoj.gov <brian.a.benczkowski@usdoj.gov>; Remington, Kristi L <Kristi.L.Remington@usdoj.gov>  
**Sent:** 4/11/2003 5:40:52 PM  
**Subject:** RE: Transcript of Yesterday's Markup

Just a reminder that this is a draft copy, so please do not forward this to anyone, especially the press and outside groups.  
Thanks.

-----Original Message-----

**From:** Comisac, RenaJohnson (Judiciary)  
**Sent:** Friday, April 11, 2003 5:24 PM  
**To:** jamie.e.brown@usdoj.gov; Wendy\_J.\_Grubbs@who.eop.gov; 'Brett\_M.\_Kavanaugh@who.eop.gov'; brian.a.benczkowski@usdoj.gov; 'Remington, Kristi L'  
**Subject:** Transcript of Yesterday's Markup

---

**From:** Charles Spies - Legal <CSpies@rnchq.org>  
**To:** Collister W. Johnson/WHO/EOP@EOP [ WHO ] <Collister W. Johnson>  
**CC:** Ken Mehlman <kmehlman@georgewbush.com>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ]  
<Brett M. Kavanaugh>  
**Sent:** 4/11/2003 2:07:05 PM  
**Subject:** : RE: Rove fundraiser for Sen. Bunning (R, KY)  
**Attachments:** P\_4E9KF003\_WHO.TXT\_1.doc; P\_4E9KF003\_WHO.TXT\_2.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Charles Spies - Legal <CSpies@rnchq.org> ( Charles Spies - Legal <CSpies@rnchq.org>  
[ UNKNOWN ] )  
CREATION DATE/TIME: 11-APR-2003 18:07:05.00  
SUBJECT: : RE: Rove fundraiser for Sen. Bunning (R, KY)  
TO: Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
CC: Ken Mehlman <kmehlman@georgewbush.com> ( Ken Mehlman <kmehlman@georgewbush.com> [ UNKNOWN ] )  
READ: UNKNOWN  
CC: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

No major problems, but please note my attached minor edits to the disclaimer and correcting a typo on the invite page. Also, the "paid for and authorized by" on the reply card needs to be in a box. The "authorized by..." and "not paid for a govt expense" does not need to be on the invite card because it is on the reply card (but if they want it in both places, there's nothing wrong with that).

- Charlie

-----Original Message-----

From: Collister W. Johnson@who.eop.gov  
[mailto:Collister\_W.\_Johnson@who.eop.gov]  
Sent: Friday, April 11, 2003 3:54 PM  
To: Brett M. Kavanaugh@who.eop.gov; Charles Spies - Legal  
Cc: Ken Mehlman@who.eop.gov  
Subject: Rove fundraiser for Sen. Bunning (R, KY)

(See attached file: Rove RSVP.doc) (See attached file: Rove Invite.doc)

Attached are invites for Rove to attend a fundraiser in KY for Bunning - thanks for reviewing!

C

- Rove RSVP.doc - Rove Invite.doc

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_4E9KF003\_WHO.TXT\_1>

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_4E9KF003\_WHO.TXT\_2>

*R.S.V.P.*

\_\_\_\_\_ Yes, I will be able to attend and am enclosing \$\_\_\_\_\_for \_\_\_\_\_person(s).

\_\_\_\_\_ No, I will not be able to attend, but am enclosing a contribution of \$\_\_\_\_\_.

*Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer of individuals whose contributions exceed \$200 per calendar year.*

Name \_\_\_\_\_

Address\_\_\_\_\_

City \_\_\_\_\_State\_\_\_\_\_Zip\_\_\_\_\_

Occupation\_\_\_\_\_Employer\_\_\_\_\_

Home Phone\_\_\_\_\_Work Phone\_\_\_\_\_

Please make checks payable to: CITIZENS FOR BUNNING

Contributions to Citizens for Bunning are not deductible as charitable contributions for Federal income tax purposes.

Contributions from corporations and foreign nationals are prohibited.

Authorized and Paid for by Citizens for  
Bunning.

Not printed at government expense.

5/15/2003

You are cordially invited to a reception honoring

**Jim Bunning**  
**United States Senator**

with special guest

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*Long-time advisor to President George W. Bush*  
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*Please R.S.V.P. by enclosed card or 859/341-6480*

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Bunning.

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---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/14/2003 1:34:44 AM  
**Subject:** : OpinionJournal - On the Editorial Page - April 14, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME:14-APR-2003 05:34:44.00  
SUBJECT:: OpinionJournal - On the Editorial Page - April 14, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003337>

Now start looking for al Qaeda members in Iraq.  
12:01 a.m. EDT

Thinking Things Over BY ROBERT L. BARTLEY  
<http://www.opinionjournal.com/columnists/rbartley/?id=110003335>

Success in Iraq proves Bush is smarter than his critics.  
12:01 a.m. EDT

Extra BY FRANKLIN FOER  
<http://www.opinionjournal.com/extra/?id=110003336>

Having collaborated with Saddam, can CNN be trusted again?  
12:01 a.m. EDT

Extra BY JULIA GORIN  
<http://www.opinionjournal.com/extra/?id=110003334>

How the left can "support the troops" but oppose their mission.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Iraq and al Qaeda  
Terrorists now have fewer places to hide.  
Apr 14 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105028511594485800,00.html%3Fmod%3Dopinion>

~~~~~

Rod Paige's Cross



Christian character isn't bad for public education.  
Apr 14 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105028618729092800,00.html%3Fmod%3Dopinion>

~~~~~

A Rolaid for California's Gas Pains  
The FTC rides to the rescue.  
Apr 14 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105028647815949400,00.html%3Fmod%3Dopinion>

~~~~~

Commentary

Housekeeping, Post-Saddam  
Use this moment of strength to withdraw troops from Saudi Arabia.  
By FRANCIS FUKUYAMA  
Apr 14 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105028822698046000,00.html%3Fmod%3Dopinion>

~~~~~

CNN's Access of Evil  
The network of record covered Saddam's repression with propaganda.  
By FRANKLIN FOER  
Apr 14 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105028800677128400,00.html%3Fmod%3Dopinion>

~~~~~

The Kingdom of Incitement  
Saddam didn't build all the terror infrastructure in Iraq.  
By DORE GOLD  
Apr 14 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB10502868013251600,00.html%3Fmod%3Dopinion>

~~~~~

Thinking Things Over

Now, Who Are the Smart Guys?  
Bush's vision is a winner in Iraq, and America.  
By ROBERT L. BARTLEY  
Apr 14 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105028887356163500,00.html%3Fmod%3Dopinion>

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International

#### Telling Spain's Truth

Jose Maria Aznar puts Spain on the map for everything from economic growth to international security.

From The Wall Street Journal Europe

Apr 14 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105026859956803500,00.html%3Fmod%3Dopinion>

~~~~~

#### Nigeria's Chance

Heading to the polls for the first time in years is reason enough to be optimistic.

From The Wall Street Journal Europe

Apr 14 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105026973987726300,00.html%3Fmod%3Dopinion>

~~~~~

#### Keep the U.N. Away From Iraq

Aid from the United Nations is too often counterproductive.

By KEITH MARSDEN

From The Wall Street Journal Europe

Apr 14 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105027035033131900,00.html%3Fmod%3Dopinion>

~~~~~

#### Bush Means Business in Korea

Saddam statues crashing in Baghdad can be heard in Pyongyang.

By ROBYN LIM

From The Asian Wall Street Journal

Apr 14 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB1050267612973700,00.html%3Fmod%3Dopinion>

~~~~~

#### No War With Pyongyang

Clinton-style capitulation should be taken off the table too.

By ELLEN BORK

From The Asian Wall Street Journal

Apr 14 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105026747412361300,00.html%3Fmod%3Dopinion>

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CareerJournal.com.

<http://www.careerjournal.com/marketplace/resumedatabase/index.html>

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**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Addington, David S.>; <Bellinger, John B.>  
**Sent:** 4/14/2003 8:54:51 AM  
**Subject:** Algiers

To re-confirm from Friday night, the Algiers provision did not make it in, which is obviously good news.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>  
**Sent:** 4/14/2003 5:22:42 AM  
**Subject:** : Re: Recess Appointment Meeting - New Time & Place

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 14-APR-2003 09:22:42.00  
SUBJECT: : Re: Recess Appointment Meeting - New Time & Place  
TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Is there anything I should know going into it?

Kyle Sampson  
04/11/2003 09:31:26 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Recess Appointment Meeting - New Time & Place

I'm out next week; can you cover this meeting for me?

----- Forwarded by Kyle Sampson/WHO/EOP on 04/11/2003  
09:31 AM -----

Brian S. Cossiboom  
  
04/11/2003 09:21:28 AM  
  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Andrea McDaniel/WHO/EOP@EOP, Heather R. Fitzgerald/WHO/EOP@EOP  
Subject: Recess Appointment Meeting - New Time & Place

Hello everyone,

The recess appointment meeting has been rescheduled for Monday, April 14, 2003 at 10:00AM. The meeting will take place in Z's office. Please let me know of any scheduling conflicts.

-Brian

Message Sent  
To: \_\_\_\_\_  
Edmund C. Moy/WHO/EOP@EOP  
Katja Bullock/WHO/EOP@EOP  
Liza Wright/WHO/EOP@EOP  
Virginia B. Saxton/WHO/EOP@EOP  
David Higbee/WHO/EOP@EOP

Jan E. Williams/WHO/EOP@EOP  
Rebecca Contreras/WHO/EOP@EOP  
Raquel Cabral/WHO/EOP@Exchange@EOP  
Alison Jones/WHO/EOP@Exchange@EOP  
Wendy J. Grubbs/WHO/EOP@Exchange@EOP  
Ziad S. Ojakli/WHO/EOP@Exchange@EOP  
Matthew A. Schlapp/WHO/EOP@EOP  
Darren W. Bearson/WHO/EOP@EOP  
Kyle Sampson/WHO/EOP@EOP  
Ashley Snee/WHO/EOP@Exchange@EOP

---

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/14/2003 5:26:44 AM  
**Subject:** : Re: Recess Appointment Meeting - New Time & Place

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 14-APR-2003 09:26:44.00  
SUBJECT: : Re: Recess Appointment Meeting - New Time & Place  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

No.

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----- Original Message -----  
From: Brett M. Kavanaugh/WHO/EOP  
To: Kyle Sampson/WHO/EOP@EOP  
Cc:  
Date: 04/14/2003 09:22:24 AM  
Subject: Re: Recess Appointment Meeting - New Time & Place

Is there anything I should know going into it?

Kyle Sampson  
04/11/2003 09:31:26 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Recess Appointment Meeting - New Time & Place

I'm out next week; can you cover this meeting for me?

----- Forwarded by Kyle Sampson/WHO/EOP on 04/11/2003  
09:31 AM -----

Brian S. Cossiboom  
04/11/2003 09:21:28 AM

Record Type: Record  
  
To: See the distribution list at the bottom of this message  
cc: Andrea McDaniel/WHO/EOP@EOP, Heather R. Fitzgerald/WHO/EOP@EOP  
Subject: Recess Appointment Meeting - New Time & Place

Hello everyone,

The recess appointment meeting has been rescheduled for Monday, April 14, 2003 at 10:00AM. The meeting will take place in Z's office. Please let me know of any scheduling conflicts.

REV\_00114492

-Brian

Message Sent

To:

---

Edmund C. Moy/WHO/EOP@EOP  
Katja Bullock/WHO/EOP@EOP  
Liza Wright/WHO/EOP@EOP  
Virginia B. Saxton/WHO/EOP@EOP  
David Higbee/WHO/EOP@EOP  
Jan E. Williams/WHO/EOP@EOP  
Rebecca Contreras/WHO/EOP@EOP  
Raquel Cabral/WHO/EOP@Exchange@EOP  
Alison Jones/WHO/EOP@Exchange@EOP  
Wendy J. Grubbs/WHO/EOP@Exchange@EOP  
Ziad S. Ojakli/WHO/EOP@Exchange@EOP  
Matthew A. Schlapp/WHO/EOP@EOP  
Darren W. Bearson/WHO/EOP@EOP  
Kyle Sampson/WHO/EOP@EOP  
Ashley Snee/WHO/EOP@Exchange@EOP



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**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/14/2003 7:22:06 AM  
**Subject:** : TRANSCRIPT - Media Avail. with Secretary Powell and Kuwaiti Minister of Foreign Affairs  
04/14/03

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:14-APR-2003 11:22:06.00

SUBJECT:: TRANSCRIPT - Media Avail. with Secretary Powell and Kuwaiti Minister of Foreign Affairs 04/14/03

BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

MEDIA AVAILABILITY WITH SECRETARY OF STATE COLIN POWELL AND KUWAITI  
MINISTER OF FOREIGN AFFAIRS SABAH AL-AHMED AL-SABAH FOLLOWING THEIR  
MEETING

C STREET ENTRANCE, THE STATE DEPARTMENT, WASHINGTON, D.C.  
10:21 A.M. EDT, MONDAY, APRIL 14, 2003

;

SEC. POWELL: Good morning, ladies and gentlemen. I just had an excellent conversation with my colleague, Dr. Mohammed. And in our conversation, I had the opportunity to express the sincere thanks of President Bush and all of my colleagues in the administration, and the American people, and, of course, General Tommy Franks, for the absolutely superb support that Kuwait has provided to Operation Iraqi Freedom. Without that support, I'm not sure the operation could have been conducted. Kuwait understood the threat, was willing to step forward, and we're deeply appreciative of all they have done.

;;;;; And I am especially appreciative of the fact that the minister and I spent most of our time not on the military campaign, but on the future; the humanitarian aid that will be required, the reconstruction activity that will be needed, and our commitment to make sure that the new Iraqi government is based on democratic principles, that is prepared to live in peace with its neighbors. And we also discussed how these developments in recent weeks open up new opportunities with respect to peace in the Middle East and greater cooperation among members of the Gulf Cooperation Council and the Arab League.

;;;;; We also discussed the meetings that will be taking place in An Nasiriyah tomorrow that begins the formation of the new political system for the new Iraqi government and how it must respect, as we go forward, the territorial integrity of Iraq, this process, and how we are hopeful that these conversations beginning tomorrow and going on into the future in many different places throughout Iraq will be able to take into account the interests and equities of all the people of Iraq and give an opportunity to participate in political process both to those who have been outside of Iraq, struggling for these many long years to bring about this change, as well as those inside Iraq, who are now free of this dictatorial regime.

;;;;; In our discussions, we also talked about Syria, and hopeful that Syria will understand its obligations in this new environment.

;;;;; And I also made a point of mentioning to the minister that we were concerned about some of the looting that took place in the museum in Baghdad, one of the great museums in the world. And the United States will be working with a number of individuals and organizations to not only secure the facility, but to recover that which has been taken and also to

REV\_00114501

participate in restoring that which has been broken. I have been in touch with the European Union presidency this morning, Foreign Minister Papandreou, who has experience in such matters. We're also in conversations with UNESCO. But the United States understands its obligations and will be taking a leading role with respect to antiquities in general, but this museum in particular.

;;;;; Mr. Minister, it's a great pleasure to have you here, and again, thank you for all you have done.

;;;;; MIN. AL-SABAH: Thank you, Mr. Secretary.

;;;;; I expressed today Kuwait's appreciation for the work that United States is doing in liberating the Iraqi people from their ordeal.

;;;;; I also discussed with the secretary, in addition to the points that he raised -- he just mentioned -- also discussed with him ways of more intense cooperation between our forces and agencies to find the Kuwaiti POWs who are still unaccounted for in Iraq. One out of every 1,000 Kuwaitis is still unaccounted for in Iraq, and this is something that the secretary has indicated his -- the United States' utmost concern about. And we agreed to expedite and strengthen our concern on this issue.

;;;;; We also discussed the elements of stability in the regionwide area, and this is the Arab-Israeli conflict and the need to get back -- and to put this track on its proper destination.

;;;;; We expressed our need for intensify our consultation, because the challenges ahead of us is now very, very real. But we are all optimists about the future.

;;;;; Thank you.

;;;;; (Cross talk.)

;;;;; Q Secretary Powell --

;;;;; SEC. POWELL: Yes? (Inaudible.)

;;;;; Q Excuse me, sir. How serious is the border problem with Syria? Are there many potential war criminals getting across that border?

;;;;; SEC. POWELL: I can't quantify how many might be slipping across the border. The basic point is that the card deck of 55, 53, plus others who have knowledge about weapons of mass destruction development activity over the years, plus those who are in other senior political leadership positions in the former regime or in the Ba'ath Party -- these are the kinds of individuals who should not be allowed to find safe haven in Syria. And this is a point that we have made to the Syrians directly and we'll continue to make to the Syrians.

;;;;; And as the president noted over the weekend, we are concerned that Syria has been participating in the development of mass destruction and, as the president noted, specifically on chemical weapons. And we believe, in light of this new environment, they should review their actions and their behavior, not only with respect to who gets haven in Syria and weapons of mass destruction, but especially the support of terrorist activity.

;;;;; And so we have a new situation in the region, and we hope that all the nations in the region will now review their past practices and behavior.

;;;;; Q (In Arabic.)

;;;;; MIN. AL-SABAH: (In Arabic.)

;;;;; (Cross talk.)

;;;;; Q Secretary Powell?

;;;;; SEC. POWELL: Yeah?

;;;;; Q Mr. Secretary, can you say -- and can the foreign minister also comment on this -- whether you have been in touch with the Syrian government on the question of chemical weapons and biological recently, and whether you have asked them to return people within their borders?

;;;;; And do you know if the border is indeed closed, as they said it was last week?

;;;;; SEC. POWELL: We're told the border is closed, but as you know, it's a rather porous border. And so when you say it's closed, it might mean the main roads are closed, but whether or not others are able to get across the border is something that I can't speak to. But once they get into Syria and start heading to Damascus, I would expect that Syrian authorities would do everything they could not to provide these people safe haven.

;;;;; Syria is well aware of our concerns with respect to weapons of mass destruction and with respect to terrorist activity. It is a subject of discussion with the Syrian leadership whenever we meet with them. Our ambassadors are making demarches. I've been there twice. Ambassador Burns, Assistant Secretary Burns, has also talked to the Syrians on a regular basis about this. It is no secret to the Syrians about our concern over these kinds of developments.

;;;;; Q Mr. Secretary?

;;;;; MIN. AL-SABAH: Well, we have our own list of the Iraqi war criminals, and we are going to pursue them all over the world wherever they -- where they are found.

;;;;; Q Mr. Secretary?

;;;;; Q Mr. Secretary, soon you are going to release the road map.

;;;;; SEC. POWELL: Excuse me. Let's do this gentleman. Yes?

;;;;; Q Mr. Secretary, can you please tell us if you have asked your Kuwaiti counterpart to intervene in this message? And -- (continuing in Arabic.)?

;;;;; SEC. POWELL: I will yield to him for that answer.

;;;;; MIN. AL-SABAH: (In Arabic.)

;;;;; Q Will you repeat in English, please, sir?

;;;;; SEC. POWELL: Yes, would you --

;;;;; MIN. AL-SABAH: Well, I have not been given a special message to carry to Syria. The secretary, he can reach the Syrians directly. And I think that Syria can play a constructive role in reestablishing security and stability in the region.

;;;;; SEC. POWELL: This gentleman.

;;;;; Q Mr. Secretary, we know that you are soon going to release the road map. How do you see Syria under this regime as a partner for peace process?

;;;;; SEC. POWELL: We'll be releasing the road map as soon as Mr. Abu Mazin has been confirmed by a vote of confidence as the prime minister of the Palestinian Authority with his new cabinet. Obviously, as we go down the road to peace, we want it to be a comprehensive peace. And ultimately,

of course, that would have to include finding a way to settle the outstanding issues with Syria as well.

;;;;; Q Mr. Secretary, are you satisfied with the way the meeting is developing in Nasiriyah? There are some complaints among some of the Iraqi exile community that Chalabi is not being invited. Do you think that there is going to be a lot of turmoil amongst those Iraqi exiles, particularly outside the country, who maybe do not feel like they're sufficiently involved at the moment?

;;;;; And to the Kuwaiti foreign minister: Can you confirm whether Kuwaiti prisoners of war were indeed located this morning in Baghdad? Thank you.

;;;;; SEC. POWELL: With respect to the meetings that begin in An Nasiriyah tomorrow, let's remember this is just the first of many meetings that will be held. And in order to get the process started, it was determined that we should have representatives of the various groups at this meeting, and it will be a fairly large gathering of individuals. It will be chaired initially by Ambassador Khalilzad, the president's personal representative. Of course the individuals have been invited by General Franks. And then General Garner will address the group. And then Ambassador Ryan Crocker will moderate the proceedings.

;;;;; So I think it's a good start. And I think most of the groups outside the country in the resistance understand the need for starting in this way with a modest beginning so that we begin a dialogue. And so I don't think there is much concern about this not being a productive meeting, and also a meeting that reflects the views of those who have been struggling outside, as well as those who are now free inside.

;;;;; MIN. AL-SABAH: This is a breaking news story and I don't have really any confirmation on it.

;;;;; SEC. POWELL: Nor do I.

;;;;; Q Secretary Powell, are you -- sir, are you considering any measures against Syria in light of the allegations that you've made; perhaps recalling the U.S. ambassador, downgrading U.S. relations, anything along that?

;;;;; And also, in addition, on the humanitarian front, many non-governmental organizations, the International Red Cross and others, have complained that the security situation is so bad on the ground that they can't get the aid in there. Is there anything that the U.S. is considering to do to beef up security?

;;;;; And for Dr. Mohammed, sir --

;;;;; SEC. POWELL: That's two already. Thank you.

;;;;; Q Oh --

;;;;; SEC. POWELL: With respect to Syria, of course we will examine possible measures of a diplomatic, economic or other nature as we move forward. We are in touch with Syrian authorities. We have a very effective ambassador there, Ambassador Kattouf, who will stay in touch with them and make them aware of our concerns. And we'll see how things unfold as we move forward.

;;;;; With respect to the humanitarian situation, it is improving on a daily basis. Secretary Rumsfeld gave us a report this morning of the various military civil affairs units working with our combat troops to slowly reestablish security and stability throughout the various cities.

;;;;; We are starting to hire again police forces in the South, and that will be expanded as we move north.

;;;;; And there is a huge amount of humanitarian equipment and supplies that are now moving in. Hospital kits are moving in to reestablish health care. Water is beginning to flow in the southern cities, and there is a great deal that is going on.

;;;;; But the campaign is not yet over. And so I think, as you see, day by day, the situation will improve, and the NGOs and other humanitarian organizations and U.N. organizations will be able to accomplish their work.

;;;;; There is not a shortage of food. Food is adequate in marketplaces, as well as food being brought in from the outside.

;;;;; We want to go to work on the health care system and the water system and getting the power on throughout the country, which tends to affect the water supply system, since you need power to run it in the first place.

;;;;; So we're seized with the problem, hard at work on the problem, and the situation will improve day by day.

;;;;; Thank you. (The secretary escorts the foreign minister to his car and then returns for more questions.)

;;;;; (Cross talk.)

;;;;; SEC. POWELL: Anything else?

;;;;; Q Yes. Mr. Secretary, are you all going to -- are you personally going to be in touch with your counterpart in Syria to discuss what's -- you know, what the president said yesterday and --

;;;;; SEC. POWELL: I'm sure we'll be in touch in a variety of diplomatic channels. And I usually don't talk about my future phone calls become -- till they become my past phone calls, or visits.

;;;;; Q Whose else have you talked to this morning? What else have you been doing with respect to Iraq and --

;;;;; SEC. POWELL: I've spoken to the foreign minister of Greece on behalf -- and he's the presidency (sic) of the European Union. But otherwise I've been in meetings, and now I will go back to other matters.

;;;;; Thank you.

;;;;; (Cross talk.)

;;;;; Q Critics say that the State Department should have been allowed to invite members to the Nasiriyah meeting, instead of the DOD.

;;;;; SEC. POWELL: Who said we didn't?

END.

;

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**From:** Kavanaugh, Brett M.  
**To:** <Kaplan, Joel>  
**Sent:** 4/14/2003 12:21:14 PM  
**Subject:**

reminder re correspondents dinner tix

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>  
**Sent:** 4/14/2003 12:59:53 PM  
**Subject:** guidance, pls.

I told Blake that this seemed a good idea.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/14/2003 12:59 PM -----

From: Blake Gottesman/WHO/EOP@Exchange on 04/10/2003 04:25:02 PM

Record Type: Record

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

cc:

Subject: guidance, pls.

there is currently no mechanism or process in place to capture the president's activities aboard af1 for transmittal to the diarist. on the flights to and from belfast, i asked the flight attendants to keep a very basic log of his activities - similar to the one maintained by the camp personnel on the weekends (e.g., when he ate, whether he watched a movie, etc.) ... just as a trial run to see whether it might be helpful / appropriate information for us to have, and whether it would be a burden for the af1 crew.

the crew said they are happy to help. so, that's not an issue.

i just faxed you a copy of what they collected for you to review. when you get a chance, pls let me know whether this is a process we should continue.

IF you suggest that we continue this practice and move forward, there are a couple of things worth pointing out:

1) there were several mistakes on the flight attendant's logs (i wrote notes beside them). i would likely review the logs w/ the attendant at the end of the flight - or soon afterward, which would give me an opportunity to redact any information which is strictly personal and should not be included - there is an example of that in the logs which i faxed over.

2) i would come up w/ a standardized form (like the milaides use for the ranch and for camp), and i would give them better, more specific direction on what kind of info to record

3) any logs would still go to the judge for review before they go to the diarist

thanks,

blake

REV\_00114531





---

**From:** Everson, Nanette  
**To:** <Hobbs, David W.>  
**CC:** <Kavanaugh, Brett M.>;<Everson, Nanette>  
**Sent:** 4/14/2003 4:11:40 PM  
**Subject:** Congressman Bonilla Invite

This responds to your request for guidance regarding Congressman Bonilla's invitations to David Hobbs and his spouse to attend campaign events, on behalf of Congressman Bonilla, in San Antonio, Texas, on April 25, 26 and 27, 2003. You advise that Congressman Bonilla's campaign organization is a political organization as described in 26 U.S.C. § 527(e), and that this organization will provide travel expenses to Mr. and Mrs. Hobbs for this trip.

#### Mr. and Mrs. Hobbs May Accept

Mr. Hobbs may accept the offer of travel expenses from Congressman Bonilla's campaign organization regarding his attendance at the campaign events, as discussed below. Mrs. Hobbs also may accept an invitation to her from Congressman Bonilla's campaign organization regarding her attendance at the campaign events, and she may also accept that organization's offer to her to provide travel expenses regarding that attendance.

I have provided a copy of this determination to my colleague, Brett Kavanaugh, for his information.

#### Ethics Rules

An employee who may take an active part in political management or in political campaigns, under the Hatch Act, may accept meals, lodgings, transportation and other benefits, including free attendance at events, when provided by a political organization described in 26 U.S.C. § 527(e) in connection with such active participation. See 5 C.F.R. § 2635.204(f).

· The term "political organization" in 26 U.S.C. § 527(e) means "a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function."

· The term "exempt function" in 26 U.S.C. § 527(e) means "the function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not such individual or electors are selected, nominated, elected, or appointed. Such term includes the making of expenditures relating to an office described in the preceding sentence which, if incurred by the individual, would be allowable as a deduction under section 162(a)."

#### The Hatch Act

An employee may attend and be active at political rallies and meetings; join and be an active member of a political party or club; and, hold office in political clubs or parties. An employee may attend a political fundraising as long as he does not personally solicit, accept, or receive contributions. An employee may give a speech or keynote address at a political fundraiser, as long as he is not on duty and does not solicit political contributions. His name may be listed on the event invitation as a speaker or guest, but may not be shown on an invitation to a fundraiser as a sponsor or point of contact. Additionally, his official Government title may not be used either on the fundraiser invitation or during an introduction. See, *generally*, 5 C.F.R. Part 734.

#### Discussion

Under the ethics rules and the Hatch Act, as described above, Mr. Hobbs may accept an invitation from a political entity – Congressman Bonilla's campaign organization – to attend campaign events on behalf of Congressman Bonilla, including meals, lodgings, transportation, and other benefits offered to him by that organization. Similarly, Mrs. Hobbs may accept an invitation from that organization to attend the events, including meals, lodgings, transportation, and other benefits offered to her by that organization.

Additionally, Mr. Hobbs may attend political fundraising events so long as he does not personally solicit, accept, or receive contributions. He also may give a speech at a political fundraiser, so long as he is not on duty and does not solicit political

contributions. Although his name may be listed on the event invitation as a speaker, it may not be shown on an invitation to a fundraiser as a sponsor or point of contact. Finally, his official Government title may not be used either on the fundraiser invitation or during an introduction.

;;;;;;;; MS. CLARKE: We're done.

;;;;;;;; Q It is?

;;;;;;;; (Question unanswered as briefing ends.)

END.

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**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/14/2003 12:15:32 PM  
**Subject:** : TRANSCRIPT - Defense Department Briefing 04/14/03

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CREATOR:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:14-APR-2003 16:15:32.00  
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DEFENSE DEPARTMENT REGULAR BRIEFING  
BRIEFER: VICTORIA CLARKE, ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC  
AFFAIRS AND ARMY GENERAL STANLEY MCCHRYSTAL, VICE DIRECTOR FOR OPERATIONS,  
J-3, JOINT STAFF

PENTAGON BRIEFING ROOM, ARLINGTON, VIRGINIA  
1:30 P.M. EDT, MONDAY, APRIL 14, 2003

;

MS. CLARKE: Good afternoon, everyone. We continue to make progress on the war in Iraq. Coalition forces are rooting out remnants of the Iraqi regime, including in Tikrit, Saddam Hussein's hometown. The regime is at its end, and its leaders are either dead, surrendered, or on the run.

;;;;; But progress did not come without great sacrifices. At the briefing on April 7, Secretary Rumsfeld showed a list of those who have died in Operation Iraqi Freedom. Unfortunately, since then we have had to add more names to the list.

;;;;; (To staff) Terry?

;;;;; (Pause while list of names of U.S. casualties is shown.)

;;;;; War is also hazardous for journalists, as we know. At great personal risk, many of them have reported the conflict first-hand. We salute these professionals and offer our condolences to their families.

;;;;; (Pause while list of names of journalist casualties is shown.)

;;;;; Thank you, Terry.

;;;;; On the brighter side, we were thrilled yesterday to see the return of seven former prisoners of war. While we celebrate their return, we are still concerned about the Americans still unaccounted for, and we will keep searching for them until we find them.

;;;;; As we head into the fourth week of this conflict, I'd like to remind you of the eight objectives that Secretary Rumsfeld laid out at the onset of the war.

;;;;; First, end the regime of Saddam Hussein. Baghdad is largely free of its influence, and so is most of the entire country.

;;;;; Second, capture or drive out terrorists sheltered in Iraq. With the end of the Saddam Hussein regime, terrorists have lost their chief sponsor and ally in Iraq.

;;;;; Third, collect intelligence on terrorist networks. As Iraqis come forward and documents are found, we are gathering more evidence.

;;;;; Fourth, collect intelligence on weapons of mass destruction, the systems and the facilities associated with them. We've begun the long process of exploring sites, sifting through thousands of documents, and encouraging Iraqis to come forward with information. This will take time.

;;;;; Fifth, destroy the weapons of mass destruction. We will make sure they never threaten the region or the world again.

;;;;; Sixth, secure Iraq's oil fields and natural resources for the Iraqi people. We have now secured both the northern and the southern oil fields.

;;;;; Seventh, end the sanctions and immediately deliver humanitarian relief. With the liberation of Iraq, President Bush and Prime Minister Blair have asked that the United Nations sanctions be lifted so that more aid can flow into Iraq. Some places in the country clearly need help, but we see no overall humanitarian crisis and no mass flight of refugees. Most Iraqis are staying in their homes or returning to their homes and have enough food to survive for some time. Coalition forces are working with local authorities and police forces to patrol the streets, and the looting is tapering off.

;;;;; In addition, the World Food Program/United Nations combined are delivering over 1 million tons of food. This is enough to feed the entire population of Iraq for several months. A relief ship from the United Arab Emirates is on the way to help the Iraqi people. It is carrying 700 tons of boxed rations, bottled water, family first aid kits, four water tankers, an ambulance, two trucks, two cars and 12 volunteers.

;;;;; The Japanese have pledged \$100 million to support humanitarian relief efforts in the country. And the United Nations international staff is returning to northern Iraq, displaced persons there are returning home, and the water service in Najaf is returning to normal. Medical and other types of aid are also coming from Kuwait, Italy, Qatar and Turkey.

;;;;; And the eighth and final goal, to help the Iraqi people transition to a non-threatening, representative form of self-government that preserves the territorial integrity of Iraq. We are working with clerics, tribal leaders and ordinary Iraqis. Many will meet tomorrow, April 15th, in An Nasiriyah to discuss the future of Iraq and the Iraqi interim authority. This will be the first of several meetings as the Iraqi people chart their future free of the oppressive Hussein regime.

;;;;; General.

;;;;; GEN. MCCRYSTAL: Thank you, Ms. Clarke.

;;;;; Operation Iraqi Freedom continues. I'd like to welcome back the seven former prisoners of war, who are now safe and will soon be on their way home. I have some footage I don't believe you've seen yet on their return. (Video shown.)

;;;;; On a sad note, I'd like to express my condolences to all the families who have lost loved ones in combat. As we return Iraq to its people, there's been remarkable progress, but we need to remember that true American heroes gave their lives in this effort.

;;;;; We in uniform also send our regrets to those journalists who lost their lives covering this effort to disarm Iraq.

;;;;; Coalition forces are still patrolling Iraq with due diligence. Our air sorties have decreased over the last few days to about seven (hundred) to 800 sorties over Iraq per day. We dropped less than 200 precision-guided munitions in the last 24 hours to support our operations on the ground. In fact, today was the last day that aircraft from all five carrier battle groups will fly missions into Iraq. And as the 5th Fleet commander mentioned over the weekend, a couple of them will be departing the region over the course of the next few days.

;;;;; On the ground, coalition forces are continuing patrols throughout Iraq. And as I've said before, there's still more difficult and even dangerous work to be done. We're working to create an atmosphere in which the Iraqi people can begin to govern themselves.

;;;;; And with that, we'll be happy to take your questions.

;;;;; MS. CLARKE: Charlie?

;;;;; Q Torie, the Bush administration gave as one of the main reasons for attacking Iraq that Iraq had weapons of mass destruction, including chemical weapons, and that it was a state that supported terrorism and unveiled why there was a likely chance that these weapons had fallen into the hands of terrorists. Now, the United States has increasingly in the past week said that Syria contains -- it has such weapons, and that Syria's a state that supports terrorism. Why shouldn't the world take this increasing rhetoric about Syria as an open threat to invade Syria?

;;;;; MS. CLARKE: Two things. I wouldn't call it rhetoric, I would call it facts. And then, the president, the secretary of Defense, the secretary of State have all spoken about this. Secretary of Defense did just a few minutes ago, when he was with the Kuwaiti foreign minister. And we've got nothing to add.

;;;;; Q Well, why -- I mean, why shouldn't the world take this, as much of the world is, as a threat, perhaps, to invade Syria?

;;;;; MS. CLARKE: I just don't agree with your assessment that this is rhetoric. And there's just nothing to add to what the president, and the secretary of Defense and the secretary of State have said.

;;;;; Ivan?

;;;;; Q Torie and General McChrystal, it seems obvious that there will be no more major, underline the word "major," battles in this war. And of the eight mission objectives, most have now been accomplished. When will this building and when will Tommy Franks advise the commander in chief to declare victory? Is it far away?

;;;;; MS. CLARKE: I'll take a stab. I'd say we're making good progress on those objectives.

;;;;; I'd say we've got a long way to go on many of them. There are still military operations under way. There are still people doing very, very dangerous work. And I think different people will define it differently. At the end of the day, it's about the Iraqi people having their country back, and the Iraqi people having an environment in which they can get that country up and running again.

;;;;; So I think you're going to see us talking for a long time about work that needs to be done, and we'll let others decide.

;;;;; Bill?

;;;;; Q With the fall of Tikrit, is the conflict now entering a new phase? And are you looking at the forces there as having a different role, as more stabilization than combat?

;;;;; GEN. MCCHRYSTAL: Well, clearly we are moving toward the goal of providing a safe and secure environment throughout Iraq. The anticipation is that that would occur in a rolling nature. I -- from the standpoint it would be at a -- probably at a different point in each part of the country, based upon conditions there.

;;;;; So I think that as major combat operations wind down, we'll still conduct minor combat operations, to include some sharp fights in areas, and then adjust our operations in each area. I'm not sure it will be so close that all of a sudden we proclaim we are moving from one kind of

operation to the next.

;;;;; Q Is this considered a new phase of operations that you're undertaking or will undertake?

;;;;; GEN. MCCHRYSTAL: The operation is broken into phases. We're not yet at the point where General Franks would make the decision to transition entirely from one phase to the next.

;;;;; MS. CLARKE: And it may be entirely possible it's different in one part of the country than another.

;;;;; GEN. MCCHRYSTAL: Yeah.

;;;;; MS. CLARKE: Right here.

;;;;; Q Yeah. Torie or General, has there been a change in Pentagon policy in terms of repatriated POWs? In the past, we have seen, when POWs have been released, that they go sort of into seclusion, if you will, till they can talk with doctors and really readjust, to get back into the world, if you will. But we've seen with -- in the case of Jessica Lynch, who got to speak to her parents, and also yesterday, when there were actually reporters on the plane after their release, is there a new policy? And what -- if there is, what is that based on?

;;;;; MS. CLARKE: I'm not aware of any changes in policy. I know the first and the primary consideration is their physical and emotional well-being, and great care and great attention is given to that. And I am not an expert on these matters, so I'll say this carefully. I also know that having contact and communication with your family can be a very, very important part of this.

;;;;; And so I'm not aware of any changes in policy. You guys can let us know.

;;;;; Q (Off mike.)

;;;;; MS. CLARKE: But let me just say they take great care and great concern with the physical and emotional well-being of these people, and they would not be put in any kind of situation that wasn't appropriate.

;;;;; Q General, you say that there are combat operations ongoing. Can you characterize the type of combat? Are the major battles, are they finished now at this point? Are we just in this sporadic firefight, mopping-up operations in these cities?

;;;;; GEN. MCCHRYSTAL: I would anticipate that the major combat engagements are over because the major Iraqi units on the ground cease to show coherence. Tikrit was the last area where we anticipated seeing major combat formations, if in fact they were there. There were some sharp fights there, but not a coherent defense. So I think we will move into a phase where it is smaller, albeit sharp fights.

;;;;; Q And al Qaim out in the west, we heard some firefights there. Are they over? Is that done?

;;;;; GEN. MCCHRYSTAL: I won't say that al Qaim is completely done. I will say that from our standpoint, the regime no longer has control of it. We have not yet proclaimed it secure under coalition control. But clearly, Saddam Hussein's regime does not control it.

;;;;; Q I swear -- I promise, this is the last one. Anything on the 101st Airborne Division find of some vehicles underneath -- underground?

;;;;; GEN. MCCHRYSTAL: I saw the news reports of that, and clearly, we're going to treat that very seriously, as you could see from the activity of the soldiers there. But I know no official estimation at this point.

;;;;; Q Torie, Secretary Rumsfeld has said a number of times that these people who are going into Syria are Iraqi officials. Could you offer a little more definition of -- for example, are these people who are on the top 55 list? And if not --

;;;;; MS. CLARKE: I've got nothing to add. You've had the president, the secretary, the secretary of Defense --

;;;;; Q I'm just asking -- (inaudible) --

;;;;; MS. CLARKE: I know. But they've --

;;;;; Q Are they on the list or not?

;;;;; MS. CLARKE: We've said as much as we're going to say right now.

;;;;; Q But if they're not on the list, why does it matter if they've --

;;;;; MS. CLARKE: Mr. McWethy?

;;;;; Q Not going to answer that one? Okay.

;;;;; You have now had Republican Guards by the thousands or tens of thousands, depending on how you count them, sort of either being killed or vanishing. You have had this long list of high-ranking officials that have vanished. Are either of these two categories of great concern, especially the fighters that are no longer there, but obviously you can't have tens of thousands of fighters leaving the country. Have they all had a conversion?

;;;;; MS. CLARKE: Well, the leadership obviously is a concern, and that is part of our military objectives, is finding the leadership, finding the people who were running and enforcing this regime for so long.

;;;;; And we've had some success; we've got a ways to go. Speculation about what happened to the others, I'll leave it to the general. But we have not seen thousands of people pouring out of the country.

;;;;; GEN. MCCHRYSTAL: And we haven't in the case of the Republican Guards. As you know, there's sort of a hierarchy of loyalty in the Iraqi defense forces, or so we have assessed. The Republican Guards, many of them may, in fact, go home and rejoin society without any issues. We are probably more worried about some of the Saddam Fedayeen, potentially members of the Special Republican Guards. But even within those organizations, many may just decide to rejoin what, in fact, will be a new Iraq. So, we are concerned about it and stay focused on it, but don't have an assessment right now that there is a looming threat.

;;;;; Q General, you said there's been some repositioning of naval assets, and that was said over the weekend -- (word inaudible) -- respond to new positions. Can you tell us if there's been any repositioning or if there's any repositioning in the immediate future for air assets, Air Force assets, and are any of our ground forces going to leave Iraq?

;;;;; GEN. MCCHRYSTAL: Well, I'll address the air assets. In fact, General Franks is free to make decisions to redeploy those assets that he no longer feels he needs for this part of the operations, and he is doing that in selected cases now.

;;;;; Q Do you want to give us any clarity on which squads are being redeployed? B-2s, or --

;;;;; GEN. MCCHRYSTAL: I can't give you specifics on what types or numbers of assets, but clearly, those assets which were focused on a high intensity air campaign would be the most likely, initially.

;;;;; Q General?



;;;;;;;; MS. CLARKE: Wait.

;;;;;;;; Q Go ahead.

;;;;;;;; MS. CLARKE: Quickly.

;;;;;;;; Q And the second part of the question is on the ground.

;;;;;;;; GEN. MCCHRYSTAL: We're still early in the ground forces. As you know, we had devised a very flexible force flow that was based to be able to be metered as we go, to either increase or decrease as time passed. There had been no ground units that had been redeployed at this point. We still have the ongoing flow, as programmed, of other ground units, but General Franks and the secretary of Defense continue to review that to determine whether or not that should be adjusted.

;;;;;;;; Q General McChrystal, I want you to go to number two again. I'm going to focus on the elimination of WMD. Can you give us a feel for how now the level of effort will increase to go after -- to look after suspect sites? This 75th Intelligence Exploitation Task Force apparently is going to get more involved. And there was a published report today saying roughly 36 suspect sites are being reviewed. Is that an accurate figure?

;;;;;;;; And for Torie, the scientific adviser for Hussein the other day surrendered and said that Iraq had no WMD program at all. From your perspective, how should the public assess his answer, his claim, given that he's got no reason to lie at this point?

;;;;;;;; MS. CLARKE: Old habits die hard.

;;;;;;;; Q Well, seriously --

;;;;;;;; MS. CLARKE: Seriously. You're talking about a senior player in a regime that took lying and deception and denial to new heights. So we'll see what happens going forward, but this is a regime that we know and the international community knows, with great certainty, had extraordinary designed to hide and deceive everyone about their weapons of mass destruction program.

;;;;;;;; Q Well, what stake would he have? If he said we have -- they have tons, he'd be at the White House today, probably in a Rose Garden ceremony.

;;;;;;;; MS. CLARKE: I wouldn't even begin to try to get inside his head.

;;;;;;;; Q Okay. General, on the whole issue of site surveys?

;;;;;;;; GEN. MCCHRYSTAL: In terms of the level of effort, we have gone in fact, at this point, to a very small percentage of a very extensive list of known locations. And I would expect that that would grow in fact -- the number of suspect locations -- as we talk to more people.

;;;;;;;; And I would say that as combat operations begin to slow down, that we will have more forces available, and we'll have a more secure environment in which we can get to these locations more easily.

;;;;;;;; It will still be a very long process, because each has to be handled very carefully, both from the ability to protect the forces to go to investigate, but also for rules of evidence, for other practical reasons, and because of the limited number of experts that you can bring. So I would suspect it will go for an extended period of time.

;;;;;;;; Q Is 36 an accurate figure? That was in the New York Times today.

;;;;;;;; GEN. MCCHRYSTAL: I won't talk specific numbers of sites we've been to. But we've been to a very small percentage of those that are already --

;;;;;;;; Q (Off mike) -- sites, though. Their list was winnowed down to 36.

I'm just trying to get a sense if that's a valid universe.

;;;;; GEN. MCCHRYSTAL: It in fact is not a valid number that I'm familiar with. There are other numbers, but we've only been to a small percentage of those.

;;;;; MS. CLARKE: It's also not, I don't think, a complete picture to just look at sites and say that's what it's all about when it comes to WMD. It's sites. It's paperwork. It's people. It's documents. It is a very complex system, and so it'll require a long and complex process to get to the bottom of it.

;;;;; Al?

;;;;; Q General and Torie, last week General Myers had talked about -- even while combat was going on at al Qaim, that the forces had visited certain sites of interest -- WMD sites, as I understand it -- and results were pending. Can you give us any more detail on what was found at those sites?

;;;;; And then, secondly, do you have any reason to believe that any of the WMD components have left Iraq?

;;;;; GEN. MCCHRYSTAL: In terms of what we have looked at, there are no positive results at this point. There are a number of samples that are still being tested. So we don't have positive or negative either way.

;;;;; We have gone to some of the major sites, as I said, and in fact shipped samples back to the United States for detailed analysis.

;;;;; MS. CLARKE: And I'd say well before this war started, one of our chief concerns was that weapons of mass destruction, the means of producing them, things associated with their program, could be moving in and out of the country to other places, going to other countries and transiting. So it was a concern and it remains a concern.

;;;;; Q And you don't know whether it has?

;;;;; MS. CLARKE: Nothing to share with you.

;;;;; GEN. MCCHRYSTAL: I'd like to add on that if I could. The whole idea of gathering information on their weapons of mass destruction program, we believe, gets measurably easier once we have a safe and secure environment, when we can start to talk to people in Iraq. As more people feel safe and secure that the regime is gone, and we have the ability to connect the threads, it becomes police work.

;;;;; MS. CLARKE: Mick?

;;;;; Q Last week the U.S. military flew Ahmad Chalabi and 700 armed INC members into Iraq. There are U.S. Special Forces deployed with those INC and Chalabi, and today he's on his way to Baghdad. Presumably, he wouldn't be able to do that without the knowledge and support of the U.S. So how can the U.S. military or the Pentagon deny the perception that they are giving Chalabi and his INC members favorable treatment? And if that's not the case, then what, exactly, is this relationship between the INC and the Pentagon and U.S. military?

;;;;; MS. CLARKE: Well, it's really the relationship with the Iraqi people overall. We've been working with the Kurds in the north, we've been working with the Shi'a, we've been working with and have brought in free Iraqi forces that were trained in Hungary, we're working with local leaders, with tribal leaders, with clerics, with a wide range of people both within and without Iraq. And at the end of the day, what matters and what's really going to happen is the Iraqi people are going to decide the course of action going forward. So I think if you look at the complete picture, the perception's very different. And it's the reality, as well.

;;;;; Pam?

;;;;; Q I think, given all the stern warnings and concerns from here about the treatment of prisoners of war, I was surprised to see that they are in such good shape. And I'm wondering if you could address what you know of their treatment. I mean, besides the televised pictures of them and the fact that ICRC didn't visit them, do you have any evidence that they weren't treated in accordance with international law? And by the same token, could you tell us when we're going to see Iraqi prisoners of war freed?

;;;;; MS. CLARKE: I don't have information on our POWs, the ones that were returned. I don't. I'm sure that will come forward at the appropriate time.

;;;;; (Turning to General McChrystal) And on the second? Don't have --

;;;;; GEN. MCCHRYSTAL: There is a process to review all of the prisoners of war under our control and to determine which of those are appropriate for very speedy release.

;;;;; And the secretary has given that guidance and CENTCOM's working it.

;;;;; Q So the Article 5, have any of those proceedings happened yet?

;;;;; GEN. MCCHRYSTAL: To my knowledge, they have not. But I am not sure.

;;;;; Q A question on the return of the police to the streets of Baghdad. Last week, General Brooks said that they had to be cautious about the use of the former police because many of them were associates of the regime. And yet there was a report out that significant numbers of them have been reporting back to duty and we've been utilizing them. What's the status of using the former Iraqi police?

;;;;; GEN. MCCHRYSTAL: There's an effort ongoing to augment the situation, the security situation in Baghdad and other areas by using Iraqis to help with the policing function. To my understanding, in each case we are still largely in the organizational phase to identify the appropriate people, to do the kinds of checks that ensure that it's a credible and legitimate force. But this will be a long process. This is something we are just starting, and to produce a representative security element within Iraq will be something that takes a long time, and must be done by the Iraqis, in the end.

;;;;; Q Are some of those people -- are they considered acceptable to the Iraqi citizens because of their past association with the regime?

;;;;; GEN. MCCHRYSTAL: I'm not sure of any specifics. I would just say that we are going through a process to, as much as possible, balance the requirement to get people on the street quickly, with the requirement to have them be legitimate.

;;;;; MS. CLARKE: Barbara, and then Tom is the last one.

;;;;; Q Torie, General Brooks talked this morning at Central Command about the legal issue of when the cessation of hostilities happens, when the combat phase is declared over, under the Geneva Convention, which the U.S., of course, follows, the U.S. military may have a legal obligation to become formally the occupation force of Iraq and take on the military legal obligations of being the occupation force under the Geneva Convention because war will have stopped. What kinds of obligations does that put upon the U.S. military, and how do you deal with this phase with the understanding that you've always said you're not the occupation force? How do you take on these legal obligations under the Geneva Convention?

;;;;; MS. CLARKE: I think he also said he's not a lawyer. And neither am I. But there will be plenty of people who will make sure everything we do is appropriate, how we do it and when we do it. As the general said, right

now we are focused on primarily the military operations and using those military operations to create an environment in which the Iraqis can get their country back.

;;;;; We could consider and talk to some of the general counsel people about a briefing of some sort if it would be useful. I just don't know enough about it.

;;;;; Okay? And we'll do Tom last.

;;;;; Q Now that you foresee no more major combat operations, do you see a different mix of U.S. forces heading into the region; more Civil Affairs units, Military Police? And also, some analysts are suggesting you bring in international police of the kind we saw in Bosnia and Kosovo.

;;;;; GEN. MCCHRYSTAL: I wouldn't speak to the international police in specifics, but clearly, the mix of U.S. forces will continue to be adjusted. There will be a requirement for combat power for some period of time to maintain or to establish that secure and safe environment. But clearly, the requirements for Civil Affairs, engineer organizations, Military Police, will be significant. And in fact, that's designed into the force flow.

;;;;; Q General, will we might be seeing that anytime --

;;;;; GEN. MCCHRYSTAL: Well, in fact, I think you're seeing it right now. As the flow goes, those elements are embedded. We have -- the flow's designed into packages that were, in fact, deployment orders. And although there's a major unit with each deployment order, for example, the 3rd Armored Cavalry Regiment or the 1st Armored Division, that's only part of that package. In fact, that may be 60 or 70 percent of the package, and a number of other forces, echelon above division and echelon above corps units, built into that. And so we tend to say, well, the 1st Armored Division is going, but in fact, it's a much more capable, wider element than that, that include many of the things that were anticipated and that you mentioned.

;;;;; Q The 1st Cav., they've been put on hold?

;;;;; GEN. MCCHRYSTAL: There is a review going on right now of what forces will be required. We have --

;;;;; Q Does that mean they've been put on hold?

;;;;; GEN. MCCHRYSTAL: There's been no dep. ord. modification signed at this point, so I wouldn't comment on any specifics.

;;;;; MS. CLARKE: And I would just add, Tom, there are lots of conversations and discussions underway right now with other countries about providing some of those services, international organizations. And there's a lot of enthusiasm from different countries --

;;;;; Q This is for police, or --

;;;;; MS. CLARKE: In terms of providing some of the functions that will be necessary going forward. Obviously, humanitarian on the civil front and perhaps performing some of those functions, as well.

;;;;; Q Police functions?

;;;;; MS. CLARKE: Mm-hmm.

;;;;; Thank you.

;;;;; Q A brief follow-up --

;;;;; Q General, is much of the 4th ID now in Iraq?

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**From:** Thomas, Ginni <ginni.thomas@heritage.org>  
**To:** Government Relations <GovernmentRelations@heritage.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/14/2003 1:03:40 PM  
**Subject:** : Heritage Update - Recent Publications and Upcoming Events, April 14, 2003  
**Attachments:** P\_WQVLF003\_WHO.TXT\_1.htm

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CREATION DATE/TIME:14-APR-2003 17:03:40.00  
SUBJECT:: Heritage Update - Recent Publications and Upcoming Events, April 14, 2003  
TO:Government Relations <GovernmentRelations@heritage.org> ( Government Relations  
<GovernmentRelations@heritage.org> [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
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Please note two events this week - Tuesday at Heritage (Economic Reform in India); Wednesday in Cannon (President's health care agenda). Please RSVP.

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April 14, 2003

Foreign and Defense Policy:

<<http://www.heritage.org/Research/Europe/hl782.cfm>> Deployment of U.S. Forces in Europe by The Honorable Kay Bailey Hutchison

<<http://www.heritage.org/Research/MiddleEast/wm251.cfm>> Fighting a Just War in Iraq by Joseph Loconte

<<http://www.heritage.org/Press/Commentary/ed041003.cfm>> The Phony Charge of Imperialism by Joseph Loconte

<<http://www.heritage.org/Press/Commentary/ed041103.cfm>> Smoking Out the Truth by Edwin Feulner

<<http://www.heritage.org/Press/Commentary/ed040703.cfm>> Iraqi People at Risk if War Goes Chemical by Dexter Ingram

<<http://www.heritage.org/Research/MiddleEast/wm257.cfm>> Women and the Transition to Democracy: Iraq, Afghanistan, Beyond  
<<http://www.heritage.org/Research/MiddleEast/wm257.cfm>> by Paula J. Dobriansky

<<http://www.heritage.org/Research/NationalSecurity/wm256.cfm>> Waging War on Terrorism by Marshall Billingslea

<<http://www.heritage.org/Research/AsiaandthePacific/hl781.cfm>> The Anti-Terrorist Coalition in the Pacific by Peter Brookes

<<http://www.heritage.org/Research/MiddleEast/wm252.cfm>> The Northern Ireland Bush/Blair Summit: Britain and America Must Remain United by Nile Gardiner and John Hulsman

<<http://www.heritage.org/Press/Commentary/ed040903.cfm>> An U.N.-Helpful Plan for Iraq by Nile Gardiner

<<http://www.heritage.org/Press/Commentary/ed041103a.cfm>> Thank You, France by Edwin Feulner

<<http://www.heritage.org/Press/Commentary/ed041103b.cfm>> North Korea on the Boil <<http://www.heritage.org/Press/Commentary/ed041103b.cfm>> by Peter Brookes

<<http://www.heritage.org/Research/MissileDefense/hl783.cfm>> Ten Principles for Combating Nuclear Proliferation by Baker Spring

<<http://www.heritage.org/Research/HomelandDefense/TST040903.cfm>> Securing Freedom And The Nation: Collecting Intelligence Under The Law by Paul Rosenzweig

<<http://www.heritage.org/Research/HomelandDefense/wm253.cfm>> Facts About WMD Threats Against Washington, D.C. by Dexter Ingram

#### Domestic Policy:

<<http://www.heritage.org/Research/Budget/wm254.cfm>> A Modest Proposal: How to Offset More than Half of the President's Tax Cut by Brian Riedl

<<http://www.heritage.org/Research/Taxes/bgl644.cfm>> CBO Estimates: Spending Weakens the Effects of Pro-Growth Tax Relief by Brian M. Riedl

<<http://www.heritage.org/Research/SmartGrowth/wm255.cfm>> Does Sprawl Breed Violence? A Debate by Ronald Utt

<<http://www.heritage.org/Research/HealthCare/wm250.cfm>> Comparing Medicare and Private Health Insurance Spending by Joseph R. Antos and Alfredo Goyburu

<<http://www.heritage.org/Research/SmartGrowth/bgl643.cfm>> Reauthorization of TEA-21: A Primer on Reforming the Federal Highway and Transit Programs by Ronald Utt

<<http://www.heritage.org/Press/Commentary/ed040803.cfm>> It's the Science, Stupid by Charli Coon

#### Upcoming Events:

<<http://www.heritage.org/Press/Events/index.cfm>> Click here for event details and RSVP

A Juggernaut's First Steps? The Future Of Economic Reform In India Featuring: Dr. S. Narayan, Finance Secretary and Economic Affairs Secretary, Republic of India; and Peter Brookes, The Heritage Foundation Tuesday, April 15th 9:30 a.m. - 11:00 a.m

A Federal Program The Heritage Foundation Supports? Using the Federal Employee Health Benefits Program as a Model for Health Care Reform Featuring: Dir. Kay James, Office of Personnel Management; Walt Francis, Author and Economist; Bob Moffit and Mike Franc, The Heritage Foundation Wednesday, April 16th 12:00 noon - 1:00 p.m. 311 Cannon Office  
Building Lunch will be provided.  
Click

<<http://www.heritage.org/customcf/rsvp/index.cfm?EventID=041603a&EventDate=2003-04-16&EventTitle=FEBHP101b>> Here to RSVP

Beyond Hitler's Grasp: Remembering Bulgaria's Refusal to Send Its Jewish Population to Nazi Death Camps Featuring: Elena Poptodorova, Bulgarian Ambassador; Princess Maria Luisa, Saxe-Coburg-Gotha; Arthur Berger, Holocaust Memorial Museum; Ambassador Harvey Feldman and Dr. Larry Wortzel, The Heritage Foundation.  
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Honorable Fukushima Nukaga, H.R.-LDP;  
Takashi Nishioka, President, Mitsubishi Corp;  
Noboru Hoshuyama, Former Director-General, Defense Facilities Administration Agency, and Larry Wortzel, The Heritage Foundation. Tuesday, April 29th 9:30 a.m. - 11:30 a.m.

Government Relations  
<<http://www.heritage.org/about/staff/michaelfranc.cfm>> Michael Franc  
Vice President, Government Relations  
Contact: 202-608-6064  
Executive Branch Relations  
<<http://www.heritage.org/about/staff/virginiathomas.cfm>> Virginia Thomas  
Director, Executive Branch Relations  
Contact: 202-608-6240  
<<http://www.heritage.org/About/Staff/GinaHatheway.cfm>> Gina Marie Hatheway  
Deputy Director of Government Relations, Foreign Policy and Defense  
Contact: 202-608-6065  
Meredith Karre ( <<mailto:%20meredith.karre@heritage.org>> email)  
Deputy Executive Branch Liaison  
Contact: 202-608-6058  
<[http://www.heritage.org/emails/hidden/pres\\_prior.gif](http://www.heritage.org/emails/hidden/pres_prior.gif)>  
<<http://www.heritage.org/Research/MiddleEast/iraq/>> War in Iraq  
The nexus between terrorists and outlaw regimes striving for or possessing nuclear, chemical weapons of mass destruction is the greatest threat to the United States and our allies. This "Briefing Room" will be constantly updated during the military operation to end Saddam Hussein's brutal and menacing regime in Iraq.  
<<http://www.heritage.org/research/taxes/taxbriefingroom.cfm>> The Economy  
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<<http://www.heritage.org/research/taxes/taxbriefingroom.cfm>>  
State-by-State Map On Job Growth.  
<<http://www.heritage.org/research/healthcare/medicarebriefingroom.cfm>>  
Health Care

Read The Heritage Foundation's suggestions on how to reform Medicare; increase choices, improve care, and expand coverage to the uninsured.  
<[http://www.heritage.org/emails/hidden/GR\\_heritageResources.gif](http://www.heritage.org/emails/hidden/GR_heritageResources.gif)>  
<<http://www.heritage.org/research/features/agenda.cfm>> Agenda 2003:  
Shaping America's Future  
The issues facing the 108th Congress, from homeland security to health care to tax reform, present lawmakers with the opportunity to improve all Americans' security and prosperity. To request a copy of Heritage's Agenda 2003 or to <<http://www.heritage.org/research/features/agenda.cfm>> view excerpts, contact Meredith Karre, Deputy Executive Branch Liaison ( <<mailto:meredith.karre@heritage.org>> email).  
<<http://www.heritage.org/About/Bookstore/policyexperts2003.cfm>> Policy Experts 2003  
The essential "who's who" guide to the world of public policy experts and organizations can be ordered by contacting the Heritage Foundation's Publications Department at 1-800-544-4843, by mail at, 214 Massachusetts Avenue NE, Washington, DC 20002, or  
<<http://www.heritage.org/About/Bookstore/policyexperts2003.cfm>> click here to order online.  
<<http://www.heritage.org/about/community/insider/>> The Insider  
<<http://www.heritage.org/research/features/familydatabase/>> Family and Society Database  
<<http://www.heritage.org/About/Staff/experts.cfm>> Heritage Experts  
<<http://www.heritage.org/press/>> Press Room  
<<http://www.heritage.org/press/events/>> Heritage Live Events

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Deputy Executive Branch Liaison  
The Heritage Foundation  
214 Mass. Ave., NE  
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[www.heritage.org](http://www.heritage.org)

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[www.heritage.org](http://www.heritage.org)

- att1.htm  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_WQVLF003\_WHO.TXT\_1>



Please note two events this week - Tuesday at Heritage (Economic Reform in India); Wednesday in Cannon (President's health care agenda). Please RSVP.



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**April 14, 2003**

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The Anti-Terrorist Coalition in the Pacific by Peter  
Brookes

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Ten Principles for Combating Nuclear Proliferation by Baker Spring

Securing Freedom And The Nation: Collecting Intelligence Under The Law by Paul Rosenzweig  
< FONT face=Arial size=2>Facts About WMD Threats Against Washington, D.C.  
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< /DIV>

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p;      ;      [Click here for event details and RSVP](#)

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& nbsp;      The Future Of **Economic Reform In India**      ; Featuring: **Dr. S. Narayan**, Finance Secretary and Economic Affairs Secretary, Republic of India; and Peter Brookes, The Heritage Foundation      &nb sp;      &nbs p; Tuesday, **April 15th** 9:30 a.m. - 11:00 a.m

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href="http://www.heritage.org/customcf/rsvp/index.cfm?EventID=041603a&EventDate=2003-04-16&EventTitle=FEBHP101b">Click Here to RSVP

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< /TR>

#### **Government Relations**

Michael Franc

Vice President, Government Relations

Contact: 202-608-6064

#### **Executive Branch Relations**

Virginia Thomas

Director, Executive Branch Relations

Contact: 202-608-6240

Gina Marie Hatheway

Deputy Director of Government Relations, Foreign Policy and Defense

Contact: 202-608-6065

Meredith Karre ([email](#))  
Deputy Executive Branch Liaison  
Contact: 202-608-6058



#### War in Iraq

The nexus between terrorists and outlaw regimes striving for or possessing nuclear, chemical weapons of mass destruction is the greatest threat to the United States and our allies. This "Briefing Room" will be constantly updated during the military operation to end Saddam Hussein's brutal and menacing regime in Iraq.

[< FONT face=Arial  
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[FONT face=Arial  
color=#294984 size=2>State-by-State Map On Job Growth.](#)

#### Health Care

Read The Heritage Foundation's suggestions on how to reform Medicare; increase choices, improve care, and expand coverage to the uninsured.



#### **Agenda 2003: Shaping America's Future**

The issues facing the 108th Congress, from homeland security to health care to tax reform, present lawmakers with the opportunity to improve all Americans' security and prosperity. To request a copy of Heritage's Agenda 2003 or to [view excerpts](#), contact Meredith Karre, Deputy Executive Branch Liaison ([email](#)).

**Policy Experts 2003**

The essential "who's who" guide to the world of public policy experts and organizations can be ordered by contacting the Heritage Foundation's Publications Department at 1-800-544-4843, by mail at, 214 Massachusetts Avenue NE, Washington, DC 20002, or [click here to order online](#).

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**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/14/2003 4:42:35 PM  
**Subject:** : White House Global Messenger -- 4/15/03  
**Attachments:** P\_ZG2MF003\_WHO.TXT\_1.doc

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SUBJECT:: White House Global Messenger -- 4/15/03  
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
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(See attached file: GM 4-15-03 FINAL2.doc)

THE GLOBAL MESSENGER  
Tuesday, April 15, 2003

\*\*\*\*\*KEY POINTS\*\*\*\*\*

- Coalition forces continue to make progress in the war in Iraq. We are rooting out remnants of the Iraqi regime, including Saddam Hussein's hometown of Tikrit.
- The regime is finished. Baghdad and most of the country is free of Saddam's control, and he and his top lieutenants are either dead or on the run.
- With the end of the regime, terrorists have lost their chief sponsor and ally in Iraq.
- We have begun the long process of finding weapons of mass destruction, which could be well hidden. We will find them as Iraqis come forward, and will destroy them to make sure they never threaten anyone again.
- With the liberation of Iraq, the United Nations sanctions imposed on Saddam Hussein are being lifted, so more aid can flow into Iraq. In addition, the World Food Program and UN are delivering over one million tons of food, enough to feed the entire population of Iraq for several months.
- We have secured both northern and southern oil fields and natural resources for the Iraqi people.
- Most Iraqis are staying in their homes and have enough food to survive for some time. Coalition forces are working with local authorities and police forces to patrol the streets, and looting is tapering off.
- We are working with clerics, tribal leaders, and ordinary Iraqis toward our goal of helping the Iraqi people transition to a non-threatening, representative form of self-government that preserves the territorial integrity of Iraq. Coalition members and Iraqis will meet today in An Nasirah to discuss the future of Iraq and the Iraqi Interim Authority - the first of several meetings to talk about achieving a free and stable nation.

REV\_00114599

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Daylight. Subject to Change

7:00 am CentCom Operations Update

10:15 am General Myers Briefs at Foreign Press Center

11:30 am Secretary Powell Briefs at Foreign Press Center

2:30 pm White House Briefing

TBD Defense Department Briefing

\*\*\*\*\*RECENT DEVELOPMENTS\*\*\*\*\*

Syria

"As the President noted over the weekend, we are concerned that Syria has been participating in the development of weapons of mass destruction... specifically on chemical weapons. And we believe, in light of this new environment, they should review their actions and their behavior, not only with respect to who gets haven in Syria and weapons of mass destruction, but especially the support of terrorist activity. And so we have a new situation in the region and we hope that all the nations in the region will now review their past practices and behavior." Secretary of State Powell, to reporters, 4-14-03

Iraq Humanitarian Update

A relief ship from the United Arab Emirates is on its way to help the Iraqi people. The ship is carrying 700 tons of boxed rations, bottled water, family first aid kits, 4 water tankers, an ambulance, 2 trucks, 2 cars, and 12 volunteers. Also, the United Nations international staff is returning to northern Iraq, displaced persons are returning home in northern Iraq, and the water service in Najaf is returning to normal.

Refugees

According to the UN International Organization for Migration, almost all of the 30,000 Iraqis who fled to the Iranian border to escape fighting near their homes in Baghdad and Nasiriyah have returned home. The UN estimates that only 3,000 of those who fled remain away.

\*\*\*\*\*KEY QUOTE\*\*\*\*\*

"We took the decision that to leave Iraq in its brutalised state under Saddam was wrong. Now there is upon us a heavy responsibility to make the peace worth the war.... We shall do so not in any spirit of elation, still less of triumphalism, but with a fixed and steady resolve that the cause was just, the victory right and the future for us to make in a way that will stand the judgement of history." British Prime Minister Blair, 4-14-03

THE WHITE HOUSE

Office of Global Communications

For more information log on to <http://www.whitehouse.gov/ogc>

\*\*\*\*\*

You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that

Americans share with freedom-loving people everywhere.

- GM 4-15-03 FINAL2.doc

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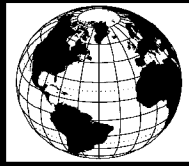
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Tuesday, April 15, 2003



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"We took the decision that to leave Iraq in its brutalised state under Saddam was wrong. Now there is upon us a heavy responsibility to make the peace worth the war...We shall do so not in any spirit of elation, still less of triumphalism, but with a fixed and steady resolve that the cause was just, the victory right and the future for us to make in a way that will stand the judgement of history."

**British Prime Minister Blair, 4-14-03**

**THE WHITE HOUSE**  
**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00114602

---

**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>;<Gambatesa, Linda M.>;<Kavanaugh, Brett M.>  
**Sent:** 4/14/2003 10:05:49 PM  
**Subject:** Re: Ellipse

Will do first thing in morning.

.

----- Original Message -----

From: Colleen Litkenhaus/WHO/EOP@Exchange

To: Linda M. Gambatesa/WHO/EOP@Exchange,

Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 04/14/2003 07:28:05 PM

Subject: Ellipse

I hate to have to run this by you again, but changes were made. Do you mind looking at it one more time?

---

**From:** CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/15/2003 4:41:26 AM  
**Subject:** : Re: Rove fundraiser for Sen. Bunning (R, KY)  
**Attachments:** P\_UI9MF003\_WHO.TXT\_1.doc; P\_UI9MF003\_WHO.TXT\_2.doc

##### Begin Original ARMS Header #####  
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CREATOR:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:15-APR-2003 08:41:26.00  
SUBJECT:: Re: Rove fundraiser for Sen. Bunning (R, KY)  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

it is the one that was signed off for Cong. Burr's event on 4/24 -  
c

Brett M. Kavanaugh  
04/14/2003 06:39:45 PM  
Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Rove fundraiser for Sen. Bunning (R, KY)

Is that description the formulation used for Karl on other invites?

Collister W. Johnson  
04/11/2003 03:54:15 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, cspies@rnchq.org @ inet  
cc: Ken Mehlman/WHO/EOP@EOP  
Subject: Rove fundraiser for Sen. Bunning (R, KY)

Attached are invites for Rove to attend a fundraiser in KY for Bunning -  
thanks for reviewing!  
c

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_UI9MF003\_WHO.TXT\_1>

REV\_00114606

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_UI9MF003\_WHO.TXT\_2>

*R.S.V.P.*

\_\_\_\_\_ Yes, I will be able to attend and am enclosing \$\_\_\_\_\_for \_\_\_\_\_person(s).

\_\_\_\_\_ No, I will not be able to attend, but am enclosing a contribution of \$\_\_\_\_\_.

*Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer of individuals whose contributions exceed \$200 per calendar year.*

Name \_\_\_\_\_

Address\_\_\_\_\_

City \_\_\_\_\_State\_\_\_\_\_Zip\_\_\_\_\_

Occupation\_\_\_\_\_Employer\_\_\_\_\_

Home Phone\_\_\_\_\_Work Phone\_\_\_\_\_

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5/15/2003

You are cordially invited to a reception honoring

**Jim Bunning**  
United States Senator

with special guest

**Karl Rove**  
*A Long-time advisor to President George W. Bush*  
on

Thursday, May 15, 2003

Marriott Griffin Gate  
Lexington, Kentucky

Sponsor Reception ~ \$2,000 per couple - 6:00 p.m.

Co-Host Reception ~ \$500 per couple - 6:30 p.m.

General Reception ~ \$250 per couple - 7:00 p.m.

*Please R.S.V.P. by enclosed card or 859/341-6480*

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**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/15/2003 1:26:15 AM  
**Subject:** : OpinionJournal - On the Editorial Page - April 15, 2003

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME:15-APR-2003 05:26:15.00  
SUBJECT:: OpinionJournal - On the Editorial Page - April 15, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
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From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003340>

The Iraq precedent gets noticed in Pyongyang, Damascus and Tehran.  
12:01 a.m. EDT

The Western Front BY BRENDAN MINITER  
<http://www.opinionjournal.com/columnists/bminiter/?id=110003339>

Rod Paige is under fire for defending religious freedom.  
12:01 a.m. EDT

Dorothy Rabinowitz's Media Log  
<http://www.opinionjournal.com/medialog/?id=110003342>

Was the New York Times watching the same war as the rest of us?

12:01 a.m. EDT

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Those Dictator 'Dominoes'  
The Iraq precedent gets noticed in Pyongyang, Damascus and Tehran.  
Apr 15 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10503714912986900,00.html%3Fmod%3Dopinion>

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Calling Sally Field  
You'll never believe which "living wage" group killed attempts by its own  
workers to unionize.  
Apr 15 2003

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How Many Lawyers Does It Take . . .  
This lawyer joke isn't funny.  
Apr 15 2003

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#### Commentary

##### Candy-Coated Electronics

Who needs a desktop, a file system, a mailer, or a document manager?

By DAVID GELERNTER

Apr 15 2003

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##### The 'Obnoxious' Threat to Nigeria

Here's an oil-rich nation that can be reformed without war.

By RON SINGER

Apr 15 2003

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##### Deep Betrayal

That Watergate source was no invention.

By LEONARD GARMENT

Apr 15 2003

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#### Global View

##### Oil Could Be Made a Direct Benefit to the Iraqis

President Bush needs to explain how Iraq's oil will be used to benefit its people.

By GEORGE MELLOAN

Apr 15 2003

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#### Leisure & Arts

##### Shifting Sands -- the Media's Antiwar Script

Was the New York Times watching the same war as the rest of us?

By DOROTHY RABINOWITZ

Apr 15 2003

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##### Dance

Lost in the Translation

At the City Center, "Eifman Ballet of St. Petersburg."

By ROBERT GRESKOVIC

Apr 15 2003



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Opera  
Handel, Cleopatra in Gold Lame  
It turns out modern opera audiences can handle Handel's "Flavio."  
By HEIDI WALESON  
Apr 15 2003

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Books  
Don't Tell Them What to Do  
"The Productive Narcissist"  
By GEORGE ANDERS  
Apr 15 2003

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Time Off  
Diversions  
Chicago Sports! You Shoulda Been There  
Apr 15 2003

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#### International

Spies for Saddam  
We're now learning who really helped the Iraqi dictator.  
From The Wall Street Journal Europe  
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The Russian Connection  
The real booty in Baghdad is Saddam's secret files.  
By PAVEL FELGENHAUER  
From The Wall Street Journal Europe  
Apr 15 2003

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In Victory, Don't 'Punish, Ignore and Forgive'  
Three things not to do to France, Germany and Russia.  
By JIM HOAGLAND  
From The Wall Street Journal Europe  
Apr 15 2003

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New and Improved Propaganda

The Chinese saw more of Gulf War II than they saw of Gulf War I a decade ago, but Beijing still needs improvement.

From The Asian Wall Street Journal

Apr 15 2003

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The Lessons From SARS

What if the disease had been smallpox or the plague?

By MADELINE DREXLER

From The Asian Wall Street Journal

Apr 15 2003

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**From:** Gambatesa, Linda M.  
**To:** <Litkenhaus, Colleen>;<Kavanaugh, Brett M.>  
**Sent:** 4/15/2003 6:45:59 AM  
**Subject:** RE: Ellipse

There should only be 2 spaces between the last line of the address and the salutation - appear to be 3.  
I don't think park land is one word as spelled in line 4.  
We may want to include some cc's - to USSS, to me, to Hagin?

-----Original Message-----

**From:** Litkenhaus, Colleen  
**Sent:** Monday, April 14, 2003 7:28 PM  
**To:** Gambatesa, Linda M.; Kavanaugh, Brett M.  
**Subject:** Ellipse

I hate to have to run this by you again, but changes were made. Do you mind looking at it one more time?

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 4/15/2003 7:56:23 AM  
**Subject:** : Fitzgerald

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CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 15-APR-2003 11:56:23.00

SUBJECT: : Fitzgerald

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04/15/2003 11:55 AM -----

From: Patrick J. Bumatay/WHO/EOP@Exchange on 04/15/2003 11:53:44 AM  
Record Type: Record

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

cc:

Subject: Fitzgerald

;

Ill. GOP Sen. Fitzgerald Won't Run in '04

By DENNIS CONRAD  
ASSOCIATED PRESS

WASHINGTON (AP) - Republican first-term Sen. Peter Fitzgerald, whose Illinois seat is considered key to the GOP's chances to maintain its majority in the Senate in 2004, will not seek re-election, state Republicans said Tuesday.

Fitzgerald called close supporters Monday night to inform them of his decision not to seek a second term, said a source close to Fitzgerald who spoke only on condition of anonymity. The source, who was among those called by Fitzgerald, said the senator was to announce his decision

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Tuesday.

Neither Fitzgerald nor his aides returned repeated phone calls Tuesday. Aides at his Washington office declined to comment.

State Sen. Dave Syverson, treasurer of the Illinois Republican Party and a member of Fitzgerald's campaign finance committee, said people "very close" to Fitzgerald confirmed he will not seek re-election.

Illinois Treasurer Judy Baar Topinka, who heads the state GOP, said she had not spoken to Fitzgerald but had already contacted Bush administration officials to discuss the race and the implications of Fitzgerald's decision.

"I've talked to the White House this morning and we are going to work together to find the best and strongest candidate available," Topinka said. "That will take a little bit of time. I don't think anybody was prepared for this."

Fitzgerald, who had frequent disputes with House Speaker Dennis Hastert, R-Ill., and other Illinois Republicans, faced a potentially tough race in a state that has increasingly leaned Democratic in recent elections. Political strategists in both parties viewed him as the most vulnerable Senate Republican up for re-election in 2004, and Fitzgerald had been calling himself "the 51st senator" in recognition of how pivotal his re-election could be for preserving the GOP's slim Senate majority. Republicans hold 51 seats to Democrats 48 with one independent.

The Chicago Tribune, citing unnamed sources, reported in Tuesday's editions that Fitzgerald told close associates he had "no fire in the belly" and cited concerns about the personal cost of a re-election campaign.

Fitzgerald, a little-known conservative state senator from Chicago's suburbs and heir to a banking fortune, spent \$16 million of his own money in 1998 to unseat - barely - Democrat Carol Moseley Braun, the first black woman elected to the U.S. Senate. A 2004 race was likely to be more expensive.

There had been grumbling within the state Republican party about Fitzgerald's performance on a host of issues, including the maverick's reluctance to fight for funding for Illinois projects that he considered political pork. He was likely to face primary opposition next March.

President Bush's political aides have insisted that Bush supported Fitzgerald.

Chicago-area businessman Andrew J. McKenna Jr. had already indicated he might be a primary challenger.

Democrats began lining up as early as 2002. They include former Chicago school board president Gery Chico, multimillionaire businessman Blair Hull, state Comptroller Dan Hynes, state Sen. Barack Obama, Cook County Treasurer Maria Pappas, businesswoman Joyce Washington and Metamora Mayor Matt O'Shea, a Republican who says he will run as a Democrat.

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;;;;; As I mentioned, each town, each one of the 26 metropolitan areas, or urban areas, is being examined in each one of those different subcategories of food, water, medical -- the structures of governance, and also the infrastructure. And we work on that on a daily basis. We've got civil affairs teams that are out there very active -- one extremely active team in and around Nasiriyah, where some of our best work is being done.

;;;;; We also know that based on the security environment the area has been declared what we call permissive, which means that more and more humanitarian organizations can move into the area now. That's just within the last few days. And of course the Office of Reconstruction and Humanitarian Assistance has already passed through Nasiriyah, and finds it certainly worthy of additional activities by other organizations. So there's a lot of great work that's happening in that area, and other areas of the country. Nasiriyah is a key hub, just based on the place it's located geographically. That's part of why the fighting was so significant there. It's also why it's important to be able to move in the area to the east, to the north, to northwest, and also from the south, where the key ports are. That's how we are doing our work.

;;;;; Yes, please, Chas?

;;;;; Q General, Chas Henry, WTOP Radio. Can you give us a sense of the scope and scale of the coalition's effort to hunt for weapons of mass destruction? How many people are involved in this effort? Dozens? Hundreds? And how are they focusing their efforts?

;;;;; GEN. BROOKS: Now, this is a good question, and let me just describe a bit of how we approach the entire WMD program. First, we have -- we remain convinced that there are weapons of mass destruction inside of Iraq, and we remain unwavering in our view of that. We know there are systems that could deliver it -- many of those have been destroyed. Some have been taken into our custody. We also know that there are people who have knowledge of the program and that it would take time before we get access to these people. Some of them we have access to. More we will have access to over time.

;;;;; The way we've organized for the work is first to have a number of mechanisms that let us do the initial checks when we think we might have found something. These are unit level detectors and monitoring equipment. And that may give the first indication that maybe there's something that's chemical, maybe there's something that's radiological. We then take it to another level. We have other organizations that have been brought in, military units that have the capability to do a more detailed examination and confirm an agent, specifically what it might be. If we find a confirmed agent of some sort, we may evacuate it further for yet a better confirmation. Each one of these things provides us greater fidelity on what it might be.

;;;;; We've also organized some units to do this, and embedded in other units, for example within some of our Special Operations units and some of our forward operating units the ability to do what we call sensitive site exploitation -- the ability to go into a place, to examine it in detail, with the right knowledge, with the right equipment related to weapons of mass destruction. An entire brigade has been devoted to that, an artillery brigade -- changed from its normal mission of delivering fire support, trained to do site exploitations in small teams. And so we can cover a number of areas. But the key part is that we have to get information that leads us to the areas for the work to be done. And that's very deliberate. We have to be very patient about it. We knew that much of that would unfold as we got into Baghdad, and indeed we are beginning to get more and more pieces of information that have to be joined together in this mosaic that I have described to find out really what the picture is. The efforts are ongoing. We have some preliminary examinations that have occurred that did not prove to be weapons of mass destruction. We found some things that were potentially agricultural. And so that's why we have not been loud and boisterous about every find that occurs, because we have a structure for getting a very deliberate read and being conscious about it. Nevertheless,

we remain convinced we're going to find something as time goes on.

;;;;; In the back, please? And then I'll come to you next.

;;;;; Q Pat Doyle (ph) from the Minneapolis Star Tribune. Given the emphasis in the beginning of the campaign on eliminating weapons of mass destruction and getting rid of Saddam Hussein, if coalition forces are unable to capture or verify that Hussein is dead, either using DNA or some other process, and if they are unable to find unambiguous weapons of mass destruction, will the campaign have been less than a success?

;;;;; GEN. BROOKS: Well, we've certainly said that this regime had to be removed. The regime had to be removed so that the nexus between terrorism and this regime could be broken; so that threats to neighboring countries, threats to the Iraqi people, and threats to our own nations in the coalition could be removed. Those are the first and most important measures of success. We know that the regime has indeed been broken and will not return.

;;;;; As to the individuals inside of it, we have a process that is ongoing to try to find out what their status is, so that they can be brought to justice for the deeds done over many years against the Iraqi people.

;;;;; Weapons of mass destruction, the same thing. Removing weapons of mass destruction from this regime's hands, and eliminating the threats from emerging again in the future are part of this operation. The efforts to get it done are ongoing, and we believe that we'll be successful in that. The fact that they have not been used yet is a success story. It is not the story of failure by any means. And we have been able to keep this from weapons of mass destruction being delivered against our forces, or being delivered against neighboring countries. Now the work of removing the weapons of mass destruction can begin in earnest, and that work is ongoing as I speak.

;;;;; Yes, please, Paul. I'm sorry, I promised to go to her, and then I'll come right back to you. Please?

;;;;; Q I'm Karen Sloan (ph) with AP Radio. I had two questions. One was getting back to the antiquities issue. Asking people to return things now is kind of like shutting the barn door after the horse has bolted. Why did the coalition, when it went to great lengths to protect oil facilities not go to any lengths at all apparently to protect some of the museums in Baghdad that had great antiquities?

;;;;; My second question is we are hearing some reports of anti- American demonstrations in Nasiriyah in conjunction with the political meeting going on there. Do you have any comment on that?

;;;;; GEN. BROOKS: Let me go to the second question first. I have not heard of any reports that are happening there. When liberation occurs, people have the right to express their opinions on a number of things. We certainly know in the countries that contribute to this coalition that there are protestors and demonstrators who are expressing their opinion, and we believe that's a good news story even here. We certainly would want there to be no civil unrest, any violence. But the right for them to express their opinion is something that we believe is a good news story and a trend perhaps for the future.

;;;;; The efforts to secure antiquities. First, as we entered Baghdad, we were involved in very intense combat, and our focus was the combat actions necessary to remove the regime and any of its appendages. In removing the regime, there is a vacuum that is created -- that certainly did occur -- and the vacuum will be filled as time goes on. I don't think that anyone anticipated that the riches of Iraq would be looted by the Iraqi people, and indeed it happened in some places. So while it may now be after the fact that that looting has occurred, it's still important to try to restore it as much as possible. It's simply not useful to speculate as to

why we did, did not, what could we have done differently. We did what we did, and our operations were focused on objectives at hand at the time. And we believe that as time goes on we will be able to sort out this issue as well.

;;;;; They are riches. They are important to not only Iraq, but the world, and we have to count on others as well at this point now to assist in trying to bring that back to a degree of closure and protecting those antiquities for the future.

;;;;; Please, Paul?

;;;;; Q Hi, it's Paul Hunter, from Canadian Broadcasting Corporation. Two questions, if I may. One --

;;;;; GEN. BROOKS: I'm getting used to that. (Laughter.)

;;;;; Q Yesterday you came close as Tikrit was falling. Do you today declare the major military operations in this war finished? And, secondly, back to weapons of mass destruction, we've seen a lot of pictures of regular ammunitions -- it seems every corner you turn there's a pile, or every school has them, and people are giving you tips and pointing you to regular ammunition. Does it not defy logic that if there were -- if Saddam was going to use them against your troops that there would have been some residue, that something would have turned up by now? I know you've got a lot of sites left to search, and you still have big chunks of the country. But if they were about to be used there would be some evidence by now? Do you know what I mean? Like --

;;;;; GEN. BROOKS: I certainly do know what you mean. First let me say that Tikrit was one of a number of areas where there still was a potential for regime stronghold, regime activity and some military presence. We have not been in every area of the country yet. There are operations that are ongoing right now in areas that we think there still may be some. So it's not time to say that's the last military action.

;;;;; Even if we identified all remaining pockets where there's some capability that still exists -- in some cases we find that there are formations that have been abandoned. But, nevertheless, on initial look there appears to be military capability. Even when all that is done, we still have individuals, we have regime death squads, we still have 80 suicide vests that are unaccounted for, that may have been distributed for us. And there's still a military hazard that exists. All these weapons that we found in piles, in caches in a variety of places, say that there's capability still out there that hasn't been removed from those who might seek to to gain access to it and use it. And so our military work is not complete. It's still ongoing.

;;;;; As to the weapons of mass destruction, we have to always remember that this regime has had a good period of time -- since the last war -- to be very deliberate about how it deceived and denied the existence of a program, just like they did deception and denial operations to say there were weapons that were not being developed, and we found some of those weapons used. The efforts to try to hide are very deliberate, and they have been ongoing for a number of years. It's almost embedded in the culture of the regime to deny and to deceive. And so I think we have to be very patient as we do our work to find these things. The advantage we have is that we can enter a place by force if need be, and we have already done that in some areas. In some cases we found conventional munitions. Those were not being hidden from view. Other things were being hidden deliberately. We've seen a number of indications of items being buried that are not logical. So when you ask, doesn't it defy logic? Burying things that we have found is not logical. Why would we bury airplanes? We found buried airplanes. We've seen airplanes being buried -- jets, MiG fighters. There are other things like that as well, and we'll examine each one of those to find out what it is that's there, and trace the logic that caused the deception and denial. And I believe that we'll be successful in due time. That's how our efforts are ongoing. It will take time to uncover



things that are deliberately hidden. And with the assistance of those who have some knowledge, I think we'll get pointed more accurately to those things.

;;;;; Yes, please.

;;;;; Q General, Pete Smallowitz from Knight Ridder. With more than 50 Iraqi leaders who are captured or who surrendered, what happens next with them? Is there a trial? Is there a sentencing? And how long does that process take? How will it work?

;;;;; GEN. BROOKS: Well, I think that the -- let me say it like this: the 55 top leaders that we are looking for are of interest to our government, and so there will be additional governmental decisions that are made when they are taken into our custody or confirmed dead -- whatever the outcome should happen to be in that regard. And so it's -- I shouldn't speculate on exactly what will happen to them when they are taken into custody. We'll see when that occurs.

;;;;; The statuses of others will be governed by law -- in some cases for the most part the military leaders we've taken are governed as prisoners of war, and we treat them that way, and their status has not changed. There may be others that are out there as well that may fall into a different status as we counter them.

;;;;; Q Can you say what is going to happen to those that have already surrendered or been captured?

;;;;; GEN. BROOKS: Right now they are still in coalition control. Their status has not changed. We are maintaining dialogue with them. We are treating them properly, treating them with respect. And that really is about all I can tell you about at this point in time.

;;;;; Yes, ma'am, please?

;;;;; Q (Off mike) -- of Reuters. Can I ask what the situation is along the Syrian border? I know in the past you've said you control at least one of the border crossings. Do you control the whole border? Is it possible for leaders to cross over there? Is there evidence that they are doing so or that weapons of mass destruction have been taken over there?

;;;;; GEN. BROOKS: We have forces that are located in a number of places along the Syrian border with Iraq. I mentioned the border checkpoint at Highway 11. That's currently under our control. Highway 10 also -- we have vehicle checkpoints that are located along some of the key routes. In the northwest area, Al Qaim is an important area for us. We have a presence there, at that very important crossing point. We are located in other areas as well that I would not want to be too specific about at this point. We believe that we are having success on preventing free movement by regime leaders out of country, or others into the country for that matter -- and our operations will continue. But of course we are not arm in arm, inch by inch, and so there may be places that we have not found yet, and we have other methods to try to determine whether there's activity there. Thus far we are not seeing that, and we believe we are being successful.

;;;;; I have time for one more. Yes, sir, please?

;;;;; Q (Off mike) -- with Univision News? Can you tell us more about the three death squads, what their nationality is, if they had any of the suicide vests? And then also there was a report yesterday about some trucks buried -- I mean containers -- mobile, chemical, biological labs. Are you now going to use some sort of subterranean mapping equipment to locate more buried stuff? Thank you.

;;;;; GEN. BROOKS: First, the three regime death squad members were identified by the local population. We had been operating in and around that area. The population made contact with us and said, These are bad

guys. I don't know anything about their nationality at this point. I have not seen any reports to confirm that or what equipment they may have had with them. That certainly will come as additional military reports come in. The way they were described they are most likely akin to some of the regime death squad members we have seen other places. So nationality will be determined in time, and that I don't know.

;;;;; As to the methods we use to locate other things that may have been buried, we have a number of methods that we use. All of them will be brought to bear to try to point us in the right place. This is as it is on any other part of the battlefield for any other function. We want to get as accurate a picture of information we can gain before we take action, and then act in such a way that it's appropriate for whatever it is we seek. So in this case if we need to dig something up, need to locate something, then we'll use what we have, the telesat.

;;;;; Q Do you have any special equipment? -- is my question.

;;;;; GEN. BROOKS: We do have some special equipment that can help us, and it has to be used in a focused way, but we do have equipment that can help us to locate some items that may be buried.

;;;;; Thanks very much, ladies and gentlemen.

END.

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**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/15/2003 5:08:22 AM  
**Subject:** : US CentCom Briefing 04/15/03

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:15-APR-2003 09:08:22.00  
SUBJECT:: US CentCom Briefing 04/15/03  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

UNITED STATES CENTRAL COMMAND DAILY OPERATIONAL UPDATE BRIEFING  
BRIEFER: BRIGADIER GENERAL VINCE BROOKS, DEPUTY DIRECTOR OF OPERATIONS

DOHA, QATAR  
7:04 A.M. EDT, TUESDAY, APRIL 15, 2003

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GEN. BROOKS: Ladies and gentlemen, good afternoon. Today is the 26th day since coalition forces entered Iraq to initiate Operation Iraqi Freedom, and we're moving ahead with our efforts to return Iraq to the Iraqi people.

Iraqis are gaining confidence in their safety from the previous regime and its oppression. The Iraqi people have gone beyond celebrating their new-found freedom to beginning to work with the coalition to begin to repair the infrastructure, the government, and public works in their country.

;;;;; Even as we make daily progress, our men and women continue to make sacrifices, and as always, we remember the lives lost during this campaign, and we extend our sympathies to their loved ones.

;;;;; The focus of the coalition's operations in the last 24 hours has been on eliminating the remaining pockets of resistance, locating key regime leaders, and increasing military contributions to humanitarian assistance. Special operations forces have been active in expanding security in the northern Iraq areas of Mosul, Irbil and Kirkuk. And you have seen those pointed out before. Again, just as a reminder, Mosul, Irbil and Kirkuk.

;;;;; All of the oil fields do remain secure in the north, and the oil well fire I reported yesterday has been extinguished. At this point, there are no burning oil wells in Iraq.

;;;;; Special operations forces met with tribal and local leaders in former regime stronghold to secure letters of compliance that work is ongoing.

;;;;; The cooperation by local populations is enhancing the activities of special operations forces, and in one case near Ar-Rupa (sp) off in the west, we found that our coalition forces were led to a group of three former regime death squad members that had infiltrated into the area and had resulted in the capture of these three death squad members.

;;;;; Humanitarian assistance is flowing, also with the special operations forces. And in this next video I'll show you, shows some coalition special operations troops distributing supplies to a remote community in the west.

;;;;; (VIDEO) And you've seen images like this over the last several days, over many days for that matter, and there's always good, positive

interaction, especially out in communities where the regime no longer has any influence whatsoever.

;;;;; Direct action missions are also ongoing throughout the country. These actions are intended to locate regime leaders and also to search former regime facilities. In a reconnaissance mission, special operations forces found 80 SA-2 or SA-3 surface-to-air missile hidden in a revetment within a ravine. And so as we continue to move around different areas, we find more and more vestiges of the regime and weapons as well.

;;;;; Coalition maneuver operations remain focused on increasing security in urban areas throughout Iraq while also assessing and addressing humanitarian needs. We're seeing a steady decrease in looting and lawlessness as more communities organize themselves but with coalition support.

;;;;; The deliberate work of clearing sectors in Baghdad and Tikrit continued yesterday. Coalition forces regularly find large weapons and ammunition stockpiles with the assistance of the Iraqi people, in circumstances very similar to what I described in the finding of the surface-to-air missiles. In one example yesterday within Baghdad, Fifth Corps forces found a weapons cache with 91 cases of TNT and plastic explosives, six homemade bombs, 23 cases of rocket propelled grenades, and then they were led by Iraqi people in the area to 10 smaller caches of ammunition and weapons in a different sector. And so it's with the assistance of the Iraqi people that we find these different stockpiles, and it helps to remove some of the threats, not only to our forces but also to the Iraqi people

;;;;; And while this important clearing work is ongoing, it also reminds us that there are still hazards lingering throughout the country of Iraq, and our coalition forces are active in improving conditions throughout the country.

;;;;; Coalition forces are working closely with emerging leaders and religious leaders in several areas to assist the formation of local governmental structures. In Diwaniyah, for example, local administrators are working to create a city council, get it started, and get underway with local government. Two former generals in that same area have volunteered to organize a local police force, and they are being considered at this time.

;;;;; In the town of Karbala, a local leadership council has formed. In As Samawa, a local police force has formed, with over 150 volunteers. Those were selected out of 1,500 that showed up for consideration.

;;;;; So, everywhere we see citizens becoming more active throughout all areas of Iraq in helping to restore order, and the coalition will continue to work very closely with them.

;;;;; Electric power and water supply remain the key needs, and they are also interrelated. In most case, water capacity is limited by a lack of power. Power is limited by either destruction or some sort of mechanical malfunction of the power production plants. We have current assessments ongoing that indicate the restoration of power will also improve most of the other functions immediately, and so it remains one of our focuses. Reestablishing electrical power in many communities has to be done in what we call a step process.

;;;;; As these photos show you, we've had some recent efforts in An Nasiriyah, in the An Nasiriyah district, and they show that first we've got to secure areas before we can do additional work. Coalition teams then conduct assessments to determine problems and the best solutions to the problems, and these assessments are often done in close cooperation with local experts and workers, as you see in this case, meeting on the hood of a vehicle inside of a power plant.

;;;;; I have some other examples of where we stand on restoring function

in different urban areas. And this is something we track within the coalition headquarters and the subordinate commands on a daily basis in a number of regional areas -- 26 different regional area -- looking at food, water, medical supply, governance, infrastructure as areas of consideration.

;;;;; So, as an example, currently the power station in An Nasiriyah is mechanically ready to resume function. However, it requires what is essentially a jump-start from another power grid in order to get the generators within it operational. This jump-start will happen we believe within the next several days from Al-Basra. The two of them are connected by power lines. The lines in fact are down right now, and when the lines have been restored and repaired between the two cities, power can move from Basra to Nasiriyah and begin the function there. A similar process is ongoing in Al-Zubair, As-Samawa, Ad Diwaniyah, al-Hillah, Najaf, Karbala, and of course Baghdad.

;;;;; With the restoration of power comes the production of fresh water to meet the broadest humanitarian needs. There are some images to show you water treatment work as well. First we reestablished the flow of fresh water through the existing Iraqi water systems, and this requires the same process of securing the sites first, making an assessment, and then coordinating with local experts and workers. Through the coalition and humanitarian efforts, the water supply in Umm Qasr and Safwan have been returned to their pre-war levels.

;;;;; In those areas where we cannot quickly reestablish any existing systems, direct delivery of fresh water remains the chosen alternative. You can see holes in this one from combat damage -- this is a water tower.

;;;;; The water buffalos you've seen distributed throughout the area, they continue to provide a source of supply for people in communities, and they are restocked with fresh water as time goes on.

;;;;; We also truck water to areas, including An-Najaf and Karbala at the current time, and also in the north. Kirkuk, within the last few days, has received over 700,000 liters of water, and they were able to distribute the first 35,000 just yesterday. And this will continue until we have gotten to the point where the existing water structures have been restored and a permanent flow of water is reestablished.

;;;;; A similar need is in medical. Our cooperation with communities is key to our daily successes in medical care. I have a video to show you of the coalition medical service support group, with -- (inaudible) -- Navy doctors, and it also has an Iraqi doctor that you see at the beginning of this. And other civilians as well work with the coalition forces at these military facilities to provide their support. Let's go ahead and roll the tape.

;;;;; (VIDEO) Hundreds of Iraqis visit this particular facility daily, and they come in for a variety of treatments. Injuries that require a greater level of care are taken to the Talill Airfield and then they're evacuated to other locations. There's also a combat support hospital right there at Talill that may be able to take care of additional needs.

;;;;; Many of the medical care problems we see throughout Iraq are due to regime neglect, or regime use of the hospitals as military centers. Today, five of the 11 hospitals in Basra, for example, are in need of significant repair as a result of combat damage and also neglect.

;;;;; But there are examples in other areas where hospitals are being restored to operational capability. In Baghdad, for example, there are two hospitals that have been secured by coalition forces and they've been reported returned to service. Recently, a coalition group escorted a team of -- from the Italian Embassy to a hospital in Baghdad to deliver two generators and restore local power right there. Hospitals are also open for treatment in An-Najaf.

;;;;; We also recognize, though, like in An-Najaf, that with the restoration of capability, there's often a need for medical resupply. These photos are of civil affairs units and free Iraqi forces delivering medical supplies to a village hospital near As-Shattra (sp), and this is north of Nasiriyah.

;;;;; In the northern cities of Irbill and Dahook (sp), medical conditions are as they were before the war began, and they're in pretty good shape there.

;;;;; Finally, our maritime component continue their efforts to expand access to the inland ports within Iraq, and this enables the free flow of commercial vessels as well as humanitarian supplies. We've spoken before about the efforts focused in the Khor-Abdullah from the Northern Arabian Gulf into Umm Qasr, and that's the area right here, where it ultimately ended up into the port of Umm Qasr. Work is currently ongoing north of that area into the yellow box, to the port of As-Zubair.

;;;;; The next image shows you what is in our way at this point. Each one of these dots represents a derelict vessel. These are vessels that have -- are no longer functional. In some cases they're partially sunken or completely sunken. In some cases they're afloat, but there is no owner. There are 36 of these derelict vessels between the port of Umm Qasr and the port of As-Zubair, and our efforts are now ongoing to clear those out. Each one of them has to be examined, removed of any potential demolitions or unexploded ordinance, cleared for mines in and around it. And the 17 that you -- actually, the 16 that you see highlighted here have to be physically moved in order to create a channel into the port of As-Zubair. This work is ongoing, and it will be very important when it's completed.

;;;;; The coalition will continue its military efforts in close cooperation with expert Iraqis and with various organizations to speed Iraq on its way to a stable future. And with that, ladies and gentlemen, I'll take your questions. Yes, Adi (sp).

;;;;; Q Adi Rival (sp), ABC News. Regarding fugitive regime leaders, there are reports now that some of them may have left Iraq to go into Syria and other countries. Is there a rewards program set up for every single member of the top 55? And also, do you have DNA of most of these regime leaders in your -- at CENTCOM? Thank you.

;;;;; GEN. BROOKS: There is a rewards program that's out there for information that would lead to the capturing or even clarifying the condition of those leaders, and others -- people that have knowledge of the weapons of mass destruction program, for example -- and they will be rewarded if they provide information about that program. So, it's not just about individuals, it's about a variety of things that are of interest to us. People that might have information about terrorist activities inside of Iraq, and connections to terrorist organizations, there can be some rewards there. There may be some rewards also for turning in of weapons. And so there are a number of things that remain available to us to provide enhancements and enticements to those with information.

;;;;; I don't want to comment on exactly what forensic material we have. Frankly, I don't know the full scope of what we have. I do know that we have some capability, and we'll bring that capability to bear when we have someone we want to confirm, whatever that happens to be -- whether it's forensic information at that site that would like any remains found with a specific individual, or whether it's other sources of information that might be made available to us out there. Anything we can make use of, we will make use of to get positive confirmations in each case that's reported.

;;;;; Please -- (inaudible).

;;;;; Q James Forlong (sp) from Sky News. You mentioned the process of rebuilding in Iraq, and obviously it's going to be important to get people to come back to many of the old jobs they occupied before. But given that

a lot of those will be, or will have been Ba'ath Party members, what's the cut-off point -- what would exclude someone from your wanting them to be involved in the rebuilding work?

;;;;; And the second question is about DNA. You've mentioned you've got Saddam Hussein's DNA. Do you also have Bashar Al-Assad's DNA?

;;;;; GEN. BROOKS: Well, let me first comment on the rebuilding efforts. We know that it's going to be a very deliberate process, and it's one that will also entail a degree of risk. And this is something we think has to be done in order to get the Iraqi people back to work.

;;;;; Many of the structures were extended appendages of the Baath Party, and we're certainly well aware of that. I don't know that we have a fixed cutoff line. I would not say that we have a fixed cutoff line as to who's okay and who's not.

;;;;; I think we have to use good judgment as we get information about specific individuals. We certainly know that anyone that's in the top 55 would not be acceptable for any service in the future. And there are others as well that we believe were strongly associated with the activities of the regime throughout time, not just during this operation.

;;;;; We'll have to rely heavily on what the population tells us about these individuals, and we'll also have to rely on any additional information that we may have about individuals. But the bottom line is Iraqis need to go back to work.

;;;;; The things that were functional as appendages of the Ba'ath regime, we'll keep in place. So, for example, the distribution of food from the oil-for-food program, parts of that program were extended from parts of the Ba'ath Party. It was a functional distribution system. There's value in using it.

;;;;; Some of the port workers may have been paid by the Ba'ath Party. We need to get them back to work to run the port. They won't be paid by the Ba'ath Party anymore. So I think we'll use good judgment on that, as well as we can.

;;;;; And again, on DNA, I don't know who all we have DNA on. I don't have that level of knowledge, and so I wouldn't comment on who we may or may not have at this point.

;;;;; Please, Tom.

;;;;; Q General Brooks, Tom Mintier with CNN. We have seen the pictures of the looting and destruction that has occurred in Baghdad. And while there are efforts to rebuild and reconstruct, there is also apparently an effort to look into the past, some of the historical artifacts, museums that have been looted.

;;;;; The secretary of State, in comments to the Kuwaiti foreign minister, said that the U.S. government would indeed assist with the recovery of some artifacts. Now apparently he's volunteered the services of the Pentagon's Office of Reconstruction and Humanitarian Affairs to help restore the catalogues and things like that. What's being done about Iraq's past that has been looted and pillaged as well?

;;;;; GEN. BROOKS: This is something that has always been a concern to us. And as I showed you in images throughout the war, there are so many rich antiquities inside of Iraq and such a long history that's important not only to the Iraqi people but to the world that we wanted to try to protect that wherever we could, certainly in the nature of our military operations.

;;;;; It's most unfortunate that some Iraqis found it efficacious to take away some of these key antiquities from museums in downtown Baghdad when there was a void in security. We are hopeful that that can be restored,

that those antiquities have not left the country, did not go on black markets. And we have efforts underway to prevent that from happening.

;;;;; And we would also ask that those who have knowledge on it would provide that knowledge so that the antiquities can be returned. The important aspect of this is the riches of the Iraqi population are of interest to the world, and it's something that we honor and respect, and we want to see that continue.

;;;;; There have been a lot of public statements about the importance of that to the United States, the United States government. And we have work underway with the Iraqi population to try to get these things back. I don't know that there will be a formal rewards program established, but that's certainly a possibility that we're giving some consideration to. Most importantly, we want people to take responsibility for the items and provide them back so that the world can have access to them.

;;;;; You mentioned the Office of Reconstruction and Humanitarian Assistance, that we sometimes refer to as ORHA. That's a body that's been formed. It's an inter-agency group led by former Army officer General Jay Garner, with others as well that have expertise in a variety of areas, to help organize Iraq to be turned over to the Iraqi people.

;;;;; They work very closely with and in conjunction with Central Command and coalition force headquarters and primarily our land component that have been conducting operations inside of Iraq, to partnership inside of there. For now, the way the work goes is through CENTCOM and the coalition land component command.

;;;;; In time, we will transition some responsibilities and activities to ORHA. And in even further time, those responsibilities and activities will be transitioned to the Iraqi people by way of an interim administration. So we are very closely partnered with that organization already.

;;;;; They've already made assessments in a number of areas. They have teams in place in the south and also in the north and, just within the last two days, have done assessments in Najaf and Karbala to extend the places where they're able to begin doing their work even further. And that's done, as I mentioned, in close partnership -- in fact, integral partnership -- with the military actions that are ongoing for humanitarian assistance.

;;;;; Yes, please.

;;;;; Q Pam Sampson (sp), Associated Press. Can you please comment on reports that the Iraqi army's western An Bahr (ph) command surrendered today to U.S. forces?

;;;;; GEN. BROOKS: I don't have a report that confirms that, Pam, so I cannot say so. But I will tell you that there are a number of places where there are still former commanders of regime forces that we're having dialogue with who have chosen not to fight anymore, and we're seeking any final surrenders that may be out there.

;;;;; These are not large pockets of military resistance. I don't want to create the impression that there's some large Republican Guard division that's still out there. Military capability throughout Iraq has been destroyed or is simply walked away. But there are still some places where there are leaders that we're in contact with, and we'll seek to take them into our custody if necessary or to discuss what the future might be with them.

;;;;; These are ongoing at a variety of locations and areas, east, north and west, primarily. And as it develops, we'll have more information to provide you.

;;;;; Please.



;;;;; Q General, Paul Adams, BBC. Just following on from what you said just now, there's been a lot of talk about working alongside the police force, trying to get police back on the beat in cities. Talk about the army. I mean, is it too early to talk about putting bits of the Iraqi army back together again, making them functional, making them a viable security presence in the country, or is that jumping the gun by a long, long way? And do you have details of an incident reported in Mosul which may have involved fatalities and possibly involved American forces?

;;;;; GEN. BROOKS: We'll look at a number of options as to who should return back to work and what role they might play in the future structure of Iraq. We know that there are a number of military formations that chose not to fight for the regime, and there should be due consideration regarding that.

;;;;; And so I certainly anticipate that there will be some former military members that will have a role in the future of Iraq. And it's too early to be able to say in detail what those roles would be.

;;;;; As to Mosul, there are only initial reports. I have not seen any military reports at this point, so I can't confirm anything you may have heard up to the current time.

;;;;; Please.

;;;;; Q (Inaudible) -- New York Times. Not to beat a dead horse, but to return for a second to the DNA question, you said you do have samples of DNA material from the Hussein family. Please tell us where, when, how and from whom they were obtained.

;;;;; GEN. BROOKS: I can't do that, John. I mean, I just can't do that. I think it would be inappropriate to talk about the sources of any material or information we have that we would use for forensic purposes. We wouldn't do this if it were a trial for the United States. We wouldn't do it for a police force. And it certainly wouldn't be appropriate for us to do that, given what we have right now.

;;;;; In many cases, the types of things that are done to gain military intelligence information or operational intelligence information puts people's lives at risk. And so it's just something I'm not going to comment on.

;;;;; Yes, ma'am, in the back.

;;;;; Q (Inaudible) -- BBC. We have reports that you are searching sites -- this is fairly constantly raised -- for weapons of mass destruction. Will you be bringing in or inviting in any impartial body to help you with the search, possibly the U.N. weapons inspectors?

;;;;; GEN. BROOKS: Without being precise on who might be invited, we certainly would make available any samples that we retrieve as we're doing our searches. Right now our searches are done under military control, and it's not appropriate to add anyone to that equation. But when things are found, I think we certainly would intend to keep that as open as possible. And that's the way we intend to approach it.

;;;;; Yes, sir, please.

;;;;; Q (Inaudible.) You talked a lot about switching the power back on, and consequently the water supplies today. Can I just talk you back and can you say how much of the power grid across Iraq, and indeed consequently the water system, were actually damaged by allied bombing or by combat or indeed by Iraqis switching it off? I mean, can you give us some kind of breakdown of the causes of that damage?

;;;;; GEN. BROOKS: I don't know that we have a specific number at this point. What I think we're finding in our -- what we are finding in our assessment is this: First, that our targeting remained focused throughout

the operation. We knew that the infrastructure would be very important to the aftermath of combat operations. And so it was rarely, if ever, targeted. And if it was targeted, it might have been for a temporary purpose alone.

;;;;; We did see some indications of damage where some of the Iraqi workers may have thrown the switches off and caused generators to go out. And then, when additional power systems went out, it takes a lot more work to get those restored and back on.

;;;;; Certainly we would anticipate that there's some results of combat action from direct-fire engagements that occurred in and around water-treatment facilities, although I don't have a specific number that's associated with that.

;;;;; We also know from our assessments that much of the dysfunction that we're seeing in the power grid and power stations and in some of the water systems was simply from a lack of attention to it over the years. As money from the oil-for-food program was diverted into opulence and palaces and weapons that were not to have been developed, the water supply system, the power system, things that would take care of the Iraqi people, these things were neglected. And we know that that's the case as well.

;;;;; Where we are right now is how do you fix it? What do you do next? And we're making as many assessments as we can, committing resources wherever we can, to try to solve the problem and make sure that the burden does not continue to rest on the backs of the Iraqi people.

;;;;; Yes, please.

;;;;; Q Michael Weiskopf, Time Magazine. What is the price on Saddam's head?

;;;;; GEN. BROOKS: Well, let me describe it like this. We've said a number of times that there are a number of leaders from the regime that we're interested in knowing the status of. We have targeted leadership of the regime. We've targeted leadership capability throughout the operation.

;;;;; There may be rewards associated with information leading to the condition, status and verification of members of the regime. There is no specific price tag that I'm aware of, and I doubt that there will be a specific price tag.

;;;;; Information that's provided, when there's a reward that's exchanged for that information, is dependent upon what information that comes at that time. It's not predetermined.

;;;;; Yes, please.

;;;;; Q (Inaudible) -- ABC Television Australia. Back on the question of surrenders of Republican Guard commanders, can you confirm this report around that the commander of the Republican Guard Baghdad reached an agreement with American forces to surrender and get his men to quit and go home in exchange for transfer, via an Apache helicopter, to an undisclosed safe haven? And if that's correct, how significant is that? And how typical has that been with the secret war you fought to stop it being a military campaign and a more strategic defeat?

;;;;; And the second question, on the children of Baghdad, we've seen some very disturbing pictures lately from hospitals of maimed children who are dying. Can you not airlift these children to Germany and other places using your planes and get them to western medical care rather than dealing with them here in Iraq, where the situation is fairly dire?

;;;;; GEN. BROOKS: I'm not aware of any deals that have been struck with any commanders for transport on helicopters or anything close to that, so I don't have any report that's like that. When we do deal with leaders that are out there, either local leaders, tribal leaders, religious

leaders, or in some cases military leaders, former military leaders, it's a discussion that talks about how to end hostilities and how to begin the future of Iraq.

;;;;; These things are discussed at low levels and they result in exactly what's described there -- cessation of hostilities, steps toward the future of Iraq, what roles might be played, and what conditions need to be set. And, very shortly thereafter, we tend to arrive with humanitarian assistance, because there's people in every one of these areas that need something. And that's the way we tend to approach it right away.

;;;;; You've seen a number of images. I've shown you a great number of images of children being cared for by military medical facilities, children being evacuated, wounded Iraqi civilians being treated all over the battlefield, being moved to field hospitals. I've told you about movement to the best care we actually have available in the theater, which is a comfort. And I've also stated that on no occasion did we pass someone that requires medical care. We never pass that up.

;;;;; The images you've seen, we don't have access to those individuals. And when we encounter people, we provide treatment to them. What treatment is to be provided is determined by health professionals, medical professionals. What we know, though, is we provide whatever care and treatment we can with what we have available at the time.

;;;;; And so that's really our -- that's our approach to it. That's a consistent approach to being humanitarian in our efforts, using military resources when they're available, or moving to civilian resources when they're available to take care of whatever the requirement happens to be at the time.

;;;;; Yes, sir, please.

;;;;; Q (Inaudible) -- Al Jazeera. Actually, I've just been back from southern Iraq up to Nasiriyah, and I've witnessed the humanitarian efforts.

;;;;; And they were going up -- I mean, finding our way slowly. And actually can you give us some sort of a breakdown as to how much human aid have you injected into that area? What was taken from Iraqi warehouses from the stocks of the oil-for-food? What did you provide yourselves? And on the medical sort of thing, do you have all the answers to all the cases that are there?

;;;;; GEN. BROOKS: What I can tell you is in general terms -- I don't have the specific numbers of exactly how much has moved into those areas. First, any supplies that we found that were taken from Iraqi forces, first, we have redistributed -- and I've shown some examples of that -- and there were some stocks in and around An Nasiriyah, and other areas as well. We've produced significant amounts of water in and around Nasiriyah -- some with military capability -- reverse osmosis water purification units that can go into any water source, and provide fresh water.

;;;;; From Nasiriyah, we moved to other areas as well with those supplies. We've done work in hospitals in and around Nasiriyah. We've worked on the power. I've shown some examples of that as well. Medical supplies have moved in there. Field hospitals have been established there, and care has been provided as well. Some of the stocks from the and oil-for-food program we seek to have distributed by those who are involved in the oil-for-food program. And we have indeed found some large stocks of oil-for-food program food stuffs, but it's further north. I don't know that we found any in and around Nasiriyah. I believe Karbala was the area where we found large numbers of stocks. Those also will be distributed, so that nothing is withheld from the population. We found some in Basra that were part of the oil-for-food program, had not been distributed -- those were distributed right away. And we have shown a number of examples of that. That will continue to be the approach that we have.

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**From:** Peter.D.Keisler@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Philip J. Perry/OMB /EOP@EOP [ OMB ] <Philip J. Perry>; John F. Wood/OMB/EOP@EOP [ OMB ] <John F. Wood>; Paul.Harris@usdoj.gov <Paul.Harris@usdoj.gov>  
**Sent:** 4/15/2003 5:31:17 AM  
**Subject:** : FW: Articles

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Peter.D.Keisler@usdoj.gov" <Peter.D.Keisler@usdoj.gov> (

"Peter.D.Keisler@usdoj.gov" <Peter.D.Keisler@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME:15-APR-2003 09:31:17.00

SUBJECT:: FW: Articles

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO:John F. Wood ( CN=John F. Wood/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO:"Paul.Harris@usdoj.gov" <Paul.Harris@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ( "Paul.Harris@usdoj.gov" <Paul.Harris@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )

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FYI

-----Original Message-----

From: Blackwell, Craig

Sent: Tuesday, April 15, 2003 9:25 AM

To: Coffin, Shannen; Jordan, Bill; McCallum, Robert; Keisler, Peter

D; Boudreaux, Chad (SMO)

Subject: RE: Articles

<http://www.nytimes.com/2003/04/15/nyregion/15FUND.html>

Here's a piece from the NY Times

-----Original Message-----

From: Coffin, Shannen

Sent: Tuesday, April 15, 2003 9:20 AM

To: Jordan, Bill; McCallum, Robert; Keisler, Peter D; Boudreaux,

Chad (SMO); Blackwell, Craig; Schilling, Andrew

Subject: Articles

9/11 Victim Fund Challenge Debated

Tuesday April 15, 2:00 am ET

Daniel Wise, New York Law Journal

Southern District of New York Judge Alvin K. Hellerstein gave a cool initial reception Monday to arguments that Special Master Kenneth R. Feinberg has improperly limited payments to the families of high-income workers who were killed in the Sept. 11 attack on the World Trade Center.

But Hellerstein also complimented one of the lawyers arguing in three separate cases challenging the way Feinberg has administered the no-fault Victim Compensation Fund, and echoed the attorney's key argument in pressing the U.S. Justice Department lawyer defending the special master.

Monday's arguments focused almost exclusively on claims that Feinberg is impermissibly imposing a cap on the compensation he is willing to award high-income families. The families' lawyers pointed to remarks he has made in explaining the fund's rules that in most cases an award of more than \$3

million or \$4 million would be inappropriate. They also said that several times in meetings with lawyers about individual cases, Feinberg had indicated that he would not approve an award of more than \$6 million.

The families' lawyers also said their argument that a "cap" is being imposed is bolstered by Feinberg's approach of defining presumptive awards for people with incomes of less than \$231,000, but requiring individuals with incomes over that amount to justify their awards with a individualized presentation. Ninety-eight percent of American workers earn less than \$231,000 in a year.

Slightly more than 3,000 people were killed in the Sept. 11 attacks. As of April 11, 1,581 families of those killed or injured have submitted claims. The fund has issued 358 awards, of which 224 have been accepted. The average award to the families of those killed has been \$1.5 million, with the largest individual award being \$6 million. The fund, however, has approved an award of \$6.7 million to someone injured in the attacks.

The provision of the law setting up the federal September 11th Victim Compensation Fund, which was at the crux of Monday's argument, mandates several factors to be considered in calculating awards. They require Feinberg to determine economic and non-economic losses and "the individual circumstances of the claimant."

In his rule-making, Feinberg stated that he could look to the needs and resources of the dependents and beneficiaries of those who died in the attacks under the rubric of "individual circumstances of the claimant."

The lawyers for the families charge that he has looked to those needs and resources, and determined that when they are ample a "de facto" limit should be imposed on an award no matter what a straight mathematical computation of economic losses might yield. Feinberg has also limited non-economic losses to \$250,000 for each person killed and \$100,000 for each family member, but those limits were not challenged in the three suits before Hellerstein.

The families of several people killed in the World Trade Center were in the ceremonial courtroom of the Pearl Street courthouse. All of the lawyers took note of their attendance, and Judge Hellerstein also said their presence is important because "this is not a theoretical exercise. We are dealing with pain and unique and irreparable losses."

The first of the lawsuits was filed as a class action on behalf of the 2,800 people killed in the towers. Arguing for the seven named plaintiffs in that case, *Colaio v. Feinberg*, 03--0558, all of them families of Cantor Fitzgerald employees, was John F. Cambria of Salans. Mark S. Moller of Kreindler & Kreindler argued for the plaintiffs in *Smith v. Ashcroft*, 03-1040, and Jonathan C. Reiter of Broder & Reiter argued in *Schneider v. Feinberg*, 03-1129.

Arguing for Feinberg was Assistant Attorney General Robert D. McCallum Jr., one of several lawyers from the Justice Department in Washington, D.C., introduced to Judge Hellerstein Monday by Southern District U.S. Attorney James B. Comey.

Both sides had brought dispositive motions: summary judgment motions by the families and a motion to dismiss by the government.

In pressing their cases, the families' lawyers were questioned closely by Judge Hellerstein to show how Feinberg had acted improperly in taking the families' needs and resources into account.

Judge Hellerstein questioned Cambria about whether Feinberg had acted "arbitrarily and capriciously" in viewing "individual circumstances" as justifying taking survivors needs and resources into consideration.

Similarly, in questioning Moller, Hellerstein suggested that Feinberg had done his "best" in construing "individual circumstances," an admittedly

ambiguous phrase. "Who am I to say it's arbitrary and capricious," he interjected. It "looks reasonable to me."

But several times Hellerstein told Moller that he had made a strong presentation when he had argued that Feinberg's rules for the consideration of family members resources were so open-ended as to be an invitation for arbitrariness.

"Without guidance, predictability or necessary fairness," Moller had argued, Feinberg's interpretation of "individual circumstances could trump everything else."

Cambria had called Feinberg's approach the "tail that wags the dog."

Judge Hellerstein picked up on those themes when he questioned McCallum, who began his argument after the lunch break. He asked McCallum whether the "loosening" of individual circumstances did not create a "quality of arbitrariness that threatens to envelop" the other factors.

McCallum held his ground, arguing that Feinberg was trying to steer a middle course between giving everyone the same award, a course some in Congress had urged, and creating unacceptable differences in the way victims' lives are valued. Those types of differences emerge, he explained, when a straight economic formula is used because victims with high salaries will receive much higher awards than those with lower salaries.

Hellerstein said he would rule soon on the matters before him.

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9/11 Families, Gov't at Odds Over Fund  
Mon Apr 14, 11:10 PM ET Add U.S. National - AP to My Yahoo!

By ERIN McCLAM, Associated Press Writer

NEW YORK - Lawyers for 10 people with relatives killed in the Sept. 11 attacks argued in federal court Monday that the government's victim compensation fund is biased against those who lost loved ones with high-paying jobs.

They say Kenneth Feinberg, the fund's special master, should base payouts on the economic loss of Sept. 11 victims - in some cases tens of millions of dollars in never-to-be-earned salary.

But the fund's regulations warn that payouts of more than \$3 million would "rarely be appropriate in light of individual needs and resources."

The plaintiffs want U.S. District Judge Alvin K. Hellerstein to rule that the system is unfair. He said he would issue a ruling in early May.

Congress created the fund in 2001 as an alternative to legal action for victims' families. To get a payout from the fund, families must agree not to sue airlines or other entities. The government does not disclose details of individual payouts.

Government lawyer Robert McCallum argued Feinberg should be allowed to pay out what he believes is enough to provide a "sound financial basis on which to begin the healing process."

"Those who earned more will get more," he said. "The question is how much more."

Marc Moller, representing two of the plaintiffs, said families of wealthy people killed in the attacks should not have to overcome a "you'll-never-get-it-over-my-dead-body" standard to get the money that is rightfully theirs.

Feinberg, reached by telephone, declined to comment.

Shannen W. Coffin  
Deputy Assistant Attorney General  
Civil Division  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Suite 3137  
Washington, D.C. 20530  
(202) 514-3310 (phone)  
(202) 514-8071 (fax)  
shannen.coffin@usdoj.gov

---

**From:** Miers, Harriet  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/15/2003 10:06:14 AM  
**Subject:** RE: Law Day

Lana Dickey and Jill Rowley work with various agencies. Justice did the first draft and it is submitted to Lana through OMB. She has a first draft and will send what she received to you and to me. Thanks.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, April 15, 2003 9:55 AM  
**To:** Miers, Harriet  
**Subject:** Law Day

Who should I talk to about Law Day Proclamation? We have some ideas and thoughts.



---

**From:** Litkenhaus, Colleen  
**To:** <Kavanaugh, Brett M.>  
**CC:** <Gambatesa, Linda M.>  
**Sent:** 4/15/2003 10:59:15 AM  
**Subject:** RE: Ellipse

Thanks Brett. Also, did you close the loop with Addington re: VPR (vp residence) waves capabilities. Are we completely ok with it? Thanks.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, April 15, 2003 8:45 AM  
**To:** Litkenhaus, Colleen  
**Cc:** Gambatesa, Linda M.  
**Subject:** Re: Ellipse

Some points:

- Date change to April 15.
- No period after "Drive" in address
- Should "Specifically, the closed park areas are" instead be "Specifically, the White House requests that the following park areas be temporarily closed:"
- missing apostrophe after "guests" at end of para. 1
- at end of para. 2, does the explanation of why only military personnel are being invited mesh with prior public explanations; in other words, should you just delete the sentence beginning "In light of these extraordinary circumstances"?

From: Colleen Litkenhaus/WHO/EOP@Exchange on 04/14/2003 07:28:05 PM  
Record Type: Record

To: Linda M. Gambatesa/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Ellipse

I hate to have to run this by you again, but changes were made. Do you mind looking at it one more time? <<  
File: Ellipse closure final.doc >>

REV\_00114684

---

**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>  
**CC:** <Gambatesa, Linda M.>  
**Sent:** 4/15/2003 11:05:35 AM  
**Subject:** RE: Ellipse

Yes, and OVP is ok with this.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 04/15/2003 10:59:15 AM

Record Type: Record

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

cc: Linda M. Gambatesa/WHO/EOP@Exchange

Subject: RE: Ellipse

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**Sent:** Tuesday, April 15, 2003 8:45 AM

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**Cc:** Gambatesa, Linda M.

**Subject:** Re: Ellipse

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Record Type: Record

To: Linda M. Gambatesa/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Ellipse

I hate to have to run this by you again, but changes were made. Do you mind looking at it one more time? << File: Ellipse closure final.doc >>

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/15/2003 7:54:11 AM  
**Subject:** : Fitzgerald

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:15-APR-2003 11:54:11.00  
SUBJECT:: Fitzgerald  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;

Ill. GOP Sen. Fitzgerald Won't Run in '04

By DENNIS CONRAD  
ASSOCIATED PRESS

WASHINGTON (AP) - Republican first-term Sen. Peter Fitzgerald, whose Illinois seat is considered key to the GOP's chances to maintain its majority in the Senate in 2004, will not seek re-election, state Republicans said Tuesday.

Fitzgerald called close supporters Monday night to inform them of his decision not to seek a second term, said a source close to Fitzgerald who spoke only on condition of anonymity. The source, who was among those called by Fitzgerald, said the senator was to announce his decision Tuesday.

Neither Fitzgerald nor his aides returned repeated phone calls Tuesday. Aides at his Washington office declined to comment.

State Sen. Dave Syverson, treasurer of the Illinois Republican Party and a member of Fitzgerald's campaign finance committee, said people "very close" to Fitzgerald confirmed he will not seek re-election.

Illinois Treasurer Judy Baar Topinka, who heads the state GOP, said she had not spoken to Fitzgerald but had already contacted Bush administration officials to discuss the race and the implications of Fitzgerald's decision.

"I've talked to the White House this morning and we are going to work together to find the best and strongest candidate available," Topinka said. "That will take a little bit of time. I don't think anybody was prepared for this."

Fitzgerald, who had frequent disputes with House Speaker Dennis Hastert, R-Ill., and other Illinois Republicans, faced a potentially tough race in a state that has increasingly leaned Democratic in recent elections. Political strategists in both parties viewed him as the most vulnerable Senate Republican up for re-election in 2004, and Fitzgerald had been calling himself "the 51st senator" in recognition of how pivotal his re-election could be for preserving the GOP's slim Senate majority. Republicans hold 51 seats to Democrats 48 with one independent.

The Chicago Tribune, citing unnamed sources, reported in Tuesday's editions that Fitzgerald told close associates he had "no fire in the belly" and cited concerns about the personal cost of a re-election campaign.

Fitzgerald, a little-known conservative state senator from Chicago's suburbs and heir to a banking fortune, spent \$16 million of his own money

in 1998 to unseat - barely - Democrat Carol Moseley Braun, the first black woman elected to the U.S. Senate. A 2004 race was likely to be more expensive.

There had been grumbling within the state Republican party about Fitzgerald's performance on a host of issues, including the maverick's reluctance to fight for funding for Illinois projects that he considered political pork. He was likely to face primary opposition next March.

President Bush's political aides have insisted that Bush supported Fitzgerald.

Chicago-area businessman Andrew J. McKenna Jr. had already indicated he might be a primary challenger.

Democrats began lining up as early as 2002. They include former Chicago school board president Gery Chico, multimillionaire businessman Blair Hull, state Comptroller Dan Hynes, state Sen. Barack Obama, Cook County Treasurer Maria Pappas, businesswoman Joyce Washington and Metamora Mayor Matt O'Shea, a Republican who says he will run as a Democrat.

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**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Brosnahan, Jennifer R.>; <Newstead, Jennifer G.>; <Bartolomucci, H. Christopher>; <Sampson, Kyle>; <Francisco, Noel J.>; <Powell, Benjamin A.>; <Ulyot, Theodore W.>  
**Sent:** 4/15/2003 11:55:49 AM  
**Subject:** Fitzgerald

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/15/2003 11:55 AM -----

From: Patrick J. Bumatay/WHO/EOP@Exchange on 04/15/2003 11:53:44 AM

Record Type: Record

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

CC:

Subject: Fitzgerald

### **III. GOP Sen. Fitzgerald Won't Run in '04**

**By DENNIS CONRAD**

ASSOCIATED PRESS

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Fitzgerald, who had frequent disputes with House Speaker Dennis Hastert, R-Ill., and other Illinois

**REV\_00114697**

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---

---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**Sent:** 4/15/2003 12:06:47 PM  
**Subject:**

We should target getting the new and improved Web site up and running wek of April 28. Will work on more text and ideas for film.



---

**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>  
**CC:** <Gambatesa, Linda M.>  
**Sent:** 4/15/2003 1:08:52 PM  
**Subject:** RE: Ellipse

I just got a new message from Addington that plug has been pulled on the WAVES deal for a while.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 04/15/2003 10:59:15 AM

Record Type: Record

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

cc: Linda M. Gambatesa/WHO/EOP@Exchange

Subject: RE: Ellipse

Thanks Brett. Also, did you close the loop with Addington re: VPR (vp residence) waves capabilities. Are we completely ok with it? Thanks.

-----Original Message-----

**From:** Kavanaugh, Brett M.

**Sent:** Tuesday, April 15, 2003 8:45 AM

**To:** Litkenhaus, Colleen

**Cc:** Gambatesa, Linda M.

**Subject:** Re: Ellipse

Some points:

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-- Should "Specifically, the closed park areas are" instead be "Specifically, the White House requests that the following park areas be temporarily closed:"

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REV\_00114707

From: Colleen Litkenhaus/WHO/EOP@Exchange on 04/14/2003 07:28:05 PM

Record Type: Record

To: Linda M. Gambatesa/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Ellipse

I hate to have to run this by you again, but changes were made. Do you mind looking at it one more time? << File: Ellipse closure final.doc >>

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/15/2003 1:26:18 PM  
**Subject:** Re:

Yeah, agreed. I'm on my way back now. Will be in in the morning.

---

**From:** Leitch, David G.  
**To:** <Bartolomucci, H. Christopher>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 4/15/2003 1:59:26 PM  
**Subject:**

New Wilkinson opinion you may want to consider adding to your write up.

<http://pacer.ca4.uscourts.gov/opinion.pdf/021056.P.pdf>

---

**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>  
**Sent:** 4/15/2003 2:02:59 PM  
**Subject:** Re:

yes, please

From: David G. Leitch/WHO/EOP@Exchange on 04/15/2003 01:24:18 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, H. Christopher Bartolomucci/WHO/EOP@EOP

cc:

Subject:

With some slight nudging by me, Judge has asked me to alert you two that we may need to have an offsite visit with Dr. Green later this week. Are you available?

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/15/2003 2:54:16 PM  
**Subject:** : White House Global Messenger - 4/16/03  
**Attachments:** P\_AJCNF003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )  
CREATION DATE/TIME:15-APR-2003 18:54:16.00  
SUBJECT:: White House Global Messenger - 4/16/03  
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(See attached file: GM 4-16-03 FINAL.doc)

THE GLOBAL MESSENGER  
Wednesday, April 16, 2003

\*\*\*\*\*KEY POINTS\*\*\*\*\*

#### Future of Iraq

\*A meeting of free Iraqis took place on Tuesday in Ur, near An Nasiriyah. The meeting had broad representation among Iraqis, including:  
-Iraqis from inside Iraq, from the major religious and ethnic groups.  
-Iraqis who came from abroad.  
-A senior local Shaykh and Iraqi women.

\*The meeting was an opportunity for free Iraqis to discuss the vision of the Iraqi people for a post-Saddam Iraq and to share their views with representatives of the coalition countries.

\*Speakers thanked the Coalition for liberating their country. Participants called for a democratic Iraq that respects the rule of law and acknowledged the hard work that lies ahead.

\*This was the first of several meetings, which we believe will be the start of a dialogue among free Iraqi people about the future of a free Iraq.

#### Reconstruction

\*Our focus is increasingly shifting to security, relief, and reconstruction.

\*25 years of rule by a brutal dictator who did not have the interest of the Iraqi people at heart did far more damage to Iraq than the war.

\*Rebuilding is a major task because Iraq was neglected and devastated by the rule of Saddam Hussein and his henchmen.

#### Military Update

\*Major combat operations are over. There is no longer any significant organized resistance from the Iraqi military, but the security situation remains dangerous and lives are still at risk. Some regime irregulars and foreign fighters continue to fight.

REV\_00114737

\*Coalition forces in Baghdad continue to secure key infrastructure and are increasing their patrols of the city to provide security.

\*British forces continue to patrol Basra and other areas of southern Iraq, and are now conducting joint patrols with Iraqi citizens.

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Daylight. Subject to Change

7:00 am CentCom Operations Update

1:00 pm State Department Briefing

1:30 pm President Bush makes remarks in  
St. Louis, Missouri

TBD Defense Department Briefing

\*\*\*\*\*HUMANITARIAN UPDATE\*\*\*\*\*

\*On April 11-12, two Kuwaiti Air Force C-130s flew into Baghdad with 24 tons of medical supplies for hospitals and health clinics in the city. The U.S. Army's 1st Medical Corps will deliver supplies after a needs-assessment and as security permits.

\*The Australian government announced on April 12 that they would provide three planeloads of medical supplies to Baghdad hospital. Australia has earmarked \$60 million to date for humanitarian aid to Iraq.

\*As an indicator of the improved security situation in the North, schools in the three Northern Governorates of Dohuk, Erbil, and Suleimaniyah have reopened and classes have resumed.

\*The Coalition is trucking fresh water to areas near An Najaf, Karbala and Kirkuk. Local citizens received 700,000 liters of water on Monday.

\*To increase the flow of aid, the Coalition is clearing a port north of Umm Qasr that is blocked by 36 abandoned Iraqi vessels.

\*\*\*\*\*KEY QUOTE\*\*\*\*\*

"Objects and documents taken from museums and sites are the property of the Iraqi nation under Iraqi and international law. They are therefore stolen property, whether found in Iraq or other nations. Anyone knowingly possessing or dealing in such objects is committing a crime....The Office of Reconstruction and Humanitarian Affairs will help Iraqis and international experts in their efforts to restore artifacts and the catalogs of antiquities that were damaged by looters."  
Statement by Secretary Powell, 4-14-03

THE WHITE HOUSE

Office of Global Communications

For more information log on to <http://www.whitehouse.gov/ogc>

\*\*\*\*\*

You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that

Americans share with freedom-loving people everywhere.

- GM 4-16-03 FINAL.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

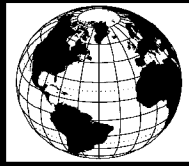
File attachment <P\_AJCNF003\_WHO.TXT\_1>





# THE GLOBAL MESSENGER

Wednesday, April 16, 2003



## **TODAY'S SCHEDULE**

*All Times Eastern Daylight. Subject to Change*

|         |                                                     |
|---------|-----------------------------------------------------|
| 7:00 am | CentCom Operations Update                           |
| 1:00 pm | State Department Briefing                           |
| 1:30 pm | President Bush makes remarks in St. Louis, Missouri |
| TBD     | Defense Department Briefing                         |

## **HUMANITARIAN UPDATE**

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  - ❖ Iraqis who came from abroad.
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**THE WHITE HOUSE**  
**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00114740

---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/16/2003 1:15:31 AM  
**Subject:** : OpinionJournal - On the Editorial Page - April 16, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME:16-APR-2003 05:15:31.00  
SUBJECT:: OpinionJournal - On the Editorial Page - April 16, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003345>

Why do American liberals scoff at American values?

12:01 a.m. EDT

The Real World BY CLAUDIA ROSETT  
<http://www.opinionjournal.com/columnists/cRosett/?id=110003344>

Iraqis rebel against the decorum of dictatorship.  
12:01 a.m. EDT

Leisure & Arts BY DAVID FREEDBERG  
<http://www.opinionjournal.com/la/?id=110003359>

Why it was so important to see Saddam's statues come crashing down.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Pessimistic Liberalism  
Why do American elites scoff at American values?  
Apr 16 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105045443068891500,00.html%3Fmod%3Dopinion>

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Big Labor Republicans  
What's wrong with unions disclosing where their money goes?  
Apr 16 2003

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Farewell to the Concorde  
Subsidized supersonic flight comes in for a landing.  
Apr 16 2003

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#### Commentary

The Weapons Hunt  
Saddam is gone but the world needs verification that his weapons are too.  
By THERESE DELPECH  
Apr 16 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB10504534156876100,00.html%3Fmod%3Dopinion>

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A Long War  
Even after the U.S. military sets things right, the world doesn't stay fixed.  
By R. JAMES WOOLSEY  
Apr 16 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105045419982561500,00.html%3Fmod%3Dopinion>

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Buy Back the Looted Artifacts  
There's a simple way to reverse some of the damage done to Iraq's museums.  
By HERSHEL SHANKS  
Apr 16 2003

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#### Business World

Why CEOs Get Mopey  
In this market no one gets strung up for being bearish and wrong.  
By HOLMAN W. JENKINS JR.  
Apr 16 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105044713868678600,00.html%3Fmod%3Dopinion>

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#### Leisure & Arts

It's Time to Secure Iraq's Treasures  
Iraq's treasures must be preserved for everyone.  
By NORMAN HAMMOND  
Apr 16 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105045909899905500,00.html%3Fmod%3Dopinion>

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The Gallery  
Masterpieces From the Spanish Golden Age  
"Manet/Velazquez" at the Metropolitan Museum of Art.  
By FRANCINE PROSE  
Apr 16 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105045860181597600,00.html%3Fmod%3Dopinion>

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Why Mobs Pull Down Statues  
Why it was so important to see Saddam's statues come crashing down.  
By DAVID FREEDBERG  
Apr 16 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105045835117282700,00.html%3Fmod%3Dopinion>

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Books  
Fate Is in the Cards  
"Positively Fifth Street"  
By ANDY BELLIN  
Apr 16 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105045627374999600,00.html%3Fmod%3Dopinion>

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Time Off  
Diversions  
Savina Yannatou and Primavera en Salonica; Chicago Sports! You Shoulda  
Been There  
Apr 16 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105037656068619900,00.html%3Fmod%3Dopinion>

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International

Europe's New Voices  
Ten nations take steps toward EU membership.  
From The Wall Street Journal Europe  
Apr 16 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105044359283949100,00.html%3Fmod%3Dopinion>

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Will Schroeder Join Europe's Neue Mitte?  
France hasn't been this isolated since 1940.  
By THERESE RAPHAEL  
From The Wall Street Journal Europe  
Apr 16 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105044494080425100,00.html%3Fmod%3Dopinion>

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Hong Kong's Heroes  
SARS hasn't killed community spirit.  
From The Asian Wall Street Journal  
Apr 16 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105044406394244400,00.html%3Fmod%3Dopinion>

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India's High Tech Bounty  
Celebrating 50 years of the Indian Institutes of Technology, in Silicon Valley.

By SALIL TRIPATHI  
From The Asian Wall Street Journal  
Apr 16 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105043401212530400,00.html%3Fmod%3Dopinion>

~~~~~

Now Tackle Kashmir  
Bush needs to think about averting war between Pakistan and India.

By MERVYN DYMALLY  
From The Asian Wall Street Journal  
Apr 16 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105043358724262800,00.html%3Fmod%3Dopinion>

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 4/16/2003 7:12:17 AM  
**Subject:** : fyi re Clinton circuit nominee

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:16-APR-2003 11:12:17.00  
SUBJECT:: fyi re Clinton circuit nominee  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Former Ninth Circuit nominee of President Clinton placed on Supreme Court of Hawaii by that State's Republican Governor: Today's edition of The Honolulu Advertiser reports here that "Lingle's high court choice a surprise to some."

---

**From:** CN=Nanette Everson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/16/2003 7:25:24 AM  
**Subject:** : Give me a call re: a Hatch Act call

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:16-APR-2003 11:25:24.00  
SUBJECT:: Give me a call re: a Hatch Act call  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I just picked up a voice mail I would like you to hear before I return it.

---

**From:** Shannen.Coffin@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Robert.McCallum@usdoj.gov <Robert.McCallum@usdoj.gov>; Peter.D.Keisler@usdoj.gov  
<Peter.D.Keisler@usdoj.gov>  
**Sent:** 4/16/2003 12:08:21 PM  
**Subject:** : FW: al-Douri Hearing

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Shannen.Coffin@usdoj.gov" <Shannen.Coffin@usdoj.gov> ( "Shannen.Coffin@usdoj.gov"  
<Shannen.Coffin@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:16-APR-2003 16:08:21.00  
SUBJECT:: FW: al-Douri Hearing  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:"Robert.McCallum@usdoj.gov" <Robert.McCallum@usdoj.gov> (Receipt Notification Requested)  
(IPM Return Requested) ( "Robert.McCallum@usdoj.gov" <Robert.McCallum@usdoj.gov> (Receipt  
Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
CC:"Peter.D.Keisler@usdoj.gov" <Peter.D.Keisler@usdoj.gov> (Receipt Notification Requested)  
(IPM Return Requested) ( "Peter.D.Keisler@usdoj.gov" <Peter.D.Keisler@usdoj.gov> (Receipt  
Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett: Fyi. We didn't have to take a position on immunities. See report below and please forward to John Bellinger.

-----Original Message-----

From: Hunt, Jody  
Sent: Wednesday, April 16, 2003 3:57 PM  
To: Coffin, Shannen  
Subject: FW: al-Douri Hearing

This is the reason I called you. It went well. Judd never even had to state that we would prefer not to have to take a position. The Judge simply never got there! The Judge said he was reserving decision and that he would decide later whether it was necessary to hear from the USG on the question.

-----Original Message-----

From: Lawler, Judd  
Sent: Wednesday, April 16, 2003 3:54 PM  
To: Hunt, Jody; Garvey, Vincent; 'teelwm@state.gov';  
'stewartdp@state.gov'  
Subject: al-Douri Hearing

Judge Martin has reserved decision on the contempt motion and will advise whether he wants to hear further from us.

The hearing went as follows:

Judge Martin stated that he had received our letter and asked plaintiffs to explain why the case was not moot and why al-Douri was not immune. He quickly moved past the mootness issue and asked plaintiffs several questions about immunities. In particular, he asked why the provisions of the Vienna Convention, copies of which had been provided to the court by us, did not dispose of the motion. Plaintiffs rehashed their FSIA argument.

When Judge Martin asked for the Government's views, I stated that we thought the motion was moot, explained why, and stated that we saw no reason to address the immunity issues given that they were moot. As expected, he asked me if there was anything preventing al-Douri from returning to the United States. I stated that I was not aware of any

REV\_00114781



reason. I said that plaintiffs had not presented any material in support of the notion that it was reasonable to expect his return. They, as expected, referred to al-Douri's statements to the press that he intended to return.

At that point, Judge Martin said he was reserving decision.

It is conceivable that he will rule without additional material from us and may rely on the provisions I read to him on Friday. However, those provisions were directed at whether or not he could detain al-Douri, and the only provision I read on Friday that is cited in our draft letter is Articles 29 and 31, Sec. 2, of the Vienna Convention. That is enough for him to rule that al-Douri is immune to service and testifying, but it is not the only argument we would make if so required.

Judd

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** GaryM Stern <garym.stern@nara.gov>  
**Sent:** 4/16/2003 9:07:10 AM  
**Subject:** : request

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 16-APR-2003 13:07:10.00

SUBJECT:: request

TO: GaryM Stern <garym.stern@nara.gov> ( GaryM Stern <garym.stern@nara.gov> [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

As discussed, I need a clear list of all pending notices that (i) have been cleared by Reagan/Bush reps and (ii) have former p5 material. The notices we have received no longer seem to indicate whether there is former p5 material.

---

**From:** CN=Nanette Everson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/16/2003 1:21:46 PM  
**Subject:** : Re: briefing of Political Affairs

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:16-APR-2003 17:21:46.00  
SUBJECT:: Re: briefing of Political Affairs  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I'm only going over the materials you have signed off on and pre-approved;  
your name is on the cards as the contact person; no need for you to have  
any concerns.

Brett M. Kavanaugh  
04/16/2003 03:26:27 PM  
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP  
cc:  
Subject: briefing of Political Affairs

I would not think you should do much on political activity with  
them in their ethics briefing since their rules and practices obviously  
present a host of intricate issues that we deal with. You and I can  
discuss.

---

**From:** CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/16/2003 10:53:46 AM  
**Subject:** : section 411 issue

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )  
CREATION DATE/TIME:16-APR-2003 14:53:46.00  
SUBJECT:: section 411 issue  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Does WHC have a formal recommendation on the deference issue we've been discussing?

---

**From:** Lefkowitz, Jay P.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/16/2003 2:54:05 PM  
**Subject:** section 411 issue

Does WHC have a formal recommendation on the deference issue we've been discussing?

---

**From:** Kavanaugh, Brett M.  
**To:** <Lefkowitz, Jay P.>  
**Sent:** 4/16/2003 3:08:01 PM  
**Subject:** Re: section 411 issue

We'll do it. Should Judge be prepared to come to the meeting with the boss on that point? Assume so if he is going to make a formal recommendation.

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 04/16/2003 02:54:05 PM

Record Type: Record

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

cc:

Subject: section 411 issue

Does WHC have a formal recommendation on the deference issue we've been discussing?

---

**From:** Lefkowitz, Jay P.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/16/2003 3:12:18 PM  
**Subject:** RE: section 411 issue

I will make sure to invite him.

Probably around the 30th. Briefing will cover lots of issues, but this will certainly be one of them. And it's clear we won't have consensus.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Wednesday, April 16, 2003 3:08 PM  
**To:** Lefkowitz, Jay P.  
**Subject:** Re: section 411 issue

We'll do it. Should Judge be prepared to come to the meeting with the boss on that point? Assume so if he is going to make a formal recommendation.

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 04/16/2003 02:54:05 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: section 411 issue

Does WHC have a formal recommendation on the deference issue we've been discussing?

---

**From:** CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/16/2003 11:12:01 AM  
**Subject:** : RE: section 411 issue

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )  
CREATION DATE/TIME:16-APR-2003 15:12:01.00  
SUBJECT:: RE: section 411 issue  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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Probably around the 30th. Briefing will cover lots of issues, but this will certainly be one of them. And it's clear we won't have consensus.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, April 16, 2003 3:08 PM  
To: Lefkowitz, Jay P.  
Subject: Re: section 411 issue

We'll do it. Should Judge be prepared to come to the meeting with the boss on that point? Assume so if he is going to make a formal recommendation.

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 04/16/2003 02:54:05 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: section 411 issue

Does WHC have a formal recommendation on the deference issue we've been discussing?



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>  
**Sent:** 4/16/2003 11:26:46 AM  
**Subject:** : briefing of Political Affairs

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:16-APR-2003 15:26:46.00  
SUBJECT:: briefing of Political Affairs  
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I would not think you should do much on political activity with them in their ethics briefing since their rules and practices obviously present a host of intricate issues that we deal with. You and I can discuss.

---

**From:** Miranda, Manuel \(\Frist\) <Manuel\_Miranda@frist.senate.gov>  
**To:** Vogel, Alex \(\Frist\) <Alex\_Vogel@frist.senate.gov>; Delrahim, Makan \(\Judiciary\) <Makan\_Delrahim@Judiciary.senate.gov>; Comisac, RenaJohnson \(\Judiciary\) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>; Dahl, Alex \(\Judiciary\) <Alex\_Dahl@Judiciary.senate.gov>; Abegg, John \(\McConnell\) <John\_Abegg@mcconnell.senate.gov>; Simmons, Kyle \(\McConnell\) <Kyle\_Simmons@mcconnell.senate.gov>; Rodgers, Mark \(\Republican-Conf\) <Mark\_Rodgers@src.senate.gov>; Ledeen, Barbara \(\Republican-Conf\) <Barbara\_Ledeen@src.senate.gov>; Keys, Elizabeth \(\Republican-Conf\) <Elizabeth\_Keys@src.senate.gov>; Duffield, Steven \(\RPC\) <Steven\_Duffield@RPC.Senate.Gov>; Gumerson, Katie \(\RPC\) <Katie\_Gumerson@RPC.Senate.Gov>; wgrubbs@who.eop.gov <wgrubbs@who.eop.gov>; Gold, Martin \(\Frist\) <Martin\_Gold@frist.senate.gov>; wgrubbs@who.eop.gov <Kavanaugh, Brett M.>; Brian.A.Benczkowski@usdoj.gov <Brian.A.Benczkowski@usdoj.gov>; Ueland, Eric \(\Frist\) <Eric\_Ueland@frist.senate.gov>; Bainwol, Mitch \(\Frist\) <Mitch\_Bainwol@frist.senate.gov>; Ho, James \(\Judiciary\) <James\_Ho@Judiciary.senate.gov>; Jacquot, Joe \(\Hutchison\) <Joe\_Jacquot@hutchison.senate.gov>  
**Sent:** 4/16/2003 4:05:55 PM  
**Subject:** Judge Planning Meeting

I know some folks are out, but we would like to have a relaxed and brief meeting to discuss timing on Noms debate when we get back.

Good Friday at 11:00 in Mitch's office seems to be a good time.

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Ho, James (Judiciary) <James\_Ho@Judiciary.senate.gov>; Ueland, Eric (Frist) <Eric\_Ueland@frist.senate.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>; Duffield, Steven (RPC) <Steven\_Duffield@RPC.Senate.Gov>; Ledeen, Barbara (Republican-Conf) <Barbara\_Ledeen@src.senate.gov>; Simmons, Kyle (McConnell) <Kyle\_Simmons@mccconnell.senate.gov>; Dahl, Alex (Judiciary) <Alex\_Dahl@Judiciary.senate.gov>; Delrahim, Makan (Judiciary) <Makan\_Delrahim@Judiciary.senate.gov>; Jacquot, Joe (Hutchison) <Joe\_Jacquot@hutchison.senate.gov>; Bainwol, Mitch (Frist) <Mitch\_Bainwol@frist.senate.gov>; Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] <Brian.A.Benczkowski@usdoj.gov>; Gold, Martin (Frist) <Martin\_Gold@frist.senate.gov>; Gumerson, Katie (RPC) <Katie\_Gumerson@RPC.Senate.Gov>; Keys, Elizabeth (Republican-Conf) <Elizabeth\_Keys@src.senate.gov>; Rodgers, Mark (Republican-Conf) <Mark\_Rodgers@src.senate.gov>; Abegg, John (McConnell) <John\_Abegg@mccconnell.senate.gov>; Comisac, RenaJohnson (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>; Vogel, Alex (Frist) <Alex\_Vogel@frist.senate.gov>  
**Sent:** 4/16/2003 12:09:36 PM  
**Subject:** : Judge Planning Meeting  
**Attachments:** P\_JECOF003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:16-APR-2003 16:09:36.00

SUBJECT:: Judge Planning Meeting

TO:"Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> ( "Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Ueland, Eric (Frist)" <Eric\_Ueland@frist.senate.gov> ( "Ueland, Eric (Frist)" <Eric\_Ueland@frist.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:"Duffield, Steven (RPC)" <Steven\_Duffield@RPC.Senate.Gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@RPC.Senate.Gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Ledeen, Barbara (Republican-Conf)" <Barbara\_Ledeen@src.senate.gov> ( "Ledeen, Barbara (Republican-Conf)" <Barbara\_Ledeen@src.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Simmons, Kyle (McConnell)" <Kyle\_Simmons@mccconnell.senate.gov> ( "Simmons, Kyle (McConnell)" <Kyle\_Simmons@mccconnell.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov> ( "Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> ( "Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Jacquot, Joe (Hutchison)" <Joe\_Jacquot@hutchison.senate.gov> ( "Jacquot, Joe (Hutchison)" <Joe\_Jacquot@hutchison.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Bainwol, Mitch (Frist)" <Mitch\_Bainwol@frist.senate.gov> ( "Bainwol, Mitch (Frist)" <Mitch\_Bainwol@frist.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:Brian.A.Benczkowski@usdoj.gov ( Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

TO:"Gold, Martin (Frist)" <Martin\_Gold@frist.senate.gov> ( "Gold, Martin (Frist)"

REV\_00114795

<Martin\_Gold@frist.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Gumerson, Katie (RPC)" <Katie\_Gumerson@RPC.Senate.Gov> ( "Gumerson, Katie (RPC)"  
<Katie\_Gumerson@RPC.Senate.Gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Keys, Elizabeth (Republican-Conf)" <Elizabeth\_Keys@src.senate.gov> ( "Keys, Elizabeth  
(Republican-Conf)" <Elizabeth\_Keys@src.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Rodgers, Mark (Republican-Conf)" <Mark\_Rodgers@src.senate.gov> ( "Rodgers, Mark  
(Republican-Conf)" <Mark\_Rodgers@src.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Abegg, John (McConnell)" <John\_Abegg@mccconnell.senate.gov> ( "Abegg, John (McConnell)"  
<John\_Abegg@mccconnell.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> (  
"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> [ UNKNOWN ]  
)  
READ:UNKNOWN  
TO:"Vogel, Alex (Frist)" <Alex\_Vogel@frist.senate.gov> ( "Vogel, Alex (Frist)"  
<Alex\_Vogel@frist.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I know some folks are out, but we would like to have a relaxed and brief  
meeting to discuss timing on Noms debate when we get back.

Good Friday at 11:00 in Mitch's office seems to be a good time.

- att1.htm  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_JECOF003\_WHO.TXT\_1>

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Good Friday at 11:00 in Mitch 217;s office seems to be a good time.

---

**From:** Sheila.Joy@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/16/2003 12:59:48 PM  
**Subject:** : RE: Question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ( "Sheila.Joy@usdoj.gov"  
<Sheila.Joy@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:16-APR-2003 16:59:48.00  
SUBJECT:: RE: Question  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : RE: Question  
Was Read By : Sheila.Joy@usdoj.gov  
On : Wed, 16 Apr 2003 16:57:29 -0400

---

**From:** Adam.Charnes@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/16/2003 12:59:44 PM  
**Subject:** : RE: Question

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov> ( "Adam.Charnes@usdoj.gov"  
<Adam.Charnes@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME:16-APR-2003 16:59:44.00

SUBJECT:: RE: Question

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : RE: Question

Was Read By : Adam.Charnes@usdoj.gov

On : Wed, 16 Apr 2003 16:57:44 -0400

---

**From:** Kristi.L.Remington@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/16/2003 12:59:46 PM  
**Subject:** : RE: Question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (  
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:16-APR-2003 16:59:46.00  
SUBJECT:: RE: Question  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : RE: Question  
Was Read By : Kristi.L.Remington@usdoj.gov  
On : Wed, 16 Apr 2003 16:55:43 -0400



---

**From:** Brian.A.Benczkowski@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/16/2003 1:03:51 PM  
**Subject:** : RE: Question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> (  
"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:16-APR-2003 17:03:51.00  
SUBJECT:: RE: Question  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : RE: Question  
Was Read By : Brian.A.Benczkowski@usdoj.gov  
On : Wed, 16 Apr 2003 17:00:57 -0400

---

**From:** Sean Rushton <SRushton@CommitteeforJustice.org>  
**To:** SRushton@CommitteeforJustice.org [ UNKNOWN ] <SRushton@CommitteeforJustice.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/16/2003 1:27:11 PM  
**Subject:** : Estrada v. Prado.  
**Attachments:** P\_28IOF003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Sean Rushton <SRushton@CommitteeforJustice.org> ( Sean Rushton  
<SRushton@CommitteeforJustice.org> [ UNKNOWN ] )  
CREATION DATE/TIME:16-APR-2003 17:27:11.00  
SUBJECT:: Estrada v. Prado.  
TO:SRushton@CommitteeforJustice.org ( SRushton@CommitteeforJustice.org [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Broder bought the Dem spin hook, line, and sinker.

Tale Of Two Judges

By David S. Broder  
Washington Post

Wednesday, April 16, 2003

Were it not for an old friend, I would have been as oblivious to the story of Judge Edward Prado of San Antonio as the rest of the Washington press corps.

Judge Tom Stagg of Shreveport, La., told me his pal was up for appointment to the U.S. Court of Appeals for the 5th Circuit and suggested I go by and "see how they treat him" at his confirmation hearing.

Turns out it's like the Sherlock Holmes story of the dog that didn't bark. In the midst of the bitter partisan battle in which Democrats have repeatedly blocked a Senate confirmation vote on the nomination of Miguel Estrada to the U.S. Court of Appeals for the D.C. Circuit, Prado went through like gangbusters.

The story of why one Latino Republican has such an easy time while another creates such controversy is an instructive tale -- and one with hopeful implications.

Estrada has been denied an up-or-down vote on the Senate floor because Democrats call him "a stealth nominee," a man of high credentials but no judicial experience and one they say was unresponsive to their questions. Their demand to look at memos he wrote while serving in the Justice Department has been rejected by the administration, and neither side has yielded.

Given this background, I was expecting to see Prado, 55, put to the test at his Judiciary Committee hearing. His credentials are impressive: a graduate of the University of Texas and its law school, four years each as a prosecutor and a public defender, a short stint as a state judge, U.S. attorney for three years and, since 1984, a federal district judge -- the last two appointments coming from President Ronald Reagan.

But Prado is also a character. His courtroom is wired with the latest audiovisual equipment, which Prado, a music lover and showman, loves to demonstrate. Three years ago, during a murder-for-hire trial, he came onto the bench while a recording of "Happy Together" by the Turtles

filled the air, and then sang: "Imagine me as God. I do. I was appointed by the president. Appointed forever. My decisions cannot be questioned by you. I'm always right."

Many judges may feel that way; few say so, and even fewer put it to music.

More seriously, in answering the committee's questionnaire, Prado noted controversial cases in which he ruled against a woman's claim of job discrimination by the San Antonio fire department, a diabetes patient's claim that he was unfairly found to be medically ineligible for a police officer's job, and a claim that the Texas high school graduation test discriminated against Hispanics.

In another part of the questionnaire, he listed 68 criminal, immigration and civil cases in which he had been reversed or criticized by the court of appeals. Plenty of fertile ground, one imagined, for liberal groups to challenge elevating a Reagan judge to a closely balanced and important bench just one level below the Supreme Court.

But in fact the Congressional Hispanic Caucus -- which has vigorously opposed the Estrada nomination -- wrote a letter endorsing Prado. Rep. Charlie Gonzalez, a Texas Democrat and co-signer of the letter, told me that he had known Prado for almost 40 years and "he has everything you want in a judge -- he's smart and articulate, he's not arbitrary, and he really understands people. Some of his rulings I would take issue with, but when the caucus interviewed him, he talked honestly about cases that have impacted minorities and he made it clear he knows how important the courts have been to us. It was so different from our hour's conversation with Estrada, who conveyed no sense of what we would think a Latino should appreciate about the historical role of courts in bringing us to where we are today and where we need to be tomorrow."

With the backing of the White House and the Hispanic caucus, Prado's confirmation hearing was perfunctory. Sen. Patrick Leahy of Vermont, the ranking Democrat and scourge of Estrada, read a statement complaining of past Republican treatment of President Bill Clinton's Latino nominees, then left without asking any questions. The two Republicans present -- Sens. John Cornyn of Texas and Jeff Sessions of Alabama -- said they had known Prado for years and simply congratulated him.

Prado was then unanimously confirmed by the Judiciary Committee.

When I asked Alberto Gonzales, the White House counsel, if there might be a lesson in Prado's easy approval, he replied, "It's hard to say. We view Judge Prado as no more qualified than Miguel Estrada or others they [the Democrats] have opposed."

But the lesson seems obvious. Conservatives can be confirmed for the courts when they are well known in their communities and a broad range of their constituents have reason to think them fair-minded. Even if they can't resist breaking into song.

Sean Rushton

Executive Director

Committee for Justice

1275 Pennsylvania Avenue, NW

Tenth Floor

Washington, DC 20004

202-481-6850 phone

202-487-6439 mobile

[www.committeeforjustice.org](http://www.committeeforjustice.org)

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_28IOF003\_WHO.TXT\_1>

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1275 Pennsylvania Avenue, NW  
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Washington, DC 20004  
202-481-6850 phone  
202-487-6439 mobile  
[www.committeeforjustice.org](http://www.committeeforjustice.org)

---

**From:** Skelly, Layton  
**To:** Judy.Haugh@ost.dot.gov <Dougherty, Elizabeth S.>; Judy.Haugh@ost.dot.gov <Spellings, Margaret M.>; Judy.Haugh@ost.dot.gov <Lefkowitz, Jay P.>; michael.jackson@ost.dot.gov <michael.jackson@ost.dot.gov>; michael.jackson@ost.dot.gov <Hennessey, Keith>; michael.jackson@ost.dot.gov <Kroszner, Randall S.>; peter.fisher@do.treas.gov <peter.fisher@do.treas.gov>; peter.fisher@do.treas.gov <Leitch, David G.>; peter.fisher@do.treas.gov <Dorn, Nancy>; peter.fisher@do.treas.gov <Conda, Cesar>; peter.fisher@do.treas.gov <McGrath Jr, Charles D.>; hew.pate@usdoj.gov <hew.pate@usdoj.gov>; hew.pate@usdoj.gov <Falkenrath, Richard>; findlay-cameron@dol.gov <findlay-cameron@dol.gov>; Read.VandeWater@ost.dot.gov <Read.VandeWater@ost.dot.gov>; Read.VandeWater@ost.dot.gov <Collender, Robert N.>; Read.VandeWater@ost.dot.gov <O'Hollaren, Sean B.>; Read.VandeWater@ost.dot.gov <Liang, Elan>; Mark.Warshawsky@do.treas.gov <Mark.Warshawsky@do.treas.gov>; Mark.Warshawsky@do.treas.gov <Kaplan, Joel>; Mark.Warshawsky@do.treas.gov <Kavanaugh, Brett M.>; kirk.vantine@ost.dot.gov <kirk.vantine@ost.dot.gov>; Jeff.Shane@ost.dot.gov <Jeff.Shane@ost.dot.gov>; Jeff.Shane@ost.dot.gov <McMillin, Stephen S.>  
**CC:** <Gillmor, Eleanor L.>; <Vestewig, Lauren J.>; barbara.lucas@ost.dot.gov <barbara.lucas@ost.dot.gov>; barbara.lucas@ost.dot.gov <Allgood, Lauren K.>; barbara.lucas@ost.dot.gov <Branch, Lisa D.>; marsha.valentic@do.treas.gov <marsha.valentic@do.treas.gov>; marsha.valentic@do.treas.gov <Weaver, Bessie M.>; marsha.valentic@do.treas.gov <Gibbs, Jennifer H.>; gloria.jenkins@usdoj.gov <gloria.jenkins@usdoj.gov>; guerra-lyanna@dol.gov <guerra-lyanna@dol.gov>; guerra-lyanna@dol.gov <Skelly, Layton>; Cheryl.Permenter@ost.dot.gov <Cheryl.Permenter@ost.dot.gov>; Christina.Lewis@ost.dot.gov <Christina.Lewis@ost.dot.gov>; Judy.Haugh@ost.dot.gov <Judy.Haugh@ost.dot.gov>; Judy.Haugh@ost.dot.gov <Roberson, Halley M.>  
**Sent:** 4/16/2003 6:26:17 PM  
**Subject:** Re: Airline Deputies Meeting, Friday the 25th

The Airline Deputies meeting has been set for 8:30 am on Friday, April 25th in room 476 EEOB.

Thank you,

Layton

456-5085

Layton Skelly

04/16/2003 04:02:11 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

Subject: Airline Deputies Meeting, Friday the 25th

REV\_00114815

Please let me know ASAP when you are available to attend the Airline Deputies meeting next Friday, the 25th. Thank you.

Layton

Message Sent To:

---

Elizabeth S. Dougherty/OPD/EOP@EOP

Margaret M. Spellings/OPD/EOP@Exchange@EOP

Jay P. Lefkowitz/OPD/EOP@Exchange@EOP

michael.jackson@ost.dot.gov @ inet

Keith Hennessey/OPD/EOP@Exchange@EOP

Randall S. Kroszner/CEA/EOP@EOP

David W. Hobbs/WHO/EOP@Exchange@EOP

peter.fisher@do.treas.gov @ inet

David G. Leitch/WHO/EOP@Exchange@EOP

Nancy Dorn/OMB/EOP@EOP

Cesar Conda/OVP/EOP@EOP

Charles D. McGrath Jr/OVP/EOP@EOP

hew.pate@usdoj.gov @ inet

Richard Falkenrath/WHO/EOP@EOP

Message Copied To:

---

Eleanor L. Gillmor/OPD/EOP@Exchange@EOP

Lauren J. Vestewig/OPD/EOP@Exchange@EOP

barbara.lucas@ost.dot.gov

Lauren K. Allgood/OPD/EOP@Exchange@EOP

Lisa D. Branch/CEA/EOP@EOP

Adam B. Ingols/WHO/EOP@Exchange@EOP

anna.hart@do.treas.gov

Bessie M. Weaver/OMB/EOP@EOP

Jennifer H. Gibbs/OVP/EOP@EOP

gloria.jenkins@usdoj.gov

Layton Skelly/OPD/EOP@EOP





---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>  
**Sent:** 4/16/2003 3:00:15 PM  
**Subject:** : Re: briefing of Political Affairs

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:16-APR-2003 19:00:15.00  
SUBJECT:: Re: briefing of Political Affairs  
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

great; obviously, a large part of what they do relates in some broad sense to "political affairs" (hence, the name of the office).

Nanette Everson  
04/16/2003 05:21:29 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: briefing of Political Affairs

I'm only going over the materials you have signed off on and pre-approved; your name is on the cards as the contact person; no need for you to have any concerns.

Brett M. Kavanaugh  
04/16/2003 03:26:27 PM  
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP  
cc:  
Subject: briefing of Political Affairs

I would not think you should do much on political activity with them in their ethics briefing since their rules and practices obviously present a host of intricate issues that we deal with. You and I can discuss.

---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/17/2003 1:19:57 AM  
**Subject:** : OpinionJournal - On the Editorial Page - April 17, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME:17-APR-2003 05:19:57.00  
SUBJECT:: OpinionJournal - On the Editorial Page - April 17, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY JAMES SCHLESINGER  
<http://www.opinionjournal.com/editorial/?id=110003364>

We've won a war--and taught the Middle East a lesson.  
12:01 a.m. EDT

John Fund's Political Diary  
<http://www.opinionjournal.com/diary/?id=110003361>

The left's "judicial Armageddon" is an assault on democracy.  
12:01 a.m. EDT

Scene & Heard BY COLLIN LEVEY  
<http://www.opinionjournal.com/columnists/clevey/?id=110003362>

New Yorkers rebel against tobacco prohibition.  
12:01 a.m. EDT

Leisure & Arts BY CHRISTINA SPENCER  
<http://www.opinionjournal.com/la/?id=110003363>

Canada sits out the new Gulf War, but wins the Golf War.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

No Place to Hide  
Abu Abbas is not another graying Palestinian guerrilla.  
Apr 17 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB10505398477273600,00.html%3Fmod%3Dopinion>

~~~~~

CNN's Close Call  
Reporters who act like combatants will be treated like combatants.  
Apr 17 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105054163677244400,00.html%3Fmod%3Dopinion>

~~~~~

## Guns and Poses

A suit in Brooklyn shows why a federal remedy is needed.

Apr 17 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105054180747121100,00.html%3Fmod%3Dopinion>

~~~~~

## Commentary

Now It's Political Shock and Awe

We've won a war -- and taught the Middle East a lesson.

By JAMES SCHLESINGER

Apr 17 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105054273027910700,00.html%3Fmod%3Dopinion>

~~~~~

A Free Country Run by Free People

Tyranny ends in Iraq, and democracy begins.

By ZALMAY KHALILZAD

Apr 17 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105054253841614900,00.html%3Fmod%3Dopinion>

~~~~~

Armchair Generals

Why we were wrong in our war criticism.

By PERRY SMITH

Apr 17 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB10505429595172100,00.html%3Fmod%3Dopinion>

~~~~~

City of Lights

Despite the law, New Yorkers are still smoking.

By COLLIN LEVEY

Apr 17 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105054213913764800,00.html%3Fmod%3Dopinion>

~~~~~

## Politics & People

A Senate Sage

Three successive presidents came to appreciate Richard Lugar. Will Bush?

By ALBERT R. HUNT

Apr 17 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105054362918058000,00.html%3Fmod%3Dopinion>

~~~~~

## Leisure & Arts

Photography

From Meiji to Mount Fuji, Copies of Truth

"History of Japanese Photography," at the Museum of Fine Arts, Houston and the Cleveland Museum of Art.

By TAYLOR HOLLIDAY

Apr 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105054566574358700,00.html%3Fmod%3Dopinion>

~~~~~

The Gallery

A New Wing for the Norton Museum

This quantity is quality as the Sarasota repository becomes the largest museum in Florida.

By MATTHEW GUREWITSCH

Apr 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105054641331335700,00.html%3Fmod%3Dopinion>

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Sports

Golf War?

The Canucks lost prestige over Iraq and hope to have gotten it back on the links.

By CHRISTINA SPENCER

Apr 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105054619529434000,00.html%3Fmod%3Dopinion>

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Books

Math and Murder

"The Degaev Affair"

By MICHAEL J. YBARRA

Apr 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105054677853371100,00.html%3Fmod%3Dopinion>

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Time Off

Diversions

FAAR OUT: Six Months in Rome; Savina Yannatou and Primavera en Salonica;

Chicago Sports! You Shoulda Been There

Apr 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105037656068619900,00.html%3Fmod%3Dopinion>

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International

Germany's Gaullist Foreign Policy

Germany made a mighty investment in America's failure.

By JEFFREY GEDMIN

From The Wall Street Journal Europe

Apr 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105052637822019200,00.html%3Fmod%3Dopinion>

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Fighting Anger, France Gives Muslims a Voice  
Paris wants to assimilate the country's five million Muslims.  
By ATTHEW KAMINSKI  
From The Wall Street Journal Europe  
Apr 17 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105052556195336400,00.html%3Fmod%3Dopinion>

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A Plan for China  
Beijing can restore faith in public institutions by allowing journalists to freely cover SARS.  
From The Asian Wall Street Journal  
Apr 17 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105052518575842700,00.html%3Fmod%3Dopinion>

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Don't Give Up on Japan  
Financial reforms are in fact making headway.  
By KENSUKE HOTTA  
From The Asian Wall Street Journal  
Apr 17 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105051747514672700,00.html%3Fmod%3Dopinion>

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**From:** M.Edward.Whelan@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/17/2003 5:37:51 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"M.Edward.Whelan@usdoj.gov" <M.Edward.Whelan@usdoj.gov> (  
"M.Edward.Whelan@usdoj.gov" <M.Edward.Whelan@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:17-APR-2003 09:37:51.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

will do

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett M. Kavanaugh@who.eop.gov]  
Sent: Thursday, April 17, 2003 8:45 AM  
To: Whelan, M Edward III  
Subject:

Can you all give me preliminary informal thoughts on this by mid-next-week?  
Thanks.

(See attached file: S.887.doc)

---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>;<Gonzales, Alberto R.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ulyot, Theodore W.>  
**Sent:** 4/17/2003 7:51:50 AM  
**Subject:** From today's Wall Street Journal

## JOHN FUND'S POLITICAL DIARY

### Not the American Way

The left's "judicial Armageddon" is an assault on democracy.

*Thursday, April 17, 2003 12:01 a.m.*

Earlier this year Ralph Neas, head of the liberal group People for the American Way, promised a "judicial Armageddon" to block President Bush's appointment to federal courts. Now that President Bush is no longer preoccupied with toppling Saddam Hussein, he is going to have to pivot and turn his attention domestically and address the judicial emergency he faces in Washington.

The most visible battle in the conflict over Mr. Bush's judges is the filibuster Democrats are waging to block the nomination of Miguel Estrada to the U.S. Court of Appeals for the District of Columbia Circuit, which hears many cases involving the federal government. Mr. Estrada has more than enough votes to win confirmation, but under the Senate's filibuster rules, a 41-member minority can block a vote.

The Constitution makes references to many requirements for "supermajority" approval by the Senate of such matters as treaties or convicting an impeached official. But there's no supermajority requirement for the Senate's "advise and consent" role in approving presidential nominees, no doubt because the Founding Fathers feared a minority could throw the executive branch into turmoil if a president couldn't get his officials confirmed without a Senate supermajority.



President Bush will have to use more of its political capital to preserve his appointment power. The president may have to visit states whose senators are participating in the Estrada filibuster and appeal directly to the public for support. The president can point to outrageous rulings by liberal judges, such as the Ninth Circuit's declaring the Pledge of Allegiance unconstitutional.

The Senate, of course, has the power to vote down presidential nominees its members deem unacceptable. But if a minority of senators can thwart the will of the people and the majority of their colleagues, what's the point of having elections?

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**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Brosnahan, Jennifer R.>; <Newstead, Jennifer G.>; <Bartolomucci, H. Christopher>; <Sampson, Kyle>; <Francisco, Noel J.>; <Powell, Benjamin A.>; <Ulyot, Theodore W.>  
**Sent:** 4/17/2003 8:38:23 AM  
**Subject:** how to move "controversial" judges . . .

**GOP Poll Shows Thune Ahead Of Daschle In 2004 Senate Race.** The Washington Times (4/17, Hurt) reports, "Senate Minority Leader Tom Daschle, South Dakota Democrat, would lose in an election to a prominent state Republican, according to a poll conducted for the National Republican Senatorial Committee. Former Rep. John Thune was picked by 46 percent of South Dakota voters over Mr. Daschle's 44 percent, according to the survey conducted last month by McLaughlin & Associates. ... The Bush administration had recruited Mr. Thune for the Johnson race and is expected to back him in the 2004 Republican primary, if he decides to run again, for Mr. Daschle's seat." The Times adds, "According to the Republican poll, Mr. Thune enjoys a 63 percent favorable rating statewide, compared with Mr. Daschle's 56 percent."

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 4/17/2003 4:39:32 AM  
**Subject:** : how to move "controversial" judges . . .

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 17-APR-2003 08:39:32.00

SUBJECT:: how to move "controversial" judges . . .

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

GOP Poll Shows Thune Ahead Of Daschle In 2004 Senate Race. The Washington Times (4/17, Hurt) reports, &Senate Minority Leader Tom Daschle, South Dakota Democrat, would lose in an election to a prominent state Republican, according to a poll conducted for the National Republican Senatorial Committee. Former Rep. John Thune was picked by 46 percent of South Dakota voters over Mr. Daschle's 44 percent, according to the survey conducted last month by McLaughlin & Associates. ( The Bush administration had recruited Mr. Thune for the Johnson race and is expected to back him in the 2004 Republican primary, if he decides to run again, for Mr. Daschle's seat.<sup>8</sup> The Times adds, &According to the Republican poll, Mr. Thune enjoys a 63 percent favorable rating statewide, compared with Mr. Daschle's 56 percent.<sup>8</sup>

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/17/2003 8:56:41 AM  
**Subject:** : FYI- I still haven't been able to get through to Craig Blackwell. Still trying.

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:17-APR-2003 12:56:41.00

SUBJECT:: FYI- I still haven't been able to get through to Craig Blackwell. Still trying.

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

---

**From:** CN=Paul Perkins/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/17/2003 5:24:52 AM  
**Subject:** : Guidance for Tim

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:17-APR-2003 09:24:52.00  
SUBJECT:: Guidance for Tim  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Tim would like guidance as to whether he should be on the call today.  
Thanks,  
Paul.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Paul Perkins/WHO/EOP@EOP [ WHO ] <Paul Perkins>  
**Sent:** 4/17/2003 5:33:52 AM  
**Subject:** : Re: Guidance for Tim

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:17-APR-2003 09:33:52.00  
SUBJECT:: Re: Guidance for Tim  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

No. I left him vm.

.

----- Original Message -----  
From:Paul Perkins/WHO/EOP  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 04/17/2003 09:24:34 AM  
Subject: Guidance for Tim

Tim would like guidance as to whether he should be on the call today.  
Thanks,  
Paul.

---

**From:** M.Edward.Whelan@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/17/2003 10:05:22 AM  
**Subject:** : RE: 30 years

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"M.Edward.Whelan@usdoj.gov" <M.Edward.Whelan@usdoj.gov> (  
"M.Edward.Whelan@usdoj.gov" <M.Edward.Whelan@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:17-APR-2003 14:05:22.00  
SUBJECT:: RE: 30 years  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : RE: 30 years  
Was Read By : M.Edward.Whelan@usdoj.gov  
On : Thu, 17 Apr 2003 14:02:13 -0400

---

**From:** Wiley, Ladd (HHS/OS) <Ladd.Wiley@hhs.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/17/2003 11:19:21 AM  
**Subject:** : FW: 60+ Request

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Wiley, Ladd (HHS/OS)" <Ladd.Wiley@hhs.gov> ( "Wiley, Ladd (HHS/OS)"  
<Ladd.Wiley@hhs.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:17-APR-2003 15:19:21.00  
SUBJECT:: FW: 60+ Request  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,

The organization 60+ is a 501(c)(4), which has been supportive of administration policies in the past. They would like Secretary Thompson to headline a speech in his official capacity. Normally, we would just approve it as an official event.

I just wanted to make sure that 501(c)(4) weren't impacted by the McCain Feingold law. Any ideas or anyone to whom you could refer me?

> -----Original Message-----

> From: Wood, Robert (HHS/OS)  
> Sent: Wednesday, April 09, 2003 10:05 AM  
> To: Karim, Jafar (HHS/OS); Wiley, Ladd (HHS/OS)  
> Subject: RE: 60+ Request

>  
> lets discuss.

> -----Original Message-----

> From: Karim, Jafar (HHS/OS)  
> Sent: Tuesday, April 08, 2003 5:07 PM  
> To: Wood, Robert (HHS/OS)  
> Cc: Schofield, Regina (HHS/OS)  
> Subject: FW: 60+ Request

> Bob:

> I'm redirecting this inquiry to you per Laura's suggestion. Bob Martin  
> has called a couple of times to see if TGT could keynote an event  
> described below. I know this is a way off, but the WH is asking if we  
> could agree to do this. Bob is hoping for a date ASAP. They have a  
> number of groups that are going to help sponsor the event, they just need  
> a headliner. Please let me know if you have any questions about this. I  
> can run the legal traps. For numerous reasons, I think this is worth  
> considering as a priority. Feel free to let me know if you'd like to  
> discuss. Thanks.

> - Jaf

> -----Original Message-----

> From: Karim, Jafar (HHS/OS)  
> Sent: Tuesday, March 25, 2003 2:29 PM  
> To: Lawlor, Laura (HHS/OS)  
> Cc: Schofield, Regina (HHS/OS)  
> Subject: 60+ Request

> Laura:

> Getting back to you on the request of 60 Plus to have the Secretary as a

> keynote speaker for a fundraiser they would like to hold in the coming  
> months. Jim Martin, the group's executive director, indicated that the  
> date is not yet certain. Regina advised, however, that we decide  
> internally whether the the Secretary would make this a priority should  
the  
> dates all work out. I'd be happy to discuss in detail some of the  
factors  
> to consider in determining the importance of this event. Below are some  
> factors for your consideration.  
>  
> What: 60 Plus fundraiser; two-tiered  
event w/  
> reception & photo op, then remarks to the group during a dinner  
> Where: TBD, but the organization seeks a Hill  
> location such as the Washington Court Hotel (on the Senate side)  
> Date Options: June 3, 4, 5, 10, 11, 12  
>  
> Other Facts:  
>  
> \* 60+ organized as a 501(c)4, a not-for-profit association,  
allowing  
> it to conduct issue advocacy but not candidate endorsements.  
>  
> \* Fundraiser: never had a fundraiser before; will get House and  
> Senate members to attend; a member of the Admin was going to do last  
year,  
> but scheduling conflicts prevented that from happening.  
>  
> \* Roger Zion, a 4 term house member from IN and a UW graduate is  
the  
> organization's president; according to Jim, he and TGT have met and got  
> along well.  
>  
> \* The group is keen on promoting the preventive health care  
message.  
>  
> \* Want TGT to headline; they are seeking Karl Rove as a "special  
> guest"; reception beforehand.  
>  
> \* The organization has approximately 25,000 members.  
>  
> Please let me know if you have any thoughts or questions. Thanks.  
>  
> - Jafar  
>  
> Jafar Karim  
> Office of White House Liaison  
> US Department of Health and Human Services  
> 200 Independence Avenue, SW  
> Room 610E, Humphrey Building  
> Washington, DC 20201  
> Phone: 202/690-6625  
> Fax: 202/401-1948  
> jafar.karim@hhs.gov  
>



---

**From:** Sean Rushton <SRushton@CommitteeforJustice.org>  
**To:** SRushton@CommitteeforJustice.org [ UNKNOWN ] <SRushton@CommitteeforJustice.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/17/2003 7:22:47 AM  
**Subject:** : NYT editorial.  
**Attachments:** P\_4P6PF003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Sean Rushton <SRushton@CommitteeforJustice.org> ( Sean Rushton  
<SRushton@CommitteeforJustice.org> [ UNKNOWN ] )  
CREATION DATE/TIME:17-APR-2003 11:22:47.00  
SUBJECT:: NYT editorial.  
TO:SRushton@CommitteeforJustice.org ( SRushton@CommitteeforJustice.org [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Filibustering Priscilla Owen

NY Times - editorial

April 17, 2003

Senators opposing Priscilla Owen, a nominee to the United States Court of Appeals for the Fifth Circuit, are considering a filibuster to head off her confirmation vote. Filibusters are an extreme measure in which a minority of senators block an issue from being voted on. But the system for picking judges, which should be a relatively nonpartisan effort to seat jurists who reflect broad American values, has broken down. Filibustering Judge Owen's confirmation would send the Bush administration two important messages: the president must stop packing the courts with ideologues, and he must show more respect for the Senate's role.

At Judge Owen's confirmation hearings, it was abundantly clear that she is far to the right of most Americans and that her ideology drives her decisions. On the Texas Supreme Court, she argued in one case that a minor seeking an abortion could be required to prove that she was aware of the religious objections to abortion. Judge Owen has also consistently ruled against workers, accident victims and victims of discrimination.

It is not by chance that the Senate is being asked to confirm someone with these views. The White House has culled the legal profession to find nominees with aggressive conservative agendas. It is asking senators to approve, along with Judge Owen, Carolyn Kuhl, who was a strong supporter of maintaining the tax-exempt status of Bob Jones University, which discriminated against blacks; Jeffrey Sutton, a lawyer who has severely set back the rights of the disabled; and James Leon Holmes, who has compared abortion to the Holocaust.

Judge Owen was voted down by the Senate Judiciary Committee last year, but the administration renominated her when Republicans took control. Ignoring the committee's decision is only one in a growing list of ways the White House and its allies have politicized judicial selection. The

latest, and most disturbing, move came when former President George Bush held a fund-raiser for a group that will run ads attacking senators who do not fall into lock step behind the administration's nominees.

Many senators have stood up to the administration's assault on an independent judiciary, but others have been too silent. Senator Dianne Feinstein, who represents California, one of the nation's most diverse states, should be a stronger voice against nominees like Judge Owen and Judge Kuhl, who have shown disregard for victims of discrimination. Senator Arlen Specter, who comes from Pennsylvania, a state with a proud labor tradition, should be speaking out against nominees like Judge Owen and Deborah Cook, who reflexively favor corporations over the little guy.

The filibuster is not a tool to be used lightly. But the Senate has been right to use it against the nomination of Miguel Estrada, who is hiding his views on legal issues. It should do the same to stop the once-rejected Judge Owen, and tell extreme conservatives in the Bush administration to stop trying to hijack the federal judiciary.

Sean Rushton

Executive Director

Committee for Justice

1275 Pennsylvania Avenue, NW

Tenth Floor

Washington, DC 20004

202-481-6850 phone

202-487-6439 mobile

[www.committeeforjustice.org](http://www.committeeforjustice.org)

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_4P6PF003\_WHO.TXT\_1>

Filibustering Priscilla Owen  
NY Times - editorial  
April 17, 2003

Senators opposing Priscilla Owen, a nominee to the United States Court of Appeals for the Fifth Circuit, are considering a filibuster to head off her confirmation vote. Filibusters are an extreme measure in which a minority of senators block an issue from being voted on. But the system for picking judges, which should be a relatively nonpartisan effort to seat jurists who reflect broad American values, has broken down. Filibustering Judge Owen's confirmation would send the Bush administration two important messages: the president must stop packing the courts with ideologues, and he must show more respect for the Senate's role.

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Judge Owen was voted down by the Senate Judiciary Committee last year, but the administration renominated her when Republicans took control. Ignoring the committee's decision is only one in a growing list of ways the White House and its allies have politicized judicial selection. **The latest, and most disturbing, move came when former President George Bush held a fund-raiser for a group that will run ads attacking senators who do not fall into lock step behind the administration's nominees.**

Many senators have stood up to the administration's assault on an independent judiciary, but others have been too silent. Senator Dianne Feinstein, who represents California, one of the nation's most diverse states, should be a stronger voice against nominees like Judge Owen and Judge Kuhl, who have shown disregard for victims of discrimination. Senator Arlen Specter, who comes from Pennsylvania, a state with a proud labor tradition, should be speaking out against nominees like Judge Owen and Deborah Cook, who reflexively favor corporations over the little guy.

The filibuster is not a tool to be used lightly. But the Senate has been right to use it against the nomination of Miguel Estrada, who is hiding his views on legal issues. It should do the same to stop the once-rejected Judge Owen, and tell extreme conservatives in the Bush administration to stop trying to hijack the federal judiciary.

Sean Rushton  
Executive Director  
Committee for Justice  
1275 Pennsylvania Avenue, NW  
Tenth Floor  
Washington, DC  
202-481-6850 phone  
202-487-6439 mobile  
www.committeeforjustice.org

---

**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>  
**Sent:** 4/17/2003 11:26:59 AM  
**Subject:** fyi

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/17/2003 11:27 AM -----

Brett M. Kavanaugh

04/17/2003 11:26:44 AM

Record Type: Record

To: David G. Leitch/WHO/EOP@Exchange@EOP

cc:

Subject: reminder to call Colleen

---

**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>  
**Sent:** 4/17/2003 11:26:35 AM  
**Subject:** reminder to call Colleen

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 4/17/2003 7:27:04 AM  
**Subject:** : reminder to call Colleen

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:17-APR-2003 11:27:04.00  
SUBJECT:: reminder to call Colleen  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange@EOP [ WHO ] <Colleen Litkenhaus>  
**Sent:** 4/17/2003 7:27:33 AM  
**Subject:** : fyi

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:17-APR-2003 11:27:33.00  
SUBJECT:: fyi  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
04/17/2003 11:27 AM -----

Brett M. Kavanaugh  
04/17/2003 11:26:44 AM  
Record Type: Record

To: David G. Leitch/WHO/EOP@Exchange@EOP  
cc:  
Subject: reminder to call Colleen

---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/17/2003 11:59:04 AM  
**Subject:** FW:

Sent this and later talked to her.

-----Original Message-----

**From:** Leitch, David G.  
**Sent:** Thursday, April 17, 2003 7:32 AM  
**To:** Litkenhaus, Colleen  
**Subject:**

Heard you have some concerns about the inquiry from the Hill on Crawford, and I'm looking in to it. I also want to apologize for the difficulty you've had with some members of our office over moves and the like. I'm happy to step in at any point you need me to and tell them to get with the program.



---

**From:** M.Edward.Whelan@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/17/2003 12:11:57 PM  
**Subject:** : RE: notice21.wpd

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"M.Edward.Whelan@usdoj.gov" <M.Edward.Whelan@usdoj.gov> (  
"M.Edward.Whelan@usdoj.gov" <M.Edward.Whelan@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:17-APR-2003 16:11:57.00  
SUBJECT:: RE: notice21.wpd  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
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This message is a Read Receipt Notification

Your Message : RE: notice21.wpd  
Was Read By : M.Edward.Whelan@usdoj.gov  
On : Thu, 17 Apr 2003 16:10:11 -0400

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**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/17/2003 8:19:45 AM  
**Subject:** : US CentCom Briefing 04/17/03

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:17-APR-2003 12:19:45.00

SUBJECT:: US CentCom Briefing 04/17/03

BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

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UNITED STATES CENTRAL COMMAND DAILY OPERATIONAL UPDATE BRIEFING

BRIEFER: BRIGADIER GENERAL VINCENT BROOKS, CENTCOM DEPUTY DIRECTOR OF  
OPERATIONS

DOHA, QATAR

7:05 A.M. EDT, THURSDAY, APRIL 17, 2003

;

GEN. BROOKS: Ladies and gentlemen, Operation Iraqi Freedom is now in the 28th day since coalition forces entered Iraq. Iraq is more stable today than yesterday. Identified pockets of resistance are fewer yesterday. And with the ever-increasing flow of humanitarian assistance, tomorrow shows great promise.

;;;;; As we advance into a new future for Iraq, we remember our comrades who have fallen, and we remember their loved ones.

;;;;; Coalition special operations forces remained active throughout Iraq. They have been very effective in gaining capitulations or surrenders in several areas, including ar-Rupa (sp), Kirkuk, Al-Amara, Al-Ramadi, Mosul, and Al-Qa'im. These efforts continue where remaining pockets of military presence are found.

;;;;; Direct action missions against regime leadership or terrorist interests are also ongoing. Earlier this morning, coalition special operations forces, supported by U.S. Marines, captured Barzan Ibrahim Hassan al-Tikriti. Barzan is the half-brother of Saddam Hussein, and an advisor to the former regime leader, with extensive knowledge of the regime's inner workings. There were no friendly or enemy casualties. The capture demonstrates the coalition's commitment to relentlessly pursuing the scattered members of a fractured regime. Efforts related to other regime leaders are ongoing.

;;;;; Coalition maneuver forces continued clearing potentially hostile pockets while conducting assessments and aiding the delivery of humanitarian assistance. The arrival of the 4th Infantry Division into the land component operations area included a brief fire-fight in the vicinity of Taji Airfield north of Baghdad. In the engagement, the 4th Infantry Division forces killed and wounded a portion of the enemy force, destroyed some T-72 tanks, and captured over 100 enemy fighters. The enemy force also had unmanned artillery pieces, armored personnel carriers, loaded multiple rocket launcher systems, a surface-to-air missile warehouse, and a number of computers. The site and the materials have been secured for further exploitation and examination. The coalition force reported the airfield clear of enemy forces and continued its attack to the north, encountering sporadic small-arms fire and snipers.

;;;;; In the U.K. sector of southern Iraq, patrols were attacked by rocket propelled grenades near a bridge in Basra. The patrols are still finding evidence of armed regime death squad members in the city, but in

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general Basra is rapidly improving in stability and security.

;;;;; The Iraqi-assisted discovery of five shallow grave sites near al-Zubair is currently under investigation.

;;;;; In other areas throughout Iraq, the coalition focused on improving the conditions necessary for a stable and free Iraq. The coalition is focusing effort, in close cooperation with free Iraqis on the restoration of power systems. As I've mentioned before, power is integrally related to the continuous availability of water and other services. And I'll give you an example.

;;;;; Power was recently restored in the northern Iraq city of Kirkuk, and while this is a very important accomplishment for the over 750,000 people in Kirkuk, its impact is far more significant in areas beyond Kirkuk. In this case, the power in Kirkuk will restore function to a natural gas complex that's also located there. Once the gas complex is restored to 100 percent capability, the natural gas can then be pumped from Kirkuk to Mosul, where a gas-operated power plant is currently down. The gas-operated power station will then be able to provide stable electric power that's needed to run the Mosul hydroelectric station at the Mosul Dam to the northwest of Mosul -- formerly known as the Saddam Dam.

;;;;; Once power is restored there, the water distribution system in Mosul can also be restored. And most significantly, the lines that run from Mosul south to Baiji can be activated. That then provides enough energy into the Baiji substation to push power straight into Baghdad and also Tikrit. So, as we have successes like the Kirkuk power plant being restored, it starts a sequence that rapidly improves conditions throughout. Concurrently, the Baghdad South power plant is being prepared to run on a temporary supply of oil until an uninterrupted supply of both power and oil can be provided. And we are confident that there will be many more good news stories like this in the coming days.

;;;;; While our efforts to restore power and subsequently water distribution are ongoing, we see increasing contributions of packaged water. The contributions are organized at humanitarian operations centers, and then they are prepared for movement in concert with coalition forces to the areas that need the supplies. I have a short video to show you of a convoy the coalition recently facilitated from Kuwait up to As-Samawa and An-Najaf earlier this week.

;;;;; (VIDEO.) This is part of a convoy that had 13 large truckloads of water and water supplies that began in Kuwait at the humanitarian operations center there. The Kuwaiti government donated the materials as a gift to the Iraqi people. And I would say that as the convoy moved north, they had some rest halts, and in one case a family with a donkey cart came up and was looking for some water, and they were not refused. So, along the way, if there was a request made by any free Iraqis along the road, they were not denied what was available. And I would add also that, as you could see, this was not just water itself that was being provided, but also containers for bulk water in the same load. The download in this case was in the town of An-Najaf. There were members of the Iraqi Red Crescent that were also facilitating the download.

;;;;; Civilian medical treatment is successfully occurring in many areas of Iraq. And the next image is of a photo taken recently at a hospital near Kirkuk. This is a functioning hospital that was visited by a military medical team. The coalition assists by redistributing medical supplies when it's possible. In this image, you see a military physician's assistant turning over medical supplies which were discovered at a previously looted location.

;;;;; The situation in Baghdad is somewhat different. Areas that are inherently more dangerous must first be secured before any medical care assessments can take place. Third Infantry Division soldiers, as you see in this particular image in Baghdad, first had to secure the hospital and the surrounding area before an assessment of the hospital could begin.

Once military and medical experts gained access to the hospital, they were able to determine any usable areas of the facility, and also to take inventory of the available medical supplies.

;;;;; In some cases, like this one, we may expose very disappointing conditions of the care being provided. What you see here is a man that was found on a gurney within this hospital, and he was untreated.

;;;;; He had gunshot wounds and broken bones in several places on his body. The assessment team provided whatever assistance they could, whatever relief they could at the time. And we find that every day coalition forces are finding health care facilities that are under-equipped, that are unsanitary, that are under-staffed, and it's clear that quality health care was simply not a priority of the regime. It is a priority of the coalition and the reconstruction efforts that are ongoing.

;;;;; Nevertheless, military humanitarian actions and the reconstruction efforts are improving the conditions. More doctors, nurses and health professionals are returning to work every day. Medical supplies and experts are continuing to flow into Iraq.

;;;;; As we complete the process of securing the country from all remnants of the regime and move towards stability operations, free Iraqi forces remain integral to our efforts. They are key to making connection with the population that is now free, and their knowledge of the culture and the areas that they're working in helps to keep our military teams focused and able to show both the energy and the compassion required to make a permanent difference in the lives of the Iraqi people. Operation Iraqi Freedom continues.

;;;;; Ladies and gentlemen, I'll take your questions. Yes please, Kelly.

;;;;; Q Yes, General. Could you give us some more detail about capture of Saddam's half-brother? And has he been able to give you any indication about the fate of Saddam and his sons?

;;;;; BRIG. GEN. BROOKS: The operation occurred, as I mentioned, during night. It was coalition special operations forces, who are professionals at doing this type of an operation, and while doing to minimizing any threat to civilians and protecting the force as they get the job done in an effective way. They were supported by marines, based on the area where their operations occurred -- the marines that had been operating inside of Baghdad. This was a Baghdad operation.

;;;;; I won't provide many more specifics in terms of the tactics they used, since we certainly have interest in finding other regime leaders. There was some information provided by some Iraqis in this case that facilitated the capture, and we're currently asking a number of questions -- of course, treating him properly, but finding out whatever information we can as a result of this capture, and that will unfold in due time. And I don't want to characterize much more precisely than that.

;;;;; Q Was he alone?

;;;;; BRIG. GEN. BROOKS: He was captured alone in this case. Yes please. Let me go to you, Mimi (sp).

;;;;; Q Mimi Scalance (sp), CBS News. Thank you, General. Even with today's capture, there are so many leaders missing. There have been no discovery of weapons of mass destruction. Foreign fighters are in the country. Are you at all worried that there really is an opportunity for a big bang still to come?

;;;;; BRIG. GEN. BROOKS: We remain concerned about any assets, resources or capabilities that might be used. We've seen a number of indications of individuals who either desire a state of lawlessness, who are looting things that are of value to the Iraqi people, or who are engaging in violent acts in a number of places. While they're still out there, our

work is not complete.

;;;;; And so we certainly know that there is a potential for weapons of mass destruction. We know that there are a number of methods that could be used for dispersing or dispensing these weapons of mass destruction -- chemicals, for example -- and we're looking for anything that might indicate that.

;;;;; At the same time, our efforts remain very deliberate and focused, and we act on pieces of information, joining parts of the puzzle together, to be able to gain access to regime leaders like Barzan al- Tikriti last night, and others that are still out there. The same applies to our approach to weapons of mass destruction, any weapons otherwise -- conventional munitions and weapons that are still out in areas that need to be removed from the hands of those that might seek to continue actions.

;;;;; The same applies to finding and removing any foreign fighters, with the assistance of the Iraqi people, who don't need them for defense and don't seek their presence. That's the way our approach is, and it will continue to be that way.

;;;;; Yes please, Tom.

;;;;; Q Yes, General Brooks. Not a question about tactics but about policy or enforcement of it. Let's say Saddam Hussein is located in a country like Syria. Would you employ the rule of hot pursuit to cross over that border without permission to capture, find, locate him?

;;;;; BRIG. GEN. BROOKS: Well, I wouldn't want to speculate on that, Tom, in terms of what actions would be taken under a specific circumstance like that. What we do know is this coalition is focused on Iraq. This is Operation Iraqi Freedom and we're operating under specific instructions from our national leaders as to what our responsibilities are, and that's where we would keep it at this point in time.

;;;;; If there are different decisions that are made, we will certainly be told what action to take or to not take under those circumstances. Of course, there are a variety of capabilities available to our nation and other nations in different areas, but for us right now, this is Operation Iraqi Freedom and we will remain focused, as we are, within Iraq.

;;;;; Yes, please.

;;;;; Q David Crantree (sp) from Sky News. You mentioned shallow graves. Do you have any more detail on that? And the northern town of Mosul, does that remain unstable?

;;;;; BRIG. GEN. BROOKS: There are some initial reports that some shallow graves were identified to U.K. forces by some Iraqis. After seeing the first one, they were guided to four more. It's just initial information. We don't know who might be inside of those shallow graves, and they're just now beginning to be examined and so I don't have anything new to report in that regard.

;;;;; Mosul is an area that, as I described yesterday, the stability situation is described as uncertain. There are pockets still of lawlessness, violence, and indications of deliberate agitation to create those conditions. There were some shootings that occurred yesterday. I described a set two days ago, and there were some more that occurred yesterday when a case of some violent actions at a bank involved police and also some coalition forces. A two-way exchange of fire ensued. Police were injured or wounded by fire, and marines were also involved in returning fire. Some were killed -- some of the suspected bank robbers were killed, and there were others who were wounded in that engagement.

;;;;; I think what that tells us is that there are still pockets that would seek to have instability as a better solution than stability. Our efforts have to be directed against locating such individuals, taking away

their capability, and simply applying a system of justice that puts an end to it. That takes deliberate work. It takes assistance by the population. And it takes a draining of the pool so that there's not an ability to hide in and amongst the population as well. And those efforts are ongoing.

;;;;; There's some good news inside of this, and that is certainly that there is a police force that was involved in enforcing the law in that location, and they are working very closely with the coalition. Those efforts will improve over time, and we believe that we can create the conditions of stability in Mosul, as they are in other cities of the north right now.

;;;;; Please, Adi (sp).

;;;;; Q Adi Rival (sp), ABC News. Regarding the suicide vests, a couple of days ago you said that about 80 of 300 such vests have gone missing. Any idea where they are now? Have you apprehended any of the individuals who may have taken these vests? And secondly, specifically regarding the situation in Baghdad, are there still some sectors in Baghdad that are still not considered permissive sites, such as Mansour? Thank you, sir.

;;;;; BRIG. GEN. BROOKS: What we saw was a place that had room for about 80 more vests. They were pretty well lined up and prepared.

;;;;; We can't know at this point how many have been already used from that set. We certainly have seen some suicide vest-wearing individuals in homicide attacks. Where they may have gone is unknown. How many are still potential to be used? It could be as many as there are. So if there's 80 that are out there, then we suspect that there is potential for at least 80 to be used. That's one location where we found vests. We don't know that we've found all locations where there may have been supplies of vests.

;;;;; So what it reminds us mostly of is that there is still a capability there for those types of attacks and for the tactics of terrorists to be used to maintain conditions of instability in places where it's in the interest of those who would seek to either try to restore power or to prevent the bright future we think is in store for Iraq from coming into fruition.

;;;;; There are areas still in Baghdad that coalition forces have not been able to declare permissive. The number is decreasing significantly with every day that goes by, and with the assistance of the Iraqi population, who give us more and more information, and also who really create the conditions of what is permissive and what's peaceful and stable.

;;;;; Those areas will be dealt with in due time. In a very deliberate way, just like you saw in our operations throughout this campaign, we'll develop a specific picture of intelligence, we'll find out where specific threats are, and we'll apply the appropriate amount of force, in a proportional way that's necessary to rid that location of any remaining regime pockets, suicide bombers, death squad members, loyalists, or any other particular threat that might be inside of there. That's how (we'll approach?) it.

;;;;; Q (Off mike.)

;;;;; GEN. BROOKS: Let me just leave it at he was inside of Baghdad and we were able to enter and remove him with very precise work.

;;;;; Q (Off mike.)

;;;;; GEN. BROOKS: Monsur (ph) we're still working on. There's still work to be done there.

;;;;; Yes, please.

;;;;; Q (Inaudible) -- Agence France Presse. Two questions. One, can you comment on reports that coalition forces found two dozen political prisoners in dungeons in Baghdad? The second question is, do you have a toll in Mosul since Tuesday?

;;;;; GEN. BROOKS: Do we have a toll?

;;;;; Q (Off mike.)

;;;;; GEN. BROOKS: First, I don't have any reports of political prisoners having been found in Baghdad. We know that there are many, many political prisoners that were held by this regime. I don't think anyone really knows what the full count is on the number of people that have been held, and certainly not the number that have been murdered by the regime over its tenure.

;;;;; But there's clear knowledge that that occurred, and we gain more and more information each day from free Iraqis who really wanted this regime to go away for a long time and now have the opportunity to live without such a regime being present.

;;;;; I don't have a specific count on how many have been killed or wounded inside of Mosul. We know that there have been small numbers killed in each one of these engagements. Some have been wounded as well. The full scope of that is not ever completely well-known. Some move away with wounds and we don't ever know about that.

;;;;; What I can say, though, is our approach is deliberate. It's an effort to maintain law and order where it's appropriate. And in other cases, as with both of these incidents, it's in response to threats that are directed against coalition forces or others. And that's how we'll continue to do our work.

;;;;; Our coalition forces have the inherent right of self-defense. That hasn't changed and will continue to be something that is a first guiding principle for our work. At the same time, we want to be very deliberate about any responses we make and very careful that the response is focused and appropriate to the conditions that are existing at that given time. And we will continue in that direction. So I don't know what the answer is on Mosul, and that will probably unfold over the next coming days.

;;;;; Yes, sir, please.

;;;;; Q Could you expand a little bit more about Barzan al-Tikriti? What was his role in this regime? Why he was sought?

;;;;; And a second question: Based on the number of suspected sites where there might be weapons of mass destruction and the manpower available, how long do you think it will take until all of those locations are thoroughly researched?

;;;;; GEN. BROOKS: We saw the role of Barzan Ibrahim Hasan al-Tikriti as an adviser to former President Saddam Hussein. We believe that he is an insider, and, in terms of priorities, about 38 on our list of 55 top individuals that we believe have key information about the regime.

;;;;; What real details he has, we will see as he's questioned over the coming days. And we believe there may be some additional information that comes that may point us in other directions about exactly how the regime worked; what were the inner workings of the regime? We'll have to wait and see exactly what his role was, but that's the foundation for why we found him to be important.

;;;;; The WMD sites, the process associated with that is more a function of getting good, accurate information, going to a location that bears fruit. And so it's not so much a function of how many people are available to do it but how well we can point them to do the work that needs to be done. We've organized ourselves to do that.

;;;;; We have people who have a specific role to be played in going to sites that might have weapons of mass destruction or other sites that require detailed examination. It's an organized outfit to do that. There are technical capabilities that are available to them, and things that are found may also be technically examined, as we've talked about over a few days. That's really what the long pole in the tent is, if you will, that will determine how long it will take. It depends on what information we get.

;;;;; Now, as each day goes by, as each threat of information is gathered in from various sources, whether they're individuals we encounter on the street, regime leaders that are taken into our custody, other things, we may find that it very rapidly unfolds. But at the current time, we're going site by site, item of information by item of information, action by action. And it's a very deliberate process that will take some time.

;;;;; Yes, please.

;;;;; Q (Inaudible.) Can I just ask you a couple of -- (inaudible) -- questions? One is, there's a New York Times report saying that you've bombed the bases of the Iranian opposition group, the main armed Iranian opposition group, the Mujahideen-e-khalq.

;;;;; And secondly, we have a correspondent who's been to Ba'qubah, between Baghdad and the Iranian border, which doesn't seem to have been visited by U.S. forces and which appears to be run by members of the (Badr ?) Brigade, a pro-Iranian group. Is that a situation that you expect to persist?

;;;;; GEN. BROOKS: We know that there's a presence of the Mujahideen-e-khalq inside of Iraq, and indeed, we have been targeting them for some time. There's work that's ongoing right now to try to secure some sort of agreement that would be a cease-fire and a capitulation. That work is ongoing and will most likely unfold within the coming days.

;;;;; We have had forces go through Ba'qubah. The forces that ultimately went to Tikrit, their first stop was Ba'qubah. We had indications that it might be a location where our prisoners of war were held. And so a combat force went through that area. We cleared a hospital there and found that our friendly prisoners of war were not present. It was a few days later that they were encountered. And we may have been very close indeed at that point in time.

;;;;; So we have had forces pass through Ba'qubah. Having said that, there are a number of areas where we may have passed through and we need to look at again in a very deliberate way. We don't have any indications that there are problems in Ba'qubah at this point. That will be one of many locations that will be visited by coalition forces as time goes on.

;;;;; Yes, please.

;;;;; Q (Inaudible) -- Reuters. First of all, I would like to ask about Mohammed Moshin Zubaidi (ph), who's in Baghdad, (says?) he's been chosen as the head of an interim council in Baghdad and that he's working with you. Can you tell us more about this interim council, how you're working with it, what it's doing?

;;;;; Secondly, reports about this pilgrimage to Karbala in the coming days. The expectations are there will be an awful lot of people turning out from various places. Given the tension in Najaf recently, can you explain what sort of measures you might be taking to make sure it goes smoothly and peacefully?

;;;;; GEN. BROOKS: There are a number of emerging leaders throughout Iraq, and the coalition works with a number of them on a variety of levels. I'd like to just leave it at that. We want Iraq to be governed by Iraqis. We want the local leadership to develop and take ownership of the



actions that are happening inside of towns, villages and cities throughout the country. And we want to see an integrated relationship of those regional governments with national-level governments. That will develop over time. That's where I'd like to leave it on the first part of your question.

;;;;; We're very well aware of the pilgrimage that's coming up and its great importance, and we certainly will take appropriate measures to ensure the security is set as well as we can. And we also would anticipate that the Iraqi people, knowing how important it is, will govern themselves in a way that is not one of disorder but one of the importance of the (global mix?) itself.

;;;;; Ladies and gentlemen, that's all we have time for today. Thanks very much.

END.

;

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Smith, William (Judiciary) <William\_Smith@Judiciary.senate.gov>; Wendy J. Grubbs/WHO /EOP@EOP [ WHO ] <Wendy J. Grubbs>; Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>; Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>; Groover, Chad (Judiciary) <Chad\_Groover@Judiciary.senate.gov>; Higgins, Stephen (Judiciary) <Stephen\_Higgins@Judiciary.senate.gov>; Mark Heilbrun <Mark\_Heilbrun@specter.senate.gov>; Ledeen, Barbara (Republican-Conf) <Barbara\_Ledeen@src.senate.gov>; Ueland, Eric (Frist) <Eric\_Ueland@frist.senate.gov>; Comisac, RenaJohnson (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>; Wichterman, Bill (Frist) <Bill\_Wichterman@frist.senate.gov>; Kristi.L.Remington@usdoj.gov [ UNKNOWN ] <Kristi.L.Remington@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Galyean, James (L. Graham) <James\_Galyean@lgraham.senate.gov>; Ho, James (Judiciary) <James\_Ho@Judiciary.senate.gov>; Matal, Joe (Judiciary) <Joe\_Matal@Judiciary.senate.gov>; Frank Brown <IMCEACCMail-Frank+20Brown+20at+20SPECTER-DC"@routing.senate.gov>; Rodgers, Mark (Republican-Conf) <Mark\_Rodgers@src.senate.gov>; Vogel, Alex (Frist) <Alex\_Vogel@frist.senate.gov>; Dahl, Alex (Judiciary) <Alex\_Dahl@Judiciary.senate.gov>; Delrahim, Makan (Judiciary) <Makan\_Delrahim@Judiciary.senate.gov>  
**Sent:** 4/17/2003 8:22:46 AM  
**Subject:** : So it begins/ Holmes  
**Attachments:** P\_HHAPF003\_WHO.TXT\_1.html

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:17-APR-2003 12:22:46.00

SUBJECT:: So it begins/ Holmes

TO:"Smith, William (Judiciary)" <William\_Smith@Judiciary.senate.gov> ( "Smith, William (Judiciary)" <William\_Smith@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )

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TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )

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TO:"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )

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TO:"Groover, Chad (Judiciary)" <Chad\_Groover@Judiciary.senate.gov> ( "Groover, Chad (Judiciary)" <Chad\_Groover@Judiciary.senate.gov> [ UNKNOWN ] )

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TO:Mark Heilbrun <Mark\_Heilbrun@specter.senate.gov> ( Mark Heilbrun <Mark\_Heilbrun@specter.senate.gov> [ UNKNOWN ] )

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TO:"Ledeen, Barbara (Republican-Conf)" <Barbara\_Ledeen@src.senate.gov> ( "Ledeen, Barbara (Republican-Conf)" <Barbara\_Ledeen@src.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Ueland, Eric (Frist)" <Eric\_Ueland@frist.senate.gov> ( "Ueland, Eric (Frist)" <Eric\_Ueland@frist.senate.gov> [ UNKNOWN ] )

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TO:"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> ( "Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> [ UNKNOWN ] )

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TO:"Wichterman, Bill (Frist)" <Bill\_Wichterman@frist.senate.gov> ( "Wichterman, Bill (Frist)" <Bill\_Wichterman@frist.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:Kristi.L.Remington@usdoj.gov ( Kristi.L.Remington@usdoj.gov [ UNKNOWN ] )

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TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Galyean, James (L. Graham)" <James\_Galyean@lgraham.senate.gov> ( "Galyean, James (L. Graham)" <James\_Galyean@lgraham.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> ( "Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> [ UNKNOWN ] )  
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READ:UNKNOWN  
TO:Frank Brown <"IMCEACCMail-Frank+20Brown+20at+20SPECTER-DC"@routing.senate.gov> ( Frank Brown <"IMCEACCMail-Frank+20Brown+20at+20SPECTER-DC"@routing.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Rodgers, Mark (Republican-Conf)" <Mark\_Rodgers@src.senate.gov> ( "Rodgers, Mark (Republican-Conf)" <Mark\_Rodgers@src.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Vogel, Alex (Frist)" <Alex\_Vogel@frist.senate.gov> ( "Vogel, Alex (Frist)" <Alex\_Vogel@frist.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov> ( "Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> ( "Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

\* Fort Worth Star-Telegram: No bench for them?  
<http://www.dfw.com/mld/startelegram/news/editorial/5653950.htm>

- att1.htm  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_HHAPF003\_WHO.TXT\_1>

< /o:p>

\* Fort Worth Star-Telegram: No bench for them?

<http://www.w.dfw.com/mld/startelegram/news/editorial/5653950.htm>

< /o:p>

< /span>

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/17/2003 2:55:51 PM  
**Subject:** : Re: i called her

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:17-APR-2003 18:55:51.00  
SUBJECT:: Re: i called her  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Geez, she made it sound like a barrage of unreturned calls and messages --  
to which I said, "did you ever think of just knocking on his door and  
checking in with him?"  
.

-----Original Message-----  
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>  
To: Leitch, David G. <David\_G\_Leitch@who.eop.gov>  
Sent: Thu Apr 17 18:23:53 2003  
Subject: Re: i called her

;;;;;;;;; it was just one call tuesday.; and i hope it is the last one i  
ever get from her.; i fear it isn't.

;;;;;;;;; From;;; David G. Leitch/WHO/EOP@Exchange on 04/17/2003 05:39:20 PM  
;;;;;;;;; Record Type;;; Record  
  
;;;;;;;;; To;;;;; Brett M. Kavanaugh/WHO/EOP@EOP  
;;;;;;;;; cc;;;;;  
;;;;;;;;; Subject;;;;;;;;;; Re: i called her

;;;;;;;;; Hang tough but please answer her calls often enough that I don't  
have to deal with her.

;;;;;;;;; .

;;;;;;;;; -----Original Message-----  
;;;;;;;;; From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>  
;;;;;;;;; To: Leitch, David G. <David\_G\_Leitch@who.eop.gov>  
;;;;;;;;; Sent: Thu Apr 17 17:32:25 2003  
;;;;;;;;; Subject: Re: i called her

;;;;;;;;; ;;;;;;;;;; Lotrionte thinks by yelling loudly and complaining  
that we are sitting on her attempt to garner more authority for herself,  
she can get the substantive result she wants.; Doesn't work that way.

;;;;;;;;; ;;;;;;;;;; From;;; David G. Leitch/WHO/EOP@Exchange on 04/17/2003  
04:23:29 PM  
;;;;;;;;; ;;;;;;;;;; Record Type;;; Record  
  
;;;;;;;;; ;;;;;;;;;; To;;;;; Brett M. Kavanaugh/WHO/EOP@EOP  
;;;;;;;;; ;;;;;;;;;; cc;;;;;

////////// Subject:////////// Re: i called her

////////// Thanks. She's a piece of work

////////// .

////////// -----Original Message-----

////////// From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>

////////// To: Leitch, David G. <David\_G.\_Leitch@who.eop.gov>

////////// Sent: Thu Apr 17 16:18:40 2003

////////// Subject: i called her

---

**From:** Paul.P.Colborn@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/17/2003 11:06:58 AM  
**Subject:** : RE: 30 years

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Paul.P.Colborn@usdoj.gov" <Paul.P.Colborn@usdoj.gov> ( "Paul.P.Colborn@usdoj.gov"  
<Paul.P.Colborn@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME:17-APR-2003 15:06:58.00

SUBJECT:: RE: 30 years

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : RE: 30 years

Was Read By : Paul.P.Colborn@usdoj.gov

On : Thu, 17 Apr 2003 15:05:13 -0400

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wiley, Ladd (HHS/OS) <Ladd.Wiley@hhs.gov>  
**Sent:** 4/17/2003 11:33:32 AM  
**Subject:** : RE: FW: 60+ Request

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 17-APR-2003 15:33:32.00  
SUBJECT: RE: FW: 60+ Request  
TO: "Wiley, Ladd (HHS/OS)" <Ladd.Wiley@hhs.gov> ( "Wiley, Ladd (HHS/OS)"  
<Ladd.Wiley@hhs.gov> [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

How much are they charging?

"Wiley, Ladd (HHS/OS)" <Ladd.Wiley@hhs.gov>  
04/17/2003 03:26:48 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: FW: 60+ Request

Yes it is a fundraiser for the 60+ organization, but not a political fundraiser.

-----Original Message-----  
From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett M. Kavanaugh@who.eop.gov]  
Sent: Thursday, April 17, 2003 3:25 PM  
To: Wiley, Ladd (HHS/OS)  
Subject: Re: FW: 60+ Request

quick q: Is the event a fundraiser?

(Embedded  
image moved "Wiley, Ladd (HHS/OS)" <Ladd.Wiley@hhs.gov>  
to file: 04/17/2003 03:17:31 PM  
pic12062.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: FW: 60+ Request



Brett,

The organization 60+ is a 501(c)(4), which has been supportive of administration policies in the past. They would like Secretary Thompson to headline a speech in his official capacity. Normally, we would just approve it as an official event.

I just wanted to make sure that 501(c)(4) weren't impacted by the McCain Feingold law. Any ideas or anyone to whom you could refer me?

> -----Original Message-----

> From: Wood, Robert (HHS/OS)  
> Sent: Wednesday, April 09, 2003 10:05 AM  
> To: Karim, Jafar (HHS/OS); Wiley, Ladd (HHS/OS)  
> Subject: RE: 60+ Request

> lets discuss.

> -----Original Message-----

> From: Karim, Jafar (HHS/OS)  
> Sent: Tuesday, April 08, 2003 5:07 PM  
> To: Wood, Robert (HHS/OS)  
> Cc: Schofield, Regina (HHS/OS)  
> Subject: FW: 60+ Request

> Bob:

> I'm redirecting this inquiry to you per Laura's suggestion. Bob Martin  
> has called a couple of times to see if TGT could keynote an event  
> described below. I know this is a way off, but the WH is asking if we  
> could agree to do this. Bob is hoping for a date ASAP. They have a  
> number of groups that are going to help sponsor the event, they just need  
> a headliner. Please let me know if you have any questions about this. I  
> can run the legal traps. For numerous reasons, I think this is worth  
> considering as a priority. Feel free to let me know if you'd like to  
> discuss. Thanks.

> - Jaf

> -----Original Message-----

> From: Karim, Jafar (HHS/OS)  
> Sent: Tuesday, March 25, 2003 2:29 PM  
> To: Lawlor, Laura (HHS/OS)  
> Cc: Schofield, Regina (HHS/OS)  
> Subject: 60+ Request

> Laura:

> Getting back to you on the request of 60 Plus to have the Secretary as a  
> keynote speaker for a fundraiser they would like to hold in the coming  
> months. Jim Martin, the group's executive director, indicated that the  
> date is not yet certain. Regina advised, however, that we decide  
> internally whether the the Secretary would make this a priority should  
> the  
> dates all work out. I'd be happy to discuss in detail some of the  
> factors  
> to consider in determining the importance of this event. Below are some  
> factors for your consideration.

> What: 60 Plus fundraiser; two-tiered event w/  
> reception & photo op, then remarks to the group during a dinner  
> Where: TBD, but the organization seeks a Hill  
> location such as the Washington Court Hotel (on the Senate side)  
> Date Options: June 3, 4, 5, 10, 11, 12

>  
> Other Facts:  
>  
> \* 60+ organized as a 501(c)4, a not-for-profit association, allowing  
> it to conduct issue advocacy but not candidate endorsements.  
>  
> \* Fundraiser: never had a fundraiser before; will get House and  
> Senate members to attend; a member of the Admin was going to do last  
year,  
> but scheduling conflicts prevented that from happening.  
>  
> \* Roger Zion, a 4 term house member from IN and a UW graduate is the  
> organization's president; according to Jim, he and TGT have met and got  
> along well.  
>  
> \* The group is keen on promoting the preventive health care message.  
>  
> \* Want TGT to headline; they are seeking Karl Rove as a "special  
> guest"; reception beforehand.  
>  
> \* The organization has approximately 25,000 members.  
>  
> Please let mek know if you have any thoughts or questions. Thanks.  
>  
> - Jafar  
>  
> Jafar Karim  
> Office of White House Liaison  
> US Department of Health and Human Services  
> 200 Independence Avenue, SW  
> Room 610E, Humphrey Building  
> Washington, DC 20201  
> Phone: 202/690-6625  
> Fax: 202/401-1948  
> jafar.karim@hhs.gov  
>

---

**From:** Kristi.L.Remington@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/17/2003 11:47:02 AM  
**Subject:** : FW: Kuhl PDF document  
**Attachments:** P\_PWLPF003\_WHO.TXT\_1.pdf

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (  
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:17-APR-2003 15:47:02.00  
SUBJECT:: FW: Kuhl PDF document  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,

Attached is the Kuhl letter to Specter in pdf.

- Kuhl letter to Senator Specter.pdf  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_PWLPF003\_WHO.TXT\_1>

Carolyn B. Kuhl  
Superior Court of the State of California  
For the County of Los Angeles  
111 North Hill Street, Department 1  
Los Angeles, California 90012

April 15, 2003

The Honorable Arlen Specter  
United States Senate  
711 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Specter:

Thank you for taking the time to meet with me at the Capitol last week. I realize what a busy day it was for you and I appreciate your providing an opportunity for me to talk about my record as a Judge.

In response to your suggestion that I provide you specific examples of my judicial record concerning the rights of minorities, I am sending you two opinions that I authored.

I wrote the appellate decision in *Iwekaogwu v. City of Los Angeles*, 75 Cal.App.4<sup>th</sup> 803 (1999), during the three months I sat as a Justice Pro Tempore of the California Court of Appeal. In this case I upheld a jury award of \$500,000 to an African-American employee of the City of Los Angeles who had brought suit for discriminatory treatment on the basis of race and national origin and for retaliation. The defense argued that the evidence offered by the plaintiff at trial was insufficient to support the jury's verdict that Mr. Iwekaogwu had been retaliated against for complaining that he had been discriminated against on the basis of his race. This argument required a careful review of the entire trial record to determine (1) whether the adverse employment decisions occurred after Mr. Iwekaogwu had complained about discrimination and whether the persons who made the decisions knew about Mr. Iwekaogwu's complaints, and (2) whether a large verdict for emotional distress damages alone (over \$450,000) could be upheld in the absence of any evidence that plaintiff had sought psychiatric or psychological counseling.

My review of the record demonstrated that after Mr. Iwekaogwu had complained about being discriminated against, he had been denied two promotions and had been subject to a discriminatory denial of the opportunity to receive overtime pay. The defense argued that there was not sufficient evidence that the relevant decision makers knew of Mr. Iwekaogwu's discrimination complaint and acted in retaliation. I rejected such a "narrow . . . view of the type of evidence that may be offered to show that an employer's nonretaliatory explanation for its actions is pretextual," and relied on Ninth Circuit precedent for a broader standard more favorable to the plaintiff. (*Id.* at p. 816.) I also rejected the notion that individual employment decisions should be analyzed apart from discriminatory statements made in the course of other employment decisions. (*Id.* at 817.) I also rejected the defense argument that the jury could not

consider plaintiff's circumstantial proof to support a finding that the persons who denied promotions to Mr. Iwekaogwu knew about his complaints of discrimination. Finally, I rejected the defense claim that the amount of emotional distress damages was excessive. Even though no doctor testified concerning his emotional distress, I held that the jury could rely on his own and his family's statements about the stress and changes in Mr. Iwekaogwu's personal relationships because of the retaliation at work, and his fear of physical harm from coworkers. Therefore I upheld the entire \$500,000 damages award.

In a case involving the rights of an openly gay police officer, I overturned discipline of that officer for having worn a police department uniform in a gay rights parade and for having conducted recruitment activities aimed at the gay and lesbian community. A copy of my opinion in *Grobesson v. City of Los Angeles*, Case No. BC 150151 is enclosed. I wrote that "California law is clear that a person facing an administrative hearing that could affect his fundamental rights must have clear notice of the charges against him." (Opinion at 15.) Because the Police Department had violated Sergeant Grobesson's due process rights, by failing to give him proper notice of the charges against him, I overturned the Police Department's discipline of Sergeant Grobesson in its entirety. (*Id.* at 18-19.) I am also sending you a *Los Angeles Times* newspaper article that reported on this decision; it noted:

Judge Carolyn Kuhl instructed police to provide [Mr.] Grobesson with pay plus interest to cover 195 days during which he was suspended without salary in two separate disciplinary actions. The judge's order did not specify the amount owed.

She also ordered the LAPD to remove all mention of the disciplinary actions from its records.

Grobesson was charged with wearing his police uniform without permission in various gay-oriented activities such as a gay pride festival and in a magazine advertisement recruiting homosexuals to the LAPD.

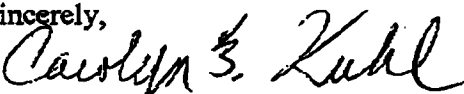
In addition, attached is a list of prominent women and minorities who know my work and support my nomination. I have actively pursued opportunities to mentor women in the law, both practitioners while in private practice and new judges since I have joined the bench. Women continue to be underrepresented in many law firm partnerships and on trial and appellate benches, and I have tried to do my part quietly but effectively to rectify this underrepresentation.

In closing, I want to assure you that I respect the dignity and legal rights of all parties who appear before me, including Ms. Sanchez-Scott. Because I am a woman, because I myself have had, on many occasions, the type of breast examination Ms. Sanchez-Scott underwent, because I have daughters who will undergo that type of medical procedure, I am not insensitive to the feelings of a woman placed in the unfortunate and uncomfortable situation Ms. Sanchez-Scott experienced. I had every reason to be – and was – sensitive to Ms. Sanchez-Scott's situation and claims. I had to determine her rights under California law. California law clearly gave her a tort action against the doctor whose responsibility it was to obtain her consent before he invited any other person into the examining room. It is very important to note that my decision allowed that claim to proceed. Regarding the separate claim against the drug company representative, the law was less clear, as Justice Turner affirms in his letter to you. I am glad that

the Court of Appeal clarified the law regarding the claim for invasion of privacy, and I would apply that ruling without reservation.

I would be glad to provide any further information that would be helpful to you in your review of my nomination. Thank you again for your consideration.

Sincerely,



Carolyn B. Kuhl

cc: The Honorable Orrin G. Hatch, Chairman, Senate Judiciary Committee  
The Honorable Patrick J. Leahy, Ranking Minority Member

## **WOMEN AND MINORITY/GAY RIGHTS SUPPORTERS**

### **Women Supporters**

Presiding Justice Joan Dempsey Klein, State of California Court of Appeal, Second Appellate District, Division Three

Justice Judith Ashmann-Gerst, State of California Court of Appeal, Second Appellate District

Susan F. Reynolds, M.D., Ph.D., Managing Partner of Susan Reynolds and Associates,

Leadership and Management Consultants

Vilma S. Martinez, partner, Munger Tolles & Olson, former president, MALDEF

Gretchen M. Nelson, Attorney at Law, Los Angeles; Chair, Litigation Section Los Angeles

County Bar Association; California pro-choice

Patricia L. Glaser, partner, Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro, LLP, Los Angeles, California

Patricia Phillips, lawyer, Morrison & Foerster LLP, Attorneys at Law

Janet M. Green, member of the Subcommittee of the Judicial Council of California Task Force on Jury Instructions.

Sara Sun Beale, Professor, Duke University School of Law

Lillian R. BeVier, Professor, University of Virginia School of Law

Nicole Stelle Garnett, Professor, Notre Dame Law School

Marci A. Hamilton, Professor, Benjamin N. Cardozo School of Law, Yeshiva University

Judge Dzintra Janavs, Superior Court, Los Angeles, California

Judge Mary Ann Murphy, Superior Court, Los Angeles, California

Judge Emilie H. Elias, Superior Court, Los Angeles, California

Judge Judith Chirlin, Superior Court, Los Angeles, California

Judge Ann Kough, Superior Court, Los Angeles, California

Judge Victoria Chaney, Superior Court, Los Angeles, California

Judge Ann I. Jones, Superior Court, Los Angeles, California

Judge Helen I. Bendix, Superior Court, Los Angeles, California

Judge Linda K. Lefkowitz, Superior Court, Los Angeles, California

Judge Lorna Parnell, Superior Court, Los Angeles, California

Judge Patricia L. Collins, Superior Court, Los Angeles, California

Judge Elizabeth A. Grimes, Superior Court, Los Angeles, California

Judge Rita Miller, Superior Court, Los Angeles, California

Judge Lee Edmon, Superior Court, Los Angeles, California

Judge Fumiko H. Wasserman, Superior Court, Los Angeles, California

Judge Mary Thornton House, Superior Court, Los Angeles, California

Judge Ruth Ann Kwan, Superior Court, Los Angeles, California

Judge Kathleen Kennedy-Powell, Superior Court, Los Angeles, California

Judge Tricia Ann Bigelow, Superior Court, Los Angeles, California

Judge Judith L. Champagne, Superior Court, Los Angeles, California

Judge Maureen Duffy-Lewis, Superior Court, Los Angeles, California

Judge Jacqueline Connor, Superior Court, Los Angeles, California

Judge Marsha N. Revel, Superior Court, Los Angeles, California

Judge Susan Bryant-Deason, Superior Court, Los Angeles, California

Judge Alice E. Altoon, Superior Court, Los Angeles, California

Judge Valerie Baker, Superior Court, Los Angeles, California

Judge Teri Schwartz, Superior Court, Los Angeles, California  
Judge Janice Claire Croft, Superior Court, Los Angeles, California  
Judge Teresa Sanchez-Gordon, Superior Court, Los Angeles, California  
Judge Marilyn L. Hoffman, Superior Court, Los Angeles, California  
Judge Marion J. Johnson, Superior Court, Los Angeles, California  
Judge Andria K. Richey, Superior Court, Los Angeles, California  
Judge Alice C. Hill, Superior Court, Los Angeles, California  
Judge Meredith C. Taylor, Superior Court, Los Angeles, California  
Judge Rose Hom, Superior Court, Los Angeles, California  
Judge Margaret May, Superior Court, Los Angeles, California  
Judge Soussan G. Brugera, Superior Court, Los Angeles, California  
Judge Anne H. Egerton, Superior Court, Los Angeles, California  
Judge Lynn O'Malley Taylor, Presiding Judge, Marin County Superior Court  
Judge Florence-Marie Cooper, United States District Court, Central District of California

**Minority and Gay Rights Supporters**

Leo James Terrell, attorney for the NAACP, has a weekly radio program in Los Angeles  
Vilma S. Martinez, partner, Munger Tolles & Olson, former president, MALDEF  
Donald E. Sloan, gay rights and AIDS activist, who has held leadership positions in the Human Rights Campaign and the Bay Area Non-Partisan Alliance  
Daniel E. Eaton, Esq., African American bar leader, Seltzer Caplan McMahon Vitek, San Diego, California  
Judge Victor E. Chavez, Superior Court, Los Angeles, California  
Judge Morris B. Jones, Superior Court, Los Angeles, California  
Judge Fumiko Hachiya Wasserman, Superior Court, Los Angeles, California  
Judge George H. Wu, Superior Court, Los Angeles, California  
Judge Gregory Alarcon, Superior Court, Los Angeles, California  
Judge S. James Otero, Superior Court, Los Angeles, California  
Judge Teresa Sanchez-Gordon, Superior Court, Los Angeles, California  
Judge Arthur M. Lew, Superior Court, Los Angeles, California  
Judge Rose Hom, Superior Court, Los Angeles, California  
Judge Ruth Ann Kwan, Superior Court, Los Angeles, California



---

**From:** Paul.P.Colborn@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/17/2003 12:05:42 PM  
**Subject:** : RE: notice21.wpd

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Paul.P.Colborn@usdoj.gov" <Paul.P.Colborn@usdoj.gov> ( "Paul.P.Colborn@usdoj.gov"  
<Paul.P.Colborn@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME:17-APR-2003 16:05:42.00

SUBJECT:: RE: notice21.wpd

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : RE: notice21.wpd

Was Read By : Paul.P.Colborn@usdoj.gov

On : Thu, 17 Apr 2003 16:03:00 -0400

---

**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>  
**Sent:** 4/17/2003 4:18:40 PM  
**Subject:** i called her

---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/17/2003 4:23:29 PM  
**Subject:** Re: i called her

Thanks. She's a piece of work

-----Original Message-----

From: Kavanaugh, Brett M.  
To: Leitch, David G.  
Sent: Thu Apr 17 16:18:40 2003  
Subject: i called her

---

**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>  
**Sent:** 4/17/2003 4:25:47 PM  
**Subject:** Re: i called her

that's very generous.

From: David G. Leitch/WHO/EOP@Exchange on 04/17/2003 04:23:29 PM

Record Type: Record

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

cc:

Subject: Re: i called her

Thanks. She's a piece of work

.

-----Original Message-----

From: Kavanaugh, Brett M.

To: Leitch, David G.

Sent: Thu Apr 17 16:18:40 2003

Subject: i called her

---

**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>  
**Sent:** 4/17/2003 5:32:25 PM  
**Subject:** Re: i called her

Lotrionte thinks by yelling loudly and complaining that we are sitting on her attempt to garner more authority for herself, she can get the substantive result she wants. Doesn't work that way.

From: David G. Leitch/WHO/EOP@Exchange on 04/17/2003 04:23:29 PM

Record Type: Record

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

cc:

Subject: Re: i called her

Thanks. She's a piece of work

-----Original Message-----

From: Kavanaugh, Brett M.

To: Leitch, David G.

Sent: Thu Apr 17 16:18:40 2003

Subject: i called her

---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/17/2003 5:39:20 PM  
**Subject:** Re: i called her

Hang tough but please answer her calls often enough that I don't have to deal with her.

-----Original Message-----

From: Kavanaugh, Brett M.  
To: Leitch, David G.  
Sent: Thu Apr 17 17:32:25 2003  
Subject: Re: i called her

Lotrionte thinks by yelling loudly and complaining that we are sitting on her attempt to garner more authority for herself, she can get the substantive result she wants. Doesn't work that way.

From: David G. Leitch/WHO/EOP@Exchange on 04/17/2003 04:23:29 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: i called her

Thanks. She's a piece of work

-----Original Message-----

From: Kavanaugh, Brett M.  
To: Leitch, David G.  
Sent: Thu Apr 17 16:18:40 2003  
Subject: i called her

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/17/2003 1:39:52 PM  
**Subject:** : Re: i called her

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:17-APR-2003 17:39:52.00  
SUBJECT:: Re: i called her  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Hang tough but please answer her calls often enough that I don't have to deal with her.

.

-----Original Message-----  
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>  
To: Leitch, David G. <David\_G\_Leitch@who.eop.gov>  
Sent: Thu Apr 17 17:32:25 2003  
Subject: Re: i called her

;;;;;;;; ;;;;;;;;; Lotrionte thinks by yelling loudly and complaining that we are sitting on her attempt to garner more authority for herself, she can get the substantive result she wants.; Doesn't work that way.

;;;;;;;; From;;; David G. Leitch/WHO/EOP@Exchange on 04/17/2003 04:23:29 PM  
;;;;;;;; Record Type;;; Record

;;;;;;;; To;;; Brett M. Kavanaugh/WHO/EOP@EOP  
;;;;;;;; CC;;;   
;;;;;;;; Subject;;;;;;;;; Re: i called her

;;;;;;;; Thanks. She's a piece of work

;;;;;;;; .

;;;;;;;; -----Original Message-----  
;;;;;;;; From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>  
;;;;;;;; To: Leitch, David G. <David\_G\_Leitch@who.eop.gov>  
;;;;;;;; Sent: Thu Apr 17 16:18:40 2003  
;;;;;;;; Subject: i called her

---

**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>  
**Sent:** 4/17/2003 5:50:01 PM  
**Subject:** 2 issues

1. Parking: Interior tells me that Anne Bowman Smith has been helping on this and that it is all but resolved. Is that accurate?

2. Greenstone does not think there are any action items now on the IRS issue. (Does this relate to parking and W2's?) If you disagree, let me know.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange@EOP [ WHO ] <Colleen Litkenhaus>  
**Sent:** 4/17/2003 1:52:05 PM  
**Subject:** : 2 issues

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:17-APR-2003 17:52:05.00

SUBJECT:: 2 issues

TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

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**From:** Kavanaugh, Brett M.  
**To:** <Kavanaugh, Brett M.>  
**CC:** <Litkenhaus, Colleen>  
**Sent:** 4/17/2003 6:08:56 PM  
**Subject:** Re: 2 issues

On #2, I should say "no action items for me." He said they are looking into it and will keep me informed.

Brett M. Kavanaugh

04/17/2003 05:51:45 PM

Record Type: Record

To: Colleen Litkenhaus/WHO/EOP@Exchange@EOP

cc:

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**From:** Wiley, Ladd (HHS/OS) <Ladd.Wiley@hhs.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/17/2003 2:12:37 PM  
**Subject:** : RE: FW: 60+ Request

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Wiley, Ladd (HHS/OS)" <Ladd.Wiley@hhs.gov> ( "Wiley, Ladd (HHS/OS)"  
<Ladd.Wiley@hhs.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:17-APR-2003 18:12:37.00  
SUBJECT:: RE: FW: 60+ Request  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
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\$1,000 per seat or \$10,000 per table.

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From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett M. Kavanaugh@who.eop.gov]  
Sent: Thursday, April 17, 2003 3:33 PM  
To: Wiley, Ladd (HHS/OS)  
Subject: RE: FW: 60+ Request

How much are they charging?

(Embedded  
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to file: 04/17/2003 03:26:48 PM  
pic26858.pcx)

Record Type: Record

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cc:  
Subject: RE: FW: 60+ Request

Yes it is a fundraiser for the 60+ organization, but not a political fundraiser.

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From: Brett M. Kavanaugh@who.eop.gov  
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Sent: Thursday, April 17, 2003 3:25 PM  
To: Wiley, Ladd (HHS/OS)  
Subject: Re: FW: 60+ Request

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(Embedded  
image moved "Wiley, Ladd (HHS/OS)" <Ladd.Wiley@hhs.gov>  
to file: 04/17/2003 03:17:31 PM  
pic12062.pcx)

Record Type: Record

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cc:  
Subject: FW: 60+ Request

Brett,

The organization 60+ is a 501(c)(4), which has been supportive of administration policies in the past. They would like Secretary Thompson to headline a speech in his official capacity. Normally, we would just approve it as an official event.

I just wanted to make sure that 501(c)(4) weren't impacted by the McCain Feingold law. Any ideas or anyone to whom you could refer me?

> -----Original Message-----

> From: Wood, Robert (HHS/OS)  
> Sent: Wednesday, April 09, 2003 10:05 AM  
> To: Karim, Jafar (HHS/OS); Wiley, Ladd (HHS/OS)  
> Subject: RE: 60+ Request

>  
> lets discuss.

> -----Original Message-----

> From: Karim, Jafar (HHS/OS)  
> Sent: Tuesday, April 08, 2003 5:07 PM  
> To: Wood, Robert (HHS/OS)  
> Cc: Schofield, Regina (HHS/OS)  
> Subject: FW: 60+ Request

> Bob:

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> can run the legal traps. For numerous reasons, I think this is worth  
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> discuss. Thanks.

> - Jaf

> -----Original Message-----

> From: Karim, Jafar (HHS/OS)  
> Sent: Tuesday, March 25, 2003 2:29 PM  
> To: Lawlor, Laura (HHS/OS)  
> Cc: Schofield, Regina (HHS/OS)  
> Subject: 60+ Request

> Laura:  
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> Getting back to you on the request of 60 Plus to have the Secretary as a  
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> location such as the Washington Court Hotel (on the Senate side)  
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> Other Facts:  
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> \* The group is keen on promoting the preventive health care message.  
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> \* Want TGT to headline; they are seeking Karl Rove as a "special  
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> \* The organization has approximately 25,000 members.  
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> Please let me know if you have any thoughts or questions. Thanks.  
>  
> - Jafar  
>  
> Jafar Karim  
> Office of White House Liaison  
> US Department of Health and Human Services  
> 200 Independence Avenue, SW  
> Room 610E, Humphrey Building  
> Washington, DC 20201  
> Phone: 202/690-6625  
> Fax: 202/401-1948  
> jafar.karim@hhs.gov  
>

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** colleen litkenhaus/who/eop@exchange@eop [ WHO ] <colleen litkenhaus>  
**Sent:** 4/17/2003 2:17:53 PM  
**Subject:** : Re: 2 issues

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:17-APR-2003 18:17:53.00  
SUBJECT:: Re: 2 issues  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:colleen litkenhaus ( CN=colleen litkenhaus/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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Brett M. Kavanaugh  
04/17/2003 05:51:45 PM  
Record Type: Record

To: Colleen Litkenhaus/WHO/EOP@Exchange@EOP  
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**From:** Advance <advance@nationalreview.com>  
**To:** Advance <advance@nationalreview.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/17/2003 2:17:12 PM  
**Subject:** : Advance e-copy of National Review's May 5, 2002 Issue

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Advance <advance@nationalreview.com> ( Advance <advance@nationalreview.com> [ UNKNOWN ] )

CREATION DATE/TIME:17-APR-2003 18:17:12.00

SUBJECT:: Advance e-copy of National Review's May 5, 2002 Issue

TO:Advance <advance@nationalreview.com> ( Advance <advance@nationalreview.com> [ UNKNOWN ] )

READ:UNKNOWN

BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

<http://www.nationalreview.com/advance/advance050503.asp>

A World of Possibilities

By John O'Sullivan

Bush needs to counterpose a vision of equal power and attractiveness to the "European idea" that animates his opponents. Both isolationism and the "global interventionism" advocated by some neoconservatives would further accelerate the Euro-nationalist trend. That leaves a revived Atlanticism, in which the U.S. would seek like-minded political allies throughout the Continent and seek to reshape the EU along free-market and pro-American lines. To take hold, such an Atlanticism would require a sense of crisis--and in Europe, this is now at hand. Economic, social, and demographic trends show Europe declining and America growing: By 2050 the U.S. economy will be almost three times the size of the current EU economy. Taken together, however, the U.S. and the EU would amount to almost 40 percent of world gross domestic product. In other words, Europe's clout is bound to diminish vis-?-vis the U.S. and every other region--unless it is part of a united West enjoying a global economic and political dominance.

The Great Sorting Out

By David Pryce-Jones

The eventual government of Iraq will have to be as genuinely representative as possible, not an exclusive Sunni or Shia or Kurd benefit system. But far from thinking this through and establishing a government-in-waiting, the State Department and the Pentagon are openly engaged in a wrestling match over their respective Iraqi candidates for office. The State Department hopes to rescue from retirement Adnan Pachachi, an 80-year-old former foreign minister. But he is a Sunni, and so his backers are set to repeat the British mistake of promoting someone from that minority without sufficient concern for everyone else. Among spokesmen for the Shia, the most articulate and forceful is Ahmad Chalabi, a member of a prominent family and secular in outlook, with a degree from MIT. Consistently supported by the Pentagon, he founded and now leads the Iraqi National Congress. According to some sources, people have never heard of him, asking "Ahmad who?" According to other sources,

he is cheered in the streets.

#### The Road to Damascus

By Meyrav Wurmser

Why did Assad throw caution to the wind and decide to risk being America's next target? After all, soon after 9/11 he had cautiously cooperated with the U.S. by arresting a few members of an al-Qaeda affiliate terror group. He seemed, then, to understand the need to avoid America's wrath. The explanation is despair, and the nature of the ideology that motivates the regime. Despite the fact that relations between the Ba'athist regimes in Baghdad and Damascus were always strained, tyranny's collapse in Iraq threatens nobody in the Arab world more than the Ba'athists in Syria. What just transpired in Baghdad cannot be easily contained by even the most repressive security apparatus. The U.S. need not go to war with Damascus, unless Damascus chooses to make a violent last stand, either directly or by employing terrorism. We should, however, launch a war of ideas. Since Syria cannot avoid confronting the U.S., the U.S. can make its addiction to confrontation fatal.

#### President of the World

By Jay Nordlinger

Americans tend to view the U.N. as a curiosity, or as a nice idea, or as a nuisance to be borne. But to much of the planet, the U.N. is paramount, and Kofi Annan is president of the world--a "secular pope," as he has been called. Other nations, feeling especially weak in the era of one superpower, seek their influence in the collectivity at Turtle Bay. It is the secretary general's job to embody that collectivity. And in the perverse equality of the United Nations, Iraq can head the disarmament council, whenever its spot in the alphabet comes up. Libya is now in the chair of the U.N. human-rights commission--Quaddafi's Libya. Syria and Cuba are among the other Schweitzerian states that serve on it. The only nation that has something like pariah status in the U.N. is the only democracy in the Middle East--you know who. It is the only nation barred from serving on the Security Council.

#### Off the Air

By John J. Miller

On March 31, five Republican senators--Sam Brownback of Kansas, Norm Coleman of Minnesota, Jon Kyl and John McCain of Arizona, and Rick Santorum of Pennsylvania--sent a letter to the White House. Their concern was that the State Department had not released millions of dollars previously appropriated to the Iraqi National Congress, a union of opposition groups that hoped to operate a television station called TV Liberty, among other vital efforts. Two days later, the State Department released \$4 million to the INC--some two weeks after the war had started. The failure to set up an opposition TV station is startling. After all, for the majority of Iraqi viewers, it was all Saddam, all the time. "If opposition TV had been beaming into Iraq from the first day, the cities would have fallen like dominoes," says Ali al-Ahmed of the Virginia-based Saudi Institute. "It would have shortened the fighting and saved lives."

#### How Cheap Is Your Manhood?



By John Derbyshire

To the degree that warrior envy is a species of regret for misspent youth, there is, pending the invention of a Time Machine, no real cure. If, however, you want to make some amends for your former neglect of the military aspect of citizenship, there are a number of things you can do. In the first place, you may still be able to enlist. The reserves and National Guard accept new enlistees and officers in their mid thirties. One of my e-mailers joined the Navy Reserve as a Petty Officer 2nd Class at age 34, and after 9/11 was mobilized for twelve months of active duty in the Far East. Even beyond the mid thirties, there are options for military service. In addition to the Army National Guard, Air National Guard, and Naval Militia, my own state has a fourth division: the New York Guard, which accepts recruits "in reasonably good health" of any age over 18. Other states have similar arrangements.

An Army That Drawls

By Dave Shiflett

War may be hell, but here in the South, there's a special appreciation for it, and for warriors. The largest pro-war rallies were said to be held in southern cities; by one account Houston's topped the chart with 10,000 celebrants. More to the point, many southerners assume they are considered first among equals when it comes time to draw the sabers. When it comes to war, and indeed all things military, they enjoy heightened respect. While the West is known for rugged individualists (save for California, which provides wine, women, and tap dancers), the Midwest for solid citizens, and the Northeast for industrialists, intellectuals, and ethnic sham artists, the South is the land of grunts and generals.

Don Rumsfeld, Radical For Our Time

By Victor Davis Hanson

No tactician has yet quite figured out the force-multiplying effect of quickly achieved air superiority, GPS-guided munitions, and on-the-ground spotters; but surely the destructive power of A-10 fighters, helicopters, and carrier- and land-based bombers that were in service to small Army tactical units was worth the equivalent of 1,000 tanks. Moreover, something strange is happening to the American soldier, almost as if current popular culture were being married to 19th-century notions of heroism and sacrifice. Arab-American Marines boast of liberating a Muslim city; women brag of flying three combat missions per day; and bearded, hippie-looking Green Berets on horses prefer the company of medieval tribesmen as they radio in bombs from billion-dollar Stealth bombers. The U.S. military is not so much insidious as postmodern. For someone who dresses so formally and insists on protocol, Donald Rumsfeld, it turns out, is actually quite a radical and has helped to turn our military into something that values efficacy and performance far more than habit, tradition, and procedure.

Analyze This

By Mark Helprin

In Washington last year one could hear a lot of loose talk from high-level defense officials about invading Iraq with 500 men. It seemed like a strange joke, or maybe a dream, until corroborating reports began

to surface in the press, such as the <I>Journal</I>'s "Some civilians in the Pentagon and the White House have argued that the job in Iraq could be accomplished with air strikes backed by several hundred special operations soldiers, working in conjunction with Iraqi opposition forces and defectors." This absurdity was reflective of the thought of the civilian officials who are now crowing victory. At least twice, General Franks, representing the uniformed services and what is derisively known as "the heavy Army," briefed the president and recommended a quarter of a million troops, and at least twice he was rebuffed. In August he was instructed to plan for between 50,000 and 80,000. Ultimately, the civilian officials reached a point of (problematic) sufficiency only because they were pushed to it.

The Teflon Secretary  
By Ramesh Ponnuru

Our failure to win more allies has been blamed on President George W. Bush, on Vice President Dick Cheney, on defense secretary Don Rumsfeld, on second-tier officials such as Rumsfeld deputy Paul Wolfowitz, even on people entirely outside the government. But one person is escaping all blame for the administration's diplomatic failures: its top diplomat. Somehow, secretary of state Colin Powell always manages to come out smelling like a rose. He emerged as a national hero from the first Gulf War, even though, as chairman of the Joint Chiefs of Staff, he had opposed showing force to deter Saddam Hussein from invading Kuwait--and then resisted the use of force to undo the dictator's conquest. He is likely to rise in public esteem again now, in the aftermath of another popular war he tried hard to prevent. But while Powell is getting the applause, it's the administration's hawks who are getting the policies they want. He may project an image of strength, but his influence is weak.

<http://www.nationalreview.com/advance/advance050503.asp>

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**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>  
**Sent:** 4/17/2003 6:23:53 PM  
**Subject:** Re: i called her

it was just one call tuesday. and i hope it is the last one i ever get from her. i fear it isn't.

From: David G. Leitch/WHO/EOP@Exchange on 04/17/2003 05:39:20 PM

Record Type: Record

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

cc:

Subject: Re: i called her

Hang tough but please answer her calls often enough that I don't have to deal with her.

.

-----Original Message-----

From: Kavanaugh, Brett M.

To: Leitch, David G.

Sent: Thu Apr 17 17:32:25 2003

Subject: Re: i called her

Lotrionte thinks by yelling loudly and complaining that we are sitting on her attempt to garner more authority for herself, she can get the substantive result she wants. Doesn't work that way.

From: David G. Leitch/WHO/EOP@Exchange on 04/17/2003 04:23:29 PM

Record Type: Record

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

cc:

Subject: Re: i called her

Thanks. She's a piece of work

REV\_00114930

.  
-----Original Message-----

From: Kavanaugh, Brett M.

To: Leitch, David G.

Sent: Thu Apr 17 16:18:40 2003

Subject: i called her

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wiley, Ladd (HHS/OS) <Ladd.Wiley@hhs.gov>  
**Sent:** 4/17/2003 2:25:07 PM  
**Subject:** : RE: FW: 60+ Request

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 17-APR-2003 18:25:07.00  
SUBJECT: : RE: FW: 60+ Request  
TO: "Wiley, Ladd (HHS/OS)" <Ladd.Wiley@hhs.gov> ( "Wiley, Ladd (HHS/OS)"  
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"Wiley, Ladd (HHS/OS)" <Ladd.Wiley@hhs.gov>  
04/17/2003 04:11:37 PM  
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> Office of White House Liaison  
> US Department of Health and Human Services  
> 200 Independence Avenue, SW  
> Room 610E, Humphrey Building  
> Washington, DC 20201  
> Phone: 202/690-6625  
> Fax: 202/401-1948

> jafar.karim@hhs.gov  
>



**From:** Cesar\_Conda@ovp.eop.gov [ UNKNOWN ]  
**To:** Cesar Conda/OVP/EOP@EOP [ OVP ] <Cesar Conda>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Kevin Warsh/OPD/EOP@EOP [ OPD ] <Kevin Warsh>;Kristen Silverberg/WHO/EOP@EOP [ WHO ] <Kristen Silverberg>;Adam B. Goldman/WHO/EOP@EOP [ WHO ] <Adam B. Goldman>;Emily Winland/OPD/EOP@EOP [ OPD ] <Emily Winland>  
**CC:** Marie K. Fishpaw/OVP/EOP@EOP [ OVP ] <Marie K. Fishpaw>;Lauren J. Vestewig/OPD/EOP@EOP [ OPD ] <Lauren J. Vestewig>;Marty P. Smith/OPD/EOP@EOP [ OPD ] <Marty P. Smith>;Diana L. Schacht/OPD/EOP@EOP [ OPD ] <Diana L. Schacht>  
**BCC:** Ado A. Machida ( Ado A. Machida/OVP/EOP [ OVP ] )  
**Sent:** 4/17/2003 2:27:33 PM  
**Subject:** : Re: Tort Reform Meeting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Cesar\_Conda@ovp.eop.gov ( Cesar\_Conda@ovp.eop.gov [ UNKNOWN ] )  
CREATION DATE/TIME:17-APR-2003 18:27:33.00  
SUBJECT:: Re: Tort Reform Meeting  
TO:Cesar Conda ( CN=Cesar Conda/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Adam B. Goldman ( CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Emily Winland ( CN=Emily Winland/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Marie K. Fishpaw ( CN=Marie K. Fishpaw/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
CC:Lauren J. Vestewig ( CN=Lauren J. Vestewig/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Marty P. Smith ( CN=Marty P. Smith/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Ado A. Machida ( CN=Ado A. Machida/OU=OVP/O=EOP [ OVP ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Courtney Elwood and Ado Machida will attend for OVP

.

----- Original Message -----

From:Emily Winland/OPD/EOP  
To:Kevin Warsh/OPD/EOP@EOP,  
Adam B. Goldman/WHO/EOP@EOP,  
Brett M. Kavanaugh/WHO/EOP@EOP,  
Kristen Silverberg/WHO/EOP@Exchange@EOP,  
Cesar Conda/OVP/EOP@EOP  
Cc:Diana L. Schacht/OPD/EOP@EOP,  
Lauren J. Vestewig/OPD/EOP@Exchange@EOP,  
Marty P. Smith/OPD/EOP@EOP,  
Marie K. Fishpaw/OVP/EOP@EOP  
Date: 04/17/2003 08:31:25 AM  
Subject: Tort Reform Meeting

There will be a meeting next Friday April 25th at 2:00pm in Jay Lefkowitz's office re: (1) asbestos reform and (2) S. 887, mass tort legal fee reform. Please let me know if you are able to attend. Attached you will find a copy of S. 887 in preparation for the meeting.

REV\_00114936

thanks,  
Emily  
6-6534

---

**From:** Conda, Cesar  
**To:** <Winland, Emily>;<Warsh, Kevin>;<Goldman, Adam B.>;<Kavanaugh, Brett M.>;<Silverberg, Kristen>;<Conda, Cesar>  
**CC:** <Schacht, Diana L.>;<Vestewig, Lauren J.>;<Smith, Marty P.>;<Fishpaw, Marie K.>  
**Sent:** 4/17/2003 6:28:01 PM  
**Subject:** Re: Tort Reform Meeting

Courtney Elwood and Ado Machida will attend for OVP

.  
----- Original Message -----

From: Emily Winland/OPD/EOP

To: Kevin Warsh/OPD/EOP@EOP,

Adam B. Goldman/WHO/EOP@EOP,

Brett M. Kavanaugh/WHO/EOP@EOP,

Kristen Silverberg/WHO/EOP@Exchange@EOP,

Cesar Conda/OVP/EOP@EOP

Cc: Diana L. Schacht/OPD/EOP@EOP,

Lauren J. Vestewig/OPD/EOP@Exchange@EOP,

Marty P. Smith/OPD/EOP@EOP,

Marie K. Fishpaw/OVP/EOP@EOP

Date: 04/17/2003 08:31:25 AM

Subject: Tort Reform Meeting

There will be a meeting next Friday April 25th at 2:00pm in Jay Lefkowitz's office re: (1) asbestos reform and (2) S. 887, mass tort legal fee reform. Please let me know if you are able to attend. Attached you will find a copy of S. 887 in preparation for the meeting.

thanks,

Emily

6-6534

REV\_00114938

---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/17/2003 6:55:22 PM  
**Subject:** Re: i called her

Geez, she made it sound like a barrage of unreturned calls and messages -- to which I said, "did you ever think of just knocking on his door and checking in with him?"

-----Original Message-----

From: Kavanaugh, Brett M.  
To: Leitch, David G.  
Sent: Thu Apr 17 18:23:53 2003  
Subject: Re: i called her

it was just one call tuesday. and i hope it is the last one i ever get from her. i fear it isn't.

From: David G. Leitch/WHO/EOP@Exchange on 04/17/2003 05:39:20 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: i called her

Hang tough but please answer her calls often enough that I don't have to deal with her.

-----Original Message-----

From: Kavanaugh, Brett M.  
To: Leitch, David G.  
Sent: Thu Apr 17 17:32:25 2003  
Subject: Re: i called her

Lotrionte thinks by yelling loudly and complaining that we are sitting on her attempt to garner more authority for herself, she can get the substantive result she wants. Doesn't work that way.

From: David G. Leitch/WHO/EOP@Exchange on 04/17/2003 04:23:29 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: i called her

REV\_00114939

Thanks. She's a piece of work

.

-----Original Message-----

From: Kavanaugh, Brett M.

To: Leitch, David G.

Sent: Thu Apr 17 16:18:40 2003

Subject: i called her

---

**From:** Kavanaugh, Brett M.  
**To:** <Lefkowitz, Jay P.>  
**Sent:** 4/17/2003 6:55:15 PM  
**Subject:** tort issues

seems to me that we may need also to discuss fda preemption/better way either at this meeting or at some other time.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jay P. Lefkowitz/OPD/EOP@Exchange@EOP [ OPD ] <Jay P. Lefkowitz>  
**Sent:** 4/17/2003 2:59:18 PM  
**Subject:** : tort issues

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:17-APR-2003 18:59:18.00  
SUBJECT:: tort issues  
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

seems to me that we may need also to discuss fda preemption/better way  
either at this meeting or at some other time.

---

**From:** CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/17/2003 3:10:41 PM  
**Subject:** : Re: tort issues

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )  
CREATION DATE/TIME:17-APR-2003 19:10:41.00  
SUBJECT:: Re: tort issues  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

At which mtg?

.

-----Original Message-----

From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>  
To: Lefkowitz, Jay P. <Jay\_P.Lefkowitz@opd.eop.gov>  
Sent: Thu Apr 17 18:55:15 2003  
Subject: tort issues

seems to me that we may need also to discuss fda preemption/better way  
either at this meeting or at some other time.



---

**From:** Kavanaugh, Brett M.  
**To:** <Lefkowitz, Jay P.>  
**Sent:** 4/17/2003 7:21:40 PM  
**Subject:** Re: tort issues

a tort reform we are having in your office next friday

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 04/17/2003 07:10:14 PM

Record Type: Record

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

cc:

Subject: Re: tort issues

At which mtg?

.

-----Original Message-----

From: Kavanaugh, Brett M.

To: Lefkowitz, Jay P.

Sent: Thu Apr 17 18:55:15 2003

Subject: tort issues

seems to me that we may need also to discuss fda preemption/better way either at this meeting or at some other time.

---

**From:** Lefkowitz, Jay P.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/17/2003 7:35:32 PM  
**Subject:** Re: tort issues

Oh. Always last to know.

But yes, we should discuss fda issues, asbestos, current status on class action and med liab bills, and the latest -- the kyl cornyn proposal on fees, which if you don't have, I can send you.

Have a good Easter.

-----Original Message-----

From: Kavanaugh, Brett M.  
To: Lefkowitz, Jay P.  
Sent: Thu Apr 17 19:21:40 2003  
Subject: Re: tort issues

a tort reform we are having in your office next friday

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 04/17/2003 07:10:14 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: tort issues

At which mtg?

-----Original Message-----

From: Kavanaugh, Brett M.  
To: Lefkowitz, Jay P.  
Sent: Thu Apr 17 18:55:15 2003  
Subject: tort issues

seems to me that we may need also to discuss fda preemption/better way either at this meeting or at some other time.

---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/18/2003 1:24:32 AM  
**Subject:** : OpinionJournal - On the Editorial Page - April 18, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME:18-APR-2003 05:24:32.00  
SUBJECT:: OpinionJournal - On the Editorial Page - April 18, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003372>

With Iraq liberated, will the Palestinians now choose peace?

12:01 a.m. EDT

Wonder Land BY DANIEL HENNINGER  
<http://www.opinionjournal.com/columnists/dhenninger/?id=110003371>

America sees and defeats the face of evil.  
12:01 a.m. EDT

On the Taste Page  
<http://opinionjournal.com/taste/>

Saddam stole Iraq's history. Museum looters may have wanted it back.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Palestinian Liberation  
An Israeli-Arab peace will be harder than freeing Baghdad.  
Apr 18 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB1050624996158200,00.html%3Fmod%3Dopinion>

~~~~~

Gentleman Jordan  
His Airness has finally landed.  
Apr 18 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105062525093731600,00.html%3Fmod%3Dopinion>

~~~~~

The Airline Wage Escalator  
This is no way to save the industry.  
Apr 18 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105062542713637700,00.html%3Fmod%3Dopinion>

~~~~~

#### Commentary

A 'Reformed Drunk' on Tax Relief  
A balanced budget isn't the best tonic for the economy.  
By JAMES A. BAKER III  
Apr 18 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105062321895614600,00.html%3Fmod%3Dopinion>

~~~~~

The Terror Masters  
Abu Abbas, Arafat, Syria: They've all killed Americans.  
By STEVEN EMERSON  
Apr 18 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105062406689985200,00.html%3Fmod%3Dopinion>

~~~~~

#### Wonder Land

The Face of Evil Is Seen, Defeated  
Many who opposed the war couldn't imagine how evil Saddam really was.  
By DANIEL HENNINGER  
Apr 18 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105062447211091900,00.html%3Fmod%3Dopinion>

~~~~~

#### The Americas

Again, We Learn There Is No 'New' Fidel  
Cubans remain defiant of El Maximo Lider.  
By MARY ANASTASIA O'GRADY  
Apr 18 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105062568985395500,00.html%3Fmod%3Dopinion>

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<http://cj.careercast.com/taxis/jm/jobPostForm.html?lookid=cj&jp=C>

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**From:** CN=David S. Addington/OU=OVP/O=EOP [ OVP ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/18/2003 6:55:53 AM  
**Subject:** : Re: Draft Pocket Veto Memo of Disapproval on HR 1584, Clean Diamond Trade Act

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP [ OVP ] )

CREATION DATE/TIME:18-APR-2003 10:55:53.00

SUBJECT:: Re: Draft Pocket Veto Memo of Disapproval on HR 1584, Clean Diamond Trade Act

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Thanks Brett -- I have been including David and Noel in the e-mail traffic, but I wanted you to see it too, because of your leadership role in your office on constitutional issues.

---

**From:** Shannen.Coffin@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/18/2003 3:35:29 AM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Shannen.Coffin@usdoj.gov" <Shannen.Coffin@usdoj.gov> ( "Shannen.Coffin@usdoj.gov"  
<Shannen.Coffin@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME:18-APR-2003 07:35:29.00

SUBJECT::

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

I've decided to take the day off, but we still want to file today. So let me know when you hear from the Reagan people. Thanks. I've got my bberry with me so email is easiest.

Shannen W. Coffin

Civil Division

U.S. Department of Justice

(202) 514-3310 (phone)

(202) 514-8071 (fax)

shannen.coffin@usdoj.gov

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen.Litkenhaus>  
**Sent:** 4/18/2003 5:57:59 AM  
**Subject:** : RE: 2 issues

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-APR-2003 09:57:59.00  
SUBJECT:: RE: 2 issues  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

On 1, they tell me that the vast majority of Ellipse parking is already reserved for WH parkers. They also tell me there is no legal problem with sectioning off spaces for 150 WH parkers as requested. (For security reasons, the Ellipse is closed to public parkers, which then makes it available for WH parkers.)

From: Colleen Litkenhaus/WHO/EOP@Exchange on 04/17/2003 07:07:05 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: 2 issues

1. We haven't decided how to resolve the Ellipse parking problem. I am still wondering if it is an option to section off some of the Ellipse for WH parkers. Could potentially be 150 parkers.

2. The IRS issue had to do with the Travel Office and the Press. I'll ask Eric Terrell about it again on Monday.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, April 17, 2003 5:50 PM  
To: Litkenhaus, Colleen  
Subject: 2 issues

1. Parking: Interior tells me that Anne Bowman Smith has been helping on this and that it is all but resolved. Is that accurate?  
2. Greenstone does not think there are any action items now on the IRS issue. (Does this relate to parking and W2's?) If you disagree, let me know.



---

**From:** Litkenhaus, Colleen  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/18/2003 9:59:44 AM  
**Subject:** RE: 2 issues

Perfect! Thanks!

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Friday, April 18, 2003 9:58 AM  
**To:** Litkenhaus, Colleen  
**Subject:** RE: 2 issues

On 1, they tell me that the vast majority of Ellipse parking is already reserved for WH parkers. They also tell me there is no legal problem with sectioning off spaces for 150 WH parkers as requested. (For security reasons, the Ellipse is closed to public parkers, which then makes it available for WH parkers.)

From: Colleen Litkenhaus/WHO/EOP@Exchange on 04/17/2003 07:07:05 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: 2 issues

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2. The IRS issue had to do with the Travel Office and the Press. I'll ask Eric Terrell about it again on Monday.

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**From:** Kavanaugh, Brett M.  
**Sent:** Thursday, April 17, 2003 5:50 PM  
**To:** Litkenhaus, Colleen  
**Subject:** 2 issues

1. Parking: Interior tells me that Anne Bowman Smith has been helping on this and that it is all but resolved. Is that accurate?
2. Greenstone does not think there are any action items now on the IRS issue. (Does this relate to parking and W2's?) If you disagree, let me know.

REV\_00114964

---

**From:** Litkenhaus, Colleen  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/18/2003 10:03:02 AM  
**Subject:** RE: 2 issues

Also, just so you know, there are about 120 white house permit holders for about 450 spots. Over 800 permits are issued and parking is on a first come basis. So, 115 permit holders out of over 800 isn't what I call "a vast majority." Also, toss in the the fact that USSS let's anyone in with a pass whether they have a permit or not....

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Friday, April 18, 2003 9:58 AM  
**To:** Litkenhaus, Colleen  
**Subject:** RE: 2 issues

On 1, they tell me that the vast majority of Ellipse parking is already reserved for WH parkers. They also tell me there is no legal problem with sectioning off spaces for 150 WH parkers as requested. (For security reasons, the Ellipse is closed to public parkers, which then makes it available for WH parkers.)

From: Colleen Litkenhaus/WHO/EOP@Exchange on 04/17/2003 07:07:05 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: 2 issues

1. We haven't decided how to resolve the Ellipse parking problem. I am still wondering if it is an option to section off some of the Ellipse for WH parkers. Could potentially be 150 parkers.
2. The IRS issue had to do with the Travel Office and the Press. I'll ask Eric Terrell about it again on Monday.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Thursday, April 17, 2003 5:50 PM  
**To:** Litkenhaus, Colleen  
**Subject:** 2 issues

1. Parking: Interior tells me that Anne Bowman Smith has been helping on this and that it is all but resolved. Is that accurate?
2. Greenstone does not think there are any action items now on the IRS issue. (Does this relate to parking and W2's?) If you disagree, let me know.

---

**From:** Bartolomucci, H. Christopher  
**To:** <Leitch, David G.>;<Kavanaugh, Brett M.>  
**Sent:** 4/18/2003 10:23:11 AM  
**Subject:** FW: Holmes story

----- Forwarded by H. Christopher Bartolomucci/WHO/EOP on 04/18/2003 10:23 AM -----

"Kristi.L.Remington@usdoj.gov"

04/18/2003 10:02:22 AM

Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP

cc:

Subject: FW: Holmes story

fyi

-----Original Message-----

From: Kesselman, Marc (OLP)

Sent: Friday, April 18, 2003 9:37 AM

To: Chenoweth, Mark

Cc: Benczkowski, Brian A; Remington, Kristi L

Subject: Holmes story

NPR story about Leon Holmes. The link is about 2/3 down. Its audio and its typical Nina Totenberg.

<http://discover.npr.org/rundowns/rundown.jhtml?prgId=3&prgDate=April/18/2003>

---

**From:** CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 4/18/2003 6:23:39 AM  
**Subject:** : FW: Holmes story

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-APR-2003 10:23:39.00  
SUBJECT:: FW: Holmes story  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

----- Forwarded by H. Christopher Bartolomucci/WHO/EOP on  
04/18/2003 10:23 AM -----

"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington  
04/18/2003 10:02:22 AM  
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP  
cc:  
Subject: FW: Holmes story

fyi

-----Original Message-----  
From: Kesselman, Marc (OLP)  
Sent: Friday, April 18, 2003 9:37 AM  
To: Chenoweth, Mark  
Cc: Benczkowski, Brian A; Remington, Kristi L  
Subject: Holmes story

NPR story about Leon Holmes. The link is about 2/3 down. Its audio and  
its typical Nina Totenberg.

<http://discover.npr.org/rundowns/rundown.jhtml?prgId=3&prgDate=April/18/2003>

---

**From:** Sean Rushton <SRushton@CommitteeforJustice.org>  
**To:** SRushton@CommitteeforJustice.org [ UNKNOWN ] <SRushton@CommitteeforJustice.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/18/2003 12:29:27 PM  
**Subject:** : NPR on judiciary.  
**Attachments:** P\_OANQF003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Sean Rushton <SRushton@CommitteeforJustice.org> ( Sean Rushton  
<SRushton@CommitteeforJustice.org> [ UNKNOWN ] )  
CREATION DATE/TIME:18-APR-2003 16:29:27.00  
SUBJECT:: NPR on judiciary.  
TO:SRushton@CommitteeforJustice.org ( SRushton@CommitteeforJustice.org [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Analysis: Judicial wars in Congress

18 April 2003  
NPR: Morning Edition

BOB EDWARDS, host: On Capitol Hill, the judge wars continue with their fascinating political meanderings. While a high-profile filibuster of one judicial nominee takes center stage, the battles in the wings tell as much or more about judicial nominations and how they work. Take the nomination of J. Leon Holmes to a federal district court judgeship in Arkansas. Holmes has apologized for saying that rape victims are as likely to get pregnant as snow is likely to fall in Miami. The apology has not been enough for some senators, but if the nomination survives, it will not be because it was rescued by Republicans but by Democrats from his home state. NPR legal affairs correspondent Nina Totenberg reports.

NINA TOTENBERG reporting:

President Bush nominated Holmes to a federal district court judgeship after he was recommended by Senator Tim Hutchinson, a Republican. When Hutchinson was defeated for re-election, his Democratic successor, Mark Pryor, joined the state's other senator, Democrat Blanche Lincoln, in endorsing Holmes. And Judiciary Committee Chairman Orrin Hatch scheduled the nomination for a vote last week. But what was supposed to be an uncontroversial proceeding turned ugly for Holmes when Democrats began reading aloud some of his statements, starting with California Senator Dianne Feinstein.

Senator DIANNE FEINSTEIN (Democrat, California): In 1980, he wrote a letter to the editor stating that abortions should not be available to rape victims because conceptions from rape occur with the same frequency as snow in Miami. He co-wrote an article in which he stated that, quote, "The wife is to subordinate herself to her husband," end quote, and, "The woman is to place herself under the authority of the man," end quote. How could I ever vote for this man to be a judge?

TOTENBERG: Feinstein said that she'd never before voted against a nominee for a district court position, but that there was a first time for everything, and for her, this was it.

Holmes has noted that some of his remarks were 15 or more years old and has apologized for at least one statement, the one saying that pregnancy for rape victims was a red herring. In a letter to Senator Lincoln and in written answers to questions, Holmes wrote, quote, "Regardless of the merits of the issue, that sentence reflects an insensitivity for which

there is no excuse." For New York Senator Charles Schumer, though, the apology was off point.

Senator CHARLES SCHUMER (Democrat, New York): It's not just insulting. I mean, this guy just makes it up as he goes along. Thirty-two thousand women became pregnant last year because of rape. The man is so blinded by his ideology he doesn't even look at the facts.

TOTENBERG: That 32,000 figure, according to Schumer's staff, comes from a study reported in The Journal of Obstetrics and Gynecology.

Democratic Senator Richard Durbin said he was further troubled by Holmes' written answers to questions about when he would recuse himself from cases. Durbin said that although Holmes had been involved with eight separate right-to-life groups, the nominee had refused to say he would recuse himself from abortion cases.

It wasn't just abortion or even the relationship between men and women that set teeth on edge in the Judiciary Committee. In an article about slavery, Holmes said he agreed with Booker T. Washington that slavery is, at least in one sense, an example of divine providence. God had, quote, "placed the Negro race in America so it could teach the white race by example what it means to be Christlike," he said. Senator Schumer.

Sen. SCHUMER: This man's an embarrassment. He's going to make a laughingstock not of those of us who are opposing him, but of those who are supporting him. What is going on here? Have we lost all sense of reality?

TOTENBERG: Judiciary Committee Chairman Orrin Hatch sought to defend Holmes, noting that he'd been found well qualified by the American Bar Association, that he had the endorsement of many Democrats in the Arkansas legal community who described themselves as pro-choice. Indeed, in endorsement letters, several said that while they strongly disagree with Holmes, they have complete confidence in his fairness, his evenhandedness and, as one Bar leader put it, 'his rock-solid integrity.' Senator Hatch.

Senator ORRIN HATCH (Republican, Chairman, Judiciary Committee): This all represents a strong testimony of his ability to remain objective once a judge. Now most striking are the letters that the committee's received from pro-choice attorneys, both men and women throughout Arkansas, who strongly believe that Mr. Holmes will fairly adjudicate any case, including abortion cases, that come before him.

TOTENBERG: Hatch's support, however, was qualified.

Sen. HATCH: I have to admit I'm concerned about some of those comments.

TOTENBERG: The Judiciary Committee chairman at first suggested sending the nomination to the Senate floor without any recommendation, an unusual move that would deny the committee's approval, but would allow a vote by the full Senate. But Republican Senator Arlen Specter said he wanted the nomination held over for further examination, and that is what happened. The Pennsylvania senator, who faces a serious primary challenge next year from a conservative, has been moving to the right on a number of issues. But he has always been a strong supporter of abortion rights, and a key base of support for him has been moderate Republican and Independent women. So the Holmes nomination presents Specter with something of a dilemma. In a telephone interview, the senator said he has a lot of questions about the nominee and intends to meet with him.

If Specter decides not to oppose the nomination in committee, allowing it to go to the floor without recommendation, it will put the onus on the two Democratic senators from Arkansas: Blanche Lincoln, who's up for election next year, and Mark Pryor. In the aftermath of last week's

hearing, both continue to support Holmes, at least on paper, but neither has been available for an interview on the subject.

Meanwhile, the judge wars continue on other fronts. To date, 119 of President Bush's judicial nominees have been confirmed, including 19 appeals court nominees, the same number confirmed in the first two years of the Reagan and Clinton presidencies. The Democrats are filibustering one nominee, Miguel Estrada, with the possibility that another may soon face a filibuster, too. The GOP charges that the Estrada filibuster is anti-Hispanic. And the Democrats are asking why, then, another of President Bush's Hispanic nominees, Ed Prado, who was unanimously approved in committee, has not been brought forward for a vote.

President Bush, in an unprecedented move, has renominated two judges who were rejected in the previous Congress controlled by Democrats. One, Texas Supreme Court Justice Priscilla Owen, has already been approved by the Judiciary Committee on a party-line vote and may be filibustered. The other, Mississippi federal Judge Charles Pickering, seems to have disappeared from the Judiciary Committee's schedule. In the last Congress his nomination was defeated in committee amid charges that, as a trial judge, he had improperly interfered with a cross-burning prosecution in order to reduce the offender's sentence. And that is not the kind of record that Republicans are anxious to defend.

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Sean Rushton

Executive Director

Committee for Justice

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Washington, DC 20004

202-481-6850 phone

202-487-6439 mobile

[www.committeeforjustice.org](http://www.committeeforjustice.org)

- att1.htm

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File attachment <P\_OANQF003\_WHO.TXT\_1>

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18 April 2003  
NPR: Morning Edition

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~~Nina Totenberg~~, NPR News, Washington.

-  
Sean Rushton  
Executive Director  
Committee for Justice  
1275 Pennsylvania Avenue, NW  
Tenth Floor  
Washington, DC< font-size=2 face=Arial> 20004  
202-481-6850 phone  
202-487-6439 mobile  
www.committeeforjustice.org  
-

---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>;<Grubbs, Wendy J.>  
**CC:** <Gonzales, Alberto R.>  
**Sent:** 4/18/2003 12:30:29 PM  
**Subject:**

FYI, I'll be treking up to the Hill Tuesday to visit with my good friend Bruce Cohen.

---

**From:** Cobb, Whit, Mr, DoD OGC <cobbw@dodgc.osd.mil>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/18/2003 10:07:57 AM  
**Subject:** : Air Force FOIA

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Cobb, Whit, Mr, DoD OGC" <cobbw@dodgc.osd.mil> ( "Cobb, Whit, Mr, DoD OGC"  
<cobbw@dodgc.osd.mil> [ UNKNOWN ] )  
CREATION DATE/TIME:18-APR-2003 14:07:57.00  
SUBJECT:: Air Force FOIA  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett:

Got your message about the FOIA. Thanks for sending it my way. I have my information release expert working on it now.

-- Whit

Deputy General Counsel (Legal Counsel)  
Department of Defense  
Pentagon, Room 3C975  
1600 Defense Pentagon  
Washington, DC 20310-1600

(703) 697-2714 (o)  
(703) 614-6745 (fax)  
(703) 614-2040 (secure fax)

cobbw@dodgc.osd.mil

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---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 4/18/2003 12:52:08 PM  
**Subject:** : Re: Have a good weekend.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-APR-2003 16:52:08.00  
SUBJECT:: Re: Have a good weekend.  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

great, thanks for the help today. realize that is not the most exciting.

Jonathan F. Ganter  
04/18/2003 04:31:53 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Have a good weekend.

Brett- The fax to Stern went out. I'm gonna take off now, have a good one. We'll work on the cabinet Monday.

Jon

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alicia W. Davis/WHO/EOP@EOP [ WHO ] <Alicia W. Davis>  
**Sent:** 4/18/2003 1:33:50 PM  
**Subject:** : NJ thank you notes

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-APR-2003 17:33:50.00  
SUBJECT:: NJ thank you notes  
TO:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This seemed a little odd. Let's discuss.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Daniel.L.Koffsky@usdoj.gov [ UNKNOWN ] <Daniel.L.Koffsky@usdoj.gov>  
**CC:** M.Edward.Whelan@usdoj.gov <M.Edward.Whelan@usdoj.gov>  
**Sent:** 4/19/2003 9:13:48 AM  
**Subject:** : Re: LSC

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 19-APR-2003 13:13:48.00

SUBJECT:: Re: LSC

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Daniel.L.Koffsky@usdoj.gov ( Daniel.L.Koffsky@usdoj.gov [ UNKNOWN ] )

READ: UNKNOWN

CC: <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (

<M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [

UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Thanks.

.

----- Original Message -----

From: <Daniel.L.Koffsky@usdoj.gov>

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

Cc: <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

Date: 04/19/2003 11:07:50 AM

Subject: LSC

Brett: I'm attaching a draft opinion, written about a year and a half ago, which deals with the replacement of a holdover official at the Legal Services Corporation. --Dan

- lscrecess.wpd

REV\_00114992

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**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/21/2003 1:30:56 AM  
**Subject:** : OpinionJournal - On the Editorial Page - April 21, 2003

##### Begin Original ARMS Header #####  
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CREATION DATE/TIME:21-APR-2003 05:30:56.00  
SUBJECT:: OpinionJournal - On the Editorial Page - April 21, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
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From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003380>

Tort lawyers open their wallets for John Edwards.  
12:01 a.m. EDT

Thinking Things Over BY ROBERT L. BARTLEY  
<http://www.opinionjournal.com/columnists/rbartley/?id=110003379>

President Bush is a Christian. Why does that bother people?  
12:01 a.m. EDT

Extra BY STANLEY KURTZ  
<http://www.opinionjournal.com/extra/?id=110003378>

Bringing democracy to Iraq will take more than elections.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

The Ties That Blind?  
The trouble with tying loans to other bank business.  
Apr 21 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105088710139315000,00.html%3Fmod%3Dopinion>

~~~~~

Springtime in Paris  
If France is serious about making amends it will lift U.N. sanctions on Iraq.  
Apr 21 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105088776058071400,00.html%3Fmod%3Dopinion>

~~~~~

Favorite Son Candidacy  
Tort lawyers and their support staff open their wallets for John Edwards.  
Apr 21 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105088816314704700,00.html%3Fmod%3Dopinion>

~~~~~

#### Commentary

Rebuilding the Law  
Saddam turned Iraq into a jurisprudential wasteland.  
By KHALED ABOU EL FADL  
Apr 21 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105088882597031500,00.html%3Fmod%3Dopinion>

~~~~~

Only Member States Can Make the U.N. Work  
Turning a blind eye on human rights abuses has long weakened international security.  
By SERGIO VIEIRA DE MELLO  
Apr 21 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105088861219656400,00.html%3Fmod%3Dopinion>

~~~~~

In Concord With Luxe  
Damn! Now I'll never get to fly across the Atlantic in style.  
By JOSEPH EPSTEIN  
Apr 21 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105088841953327300,00.html%3Fmod%3Dopinion>

~~~~~

#### Thinking Things Over

Religious Crossfire Hits the President  
Bush is a born-again Christian. What's wrong with that?  
By ROBERT L. BARTLEY  
Apr 21 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105088916913410300,00.html%3Fmod%3Dopinion>

~~~~~

#### International

SARS Shakes Up Beijing  
The Chinese Communists Party has finally gotten the message about the deadly disease.  
From The Asian Wall Street Journal  
Apr 21 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB10508728098359400,00.html%3Fmod%3Dopinion>

~~~~~

Pyongyang's Fear and Bluster  
Kim Jong Il can't afford to look afraid.  
From The Asian Wall Street Journal  
Apr 21 2003



<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB10508729695774900,00.html%3Fmod%3Dopinion>

~~~~~

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**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/21/2003 4:08:46 AM  
**Subject:** : White House Global Messenger - 4/21/2003  
**Attachments:** P\_FK4RF003\_WHO.TXT\_1.doc

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CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )  
CREATION DATE/TIME:21-APR-2003 08:08:46.00  
SUBJECT:: White House Global Messenger - 4/21/2003  
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(See attached file: GM 4-21-03 FINAL.doc)

THE GLOBAL MESSENGER  
Monday, April 21, 2003

\*\*\*\*\*KEY QUOTE\*\*\*\*\*

"[T]he world is safer. The terrorists have lost an ally. The Iraqi people are regaining control of their own destiny.

"These are good days in the history of freedom."

-- President Bush, in Rose Garden Remarks, 4-15-03

\*\*\*\*\*KEY POINTS\*\*\*\*\*

- The world is witnessing historic days in the cause of freedom. Our work is not done and the difficulties have not passed, but the regime of Saddam Hussein has passed into history.
- Coalition forces continue to secure population centers in Iraq and to respond to the needs of the Iraqi people.
- The Coalition is working with local leaders to restore public works and rebuild Iraqi infrastructure.
- The World Food Program continues operations in Iraq, and core staff in Baghdad have returned to work.
- Since March 31, WFP has delivered a total of 3,548 metric tons of wheat flour and 77 metric tons of dried milk to northern Iraq to assist approximately 384,000 Iraqis.
- We are transitioning to the stabilization and rebuilding of Iraq. Britain and Poland have agreed to command multinational divisions for stabilization in Iraq,

REV\_00114998

and we are working with a number of other countries that have expressed interest in contributing.

- The water supply and electricity are priorities right now in places where service is disrupted. Before the war, many areas did not have a consistent and reliable supply of safe water or electricity, and many areas did not have adequate sanitation.

- Rebuilding is a major task. The neglect and devastation by two decades of rule by Saddam Hussein and his henchmen did far more damage to Iraq than the war.

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Daylight. Subject to Change

12:30 pm State Department Briefing

2:00 pm Defense Department Briefing

\*\*\*\*\*THEN AND NOW\*\*\*\*\*

THEN

"U.N. High Commissioner for Refugees Ruud Lubbers said UNHCR was planning for between 500,000 and 600,000 refugees. He said last month most refugees would likely head for Iran and Turkey, and a smaller number would probably flee to Syria and Jordan. He also said an Iraqi refugee crisis could cost the international community \$60 million in its first week alone." -- Associated Press, 3-03-03

NOW

"Almost all of the 30,000 Iraqis who fled to the Iranian border to get away from fighting near their homes in Baghdad and Nasiriyah have returned home, said Niurka Piniero, spokeswoman for the International Organization for Migration. She said a team of U.N. and other experts who visited Badrah - about 100 miles east of Baghdad and just 10 miles from Iran - on Monday found that only 3,000 of those who fled remain." -- Associated Press, 4-14-03

\*\*\*\*\*LIBERATION UPDATE\*\*\*\*\*

The voices of freedom, now heard across Iraq

For more reactions to Operation Iraqi Freedom, visit "Liberation Update" at:  
<http://www.whitehouse.gov/liberation>

"I am ready to help. Thank you for liberating Iraq and making it stable, I hope we have a very good friendship with the United States."

-- Iraqi General Mohammed Jarawi, after signing the surrender in western Iraq,  
Gold Coast Bulletin (Australia), 4-16-03

THE WHITE HOUSE

Office of Global Communications

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\*\*\*\*\*

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The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.

- GM 4-21-03 FINAL.doc

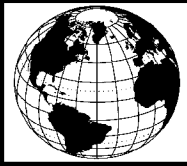
ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_FK4RF003\_WHO.TXT\_1>



# THE GLOBAL MESSENGER

Monday, April 21, 2003



## **TODAY'S SCHEDULE**

*All Times Eastern Daylight. Subject to Change*

|          |                             |
|----------|-----------------------------|
| TBD      | CentCom Operations Update   |
| 12:30 pm | State Department Briefing   |
| 2:00 pm  | Defense Department Briefing |

## **THEN AND NOW**

### **THEN**

"U.N. High Commissioner for Refugees Ruud Lubbers said UNHCR was planning for between 500,000 and 600,000 refugees. He said last month most refugees would likely head for Iran and Turkey, and a smaller number would probably flee to Syria and Jordan. He also said an Iraqi refugee crisis could cost the international community \$60 million in its first week alone." -- **Associated Press, 3-03-03**

### **NOW**

"Almost all of the 30,000 Iraqis who fled to the Iranian border to get away from fighting near their homes in Baghdad and Nasiriyah have returned home, said Niurka Piniero, spokeswoman for the International Organization for Migration. She said a team of U.N. and other experts who visited Badrah - about 100 miles east of Baghdad and just 10 miles from Iran - on Monday found that only 3,000 of those who fled remain." -- **Associated Press, 4-14-03**

## **LIBERATION UPDATE**

*The voices of freedom, now heard across Iraq*

For more reactions to Operation Iraqi Freedom, visit "Liberation Update" at:

<http://www.whitehouse.gov/liberation>

"I am ready to help. Thank you for liberating Iraq and making it stable, I hope we have a very good friendship with the United States."

-- **Iraqi General Mohammed Jarawi, after signing the surrender in western Iraq, Gold Coast Bulletin (Australia), 4-16-03**

## **KEY QUOTE**

"[T]he world is safer. The terrorists have lost an ally. The Iraqi people are regaining control of their own destiny.

"These are good days in the history of freedom."

-- **President Bush, in Rose Garden Remarks, 4-15-03**

## **KEY POINTS**

- The world is witnessing historic days in the cause of freedom. Our work is not done and the difficulties have not passed, but the regime of Saddam Hussein has passed into history.
- Coalition forces continue to secure population centers in Iraq and to respond to the needs of the Iraqi people.
- The Coalition is working with local leaders to restore public works and rebuild Iraqi infrastructure.
- The World Food Program continues operations in Iraq, and core staff in Baghdad have returned to work.
- Since March 31, WFP has delivered a total of 3,548 metric tons of wheat flour and 77 metric tons of dried milk to northern Iraq to assist approximately 384,000 Iraqis.
- We are transitioning to the stabilization and rebuilding of Iraq. Britain and Poland have agreed to command multinational divisions for stabilization in Iraq, and we are working with a number of other countries that have expressed interest in contributing.
- The water supply and electricity are priorities right now in places where service is disrupted. Before the war, many areas did not have a consistent and reliable supply of safe water or electricity, and many areas did not have adequate sanitation.
- Rebuilding is a major task. The neglect and devastation by two decades of rule by Saddam Hussein and his henchmen did far more damage to Iraq than the war.

**THE WHITE HOUSE**

**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00115001

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/21/2003 6:51:25 AM  
**Subject:** : Holmes on NPR  
**Attachments:** P\_PVDRF003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:21-APR-2003 10:51:25.00  
SUBJECT:: Holmes on NPR  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

-----Original Message-----

From: Sean Rushton [mailto:SRushton@CommitteeforJustice.org]  
Sent: Friday, April 18, 2003 4:29 PM  
To: SRushton@CommitteeforJustice.org  
Subject: NPR on judiciary.

Analysis: Judicial wars in Congress  
18 April 2003

NPR: Morning Edition

BOB EDWARDS, host: On Capitol Hill, the judge wars continue with their fascinating political meanderings. While a high-profile filibuster of one judicial nominee takes center stage, the battles in the wings tell as much or more about judicial nominations and how they work. Take the nomination of J. Leon Holmes to a federal district court judgeship in Arkansas. Holmes has apologized for saying that rape victims are as likely to get pregnant as snow is likely to fall in Miami. The apology has not been enough for some senators, but if the nomination survives, it will not be because it was rescued by Republicans but by Democrats from his home state. NPR legal affairs correspondent Nina Totenberg reports.

NINA TOTENBERG reporting:

President Bush nominated Holmes to a federal district court judgeship after he was recommended by Senator Tim Hutchinson, a Republican. When Hutchinson was defeated for re-election, his Democratic successor, Mark Pryor, joined the state's other senator, Democrat Blanche Lincoln, in endorsing Holmes. And Judiciary Committee Chairman Orrin Hatch scheduled the nomination for a vote last week. But what was supposed to be an uncontroversial proceeding turned ugly for Holmes when Democrats began reading aloud some of his statements, starting with California Senator Dianne Feinstein.

Senator DIANNE FEINSTEIN (Democrat, California): In 1980, he wrote a letter to the editor stating that abortions should not be available to rape victims because conceptions from rape occur with the same frequency as snow in Miami. He co-wrote an article in which he stated that, quote, "The wife is to subordinate herself to her husband," end quote, and, "The woman is to place herself under the authority of the man," end quote. How could I ever vote for this man to be a judge?

TOTENBERG: Feinstein said that she'd never before voted against a nominee for a district court position, but that there was a first time for everything, and for her, this was it.

Holmes has noted that some of his remarks were 15 or more years old and has apologized for at least one statement, the one saying that pregnancy for rape victims was a red herring. In a letter to Senator Lincoln and in written answers to questions, Holmes wrote, quote, "Regardless of the merits of the issue, that sentence reflects an insensitivity for which there is no excuse." For New York Senator Charles Schumer, though, the apology was off point.

Senator CHARLES SCHUMER (Democrat, New York): It's not just insulting. I mean, this guy just makes it up as he goes along. Thirty-two thousand

women became pregnant last year because of rape. The man is so blinded by his ideology he doesn't even look at the facts.

TOTENBERG: That 32,000 figure, according to Schumer's staff, comes from a study reported in The Journal of Obstetrics and Gynecology.

Democratic Senator Richard Durbin said he was further troubled by Holmes' written answers to questions about when he would recuse himself from cases. Durbin said that although Holmes had been involved with eight separate right-to-life groups, the nominee had refused to say he would recuse himself from abortion cases.

It wasn't just abortion or even the relationship between men and women that set teeth on edge in the Judiciary Committee. In an article about slavery, Holmes said he agreed with Booker T. Washington that slavery is, at least in one sense, an example of divine providence. God had, quote, "placed the Negro race in America so it could teach the white race by example what it means to be Christlike," he said. Senator Schumer.

Sen. SCHUMER: This man's an embarrassment. He's going to make a laughingstock not of those of us who are opposing him, but of those who are supporting him. What is going on here? Have we lost all sense of reality?

TOTENBERG: Judiciary Committee Chairman Orrin Hatch sought to defend Holmes, noting that he'd been found well qualified by the American Bar Association, that he had the endorsement of many Democrats in the Arkansas legal community who described themselves as pro-choice. Indeed, in endorsement letters, several said that while they strongly disagree with Holmes, they have complete confidence in his fairness, his evenhandedness and, as one Bar leader put it, 'his rock-solid integrity.' Senator Hatch.

Senator ORRIN HATCH (Republican, Chairman, Judiciary Committee): This all represents a strong testimony of his ability to remain objective once a judge. Now most striking are the letters that the committee's received from pro-choice attorneys, both men and women throughout Arkansas, who strongly believe that Mr. Holmes will fairly adjudicate any case, including abortion cases, that come before him.

TOTENBERG: Hatch's support, however, was qualified.

Sen. HATCH: I have to admit I'm concerned about some of those comments.

TOTENBERG: The Judiciary Committee chairman at first suggested sending the nomination to the Senate floor without any recommendation, an unusual move that would deny the committee's approval, but would allow a vote by the full Senate. But Republican Senator Arlen Specter said he wanted the nomination held over for further examination, and that is what happened. The Pennsylvania senator, who faces a serious primary challenge next year from a conservative, has been moving to the right on a number of issues. But he has always been a strong supporter of abortion rights, and a key base of support for him has been moderate Republican and Independent women. So the Holmes nomination presents Specter with something of a dilemma. In a telephone interview, the senator said he has a lot of questions about the nominee and intends to meet with him.

If Specter decides not to oppose the nomination in committee, allowing it to go to the floor without recommendation, it will put the onus on the two Democratic senators from Arkansas: Blanche Lincoln, who's up for election next year, and Mark Pryor. In the aftermath of last week's hearing, both continue to support Holmes, at least on paper, but neither has been available for an interview on the subject.

Meanwhile, the judge wars continue on other fronts. To date, 119 of President Bush's judicial nominees have been confirmed, including 19 appeals court nominees, the same number confirmed in the first two years of the Reagan and Clinton presidencies. The Democrats are filibustering one nominee, Miguel Estrada, with the possibility that another may soon face a filibuster, too. The GOP charges that the Estrada filibuster is anti-Hispanic. And the Democrats are asking why, then, another of President Bush's Hispanic nominees, Ed Prado, who was unanimously approved in committee, has not been brought forward for a vote.

President Bush, in an unprecedented move, has renominated two judges who were rejected in the previous Congress controlled by Democrats. One, Texas Supreme Court Justice Priscilla Owen, has already been approved by the Judiciary Committee on a party-line vote and may be filibustered.

The other, Mississippi federal Judge Charles Pickering, seems to have disappeared from the Judiciary Committee's schedule. In the last Congress his nomination was defeated in committee amid charges that, as a trial judge, he had improperly interfered with a cross-burning prosecution in order to reduce the offender's sentence. And that is not the kind of record that Republicans are anxious to defend. Both conservative and liberal groups are continuing ad campaigns on the judicial wars, hoping to influence upcoming Senate elections. This week President Bush's father, the first President Bush, hosted a fund-raiser at his Houston home that sponsors said netted a quarter of a million dollars. They plan to use the money to buy TV ads attacking targeted Democrats for alleged obstructionism on judgeships. And this is only the beginning. Wait till there's a Supreme Court vacancy. Nina Totenberg, NPR News, Washington.

Sean Rushton  
Executive Director  
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Tenth Floor  
Washington, DC 20004  
202-481-6850 phone  
202-487-6439 mobile  
[www.committeeforjustice.org](http://www.committeeforjustice.org)

- att1.htm  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_PVDRF003\_WHO.TXT\_1>



-----Original Message-----

**From:** Sean Rushton [mailto:SRushton@CommitteeforJustice.org]

**Sent:** Friday, April 18, 2003 4:29 PM<span style='font-size:10.0pt;font-family:Tahoma'>

**To:** SRushton@CommitteeforJustice.org

**Subject:** NPR on judiciary.< /font>

#### **Analysis: Judicial wars in Congress**

18 April 2003

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-  
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1275 Pennsylvania Avenue, NW  
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Washington, DC</font> 20004  
202-481-6850 phone  
202-487-6439 mobile  
www.committeeofjustice.org  
-

---

**From:** GaryM Stern <garym.stern@nara.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/21/2003 6:38:31 AM  
**Subject:** : Re: OA/NARA Meeting Agenda

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: GaryM Stern <garym.stern@nara.gov> ( GaryM Stern <garym.stern@nara.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 21-APR-2003 10:38:31.00  
SUBJECT: Re: OA/NARA Meeting Agenda  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Brett, from our perspective, these are ripe now, in that it is very important for us to be discussing and understanding these systems, both in how they are currently being managed and their eventual transfer to NARA/GWBush Library.

Perhaps now is the time to resurrect the Library meeting that you tried to schedule a few months ago, where we can discuss these matters also?

Plus, I will be sending you an email soon with more detail about what appears to be a major problem of interfiling personal/political records with Presidential records.

>>> <Brett\_M.\_Kavanaugh@who.eop.gov> 4/21/03 10:27:50 AM >>>  
I will not join this meeting, but see that there are a lot of interesting topics  
in #4 that we should be involved in when they are considered ripe.

(Embedded  
image moved GaryM Stern <garym.stern@nara.gov>  
to file: 04/21/2003 10:21:23 AM  
pic22307.pcx)

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP

cc: Brett M. Kavanaugh/WHO/EOP@EOP  
Subject: OA/NARA Meeting Agenda

Adam, here is the proposed agenda that we cleared through you sometime back. We do not expect to go into detail on most of these things at this initial meeting, but thought it would be useful to have a list of what we have on our minds. Which is why I have kept in number 4, even if some of that is more appropriate for a meeting folks in the White House Office.

I am cc'ing Brett, in case you're interested in joining in on this meeting,

REV\_00115017

which is at 11:30 Tuesday (tomorrow), at Jackson Place Towers (726 Jackson Place) in the Lincoln Room, on the second floor.

See you tomorrow.

---

**From:** GaryM Stern <garym.stern@nara.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/21/2003 6:53:00 AM  
**Subject:** : Re: OA/NARA Meeting Agenda

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: GaryM Stern <garym.stern@nara.gov> ( GaryM Stern <garym.stern@nara.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 21-APR-2003 10:53:00.00  
SUBJECT:: Re: OA/NARA Meeting Agenda  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Correct.

>>> <Brett\_M.\_Kavanaugh@who.eop.gov> 4/21/03 10:39:42 AM >>>  
On the letter you will be sending, you mean a major problem with the Clinton records, I assume, taht you wish to prevent from recurring?

(Embedded  
image moved GaryM Stern <garym.stern@nara.gov>  
to file: 04/21/2003 10:37:05 AM  
pic20576.pcx)

Record Type: Record

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

cc:  
Subject: Re: OA/NARA Meeting Agenda

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See you tomorrow.

---

**From:** CN=Kathryn J. Hayes/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Julieanne H. Thomas/WHO/EOP@EOP [ WHO ] <Julieanne H. Thomas>  
**Sent:** 4/21/2003 7:09:54 AM  
**Subject:** : final approval to use WH photos in client newsletter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kathryn J. Hayes ( CN=Kathryn J. Hayes/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-APR-2003 11:09:54.00  
SUBJECT:: final approval to use WH photos in client newsletter  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Julieanne H. Thomas ( CN=Julieanne H. Thomas/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,

I believe Julie Thomas spoke with you about this last week, but wanted to make sure that we have sign off. Please let me know if you need more background on the meeting, but this is when we brought in newsletter writers to meet with the President on the growth package - and they are supportive of the plan.

Thanks!

Katy

----- Forwarded by Kathryn J. Hayes/WHO/EOP on 04/21/2003  
11:08 AM -----

"Townsend, Michael" <Michael.Townsend@schwab.com>  
04/21/2003 11:04:53 AM  
Record Type: Record

To: Kathryn J. Hayes/WHO/EOP@EOP  
cc:  
Subject: final approval to use WH photos in client newsletter

Katy -- Sorry to be so formal about this, but Schwab needs formal acknowledgement of our ability to use a photo from the White House meeting in a newsletter that goes to clients. We have a newsletter that goes to Retirement Plan Sponsors and another to Third-Party Administrators. The photo will accompany the Legislative Update section of each newsletter, which will focus on the President's dividend tax-cut proposal -- I'm writing the accompanying article.

What I need is for you to do is just copy the following sentence and paste it in an e-mail back to me, with your name and position at the White House -- that's it: "We approve Schwab Corporate Srvs. using one or both of these photos taken on April 9, 2003, in the Schwab July 2003 client newsletters sent to retirement plan sponsors and Third Party Administrators."

Thanks so much for your help! I'll send over copies of both newsletters once they are printed. If you need to see the text before it is printed, that's no problem -- I can forward it to you once it has been approved internally.

Michael Townsend  
Vice President -- Public Policy

REV\_00115021

Charles Schwab & Co., Inc.  
p: 202-638-3755  
f: 202-638-3823

-----Original Message-----

From: Kathryn\_J.\_Hayes@who.eop.gov [mailto:Kathryn\_J.\_Hayes@who.eop.gov]  
Sent: Thursday, April 10, 2003 12:17 PM  
To: Townsend, Michael  
Subject: Re: question about photos you sent

Yes, that should be fine. Can you pls send us a copy to review as well?

Thanks so much!  
Katy

(Embedded  
image moved "Townsend, Michael" <Michael.Townsend@schwab.com>  
to file: 04/10/2003 12:12:33 PM  
pic18478.pcx)

Record Type: Record

To: Kathryn J. Hayes/WHO/EOP@EOP

cc:  
Subject: question about photos you sent

Hi Katy -- Thanks so much for sending along the great photos of yesterday's meeting with the President. It was an extraordinary experience for me, one I will always remember, particularly given the historic nature of the day in terms of the fall of Baghdad.

Quick question -- what are the policies for using one of the photos in internal and external Schwab publications? We'd like to use one in an employee-only newsletter, and we'd also be interested in using one in client newsletters that talk about the dividend tax cut. Please let me know if this is OK.

Thanks again! mike

Michael Townsend  
Vice President -- Public Policy  
Charles Schwab & Co., Inc.  
p: 202-638-3755  
f: 202-638-3823

REV\_00115022





---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Seidel, Rebecca (Judiciary) <Rebecca\_Seidel@Judiciary.senate.gov>  
**Sent:** 4/21/2003 11:18:49 AM  
**Subject:** : Re: FW: RECENT UPDATE

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 21-APR-2003 15:18:49.00  
SUBJECT:: Re: FW: RECENT UPDATE  
TO: "Seidel, Rebecca (Judiciary)" <Rebecca\_Seidel@Judiciary.senate.gov> ( "Seidel, Rebecca (Judiciary)" <Rebecca\_Seidel@Judiciary.senate.gov> [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

It was good. What's up with Specter?

"Seidel, Rebecca (Judiciary)" <Rebecca\_Seidel@Judiciary.senate.gov>  
04/21/2003 01:52:28 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: FW: RECENT UPDATE

I had RSVP'd to attend, sorry I missed this, was tied up in another meeting. Had no idea you would also present! Would've rearranged my schedule! :)  
How'd it go?

CONFIDENTIALITY NOTE:

The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities named as addressees.; If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of this message is strictly prohibited.; If you have received this message in error, please forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.

-----Original Message-----

The Honorable Viet Dinh is going to be joined by Associate White House Counsel Brett Kavanaugh to discuss the judicial confirmations battle. The event will take place today from 12:00-1:00 in Room SR-385 and lunch will be served. Please respond to this email if you are interested in attending.

Joel Pardue  
Associate Director, Lawyers Division

REV\_00115024



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>  
**Sent:** 4/21/2003 7:21:55 AM  
**Subject:** : final approval to use WH photos in client newsletter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-APR-2003 11:21:55.00  
SUBJECT:: final approval to use WH photos in client newsletter  
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This relates to what we discussed.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
04/21/2003 11:20 AM -----

From: Kathryn J. Hayes on 04/21/2003 11:09:32 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Julieanne H. Thomas/WHO/EOP@EOP  
Subject: final approval to use WH photos in client newsletter

Brett,

I believe Julie Thomas spoke with you about this last week, but wanted to make sure that we have sign off. Please let me know if you need more background on the meeting, but this is when we brought in newsletter writers to meet with the President on the growth package - and they are supportive of the plan.

Thanks!

Katy

----- Forwarded by Kathryn J. Hayes/WHO/EOP on 04/21/2003  
11:08 AM -----

"Townsend, Michael" <Michael.Townsend@schwab.com>  
04/21/2003 11:04:53 AM  
Record Type: Record

To: Kathryn J. Hayes/WHO/EOP@EOP  
cc:  
Subject: final approval to use WH photos in client newsletter

Katy -- Sorry to be so formal about this, but Schwab needs formal acknowledgement of our ability to use a photo from the White House meeting in a newsletter that goes to clients. We have a newsletter that goes to Retirement Plan Sponsors and another to Third-Party Administrators. The photo will accompany the Legislative Update section of each newsletter, which will focus on the President's dividend tax-cut proposal -- I'm writing the accompanying article.

What I need is for you to do is just copy the following sentence and paste it in an e-mail back to me, with your name and position at the White House -- that's it: "We approve Schwab Corporate Srvs. using one or both of these

REV\_00115027

photos taken on April 9, 2003, in the Schwab July 2003 client newsletters sent to retirement plan sponsors and Third Party Administrators."

Thanks so much for your help! I'll send over copies of both newsletters once they are printed. If you need to see the text before it is printed, that's no problem -- I can forward it to you once it has been approved internally.

Michael Townsend  
Vice President -- Public Policy  
Charles Schwab & Co., Inc.  
p: 202-638-3755  
f: 202-638-3823

-----Original Message-----

From: Kathryn\_J.\_Hayes@who.eop.gov [mailto:Kathryn\_J.\_Hayes@who.eop.gov]  
Sent: Thursday, April 10, 2003 12:17 PM  
To: Townsend, Michael  
Subject: Re: question about photos you sent

Yes, that should be fine. Can you pls send us a copy to review as well?

Thanks so much!  
Katy

(Embedded  
image moved "Townsend, Michael" <Michael.Townsend@schwab.com>  
to file: 04/10/2003 12:12:33 PM  
pic18478.pcx)

Record Type: Record

To: Kathryn J. Hayes/WHO/EOP@EOP

cc:  
Subject: question about photos you sent

Hi Katy -- Thanks so much for sending along the great photos of yesterday's meeting with the President. It was an extraordinary experience for me, one I will always remember, particularly given the historic nature of the day in terms of the fall of Baghdad.

Quick question -- what are the policies for using one of the photos in internal and external Schwab publications? We'd like to use one in an employee-only newsletter, and we'd also be interested in using one in client newsletters that talk about the dividend tax cut. Please let me know if this is OK.

Thanks again! mike

Michael Townsend  
Vice President -- Public Policy  
Charles Schwab & Co., Inc.

REV\_00115028

p: 202-638-3755  
f: 202-638-3823

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** GaryM Stern <garym.stern@nara.gov>  
**Sent:** 4/21/2003 7:23:33 AM  
**Subject:** : Re: notices

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-APR-2003 11:23:33.00  
SUBJECT:: Re: notices  
TO:GaryM Stern <garym.stern@nara.gov> ( GaryM Stern <garym.stern@nara.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Not correct. We are not asserting privilege on this, as the letter indicates. But we are asking (by way of these e-mails) that you go back and carefully re-examine the (b)(6) issues. Thanks.

GaryM Stern <garym.stern@nara.gov>  
04/21/2003 11:19:52 AM  
Record Type: Record

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

I assume you are now okay with releasing this memo as currently redacted on the last page only, given the letter you just faxed clearing this entire notice for opening? If you still have a question, please let me know. Thanks.

>>> <Brett\_M\_Kavanaugh@who.eop.gov> 4/21/03 10:02:36 AM >>>  
Question re the 220 pages in 2002-046: the Jan. 14, 1982, memo from Fielding re Adkinson appears to have a lot of (b)(6) that should be redacted.

---

**From:** Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Brian Benczkowski (E-mail) <Brian.A.Benczkowski@usdoj.gov>  
**Sent:** 4/21/2003 11:48:10 AM  
**Subject:** : 9th Circuit and "God Save this Honorable Court"

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:21-APR-2003 15:48:10.00  
SUBJECT:: 9th Circuit and "God Save this Honorable Court"  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Brian Benczkowski (E-mail)" <Brian.A.Benczkowski@usdoj.gov> ( "Brian Benczkowski (E-mail)" <Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I want to make sure we follow up on this and nail it down, but don't want to step on your toes if you're researching it yourself. I'll be happy to take the lead in figuring this out (quietly) if you desire. I think we need a copy of the memo from Judge Schroeder to other judges to be able to do anything with this information.

---

Steven J. Duffield  
Judiciary Policy Analyst & Counsel  
Senate Republican Policy Committee  
347 Russell Senate Office Building  
(202) 224-3463 Fax (202) 224-1235



---

**From:** CN=Julieanne H. Thomas/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** julieanne h. thomas/who/eop@eop [ WHO ] <julieanne h. thomas>;kathryn j. hayes/who/eop@eop [ WHO ] <kathryn j. hayes>  
**Sent:** 4/21/2003 7:53:32 AM  
**Subject:** : Re: final approval to use WH photos in client newsletter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Julieanne H. Thomas ( CN=Julieanne H. Thomas/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-APR-2003 11:53:32.00  
SUBJECT:: Re: final approval to use WH photos in client newsletter  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:julieanne h. thomas ( CN=julieanne h. thomas/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:kathryn j. hayes ( CN=kathryn j. hayes/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

great, thank you for the clarity!

Brett M. Kavanaugh  
04/21/2003 11:39:54 AM  
Record Type: Record

To: Kathryn J. Hayes/WHO/EOP@EOP  
cc: julieanne h. thomas/who/eop@eop  
bcc:  
Subject: Re: final approval to use WH photos in client newsletter

We would not object to web sites that are merely discussing the President's legislative proposal from displaying a picture of him so long as (i) the use of the picture is strictly in connection with discussion of the President's plan and (ii) there is no suggestion of any endorsement by the President of any commercial product or service.

From: Kathryn J. Hayes on 04/21/2003 11:09:32 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Julieanne H. Thomas/WHO/EOP@EOP  
Subject: final approval to use WH photos in client newsletter

Brett,

I believe Julie Thomas spoke with you about this last week, but wanted to make sure that we have sign off. Please let me know if you need more background on the meeting, but this is when we brought in newsletter writers to meet with the President on the growth package - and they are supportive of the plan.

Thanks!  
Katy

----- Forwarded by Kathryn J. Hayes/WHO/EOP on 04/21/2003

REV\_00115033

11:08 AM -----

"Townsend, Michael" <Michael.Townsend@schwab.com>  
04/21/2003 11:04:53 AM  
Record Type: Record

To: Kathryn J. Hayes/WHO/EOP@EOP  
cc:  
Subject: final approval to use WH photos in client newsletter

Katy -- Sorry to be so formal about this, but Schwab needs formal acknowledgement of our ability to use a photo from the White House meeting in a newsletter that goes to clients. We have a newsletter that goes to Retirement Plan Sponsors and another to Third-Party Administrators. The photo will accompany the Legislative Update section of each newsletter, which will focus on the President's dividend tax-cut proposal -- I'm writing the accompanying article.

What I need is for you to do is just copy the following sentence and paste it in an e-mail back to me, with your name and position at the White House -- that's it: "We approve Schwab Corporate Svcs. using one or both of these photos taken on April 9, 2003, in the Schwab July 2003 client newsletters sent to retirement plan sponsors and Third Party Administrators."

Thanks so much for your help! I'll send over copies of both newsletters once they are printed. If you need to see the text before it is printed, that's no problem -- I can forward it to you once it has been approved internally.

Michael Townsend  
Vice President -- Public Policy  
Charles Schwab & Co., Inc.  
p: 202-638-3755  
f: 202-638-3823

-----Original Message-----

From: Kathryn\_J.\_Hayes@who.eop.gov [mailto:Kathryn\_J.\_Hayes@who.eop.gov]  
Sent: Thursday, April 10, 2003 12:17 PM  
To: Townsend, Michael  
Subject: Re: question about photos you sent

Yes, that should be fine. Can you pls send us a copy to review as well?

Thanks so much!  
Katy

(Embedded  
image moved "Townsend, Michael" <Michael.Townsend@schwab.com>  
to file: 04/10/2003 12:12:33 PM  
pic18478.pcx)

Record Type: Record

REV\_00115034

To: Kathryn J. Hayes/WHO/EOP@EOP

cc:

Subject: question about photos you sent

Hi Katy -- Thanks so much for sending along the great photos of yesterday's meeting with the President. It was an extraordinary experience for me, one I will always remember, particularly given the historic nature of the day in terms of the fall of Baghdad.

Quick question -- what are the policies for using one of the photos in internal and external Schwab publications? We'd like to use one in an employee-only newsletter, and we'd also be interested in using one in client newsletters that talk about the dividend tax cut. Please let me know if this is OK.

Thanks again! mike

Michael Townsend  
Vice President -- Public Policy  
Charles Schwab & Co., Inc.  
p: 202-638-3755  
f: 202-638-3823

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>  
**Sent:** 4/21/2003 1:04:59 PM  
**Subject:** : it's goldsmith

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-APR-2003 17:04:59.00  
SUBJECT:: it's goldsmith  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Skelly, Layton  
**To:** tcordaro@osophs.dhhs.gov <Gilbert, Alan>;tcordaro@osophs.dhhs.gov <Hall, Philo D.>;paula.stannard@hhs.gov <paula.stannard@hhs.gov>;peter.urbanowicz@hhs.gov <peter.urbanowicz@hhs.gov>;viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>;alex.azar@hhs.gov <alex.azar@hhs.gov>;john.hoff@hhs.gov <john.hoff@hhs.gov>;jennifer.young@hhs.gov <jennifer.young@hhs.gov>;jennifer.young@hhs.gov <Schacht, Diana L.>;jennifer.young@hhs.gov <Jensen, Amy>;jennifer.young@hhs.gov <Loper, Ginger G.>;wendy j. grubbs/who/eop <wendy j. grubbs/who/eop@eop>;wendy j. grubbs/who/eop <Lefkowitz, Jay P.>;wendy j. grubbs/who/eop <Perry, Philip J.>;wendy j. grubbs/who/eop <Silverberg, Kristen>;wendy j. grubbs/who/eop <Deleire, Thomas C.>;wendy j. grubbs/who/eop <Kavanaugh, Brett M.>;zurawski-paul@dol.gov <zurawski-paul@dol.gov>;zurawski-paul@dol.gov <Young, Tracy>;zurawski-paul@dol.gov <Besanceney, Brian R.>;marc.kesselman@usdoj.gov <marc.kesselman@usdoj.gov>;marc.kesselman@usdoj.gov <Ackerly, Dana>;marc.kesselman@usdoj.gov <Cowdry, Rex>;hzucker@osophs.dhhs.gov <hzucker@osophs.dhhs.gov>  
**CC:** pamela.roller@hhs.gov <pamela.roller@hhs.gov>;joyce.b-moore@hhs.gov <joyce.b-moore@hhs.gov>;marie.belt@hhs.gov <marie.belt@hhs.gov>;marie.belt@hhs.gov <Winland, Emily>;marie.belt@hhs.gov <Vestewig, Lauren J.>;dana.ceasar@hhs.gov <dana.ceasar@hhs.gov>;india.luckett@hhs.gov <india.luckett@hhs.gov>;scriver-langford-lat@dol.gov <scriver-langford-lat@dol.gov>;heather.mcnaught@usdoj.gov <heather.mcnaught@usdoj.gov>;stephanie.wilson@hhs.gov <stephanie.wilson@hhs.gov>;stephanie.wilson@hhs.gov <Stone, Carla B.>;hrobowski-rosita@dol.gov <hrobowski-rosita@dol.gov>;tcordaro@osophs.dhhs.gov <tcordaro@osophs.dhhs.gov>;tcordaro@osophs.dhhs.gov <Skelly, Layton>;tcordaro@osophs.dhhs.gov <Lineberry, Stephen M.>  
**Sent:** 4/21/2003 1:33:17 PM  
**Subject:** Re: Weekly Medical Liability Working Group

This is to remind everyone that there WILL be a medical liability working group meeting tomorrow at 10:00 in room 476 EEOB.

If you have not attended one of these meetings in person before, please send me your clearance information so you can get into the building. Thank you.

Layton

456-5085

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Charlotte L. Montiel/WHO/EOP@Exchange@EOP [ WHO ] <Charlotte L. Montiel>  
**Sent:** 4/21/2003 1:57:29 PM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:21-APR-2003 17:57:29.00

SUBJECT::

TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Is David free from 2 to 5 Friday? We need to do six D Maryland interviews.

---

**From:** Montiel, Charlotte L.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/21/2003 2:01:43 PM  
**Subject:** come back! Judge is free for 10 min

---

**From:** CN=Noel J. Francisco/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/21/2003 10:18:35 AM  
**Subject:** : Re: final approval to use WH photos in client newsletter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-APR-2003 14:18:35.00  
SUBJECT:: Re: final approval to use WH photos in client newsletter  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Looks fine. Thanks.

Brett M. Kavanaugh  
04/21/2003 02:03:33 PM  
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP  
cc:  
Subject: Re: final approval to use WH photos in client newsletter

let me know any additional thoughts. thx.  
----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
04/21/2003 02:03 PM -----

Brett M. Kavanaugh  
04/21/2003 11:39:54 AM  
Record Type: Record

To: Kathryn J. Hayes/WHO/EOP@EOP  
cc: julianne h. thomas/who/eop@eop  
bcc: Records Management@EOP  
Subject: Re: final approval to use WH photos in client newsletter

We would not object to web sites that are merely discussing the President's legislative proposal from displaying a picture of him so long as (i) the use of the picture is strictly in connection with discussion of the President's plan and (ii) there is no suggestion of any endorsement by the President of any commercial product or service.

From: Kathryn J. Hayes on 04/21/2003 11:09:32 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Julieanne H. Thomas/WHO/EOP@EOP  
Subject: final approval to use WH photos in client newsletter

Brett,

I believe Julie Thomas spoke with you about this last week, but wanted to



make sure that we have sign off. Please let me know if you need more background on the meeting, but this is when we brought in newsletter writers to meet with the President on the growth package - and they are supportive of the plan.

Thanks!

Katy

----- Forwarded by Kathryn J. Hayes/WHO/EOP on 04/21/2003  
11:08 AM -----

"Townsend, Michael" <Michael.Townsend@schwab.com>  
04/21/2003 11:04:53 AM  
Record Type: Record

To: Kathryn J. Hayes/WHO/EOP@EOP  
cc:  
Subject: final approval to use WH photos in client newsletter

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Thanks so much for your help! I'll send over copies of both newsletters once they are printed. If you need to see the text before it is printed, that's no problem -- I can forward it to you once it has been approved internally.

Michael Townsend  
Vice President -- Public Policy  
Charles Schwab & Co., Inc.  
p: 202-638-3755  
f: 202-638-3823

-----Original Message-----

From: Kathryn\_J.\_Hayes@who.eop.gov [mailto:Kathryn\_J.\_Hayes@who.eop.gov]  
Sent: Thursday, April 10, 2003 12:17 PM  
To: Townsend, Michael  
Subject: Re: question about photos you sent

Yes, that should be fine. Can you pls send us a copy to review as well?

Thanks so much!  
Katy

(Embedded  
image moved "Townsend, Michael" <Michael.Townsend@schwab.com>

REV\_00115060

to file: 04/10/2003 12:12:33 PM  
pic18478.pcx)

Record Type: Record

To: Kathryn J. Hayes/WHO/EOP@EOP

cc:

Subject: question about photos you sent

Hi Katy -- Thanks so much for sending along the great photos of yesterday's meeting with the President. It was an extraordinary experience for me, one I will always remember, particularly given the historic nature of the day in terms of the fall of Baghdad.

Quick question -- what are the policies for using one of the photos in internal and external Schwab publications? We'd like to use one in an employee-only newsletter, and we'd also be interested in using one in client newsletters that talk about the dividend tax cut. Please let me know if this is OK.

Thanks again! mike

Michael Townsend  
Vice President -- Public Policy  
Charles Schwab & Co., Inc.  
p: 202-638-3755  
f: 202-638-3823

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>  
**CC:** <Leitch, David G.>  
**Sent:** 4/21/2003 2:30:20 PM  
**Subject:** We need to talk about notice to relevant Senators re Claude Allen

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**CC:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 4/21/2003 10:31:07 AM  
**Subject:** : We need to talk about notice to relevant Senators re Claude Allen

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-APR-2003 14:31:07.00  
SUBJECT:: We need to talk about notice to relevant Senators re Claude Allen  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** brian benczkowski (e-mail) <brian.a.benczkowski@usdoj.gov>  
**Sent:** 4/21/2003 11:51:11 AM  
**Subject:** : RE: 9th Circuit and "God Save this Honorable Court"

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:21-APR-2003 15:51:11.00  
SUBJECT:: RE: 9th Circuit and "God Save this Honorable Court"  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:"brian benczkowski (e-mail)" <brian.a.benczkowski@usdoj.gov> ( "brian benczkowski (e-mail)" <brian.a.benczkowski@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Will do.

---

Steven J. Duffield  
Judiciary Policy Analyst & Counsel  
Senate Republican Policy Committee  
347 Russell Senate Office Building  
(202) 224-3463 Fax (202) 224-1235

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Monday, April 21, 2003 3:49 PM  
To: Duffield, Steven (RPC)  
Cc: brian benczkowski (e-mail)  
Subject: Re: 9th Circuit and "God Save this Honorable Court"

We would prefer if you took the lead. Thx.

(Embedded  
image moved "Duffield, Steven (RPC)"  
to file: <Steven\_Duffield@rpc.senate.gov>  
pic01846.pcx) 04/21/2003 03:45:57 PM

Record Type: Record

To: "Brian Benczkowski (E-mail)" <Brian.A.Benczkowski@usdoj.gov>, Brett M.  
Kavanaugh/WHO/EOP@EOP

cc:  
Subject: 9th Circuit and "God Save this Honorable Court"

REV\_00115065

I want to make sure we follow up on this and nail it down, but don't want to step on your toes if you're researching it yourself. I'll be happy to take the lead in figuring this out (quietly) if you desire. I think we need a copy of the memo from Judge Schroeder to other judges to be able to do anything with this information.

---

Steven J. Duffield  
Judiciary Policy Analyst & Counsel  
Senate Republican Policy Committee  
347 Russell Senate Office Building  
(202) 224-3463 Fax (202) 224-1235

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Lana Dickey/WHO/EOP [ WHO ] <Lana Dickey>  
**Sent:** 4/21/2003 12:05:29 PM  
**Subject:** RECEIVED: Re: PROCLAMATION FOR - LAW DAY, U.S.A.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-APR-2003 16:05:29.00  
SUBJECT:RECEIVED: Re: PROCLAMATION FOR - LAW DAY, U.S.A.  
TO:Lana Dickey ( CN=Lana Dickey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

RETURN RECEIPT

Your Document:  
Re: PROCLAMATION FOR - LAW DAY, U.S.A.  
was successfully received by:  
CN=Brett M. Kavanaugh/OU=WHO/O=EOP  
at:  
04/21/2003 04:01:53 PM

---

**From:** Tony.Coppolino@usdoj.gov  
**To:** Faisal M. Gill/WHO/EOP@EOP [ WHO ] <Faisal M. Gill>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>  
**CC:** Shannen.Coffin@usdoj.gov <Shannen.Coffin@usdoj.gov>; Elizabeth.Shapiro@usdoj.gov <Elizabeth.Shapiro@usdoj.gov>; Jody.Hunt@usdoj.gov <Jody.Hunt@usdoj.gov>  
**Sent:** 4/21/2003 12:40:18 PM  
**Subject:** : FW: OHS - Ps Offer to Dismiss

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Tony.Coppolino@usdoj.gov" <Tony.Coppolino@usdoj.gov> ( "Tony.Coppolino@usdoj.gov"  
<Tony.Coppolino@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:21-APR-2003 16:40:18.00  
SUBJECT:: FW: OHS - Ps Offer to Dismiss  
TO:Faisal M. Gill ( CN=Faisal M. Gill/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:"Shannen.Coffin@usdoj.gov" <Shannen.Coffin@usdoj.gov> (Receipt Notification Requested)  
(IPM Return Requested) ( "Shannen.Coffin@usdoj.gov" <Shannen.Coffin@usdoj.gov> (Receipt  
Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
CC:"Elizabeth.Shapiro@usdoj.gov" <Elizabeth.Shapiro@usdoj.gov> (Receipt Notification  
Requested) (IPM Return Requested) ( "Elizabeth.Shapiro@usdoj.gov"  
<Elizabeth.Shapiro@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
CC:"Jody.Hunt@usdoj.gov" <Jody.Hunt@usdoj.gov> (Receipt Notification Requested) (IPM Return  
Requested) ( "Jody.Hunt@usdoj.gov" <Jody.Hunt@usdoj.gov> (Receipt Notification Requested)  
(IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

EPIC's counsel (Paul Wolfson of Wilmer) called to propose that we stipulate to dismissal of the OHS FOIA case. His only qualification was that dismissal be without prejudice to allow for the possibility that, at some point in the future, plaintiff could re-file. I asked him why the generosity of spirit, and Paul effectively said that they read our discovery and, "weighing the pluses and minuses" do not think they can win on the current record.

I recommend so stipulating. The downside is that the OHS FOIA status issue would be unresolved where we are likely to win and poised to do so. But the upside is that the case goes away, and we do not risk losing at this time either. If the case arises again, we would be in the same position we are today - ready to file for summary judgment. This would also allow OHS to re-tool even further outside the shadow of litigation if it felt the need (e.g. make explicitly clear that it is the President's HSC staff). In general, we don't usually continue to fight when the other side is willing to walk away, but fight when we have to. I do not see a basis for insisting on dismissal with prejudice (and doubt we would get it), since the argument that the facts could theoretically change seems correct. Dismissal without prejudice is the usual course under Rule 41.

Shannen concurs.

Thoughts or questions?

Tony C.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>  
**Sent:** 4/21/2003 12:55:42 PM  
**Subject:** : FW: OHS - Ps Offer to Dismiss

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 21-APR-2003 16:55:42.00  
SUBJECT: : FW: OHS - Ps Offer to Dismiss  
TO: Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

What do you think?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
04/21/2003 04:54 PM -----

"Tony.Coppolino@usdoj.gov" <Tony.Coppolino  
04/21/2003 04:39:29 PM  
Record Type: Record

To: Edward McNally/WHO/EOP@EOP, Faisal M. Gill/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP  
cc: "Jody.Hunt@usdoj.gov" <Jody.Hunt@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Shannen.Coffin@usdoj.gov" <Shannen.Coffin@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Elizabeth.Shapiro@usdoj.gov" <Elizabeth.Shapiro@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)  
Subject: FW: OHS - Ps Offer to Dismiss

EPIC's counsel (Paul Wolfson of Wilmer) called to propose that we stipulate to dismissal of the OHS FOIA case. His only qualification was that dismissal be without prejudice to allow for the possibility that, at some point in the future, plaintiff could re-file. I asked him why the generosity of spirit, and Paul effectively said that they read our discovery and, "weighing the pluses and minuses" do not think they can win on the current record.

I recommend so stipulating. The downside is that the OHS FOIA status issue would be unresolved where we are likely to win and poised to do so. But the upside is that the case goes away, and we do not risk losing at this time either. If the case arises again, we would be in the same position we are today - ready to file for summary judgment. This would also allow OHS to re-tool even further outside the shadow of litigation if it felt the need (e.g. make explicitly clear that it is the President's HSC staff). In general, we don't usually continue to fight when the other side is willing to walk away, but fight when we have to. I do not see a basis for insisting on dismissal with prejudice (and doubt we would get it), since the argument that the facts could theoretically change seems correct. Dismissal without prejudice is the usual course under Rule 41.

Shannen concurs.

Thoughts or questions?

Tony C.



---

**From:** Brian.A.Benczkowski@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/21/2003 1:03:48 PM  
**Subject:** : RE: 9th Circuit and "God Save this Honorable Court"

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> ( "Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:21-APR-2003 17:03:48.00  
SUBJECT:: RE: 9th Circuit and "God Save this Honorable Court"  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks.

-----Original Message-----

From: Steven\_Duffield@rpc.senate.gov  
[mailto:Steven\_Duffield@rpc.senate.gov]  
Sent: Monday, April 21, 2003 3:50 PM  
To: Brett\_M.\_Kavanaugh@who.eop.gov  
Cc: Benczkowski, Brian A  
Subject: RE: 9th Circuit and "God Save this Honorable Court"

Will do.

---

Steven J. Duffield  
Judiciary Policy Analyst & Counsel  
Senate Republican Policy Committee  
347 Russell Senate Office Building  
(202) 224-3463 Fax (202) 224-1235

-----Original Message-----

From: Brett\_M.\_Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Monday, April 21, 2003 3:49 PM  
To: Duffield, Steven (RPC)  
Cc: brian benczkowski (e-mail)  
Subject: Re: 9th Circuit and "God Save this Honorable Court"

We would prefer if you took the lead. Thx.

(Embedded  
image moved "Duffield, Steven (RPC)"  
to file: <Steven\_Duffield@rpc.senate.gov>  
pic01846.pcx) 04/21/2003 03:45:57 PM

Record Type: Record

To: "Brian Benczkowski (E-mail)" <Brian.A.Benczkowski@usdoj.gov>, Brett M.

REV\_00115096

Kavanaugh/WHO/EOP@EOP

cc:

Subject: 9th Circuit and "God Save this Honorable Court"

I want to make sure we follow up on this and nail it down, but don't want to step on your toes if you're researching it yourself. I'll be happy to take the lead in figuring this out (quietly) if you desire. I think we need a copy of the memo from Judge Schroeder to other judges to be able to do anything with this information.

---

Steven J. Duffield  
Judiciary Policy Analyst & Counsel  
Senate Republican Policy Committee  
347 Russell Senate Office Building  
(202) 224-3463 Fax (202) 224-1235

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/21/2003 5:34:35 PM  
**Subject:** Out of Office AutoReply: circuit judges issues

I am out of the office until Wednesday, April 23. Please call 202-456-2632 if you need immediate assistance.

---

**From:** CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/21/2003 2:00:16 PM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:21-APR-2003 18:00:16.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

He's free from 3 on, but busy from 2-3. He's free from 9 to 11, if that helps.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Monday, April 21, 2003 5:57 PM  
To: Montiel, Charlotte L.  
Subject:

Is David free from 2 to 5 Friday? We need to do six D Maryland interviews.

---

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/21/2003 5:15:47 PM  
**Subject:** : Re: it's goldsmith

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-APR-2003 21:15:47.00  
SUBJECT:: Re: it's goldsmith  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Disappointing.

.

----- Original Message -----  
From:Brett M. Kavanaugh/WHO/EOP  
To:Kyle Sampson/WHO/EOP@EOP  
Cc:  
Date: 04/21/2003 05:04:41 PM  
Subject: it's goldsmith

---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/22/2003 1:17:12 AM  
**Subject:** : OpinionJournal - On the Editorial Page - April 22, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME:22-APR-2003 05:17:12.00  
SUBJECT:: OpinionJournal - On the Editorial Page - April 22, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003392>

Maybe Donald Rumsfeld should handle the economic war plan.  
12:01 a.m. EDT

The Western Front BY BRENDAN MINITER  
<http://www.opinionjournal.com/columnists/bminiter/?id=110003390>

Democrats try to impose a religious test on judges.  
12:01 a.m. EDT

Leisure & Arts BY GARY ROSEN  
<http://www.opinionjournal.com/la/?id=110003391>

How the diversity industry dumbs down American education.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

China's Other Disease  
A secretive dictatorship can't stop SARS.  
Apr 22 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB1050967874232400,00.html%3Fmod%3Dopinion>

~~~~~

Shoveling After Snow  
Maybe Donald Rumsfeld should handle the economic war plan.  
Apr 22 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB10509685895942600,00.html%3Fmod%3Dopinion>

~~~~~

Commentary

From Ducks to Pigs to Humans?  
Only by understanding the ecology of SARS can we prevent future outbreaks.  
By STEPHEN MORSE



Apr 22 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105097121761238400,00.html%3Fmod%3Dopinion>

~~~~~

#### What the Kurds Want

In seeking advice, Iraqis should remember who fought to liberate them and who didn't.

By BARHAM SALIH

Apr 22 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105097173090180800,00.html%3Fmod%3Dopinion>

~~~~~

#### Eat Meat

Dr. Atkins is gone. But his diet lives on.

By LIONEL TIGER

Apr 22 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105097227933080000,00.html%3Fmod%3Dopinion>

~~~~~

#### Global View

##### Readers Say I Didn't Go Far Enough

Getting oil policy right is the key issue to rebuilding in this post-Saddam era.

By GEORGE MELLOAN

Apr 22 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105096688563372800,00.html%3Fmod%3Dopinion>

~~~~~

#### Leisure & Arts

##### Music

##### Sound Good to You? The Art of Acoustics

Bard's performing arts center is seen as a warm-up to the Walt Disney Concert Hall in L.A.

By JAMES S. RUSSELL

Apr 22 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB10509704923659900,00.html%3Fmod%3Dopinion>

~~~~~

##### In Music, It's OK to Alter Originals

In defense of artists who make art by changing other artists' work.

By GREG SANDOW

Apr 22 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105097246188504000,00.html%3Fmod%3Dopinion>

~~~~~

##### Dance

##### Mystery, Wit and a Stretch Limo

"Shadowmann" is an enthrallingly all over the place two-part show of dance

theater concocted by Sarah Michelson.  
By ROBERT GRESKOVIC  
Apr 22 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105097274669384900,00.html%3Fmod%3Dopinion>

~~~~~

Books  
Red Pencils, Low Marks  
"The Language Police"  
By GARY ROSEN  
Apr 22 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105097201429155400,00.html%3Fmod%3Dopinion>

~~~~~

Time Off  
Diversions  
World Trade Center Memorial Tree Planting  
Apr 22 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105097374995562700,00.html%3Fmod%3Dopinion>

~~~~~

International

What Iraq Can Learn from De-Nazification  
The Allies were once able to break the grip of a sadistic political party.  
By DANIEL JOHNSON  
From The Wall Street Journal Europe  
Apr 22 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105095981621579000,00.html%3Fmod%3Dopinion>

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<http://www.wsj.com/cgi-bin/wsagate?source=jopinem&URI=http%3A//www.wsj.com/59standard>

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You can also review OpinionJournal's privacy policy at <http://opinionjournal.com/about/privacy.html>

If you have been forwarded this email and wish to subscribe visit [http://opinionjournal.com/forms/get\\_email\\_page.html](http://opinionjournal.com/forms/get_email_page.html).



---

**From:** Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>  
**To:** Delrahim, Makan (Judiciary) <Makan\_Delrahim@Judiciary.senate.gov>; Brian Benczkowski (E-mail) <Brian.A.Benczkowski@usdoj.gov>; Comisac, RenaJohnson (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>; Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Ho, James (Judiciary) <James\_Ho@Judiciary.senate.gov>  
**Sent:** 4/22/2003 5:35:11 AM  
**Subject:** : USA Today, Tea Leaves, and the C.J.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:22-APR-2003 09:35:11.00  
SUBJECT:: USA Today, Tea Leaves, and the C.J.  
TO:"Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> ( "Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Brian Benczkowski (E-mail)" <Brian.A.Benczkowski@usdoj.gov> ( "Brian Benczkowski (E-mail)" <Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> ( "Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:"Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> ( "Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

In case any of you missed this today:  
Justice signals he may stay another year  
USA Today  
By Joan Biskupic  
4/22/03

Chief Justice William Rehnquist has extended the contract of his administrative assistant, a possible -- but not definitive -- signal that he will stay on the bench another year.  
Speculation over the possible retirement this year of Rehnquist, 78, or Justice Sandra Day O'Connor, 73, has escalated in recent months at the White House and in judicial circles. Both are GOP appointees who have suggested they would retire when a Republican is in the White House and in position to appoint their successors. Neither justice has commented on any retirement plans.  
Justices traditionally have announced their retirements in the late spring, near the end of the court's annual term. This spring could offer a timely window because 2004 is a presidential election year. Justices have resisted retiring when a nominee could become embroiled in campaign politics.  
If Rehnquist were to retire, he would not need administrative assistant Sally Rider, who has held the post since 2000. Court spokeswoman Kathy Arberg said Rider's contract has been extended but did not provide details. The contract typically is renewed for a year.

---

Steven J. Duffield  
Judiciary Policy Analyst & Counsel  
Senate Republican Policy Committee

REV\_00115116

347 Russell Senate Office Building  
(202) 224-3463 Fax (202) 224-1235

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/22/2003 6:59:22 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 10:59:22.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Is the book by Katharine Tenpas?

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, April 22, 2003 10:57 AM  
To: Bumatay, Patrick J.  
Subject:

I gave Judge a library book a while ago that was entitled something like Presidents and Re-elections. Can you ask him if he has it.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>  
**Sent:** 4/22/2003 7:03:22 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 11:03:22.00  
SUBJECT:: RE:  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

yes

From: Patrick J. Bumatay/WHO/EOP@Exchange on 04/22/2003 10:59:34 AM  
Record Type: Record

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

Is the book by Katharine Tenpas?

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, April 22, 2003 10:57 AM  
To: Bumatay, Patrick J.  
Subject:

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---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Courtney S. Elwood/OVP/EOP@EOP [ OVP ] <Courtney S. Elwood>  
**Sent:** 4/22/2003 7:30:24 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 11:30:24.00  
SUBJECT::  
TO:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I went through my file cabinets and did not see anything that looked like your tort reform file.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**CC:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 4/22/2003 7:55:52 AM  
**Subject:** : possible President event on May 5 or May 8

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 11:55:52.00  
SUBJECT:: possible President event on May 5 or May 8  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Talked to Izzy and Tim Goeglein. Izzy says May 5 and May 8 are available and says it is on the agenda for meeting tonight. Goeglein thinks we should push for an East Room event given the constitutional significance of what has been and is going on in Senate and the approaching 2-year anniversary. I am partial to that, of course, and will so recommend to Izzy and on draft formal scheduling proposal if you agree. (Room 450 would be the backup.)

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Courtney S. Elwood/OVP/EOP@EOP [ OVP ] <Courtney S. Elwood>  
**Sent:** 4/22/2003 7:56:30 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 11:56:30.00  
SUBJECT:: Re:  
TO:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

sure, I will dig out some stuff and have it delivered.

Courtney S. Elwood  
04/22/2003 11:42:49 AM  
Record Type: Record

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

Yeah, I understand. Would you mind, however, if I took a look at the memos that Jay's office prepared during that tort reform exercise?

Brett M. Kavanaugh  
04/22/2003 11:40:39 AM  
Record Type: Record

To: Courtney S. Elwood/OVP/EOP@EOP  
cc:  
bcc:  
Subject: Re:

yes, I have mine and my current files on class action and medical liability, but nothing in there looks like your stuff.

Courtney S. Elwood  
04/22/2003 11:37:16 AM  
Record Type: Record

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

Thanks. Did you find your tort reform materials by chance? I again

REV\_00115124

looked through Jen's files and didn't find my files. Perhaps I gave them to you (although I have no specific recollection of that) and they were archived -- in which case, I guess they are gone forever.

Brett M. Kavanaugh  
04/22/2003 11:30:01 AM  
Record Type: Record

To: Courtney S. Elwood/OVP/EOP@EOP  
cc:  
Subject:

I went through my file cabinets and did not see anything that looked like your tort reform file.

---

**From:** CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>  
**Sent:** 4/22/2003 8:05:44 AM  
**Subject:** : RE: possible President event on May 5 or May 8

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:22-APR-2003 12:05:44.00

SUBJECT:: RE: possible President event on May 5 or May 8

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

I worry about having an East Room event if we have nothing new to announce. To merely complain about what is happening without offering anything new argues for not having an East Room event. I do not have any answers, just concerns.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Tuesday, April 22, 2003 11:51 AM

To: Gonzales, Alberto R.

Cc: Leitch, David G.

Subject: possible President event on May 5 or May 8

Talked to Izzy and Tim Goeglein. Izzy says May 5 and May 8 are available and says it is on the agenda for meeting tonight. Goeglein thinks we should push for an East Room event given the constitutional significance of what has been and is going on in Senate and the approaching 2-year anniversary. I am partial to that, of course, and will so recommend to Izzy and on draft formal scheduling proposal if you agree. (Room 450 would be the backup.)

---

**From:** CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/22/2003 9:44:01 AM  
**Subject:** : RE: what kind of info and in what format do you want for possible Law Day event

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:22-APR-2003 13:44:01.00

SUBJECT:: RE: what kind of info and in what format do you want for possible Law Day event

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

E-mail is fine(you can list the type of event, where, how may people you would want to invite, types of organizations you would like to invite..I will list them in the matrix I have for Andy's Anonymous. If they like the suggestions, then we would proceed with a proposal.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Tuesday, April 22, 2003 1:34 PM

To: Hernandez, Israel

Subject: what kind of info and in what format do you want for possible Law Day event

**From:** Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Ledeen, Barbara (Republican-Conf) <Barbara\_Ledeen@src.senate.gov>; Comisac, RenaJohnson (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>; Brian Benczkowski (E-mail) <Brian.A.Benczkowski@usdoj.gov>; Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>; Delrahim, Makan (Judiciary) <Makan\_Delrahim@Judiciary.senate.gov>  
**CC:** Matal, Joe (Judiciary) <Joe\_Matal@Judiciary.senate.gov>; Ho, James (Judiciary) <James\_Ho@Judiciary.senate.gov>; Higgins, Stephen (Judiciary) <Stephen\_Higgins@Judiciary.senate.gov>; Groover, Chad (Judiciary) <Chad\_Groover@Judiciary.senate.gov>; Pai, Ajit (Judiciary) <Ajit\_Pai@Judiciary.senate.gov>  
**Sent:** 4/22/2003 5:46:11 AM  
**Subject:** : Opinion Journal on Holmes

```
##### Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Duffield, Steven (RPC)" <Steven_Duffield@rpc.senate.gov> ( "Duffield, Steven
(RPC)" <Steven_Duffield@rpc.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME:22-APR-2003 09:46:11.00
SUBJECT:: Opinion Journal on Holmes
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"Ledeen, Barbara (Republican-Conf)" <Barbara_Ledeen@src.senate.gov> ( "Ledeen, Barbara
(Republican-Conf)" <Barbara_Ledeen@src.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> (
"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> [ UNKNOWN ]
)
READ:UNKNOWN
TO:"Brian Benczkowski (E-mail)" <Brian.A.Benczkowski@usdoj.gov> ( "Brian Benczkowski
(E-mail)" <Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)"
<Manuel_Miranda@frist.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> ( "Delrahim, Makan
(Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
CC:"Matal, Joe (Judiciary)" <Joe_Matal@Judiciary.senate.gov> ( "Matal, Joe (Judiciary)"
<Joe_Matal@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
CC:"Ho, James (Judiciary)" <James_Ho@Judiciary.senate.gov> ( "Ho, James (Judiciary)"
<James_Ho@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
CC:"Higgins, Stephen (Judiciary)" <Stephen_Higgins@Judiciary.senate.gov> ( "Higgins,
Stephen (Judiciary)" <Stephen_Higgins@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
CC:"Groover, Chad (Judiciary)" <Chad_Groover@Judiciary.senate.gov> ( "Groover, Chad
(Judiciary)" <Chad_Groover@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
CC:"Pai, Ajit (Judiciary)" <Ajit_Pai@Judiciary.senate.gov> ( "Pai, Ajit (Judiciary)"
<Ajit_Pai@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
##### End Original ARMS Header #####
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Article published this morning. Follows nicely on Viet's comments yesterday at the luncheon.

The Constitution Be Damned: Democrats try to impose a religious test on judges.  
BY BRENDAN MINITER  
Wall St. Journal (Opinion Journal) --  
<http://www.opinionjournal.com/columnists/bminiter/?id=110003390>

REV\_00115128

Tuesday, April 22, 2003 12:01 a.m. EDT

Are Senate Judiciary Committee Democrats trying to establish a religious test for federal judges?

James Leon Holmes is the latest judicial nominee they've targeted. Before adjourning for Easter recess these Democrats demonized Mr. Holmes, persuading committee Republicans to put his nomination for a district court in Arkansas on hold until after the break. Then on Good Friday, New York's Sen. Chuck Schumer took to the airwaves on NPR to further attack Mr. Holmes.

This follows on the heels of the attacks on appeals-court nominees Priscilla Owen (a Sunday school teacher) and Charles Pickering (a former president of the Mississippi Baptist Convention). The Judiciary Committee rejected both when the Democrats were in the majority. President Bush has renominated both and it's likely Ms. Owen will eventually win confirmation--although Democrats may filibuster her nomination, as they are now doing to Miguel Estrada.

In Mr. Holmes's case the attacks are shocking, for the Democrats are openly targeting his religious convictions. Mr. Holmes's professional qualifications are impressive. He is an accomplished lawyer who has mostly practiced commercial litigation. He's a partner at the respected Little Rock firm Quattlebaum, Grooms, Tull & Barrow. He was one of the lawyers to work on Rickey Ray Rector's defense. (Rector, a cop killer who was mentally retarded owing to a self-administered gunshot wound, was famously executed in 1992 after Bill Clinton took a break from the campaign trail to return to Arkansas and signed his death warrant.) Mr. Holmes received a "well qualified" rating from the American Bar Association, and both Democratic Arkansas senators--Blanche Lincoln and Mark Pryor--support his nomination.

He also comes from humble roots. Among other things he's worked as a laborer picking peas before putting himself through law school at night while supporting his family.

The lightning rod here, of course, is abortion. It's no secret that the pope and the Catholic Church are squarely against abortion on demand. And Mr. Holmes, who once served as president of Arkansas Right to Life, is an orthodox Catholic. He's written articles against abortion and has even--God forbid--defended the rights of people to peaceably protest against the practice.

Abortion gives the Democrats some of their most fanatical supporters. So Sens. Schumer, Dianne Feinstein and Dick Durbin feel safe in demonizing Mr. Holmes. They even dug up a 23-year-old letter in which Mr. Holmes argued against rape exemptions. Mr. Holmes says he no longer holds this view, and Sen. Durbin for one should sympathize, since 23 years ago he was pro-life.

Mr. Schumer is particularly critical because Mr. Holmes admitted to him that Roe v. Wade was one of the Supreme Court decisions he didn't agree with and because he refuses to promise to recuse himself if any of the right-to-life groups he's defended ever comes before him. Such pre-emptive recusals aren't in line with judicial ethics, which require federal judges to weigh the circumstances of each case before deciding on whether to recuse themselves.

It's not just about abortion, however. Judiciary Democrats took issue with Mr. Holmes's view of marriage. Citing an article Mr. Holmes and his wife wrote about the traditional Catholic teaching of a wife "subordinating" herself to her husband, Ms. Feinstein claimed he was antiwoman. Mr. Schumer asked if a battered woman bringing suit against her husband could have confidence in his impartiality.

Mr. Schumer went on to complain about and distort Mr. Holmes's views on separation of church and state, evolution, prayer in public schools and

more. "We are not getting somebody in this case who refuses to tell us what he thinks, but the bottom line is what he thinks is so bad," New York's senior senator said.

The truth about Mr. Holmes's views is that he sees women as equal to men and in marriage each must assume collaborative roles--which is one reason many prominent Arkansas women who are also pro-choice support Mr. Holmes. In no way is Mr. Holmes endorsing legislating from the bench to impose religion on citizens. Just the opposite is true. Mr. Holmes has specifically staked out his views on religion and government in published articles--for the protection of a free state and religion, the two ought to be separate.

Sens. Schumer, Feinstein, Durbin and others, in their zeal over abortion, are now attempting to screen out judicial candidates who take their faith seriously. Judiciary Democrats may not like Catholic doctrine, but to hold religious convictions against a nominee is a blatant violation of the Constitution, which provides that "no religious test shall ever be required as a qualification to any office or public trust under the United States." Liberals have a knack for finding new rights in "penumbras" and "emanations" of the Constitution, but this one is right there in the document itself.

Mr. Miniter is assistant editor of OpinionJournal.com. His column appears Tuesdays.

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Steven J. Duffield  
Judiciary Policy Analyst & Counsel  
Senate Republican Policy Committee  
347 Russell Senate Office Building  
(202) 224-3463 Fax (202) 224-1235



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**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>  
**Sent:** 4/22/2003 6:15:41 AM  
**Subject:** : Tea leaves

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 10:15:41.00  
SUBJECT:: Tea leaves  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

In USA Today <<http://www.usatoday.com/>>, Joan Biskupic reports here  
<<http://www.usatoday.com/usatoday/20030422/5090003s.htm>> that "Chief  
Justice William Rehnquist has extended the contract of his administrative  
assistant, a possible -- but not definitive -- signal that he will stay on  
the bench another year."

---

**From:** CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/22/2003 6:17:34 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 10:17:34.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I sent a letter from NJ to you last week. Have you had a chance to take a look at it?

---

**From:** CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/22/2003 6:21:52 AM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:22-APR-2003 10:21:52.00

SUBJECT::

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Carrie mentioned that the Judge may need to make some calls to a couple of Senators.; Is this the case?; If so, who does he need to call, when, and what about?

---

**From:** Montiel, Charlotte L.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/22/2003 10:22:00 AM  
**Subject:**

Carrie mentioned that the Judge may need to make some calls to a couple of Senators. Is this the case? If so, who does he need to call, when, and what about?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ryan L. Cole/WHO/EOP@EOP [ WHO ] <Ryan L. Cole>  
**Sent:** 4/22/2003 10:26:32 AM  
**Subject:** : Re: CNP

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 14:26:32.00  
SUBJECT:: Re: CNP  
TO:Ryan L. Cole ( CN=Ryan L. Cole/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

sure; can you give me a little more info about the group; the description is quite vague

Ryan L. Cole  
04/22/2003 01:55:50 PM  
Record Type: Record

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

Brett,

Would you be available to speak to a briefing for CNP that Tim Goeglein and Matt Smith are doing in room 450 on 4/24 at 6:00pm? You would only need to speak for 15 minutes. Would this work for you?

Thanks,

Ryan

"The Center for National Policy (CNP), a non-profit, non-partisan public policy organization, is dedicated to promoting the public interest. Since its founding in 1981, CNP has served as a forum for debate and discussion and has been a significant player in developing policy alternatives that are responsive to and effectively serve the interests of all Americans.

CNP works with policy-makers and policy experts from across the political spectrum to promote the development of a common agenda for democratic governance in the 21st



---

**From:** CN=Noel J. Francisco/OU=WHO/O=EOP [ WHO ]  
**To:** bberenson@sidley.com @ inet [ UNKNOWN ] <bberenson@sidley.com @ inet>  
**CC:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/22/2003 10:50:32 AM  
**Subject:** : Thought you'd be interested in this.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 14:50:32.00  
SUBJECT:: Thought you'd be interested in this.  
TO:bberenson@sidley.com @ inet ( bberenson@sidley.com @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

How are things?  
April 19, 2003  
Ashcroft Is Criticized for Remarks About Witness in Terror-Cell Case  
By THE NEW YORK TIMES

ETROIT, April 18 \* The judge at the trial of four men accused of being members of a terror cell criticized Attorney General John Ashcroft today for praising the government's chief witness and implied that Mr. Ashcroft had violated his ban on public comments about the case.

"I believe the attorney general is subject to the orders of this court," said Judge Gerald E. Rosen of Federal District Court.

At a news conference on Thursday in Washington, Mr. Ashcroft spoke about the Justice Department's progress against terrorism. He cited a number of plea agreements with informers, including the government's lead witness in the case here, Youssef Hmimssa.

"Youssef Hmimssa pleaded guilty to multiple criminal charges, and is currently cooperating in the Detroit cell case," Mr. Ashcroft said in prepared remarks. "Such cooperation is a critical tool for our war on terrorism."

After defense lawyers said today that they might move to have Mr. Ashcroft held in contempt, Judge Rosen criticized the attorney general.

"It was pretty apparent that he was bolstering the credibility of Mr. Hmimssa and his work," the judge said of Mr. Ashcroft. "I was concerned and distressed to wake up this morning to hear the attorney general discuss the credibility of a witness in this trial."

Barbara Comstock, a Justice Department spokeswoman, said today that Mr. Ashcroft's comments were part of "a wide-ranging press conference discussing many different matters in the public record."

"We certainly had no intent to contravene the judge's wishes regarding publicity," Ms. Comstock said.

The four men, Farouk Ali-Haimoud, 22; Karim Koubriti, 24; Ahmed Hannan, 34; and Abdel-Ilah Elmardoudi, 37, are charged with document fraud and conspiracy to provide material support to terrorists.

It was not the first time Mr. Ashcroft has rankled Judge Rosen. After three of the defendants were first detained, six days after the attacks of Sept. 11, 2001, Mr. Ashcroft accused them of having prior knowledge of the attacks. At the time, no prosecutor had made such a claim.

Before the judge's appearance today, newspaper articles about Mr. Ashcroft's comments circulated in the courtroom.

One of the prosecutors, Keith Corbett, an assistant United States attorney, borrowed a copy from a defense lawyer. After reading it with colleagues, he said half-jokingly of Mr. Ashcroft, "Bring him in. Have a hearing. I'm certainly not capable of defending him."

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>  
**Sent:** 4/22/2003 10:56:22 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 14:56:22.00  
SUBJECT:  
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I am going to review the 603 issue. The scope of 7322 (which 603 references) and 7323-7324 is something we had examined/questioned in October 2001. Will keep you posted.



---

**From:** Kavanaugh, Brett M.  
**To:** <Bumatay, Patrick J.>  
**Sent:** 4/22/2003 10:57:03 AM  
**Subject:**

I gave Judge a library book a while ago that was entitled something like Presidents and Re-elections. Can you ask him if he has it.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Patrick J. Bumatay/WHO/EOP@Exchange@EOP [ WHO ] <Patrick J. Bumatay>  
**Sent:** 4/22/2003 6:57:58 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 10:57:58.00  
SUBJECT::  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I gave Judge a library book a while ago that was entitled something like  
Presidents and Re-elections. Can you ask him if he has it.

---

**From:** CN=Courtney S. Elwood/OU=OVP/O=EOP [ OVP ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/22/2003 7:37:38 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP [ OVP ] )  
CREATION DATE/TIME:22-APR-2003 11:37:38.00  
SUBJECT:: Re:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks. Did you find your tort reform materials by chance? I again looked through Jen's files and didn't find my files. Perhaps I gave them to you (although I have no specific recollection of that) and they were archived -- in which case, I guess they are gone forever.

Brett M. Kavanaugh  
04/22/2003 11:30:01 AM  
Record Type: Record

To: Courtney S. Elwood/OVP/EOP@EOP  
cc:  
Subject:

I went through my file cabinets and did not see anything that looked like your tort reform file.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Courtney S. Elwood/OVP/EOP@EOP [ OVP ] <Courtney S. Elwood>  
**Sent:** 4/22/2003 7:41:03 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 11:41:03.00  
SUBJECT:: Re:  
TO:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

yes, I have mine and my current files on class action and medical liability, but nothing in there looks like your stuff.

Courtney S. Elwood  
04/22/2003 11:37:16 AM  
Record Type: Record

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

Thanks. Did you find your tort reform materials by chance? I again looked through Jen's files and didn't find my files. Perhaps I gave them to you (although I have no specific recollection of that) and they were archived -- in which case, I guess they are gone forever.

Brett M. Kavanaugh  
04/22/2003 11:30:01 AM  
Record Type: Record

To: Courtney S. Elwood/OVP/EOP@EOP  
cc:  
Subject:

I went through my file cabinets and did not see anything that looked like your tort reform file.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>  
**Sent:** 4/22/2003 11:51:38 AM  
**Subject:** : Re: Thought you'd be interested in this.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 15:51:38.00  
SUBJECT:: Re: Thought you'd be interested in this.  
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

classic

Noel J. Francisco  
04/22/2003 02:50:12 PM  
Record Type: Record

To: bberenson@sidley.com @ inet  
cc: Brett M. Kavanaugh/WHO/EOP@EOP  
Subject: Thought you'd be interested in this.

How are things?  
April 19, 2003  
Ashcroft Is Criticized for Remarks About Witness in Terror-Cell Case  
By THE NEW YORK TIMES

ETROIT, April 18 \* The judge at the trial of four men accused of being members of a terror cell criticized Attorney General John Ashcroft today for praising the government's chief witness and implied that Mr. Ashcroft had violated his ban on public comments about the case.

"I believe the attorney general is subject to the orders of this court," said Judge Gerald E. Rosen of Federal District Court.

At a news conference on Thursday in Washington, Mr. Ashcroft spoke about the Justice Department's progress against terrorism. He cited a number of plea agreements with informers, including the government's lead witness in the case here, Youssef Hmimssa.

"Youssef Hmimssa pleaded guilty to multiple criminal charges, and is currently cooperating in the Detroit cell case," Mr. Ashcroft said in prepared remarks. "Such cooperation is a critical tool for our war on terrorism."

After defense lawyers said today that they might move to have Mr. Ashcroft held in contempt, Judge Rosen criticized the attorney general.

"It was pretty apparent that he was bolstering the credibility of Mr. Hmimssa and his work," the judge said of Mr. Ashcroft. "I was concerned and distressed to wake up this morning to hear the attorney general discuss the credibility of a witness in this trial."

Barbara Comstock, a Justice Department spokeswoman, said today that Mr. Ashcroft's comments were part of "a wide-ranging press conference discussing many different matters in the public record."

"We certainly had no intent to contravene the judge's wishes regarding publicity," Ms. Comstock said.

The four men, Farouk Ali-Haimoud, 22; Karim Koubriti, 24; Ahmed Hannan, 34; and Abdel-Ilah Elmardoudi, 37, are charged with document fraud and

conspiracy to provide material support to terrorists.  
It was not the first time Mr. Ashcroft has rankled Judge Rosen. After three of the defendants were first detained, six days after the attacks of Sept. 11, 2001, Mr. Ashcroft accused them of having prior knowledge of the attacks. At the time, no prosecutor had made such a claim. Before the judge's appearance today, newspaper articles about Mr. Ashcroft's comments circulated in the courtroom. One of the prosecutors, Keith Corbett, an assistant United States attorney, borrowed a copy from a defense lawyer. After reading it with colleagues, he said half-jokingly of Mr. Ashcroft, "Bring him in. Have a hearing. I'm certainly not capable of defending him."

---

**From:** Montgomery, Brian D.  
**To:** <Leitch, David G.>;<Kavanaugh, Brett M.>  
**CC:** <Montiel, Charlotte L.>;<Parell, Christie>  
**Sent:** 4/22/2003 12:01:48 PM  
**Subject:** Regional Appointees Conference

David/Brett:

The Offices of Cabinet Affairs, Presidential Personnel, Intergovernmental Affairs, Political Affairs, and the Council for Excellence in Government are together sponsoring a two-day conference entitled "**Regional Appointees: Challenges and Opportunities**," scheduled for May 19-20, 2003 in Washington, DC.

This conference will be the first of its kind during this Administration and will include regional appointees from several Cabinet and sub-Cabinet agencies such as Education, Interior, Labor, EPA, HHS, FEMA, GSA, HUD and SBA. It will be held at the nearby Mayflower Hotel, with several sessions taking place in Room 450 EEOB.

Given your office's stake in such an event, we want to involve you in the conference's program workshops and plenary sessions. In working with the agencies, we have identified roughly 85 regional political appointees that we have invited to attend the conference. Other local agency personnel, including inter-governmental affairs staff, will also be invited.

The purpose of the conference is to better engage our regional appointees as representatives of the President around the country and to give them a chance to meet and hear from senior White House officials and agency leaders. Sessions will focus on a variety of vital issues including:

- Management Results / President's Management Team
- Building Support for the President's Agenda
- Freedom Corps / Faith-Based Initiatives
- Hatch Act / Ethics
- Policy Perspectives
- Homeland Security
- Working Together for Greater Regional Impact
- Legislative Update
- Foreign Policy Update

We have tentatively scheduled your presentation for Tuesday afternoon, May 20 in Room 450 EEOB (exact time is TBD). We would hope you could discuss your insights on the Hatch Act and ethics in government. We would also hope you could join us for a reception to be held later that evening.

We would greatly appreciate your participation, and I know that the Regional Appointees would appreciate hearing from you and will be happy to take your perspectives back with them to their respective regions. Please feel free to contact me should you have additional questions or you may have your assistant contact Christie Parell (6-2343) to confirm your availability.

Many thanks in advance,

Brian Montgomery

REV\_00115192

---

**From:** CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>  
**CC:** Christie Parell/WHO/EOP@EOP [ WHO ] <Christie Parell>;Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>  
**Sent:** 4/22/2003 8:01:26 AM  
**Subject:** : Regional Appointees Conference

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 12:01:26.00  
SUBJECT:: Regional Appointees Conference  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Christie Parell ( CN=Christie Parell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

David/Brett:

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- ú Legislative Update



ú Foreign Policy Update

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Many thanks in advance,

Brian Montgomery

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alicia W. Davis/WHO/EOP@EOP [ WHO ] <Alicia W. Davis>  
**Sent:** 4/22/2003 8:17:26 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 12:17:26.00  
SUBJECT:: Re:  
TO:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I left you a voice mail or email saying it was odd. Let's discuss.

Alicia W. Davis  
04/22/2003 10:15:13 AM  
Record Type: Record

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

I sent a letter from NJ to you last week. Have you had a chance to take a look at it?

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>  
**CC:** <Grubbs, Wendy J.>  
**Sent:** 4/22/2003 1:27:37 PM  
**Subject:** 10 new Senators

9 R's

Lamar Alexander

Saxby Chambliss

Norm Coleman

John Cornyn

Elizabeth Dole

Lindsey Graham

Lisa Murkowski

John Sununu

Jim Talent

1 D

Mark Pryor

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**CC:** Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 4/22/2003 9:30:19 AM  
**Subject:** : 10 new Senators

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 13:30:19.00  
SUBJECT:: 10 new Senators  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

9 R's  
Lamar Alexander  
Saxby Chambliss  
Norm Coleman  
John Cornyn  
Elizabeth Dole  
Lindsey Graham  
Lisa Murkowski  
John Sununu  
Jim Talent

1 D  
Mark Pryor

---

**From:** Kavanaugh, Brett M.  
**To:** <Hernandez, Israel>  
**Sent:** 4/22/2003 1:34:19 PM  
**Subject:** what kind of info and in what format do you want for possible Law Day event

---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/22/2003 1:37:29 PM  
**Subject:**

I recall that Tenpas told me he's a 1990 UVA law graduate, which I guess would put him in OT 1991.

---

**From:** CN=Ryan L. Cole/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/22/2003 9:56:13 AM  
**Subject:** : CNP

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ryan L. Cole ( CN=Ryan L. Cole/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 13:56:13.00  
SUBJECT:: CNP  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,

Would you be available to speak to a briefing for CNP that Tim Goeglein and Matt Smith are doing in room 450 on 4/24 at 6:00pm? You would only need to speak for 15 minutes. Would this work for you?

Thanks,

Ryan

"The Center for National Policy (CNP), a non-profit, non-partisan public policy organization, is dedicated to promoting the public interest. Since its founding in 1981, CNP has served as a forum for debate and discussion and has been a significant player in developing policy alternatives that are responsive to and effectively serve the interests of all Americans.

CNP works with policy-makers and policy experts from across the political spectrum to promote the development of a common agenda for democratic governance in the 21st Century"

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/22/2003 2:28:16 PM  
**Subject:** : White House Global Messenger - 4/23/03  
**Attachments:** P\_E6ATF003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )  
CREATION DATE/TIME:22-APR-2003 18:28:16.00  
SUBJECT:: White House Global Messenger - 4/23/03  
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(See attached file: GM 4-23-03 FINAL.doc)

THE GLOBAL MESSENGER  
Wednesday, April 23, 2003

\*\*\*\*\*KEY POINTS\*\*\*\*\*

\*The United States and our Coalition partners respect the people of Iraq and their great religious traditions, whose principles of equality and compassion are essential to Iraq's future.

\*Free nations across the world have different institutions that reflect their unique cultures and traditions, while sharing certain principles that define those institutions: freedom of speech, freedom of religion, individual rights, equal justice under law, protecting minorities against the tyranny of a majority and a government chosen by the people.

\*Just days after the people of Iraq realized they were free from the clutches of Saddam Hussein's terror, the Iraqi people are reclaiming their own streets, their own country, and their own future.

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Daylight. Subject to Change

12:30 pm State Department Briefing  
1:00 pm Defense Department Briefing  
1:15 pm White House Briefing

\*\*\*\*\*EXCERPTS FROM THE PRESIDENT'S STATEMENT ON EARTH DAY\*\*\*\*\*

"Three decades after the first Earth Day, our air is cleaner, our water is purer, and our lands and natural resources are better protected."

"My Administration is building on these accomplishments through new and innovative policies. We will reduce power plant pollution by 70 percent. We will restore forest health, preventing catastrophic wildfires that devastate communities, wildlife habitat and the landscape. And we will promote



energy  
efficiency and security, and improve and protect water quality, while  
encouraging economic growth."

\*\*\*\*\*RELIGIOUS FREEDOM UPDATE\*\*\*\*\*

Brief accounts of Iraqis embracing religious freedom without fear of  
punishment  
from Saddam's regime

\*\*\*\*\*

"We were prohibited from visiting these shrines for a long time by the  
Baath  
Party and their agents. This year we thank God for ridding us of the  
dictator  
Saddam Hussein and for letting us visit these shrines."  
Abed Ghilan, Associated Press Television, 4/22/03

\*\*\*\*\*

"People have been walking for days, literally days, to get here. Some have  
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barefoot. Others have been crawling on their hands and knees...One man I  
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to set out from his house 18 days ago. Imagine that. That was before Saddam  
Hussein's government actually fell. This man told us he set off in the  
hope that  
he would get through, and his wish has come true. That wish has been the  
same  
for many years of the majority of Iraq's Shiite Muslims. They haven't been  
permitted to come here freely before."  
Karl Penhaul, CNN correspondent, 4/22/03

\*\*\*\*AFGHANISTAN UPDATE\*\*\*\*

\*As part of the Bush Administration's continuing commitment to the Afghan  
people, Secretary of Health and Human Services (HHS) Thompson helped open  
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newly modernized Rabia Balkhi Women's Hospital in Kabul Tuesday.

\*The U.S. is committed to helping Afghan authorities reduce high infant and  
maternal mortality rates. After Secretary Thompson's trip to Afghanistan in  
October, HHS and the Defense Department refurbished the hospital  
facilities and  
provided training for hospital staff. After years of civil war and  
neglect, the  
facility had been in terrible condition, with no working plumbing, broken  
windows and equipment, and few drugs and supplies.

THE WHITE HOUSE

Office of Global Communications

For more information log on to <http://www.whitehouse.gov/ogc>

\*\*\*\*\*

You have previously expressed interest in obtaining news and information  
from  
the White House.

The White House Office of Global Communications distributes information  
about  
the President's messages to the world. This office distributes updates on  
major  
international topics such as the global war on terror, the case for regime  
change in Iraq, and more broadly, the ways in which we can all better  
communicate the aspirations and interests that Americans share with  
freedom-loving people everywhere.

- GM 4-23-03 FINAL.doc

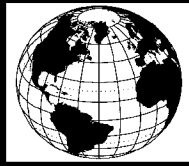
ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_E6ATF003\_WHO.TXT\_1>



# THE GLOBAL MESSENGER

Wednesday, April 23, 2003



## **TODAY'S SCHEDULE**

*All Times Eastern Daylight. Subject to Change*

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1:00 pm Defense Department Briefing  
1:15 pm White House Briefing

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## **EXCERPTS FROM THE PRESIDENT'S STATEMENT ON EARTH DAY**

"Three decades after the first Earth Day, our air is cleaner, our water is purer, and our lands and natural resources are better protected.

"My Administration is building on these accomplishments through new and innovative policies. We will reduce power plant pollution by 70 percent. We will restore forest health, preventing catastrophic wildfires that devastate communities, wildlife habitat and the landscape. And we will promote energy efficiency and security, and improve and protect water quality, while encouraging economic growth."

## **KEY POINTS**

- The United States and our Coalition partners respect the people of Iraq and their great religious traditions, whose principles of equality and compassion are essential to Iraq's future.
- Free nations across the world have different institutions that reflect their unique cultures and traditions, while sharing certain principles that define those institutions: freedom of speech, freedom of religion, individual rights, equal justice under law, protecting minorities against the tyranny of a majority and a government chosen by the people.
- Just days after the people of Iraq realized they were free from the clutches of Saddam Hussein's terror, the Iraqi people are reclaiming their own streets, their own country, and their own future.

## **RELIGIOUS FREEDOM UPDATE**

*Brief accounts of Iraqis embracing religious freedom without fear of punishment from Saddam's regime*

\*\*\*

"We were prohibited from visiting these shrines for a long time by the Baath Party and their agents. This year we thank God for ridding us of the dictator Saddam Hussein and for letting us visit these shrines."

**Abed Ghilan, Associated Press Television, 4-22-03**

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"People have been walking for days, literally days, to get here. Some have come barefoot. Others have been crawling on their hands and knees....One man I spoke to set out from his house 18 days ago. Imagine that. That was before Saddam Hussein's government actually fell. This man told us he set off in the hope that he would get through, and his wish has come true. That wish has been the same for many years of the majority of Iraq's Shiite Muslims. They haven't been permitted to come here freely before."

**Karl Penhaul, CNN correspondent, 4-22-03**

**THE WHITE HOUSE**  
**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00115214

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**From:** Kavanaugh, Brett M.  
**To:** <Vestewig, Lauren J.>  
**Sent:** 4/22/2003 3:12:02 PM  
**Subject:** are we meeting at 430 on airlines?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Lauren J. Vestewig/OPD/EOP@Exchange@EOP [ OPD ] <Lauren J. Vestewig>  
**Sent:** 4/22/2003 11:12:36 AM  
**Subject:** : are we meeting at 430 on airlines?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 15:12:36.00  
SUBJECT:: are we meeting at 430 on airlines?  
TO:Lauren J. Vestewig ( CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/22/2003 11:13:11 AM  
**Subject:** : RE: are we meeting at 430 on airlines?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Lauren J. Vestewig ( CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange [ OPD ] )  
CREATION DATE/TIME:22-APR-2003 15:13:11.00  
SUBJECT:: RE: are we meeting at 430 on airlines?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

yes

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, April 22, 2003 3:12 PM  
To: Vestewig, Lauren J.  
Subject: are we meeting at 430 on airlines?

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;nathan.sales@usdoj.gov [ UNKNOWN ] <nathan.sales@usdoj.gov>;Brian Benczkowski (E-mail) <Brian.A.Benczkowski@usdoj.gov>;Viet.Dinh@usdoj.gov [ UNKNOWN ] <Viet.Dinh@usdoj.gov>  
**Sent:** 4/22/2003 3:39:01 PM  
**Subject:** : firsts and mosts  
**Attachments:** P\_77DTF003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:22-APR-2003 19:39:01.00  
SUBJECT:: firsts and mosts  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:nathan.sales@usdoj.gov ( nathan.sales@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Brian Benczkowski (E-mail)" <Brian.A.Benczkowski@usdoj.gov> ( "Brian Benczkowski (E-mail)" <Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Viet.Dinh@usdoj.gov ( Viet.Dinh@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

In preparation for the weeks to come, can y'all send me your list of firsts and mosts.

First unanimously well qualified rejected in Committee, etc  
Most nominees waiting for more than a year in history, etc.

Thanks  
- att1.htm  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_77DTF003\_WHO.TXT\_1>

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First unanimously well qualified rejected in Committee, etc< o:p>

Most nominees waiting for more than a year in history, etc.

Thanks

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Christopher J. Orr/WHO/EOP@EOP [ WHO ] <Christopher J. Orr>; Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 4/22/2003 4:18:09 PM  
**Subject:** : May 9 is target date

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 20:18:09.00  
SUBJECT:: May 9 is target date  
TO:Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####



---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>  
**Sent:** 4/22/2003 7:06:17 PM  
**Subject:** event approved for Rose Garden on Friday, May 9

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 4/22/2003 3:07:00 PM  
**Subject:** : event approved for Rose Garden on Friday, May 9

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 19:07:00.00  
SUBJECT:: event approved for Rose Garden on Friday, May 9  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>  
**Sent:** 4/22/2003 3:29:10 PM  
**Subject:** : did we get a letter from that VA district judge?

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:22-APR-2003 19:29:10.00

SUBJECT:: did we get a letter from that VA district judge?

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/22/2003 3:54:57 PM  
**Subject:** : Re: event approved for Rose Garden on Friday, May 9

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:22-APR-2003 19:54:57.00

SUBJECT:: Re: event approved for Rose Garden on Friday, May 9

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Hmm . . . May 9. Why does that date stick in my mind?

.

-----Original Message-----

From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>

To: Gonzales, Alberto R. <Alberto\_R\_Gonzales@who.eop.gov>; Leitch, David G. <David\_G\_Leitch@who.eop.gov>

Sent: Tue Apr 22 19:06:17 2003

Subject: event approved for Rose Garden on Friday, May 9

---

**From:** CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/22/2003 4:06:41 PM  
**Subject:** : Re: event approved for Rose Garden on Friday, May 9

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:22-APR-2003 20:06:41.00

SUBJECT:: Re: event approved for Rose Garden on Friday, May 9

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

What is the event look like?

---

**From:** CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/22/2003 4:12:36 PM  
**Subject:** : Re: event approved for Rose Garden on Friday, May 9

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 20:12:36.00  
SUBJECT:: Re: event approved for Rose Garden on Friday, May 9  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Ok but Rose Garden event requires some news, we need to think about this,  
should be fun. Get Bruce a front row seat.

---

**From:** Gonzales, Alberto R.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/22/2003 8:13:01 PM  
**Subject:** Re: event approved for Rose Garden on Friday, May 9

Ok but Rose Garden event requires some news, we need to think about this, should be fun. Get Bruce a front row seat.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>  
**Sent:** 4/22/2003 4:18:09 PM  
**Subject:** : Re: event approved for Rose Garden on Friday, May 9

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 20:18:09.00  
SUBJECT:: Re: event approved for Rose Garden on Friday, May 9  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

That's really up to us. But idea is about 200 people in Rose Garden with Presidential remarks, and with composition of crowd up to us but probably key Senators, bar leaders, legal luminaries, interest-group leaders, and grass-roots supporters.

From: Alberto R. Gonzales/WHO/EOP@Exchange on 04/22/2003 08:05:46 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: event approved for Rose Garden on Friday, May 9

What is the event look like?



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>  
**Sent:** 4/22/2003 4:18:09 PM  
**Subject:** : Re: event approved for Rose Garden on Friday, May 9

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-APR-2003 20:18:09.00  
SUBJECT:: Re: event approved for Rose Garden on Friday, May 9  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

see my last email re Estrada idea. also web site.

From: Alberto R. Gonzales/WHO/EOP@Exchange on 04/22/2003 08:13:01  
PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: event approved for Rose Garden on Friday, May 9

Ok but Rose Garden event requires some news, we need to think about this,  
should be fun. Get Bruce a front row seat.

---

**From:** CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/22/2003 4:18:38 PM  
**Subject:** : Re: did we get a Coffey letter?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 22-APR-2003 20:18:38.00  
SUBJECT: : Re: did we get a Coffey letter?  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

No

.

----- Original Message -----  
From: Brett M. Kavanaugh/WHO/EOP  
To: Benjamin A. Powell/WHO/EOP@EOP  
Cc:  
Date: 04/22/2003 07:28:33 PM  
Subject: did we get a Coffey letter?

---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/23/2003 1:17:41 AM  
**Subject:** : OpinionJournal - On the Editorial Page - April 23, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME:23-APR-2003 05:17:41.00  
SUBJECT:: OpinionJournal - On the Editorial Page - April 23, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003394>

Here's a heaping helping of crow for the Iraq naysayers.  
12:01 a.m. EDT

Scene & Heard BY COLLIN LEVEY  
<http://www.opinionjournal.com/columnists/clevey/?id=110003395>

The muscle car returns.

12:01 a.m. EDT

Leisure & Arts BY JOE QUEENAN  
<http://www.opinionjournal.com/la/?id=110003396>

Will Jay Leno be able to take Katie Couric's guests seriously?

12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

The U.N.'s Iraq Follies (Cont.)  
They're all back. The French, Russians, Hans Blix!  
Apr 23 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105105823680998900,00.html%3Fmod%3Dopinion>

~~~~~

Greenspan, Once Again  
Bush gives the market maestro more time.  
Apr 23 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105105881341271100,00.html%3Fmod%3Dopinion>

~~~~~

Special Anti-Dividend Pleadings  
Fannie, Freddie and munis hate the Bush tax plan.  
Apr 23 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105105910028437300,00.html%3Fmod%3Dopinion>

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#### Commentary

##### Global Warning

Wanted: An international health concordat with punishments for transgressors.

By JEROME GROOPMAN

Apr 23 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105105602668608300,00.html%3Fmod%3Dopinion>

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##### 'Kind of Right' Isn't Good Enough

Corporate reform has to do a better job in expensing stock options.

By CRAIG BARRETT

Apr 23 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105105701462387200,00.html%3Fmod%3Dopinion>

~~~~~

##### They Said What?

Here's a heaping helping of crow for the Iraq naysayers.

Apr 23 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105105769787266100,00.html%3Fmod%3Dopinion>

~~~~~

#### Business World

##### Much Ado About Stock Options

Accounting's predilection for aimless abstraction over useful information got us here.

By HOLMAN W. JENKINS JR.

Apr 23 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB10510546299303800,00.html%3Fmod%3Dopinion>

~~~~~

#### Leisure & Arts

##### The Return of the American Muscle Car

Horsepower and martial valor couldn't have come at a better time.

By COLLIN LEVEY

Apr 23 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105105944544199400,00.html%3Fmod%3Dopinion>

~~~~~

##### TV's Host Switch Could Start Something

Will Jay Leno be able to take Katie Couric's normal guests seriously?

By JOE QUEENAN

Apr 23 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105105888066213900,00.html%3Fmod%3Dopinion>

~~~~~

#### Music

Sonic Boom: An Orchestra Moves Ahead

Can the Baltimore Symphony Orchestra increase its reputation and its market share?

By BARBARA JEPSON

Apr 23 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105106003363011500,00.html%3Fmod%3Dopinion>

~~~~~

#### Books

Her Formula for Success

"Her Dream of Dreams"

By NICHOLAS VON HOFFMAN

Apr 23 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10510603009484600,00.html%3Fmod%3Dopinion>

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#### Time Off

Diversions

Mobile Symphony; World Trade Center Memorial Tree Planting

Apr 23 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105097374995562700,00.html%3Fmod%3Dopinion>

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#### International

The U.N.'s Blind Spot

European leftists are starting to realize finally that what's going on in Cuba is not right.

From The Wall Street Journal Europe

Apr 23 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10510485821841700,00.html%3Fmod%3Dopinion>

~~~~~

#### Palestinian Liberation

No outsider can force-feed peace on people who don't want it.

From The Wall Street Journal Europe

Apr 23 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105105290614175400,00.html%3Fmod%3Dopinion>

~~~~~

#### We Need a United West

Rebuilding Iraq will take a united effort.

By WOLFGANG SCHAEUBLE

From The Wall Street Journal Europe

Apr 23 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105104752228>

253900,00.html%3Fmod%3Dopinion

~~~~~

Coddling Castro No Longer?

The European left is having one of those sudden flashes of the obvious.

By MICHAEL GONZALEZ

From The Wall Street Journal Europe

Apr 23 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10510465437871400,00.html%3Fmod%3Dopinion>

~~~~~

Thailand Beggars Belief

A farce becomes just plain disturbing.

From The Asian Wall Street Journal

Apr 23 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105104600662767200,00.html%3Fmod%3Dopinion>

~~~~~

The Last Chance to Eradicate SARS

Catching a pandemic early is the key to containing it.

By DONALD S. BURKE

From The Asian Wall Street Journal

Apr 23 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105105402027979800,00.html%3Fmod%3Dopinion>

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#### ADVERTISEMENT

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<http://RealEstateJournal.com>

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**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/23/2003 3:14:22 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:23-APR-2003 07:14:22.00  
SUBJECT: :  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

How Appealing;provided a link to this article, which commented on the item  
I sent you this weekend about Republicans tiring of the judicial fights.;  
;  
[http://rushlimbaugh.com/home/daily/site\\_042103/content/rush\\_is\\_right.guest.html](http://rushlimbaugh.com/home/daily/site_042103/content/rush_is_right.guest.html)  
<[http://rushlimbaugh.com/home/daily/site\\_042103/content/rush\\_is\\_right.guest.html](http://rushlimbaugh.com/home/daily/site_042103/content/rush_is_right.guest.html)>

---

**From:** CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/23/2003 3:58:38 AM  
**Subject:** : Re: did we get a letter from that VA district judge?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-APR-2003 07:58:38.00  
SUBJECT:: Re: did we get a letter from that VA district judge?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Not yet.

Brett M. Kavanaugh  
04/22/2003 07:28:51 PM  
Record Type: Record

To: Jennifer R. Brosnahan/WHO/EOP@EOP  
cc:  
Subject: did we get a letter from that VA district judge?



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>  
**Sent:** 4/23/2003 4:35:37 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-APR-2003 08:35:37.00  
SUBJECT:: Re:  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

interesting. The R Senators have a serious pr problem with conservatives.

From: David G. Leitch/WHO/EOP@Exchange on 04/23/2003 07:14:44 AM  
Record Type: Record

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

How Appealing;provided a link to this article, which commented on the item  
I sent you this weekend about Republicans tiring of the judicial fights.;  
;  
[http://rushlimbaugh.com/home/daily/site\\_042103/content/rush\\_is\\_right.guest.html](http://rushlimbaugh.com/home/daily/site_042103/content/rush_is_right.guest.html) <  
[http://rushlimbaugh.com/home/daily/site\\_042103/content/rush\\_is\\_right.guest.html](http://rushlimbaugh.com/home/daily/site_042103/content/rush_is_right.guest.html)>

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>  
**Sent:** 4/23/2003 9:03:36 AM  
**Subject:**

Congrats!! Also, can you forward me any recent schedulig proposal that we submitted -- maybe the one we submitted last October for judges event that occurred on 10-30-02. Thanks.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 4/23/2003 5:04:38 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-APR-2003 09:04:38.00  
SUBJECT: :  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Congrats!! Also, can you forward me any recent schedulig proposal that we submitted -- maybe the one we submitted last October for judges event that occurred on 10-30-02. Thanks.

---

**From:** CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** ashley snee/who/eop@exchange@eop [ WHO ] <ashley snee>  
**Sent:** 4/23/2003 9:05:24 AM  
**Subject:** : Re: May 9 is target date

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-APR-2003 13:05:24.00  
SUBJECT:: Re: May 9 is target date  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:ashley snee ( CN=ashley snee/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Great. Can we start interviewing people soon? Brett -- you line up the people or tell us who to call and we will.

Brett M. Kavanaugh  
04/22/2003 08:03:12 PM  
Record Type: Record

To: Ashley Snee/WHO/EOP@Exchange@EOP, Christopher J. Orr/WHO/EOP@EOP  
cc:  
Subject: May 9 is target date

---

**From:** Tony.Coppolino@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Gayle S. Worthy/WHO/EOP@EOP [ WHO ] <Gayle S. Worthy>; Shannen.Coffin@usdoj.gov  
<Shannen.Coffin@usdoj.gov>  
**Sent:** 4/23/2003 5:48:54 AM  
**Subject:** : RE: Availability for phone meeting this p.m.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Tony.Coppolino@usdoj.gov" <Tony.Coppolino@usdoj.gov> ( "Tony.Coppolino@usdoj.gov"  
<Tony.Coppolino@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:23-APR-2003 09:48:54.00  
SUBJECT:: RE: Availability for phone meeting this p.m.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gayle S. Worthy ( CN=Gayle S. Worthy/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Shannen.Coffin@usdoj.gov" <Shannen.Coffin@usdoj.gov> (Receipt Notification Requested) ( "  
"Shannen.Coffin@usdoj.gov" <Shannen.Coffin@usdoj.gov> (Receipt Notification Requested) [   
UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I am available until 1130 am.

Tony C.

-----Original Message-----

From: Gayle\_S.\_Worthy@who.eop.gov [mailto:Gayle\_S.\_Worthy@who.eop.gov]  
Sent: Wednesday, April 23, 2003 9:46 AM  
To: Coffin, Shannen; Coppolino, Tony; Brett\_M.\_Kavanaugh@who.eop.gov  
Subject: Availability for phone meeting this p.m.

All, Ed has asked me to setup a phone meeting for this p.m., pls provide  
your  
availability, should take about .15 mins.  
thanks  
gayle  
6-1195

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/23/2003 6:18:12 AM  
**Subject:** : Economy remarks

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:23-APR-2003 10:18:12.00  
SUBJECT:: Economy remarks  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I sent you the President's Remarks on the Economy due at 11 am.; I will be out of the office until about 12 pm, so I just wanted to pre-send a reminder.  
;  
thanks

---

**From:** CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ]  
**To:** Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/23/2003 6:48:18 AM  
**Subject:** : staff

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 23-APR-2003 10:48:18.00

SUBJECT:: staff

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

I have a rookie question: Do people observe "Administrative Professionals' Day" (aka Secretaries' Day) around here? I noticed that it is today, and although my preference is to ignore it and find other ways to express appreciation throughout the year, I didn't want to inadvertently give offense by failing to do something nice for those who work with us. It occurs to me that, unlike the career secretaries at law firms or elsewhere in government, our staff may not even be aware of this occasion... Any thoughts?

---

**From:** CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;James W. Carroll/WHO/EOP@EOP [ WHO ] <James W. Carroll>;David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 4/23/2003 10:54:49 AM  
**Subject:** : Waldman

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-APR-2003 14:54:49.00  
SUBJECT:: Waldman  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Waldman's secretary says that he is going to execute the name check form and the credit check form today and that they will be faxed back to us by COB today or first thing in the morning.



---

**From:** CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/23/2003 7:12:50 AM  
**Subject:** : frank hill

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:23-APR-2003 11:12:50.00

SUBJECT:: frank hill

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Brett - You can just tell Frank Hill about the 3 NC people if you want.  
Save everyone a call. But he is of course welcome to call me back.

Thanks,  
JB

---

**From:** CN=Alicia P. Clark/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/23/2003 7:38:20 AM  
**Subject:** : Could you give me a call when you get a chance? Thanks.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Alicia P. Clark ( CN=Alicia P. Clark/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-APR-2003 11:38:20.00  
SUBJECT:: Could you give me a call when you get a chance? Thanks.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Orr, Christopher J.  
**To:** <Kavanaugh, Brett M.>  
**CC:** <Snee, Ashley>  
**Sent:** 4/23/2003 1:05:00 PM  
**Subject:** Re: May 9 is target date

Great. Can we start interviewing people soon? Brett -- you line up the people or tell us who to call and we will.

Brett M. Kavanaugh

04/22/2003 08:03:12 PM

Record Type: Record

To: Ashley Snee/WHO/EOP@Exchange@EOP, Christopher J. Orr/WHO/EOP@EOP

cc:

Subject: May 9 is target date

---

**From:** CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 4/23/2003 1:04:40 PM  
**Subject:** : D. S.C. vacancy

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-APR-2003 17:04:40.00  
SUBJECT:: D. S.C. vacancy  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

FYI, Senator Graham's Chief Counsel called to let us know the Senator's office has heard from a South Carolina reporter named Lee Bandy (sp?) seeking comment on rumors about who is going to be nominated for the District Court seat in SC. He wanted us to know that we may get a call, too. He said the Senator's staff will decline to comment but that the Senator may choose to do otherwise.

For my info, what is the appropriate response to such press calls? Is there someone to refer them to, or do we just decline to comment?

---

**From:** CN=Ryan L. Cole/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/23/2003 1:17:32 PM  
**Subject:** : Re: CNP

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ryan L. Cole ( CN=Ryan L. Cole/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-APR-2003 17:17:32.00  
SUBJECT:: Re: CNP  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,

We are trying to move the briefing time up. Any chance you can speak at 4:45?

Thanks,

Ryan

Brett M. Kavanaugh  
04/22/2003 02:26:11 PM  
Record Type: Record

To: Ryan L. Cole/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: CNP

sure; can you give me a little more info about the group; the description is quite vague

Ryan L. Cole  
04/22/2003 01:55:50 PM  
Record Type: Record

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

Brett,

Would you be available to speak to a briefing for CNP that Tim Goeglein and Matt Smith are doing in room 450 on 4/24 at 6:00pm? You would only need to speak for 15 minutes. Would this work for you?

Thanks,

Ryan

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Policy (CNP), a non-profit,

REV\_00115347

non-partisan public policy organization, is dedicated to promoting the public interest. Since its founding in 1981, CNP has served as a forum for debate and discussion and has been a significant player in developing policy alternatives that are responsive to and effectively serve the interests of all Americans.

CNP works with policy-makers and policy experts from across the political spectrum to promote the development of a common agenda for democratic governance in the 21st Century"

---

**From:** GaryM Stern <garym.stern@nara.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/23/2003 1:25:14 PM  
**Subject:** : Notice and Letter

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: GaryM Stern <garym.stern@nara.gov> ( GaryM Stern <garym.stern@nara.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 23-APR-2003 17:25:14.00

SUBJECT:: Notice and Letter

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

I understand from Craig that you may be sending me a letter prior to him issuing the notice. FYI, I will be hard to reach for almost all of tomorrow, and will not be accessible to email (no blackberries here yet). So, if you wanted me to review anything in draft prior to sending, please do so today (I can review stuff from home this evening). Leave me a voicemail if there is something you want me to review.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>  
**Sent:** 4/23/2003 1:30:03 PM  
**Subject:** : will let you know when i hear on floyd

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-APR-2003 17:30:03.00  
SUBJECT:: will let you know when i hear on floyd  
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####



---

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/23/2003 2:30:55 PM  
**Subject:** : hoops tomorrow

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 23-APR-2003 18:30:55.00  
SUBJECT: : hoops tomorrow  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

at FBI with DOJ folks; 3pm; bring your shoes

---

**From:** CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/23/2003 2:46:38 PM  
**Subject:** : no need to call me tonight

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:23-APR-2003 18:46:38.00

SUBJECT:: no need to call me tonight

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

---

**From:** Sheila.Joy@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/23/2003 4:12:17 PM  
**Subject:** : RE: we can hold on floyd until second week in may; i was just checking status

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ( "Sheila.Joy@usdoj.gov"  
<Sheila.Joy@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:23-APR-2003 20:12:17.00  
SUBJECT:: RE: we can hold on floyd until second week in may; i was just checking status  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Great

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Wednesday, April 23, 2003 7:13 PM  
To: Joy, Sheila  
Subject: we can hold on floyd until second week in may; i was just  
checking status

---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/24/2003 1:25:13 AM  
**Subject:** : OpinionJournal - On the Editorial Page - April 24, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME:24-APR-2003 05:25:13.00  
SUBJECT:: OpinionJournal - On the Editorial Page - April 24, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY DANIEL JOHNSON  
<http://www.opinionjournal.com/editorial/?id=110003400>

Don't throw the baby out with the Baath water.  
12:01 a.m. EDT

John Fund's Political Diary  
<http://www.opinionjournal.com/diary/?id=110003398>

With the war won, it's time for Bush to master the Senate.  
12:01 a.m. EDT

Leisure & Arts BY ANDRE EMMERICH  
<http://www.opinionjournal.com/la/?id=110003399>

What were all those antiquities doing in Iraq anyway?  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

A Wirtschaftswunder for Iraq  
Without the rule of law, private property rights and a stable currency,  
there will be no economy.  
Apr 24 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105114401639048000,00.html%3Fmod%3Dopinion>

~~~~~

The American Way  
The union is so mad at airline CEO Donald Carty's pay, that it may ground  
the company.  
Apr 24 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105114435820155500,00.html%3Fmod%3Dopinion>

~~~~~

New York Showdown  
Governor Pataki and taxpayers vs. his fellow Republicans.

Apr 24 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105114462336699500,00.html%3Fmod%3Dopinion>

~~~~~

#### Commentary

De-Baathification

Don't throw the baby out with the Baath water.

By DANIEL JOHNSON

Apr 24 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105114518990749900,00.html%3Fmod%3Dopinion>

~~~~~

From ROTC to War and Back

Wounded in Iraq, U.S. Marine Lt. Dustin Ferrell explains his faith.

By WILLIAM MCGURN

Apr 24 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105114591321991900,00.html%3Fmod%3Dopinion>

~~~~~

Risky Business

Without risk there'd be no electricity, no personal computers, no vaccines.

By STAN O'NEAL

Apr 24 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105114659135947700,00.html%3Fmod%3Dopinion>

~~~~~

#### Politics & People

A Loose Cannon

Newt Gingrich attacks Colin Powell, but only injures self and Donald Rumsfeld.

By ALBERT R. HUNT

Apr 24 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105114276257431400,00.html%3Fmod%3Dopinion>

~~~~~

#### Leisure & Arts

The Gallery

Worlds Unto Themselves, on Paper

Frankenthaler paintings on paper (1949-2002) at the Museum of Contemporary Art.

By RONI FEINSTEIN

Apr 24 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB1051143022574900,00.html%3Fmod%3Dopinion>

~~~~~

The Market Is Key to Preserving the Past

What are all those antiques doing in Iraq anyway?

By ANDRE EMMERICH  
Apr 24 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105114418581701800,00.html%3Fmod%3Dopinion>

~~~~~

Books  
Insuring the Risky Business of Life  
"The New Financial Order"  
By DAVID R. HENDERSON  
Apr 24 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105114383073070200,00.html%3Fmod%3Dopinion>

~~~~~

Verdi on the Autobahn  
London theater and opera.  
By MANUELA HOELTERHOFF  
Apr 24 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105114646532060200,00.html%3Fmod%3Dopinion>

~~~~~

Time Off  
Diversions  
Art in Bloom; Mobile Symphony; World Trade Center Memorial Tree Planting  
Apr 24 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105097374995562700,00.html%3Fmod%3Dopinion>

~~~~~

International

Arafat's Road Map  
Thanks to both internal and international pressure, Arafat is in the backseat.  
From The Wall Street Journal Europe  
Apr 24 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105113619389052500,00.html%3Fmod%3Dopinion>

~~~~~

Securing Economic Growth  
Selling off bundled loans is no panacea for Germany's economy or its banks.  
From The Wall Street Journal Europe  
Apr 24 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105113658178025200,00.html%3Fmod%3Dopinion>

~~~~~

What the Arab World Can Teach the West  
Arab states do have something valuable to teach in the area of social policy.  
By ETHAN B. KAPSTEIN  
From The Wall Street Journal Europe  
Apr 24 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105113568439425600,00.html%3Fmod%3Dopinion>

~~~~~

Europe's Power of Attraction

The EU is failing to exercise its soft power to regions beyond Central Europe.

By HEATHER GRABBE

From The Wall Street Journal Europe

Apr 24 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105113270485107400,00.html%3Fmod%3Dopinion>

~~~~~

SARS Bailouts Are a Bad Idea

The disease known as Severe Acute Respiratory Syndrome has already wiped out a huge chunk of East Asia's wealth.

From The Asian Wall Street Journal

Apr 24 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105114981698782300,00.html%3Fmod%3Dopinion>

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>  
**Sent:** 4/24/2003 6:32:16 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-APR-2003 10:32:16.00  
SUBJECT:  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Karl wanted to talk to you re Wisconsin.



---

**From:** Shannen.Coffin@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/24/2003 7:04:57 AM  
**Subject:** : Re: current draft letter -- note that this draft references dateof Reagan assertion

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Shannen.Coffin@usdoj.gov" <Shannen.Coffin@usdoj.gov> ( "Shannen.Coffin@usdoj.gov"  
<Shannen.Coffin@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME:24-APR-2003 11:04:57.00

SUBJECT:: Re: current draft letter -- note that this draft references date of Reagan  
assertion

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

I know this has been a pain for you, but I appreciate you making the  
effort to get this done.

Shannen W. Coffin

Civil Division

U.S. Department of Justice

(202) 514-3310 (phone)

(202) 514-8071 (fax)

shannen.coffin@usdoj.gov

---

**From:** Leitch, David G.  
**To:** <Gonzales, Alberto R.>; <Kavanaugh, Brett M.>  
**Sent:** 4/24/2003 7:24:33 AM  
**Subject:** NYT editorial against Kuhl  
**Attachments:** c.gif

## Another Unworthy Judicial Nominee

**C**arolyn Kuhl, a nominee to the United States Court of Appeals for the Ninth Circuit, seems to have undergone a classic confirmation conversion. As a lawyer and as a California state court judge, she advocated objectionable positions on civil rights, abortion and privacy. But at her confirmation hearings, she backpedaled furiously. Her testimony may have been tactically shrewd, but it failed to allay serious concerns about how she would perform as a judge. The Senate should not confirm her.

Judge Kuhl started out as a hard-driving conservative lawyer in the Reagan administration. When the I.R.S. denied tax-exempt status to Bob Jones University, which discriminated against blacks, she played a key role in persuading the Justice Department to take Bob Jones's side. In a landmark 1983 decision the Supreme Court rejected her position, 8 to 1. Judge Kuhl also argued forcefully for Roe v. Wade to be overturned. And she was co-author of a brief backing the defendant in a landmark sexual harassment case. The Supreme Court unanimously rejected its conclusion, ruling for the woman who had been harassed.

Under questioning by the Senate Judiciary Committee, Judge Kuhl repeatedly retracted or minimized her positions: supporting Bob Jones was a mistake, she said, but she had been a "very young staffer" and had not understood the issues fully. She had advocated overturning Roe because President Reagan had wanted it. When, as a private attorney, she had later written a brief critical of Roe, it had not been because she shared its views, but because she had wanted to build an appellate practice and "filing briefs in the Supreme Court is a prestigious thing to do." In the sexual harassment case, her difference with the Supreme Court had been over only a "technical" issue.

Judge Kuhl's many shifts are suspect because of their timing. It is also clear, given this administration's track record, that she was chosen precisely because of the actions she now seeks to distance herself from. The White House can tell from her record that she shares its conservative agenda, including opposition to abortion rights and skepticism about civil rights. It is unlikely that when she spoke with the administration she was as quick to renounce her past as she was before the Senate.

It shows how politicized the selection of judges has become that Judge Kuhl received a hearing at all. In the past, the Judiciary Committee often would not consider a nominee who lacked the support of both senators from the person's home state. The Republicans have pushed Judge Kuhl forward even though Senator Barbara Boxer has not endorsed her. They have also trampled on the Senate's traditional courtesies by reporting out Priscilla Owen for a Fifth Circuit judgeship, even though the committee rejected her last year.

The Senate has confirmed a vast majority of the administration's judicial nominees. It recently confirmed Jay Bybee, a conservative legal scholar, for the same court for which Judge Kuhl has been nominated. But senators must oppose candidates with views well outside the ideological mainstream, including Judge Kuhl and Judge Owen. Only by holding firm can they persuade a president who campaigned on a promise to govern from the center to start looking there for his judicial nominees.

---

**From:** CN=Ryan L. Cole/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/24/2003 4:29:49 AM  
**Subject:** : Re: CNP

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ryan L. Cole ( CN=Ryan L. Cole/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-APR-2003 08:29:49.00  
SUBJECT:: Re: CNP  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

5:30?

Brett M. Kavanaugh  
04/23/2003 07:33:46 PM  
Record Type: Record

To: Ryan L. Cole/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: CNP

that's difficult; what's latest possible time I can do

Ryan L. Cole  
04/23/2003 05:17:08 PM  
Record Type: Record

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

Brett,

We are trying to move the briefing time up. Any chance you can speak at 4:45?

Thanks,

Ryan

Brett M. Kavanaugh  
04/22/2003 02:26:11 PM  
Record Type: Record

To: Ryan L. Cole/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: CNP

REV\_00115363

sure; can you give me a little more info about the group; the description is quite vague

Ryan L. Cole  
04/22/2003 01:55:50 PM  
Record Type: Record

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

Brett,

Would you be available to speak to a briefing for CNP that Tim Goeglein and Matt Smith are doing in room 450 on 4/24 at 6:00pm? You would only need to speak for 15 minutes. Would this work for you?

Thanks,

Ryan

"The Center for National Policy (CNP), a non-profit, non-partisan public policy organization, is dedicated to promoting the public interest. Since its founding in 1981, CNP has served as a forum for debate and discussion and has been a significant player in developing policy alternatives that are responsive to and effectively serve the interests of all Americans.

CNP works with policy-makers and policy experts from across the political spectrum to promote the development of a common agenda for democratic governance in the 21st Century"

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ryan L. Cole/WHO/EOP@EOP [ WHO ] <Ryan L. Cole>  
**Sent:** 4/24/2003 4:31:25 AM  
**Subject:** : Re: CNP

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 24-APR-2003 08:31:25.00  
SUBJECT:: Re: CNP  
TO: Ryan L. Cole ( CN=Ryan L. Cole/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

good

Ryan L. Cole  
04/24/2003 08:29:25 AM  
Record Type: Record

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

5:30?

Brett M. Kavanaugh  
04/23/2003 07:33:46 PM  
Record Type: Record

To: Ryan L. Cole/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: CNP

that's difficult; what's latest possible time I can do

Ryan L. Cole  
04/23/2003 05:17:08 PM  
Record Type: Record

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

Brett,

We are trying to move the briefing time up. Any chance you can speak at 4:45?

Thanks,

REV\_00115365

Ryan

Brett M. Kavanaugh  
04/22/2003 02:26:11 PM  
Record Type: Record

To: Ryan L. Cole/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: CNP

sure; can you give me a little more info about the group; the description is quite vague

Ryan L. Cole  
04/22/2003 01:55:50 PM  
Record Type: Record

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

Brett,

Would you be available to speak to a briefing for CNP that Tim Goeglein and Matt Smith are doing in room 450 on 4/24 at 6:00pm? You would only need to speak for 15 minutes. Would this work for you?

Thanks,

Ryan

"The Center for National Policy (CNP), a non-profit, non-partisan public policy organization, is dedicated to promoting the public interest. Since its founding in 1981, CNP has served as a forum for debate and discussion and has been a significant player in developing policy alternatives that are responsive to and effectively serve the interests of all Americans.

CNP works with policy-makers and policy experts from across the political spectrum to promote the development of a common agenda for democratic governance in the 21st Century"



---

**From:** Sheila.Joy@usdoj.gov  
**To:** Carl.A.Anderson@usdoj.gov <Carl.A.Anderson@usdoj.gov>; Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>; Adam.Charnes@usdoj.gov <Adam.Charnes@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Nathan.Sales@usdoj.gov <Nathan.Sales@usdoj.gov>; Brian.A.Benczkowski@usdoj.gov <Brian.A.Benczkowski@usdoj.gov>; Viet.Dinh@usdoj.gov <Viet.Dinh@usdoj.gov>  
**Sent:** 4/24/2003 6:15:56 AM  
**Subject:** : New vacancy notice - VA,E Henry Morgan ret 2/8/04 (Norfolk office)

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ( "Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:24-APR-2003 10:15:56.00  
SUBJECT:: New vacancy notice - VA,E Henry Morgan ret 2/8/04 (Norfolk office)  
TO:"Carl.A.Anderson@usdoj.gov" <Carl.A.Anderson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ( "Carl.A.Anderson@usdoj.gov" <Carl.A.Anderson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ( "Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ( "Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Nathan.Sales@usdoj.gov" <Nathan.Sales@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ( "Nathan.Sales@usdoj.gov" <Nathan.Sales@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ( "Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Viet.Dinh@usdoj.gov" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ( "Viet.Dinh@usdoj.gov" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####



---

**From:** Shannen.Coffin@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/24/2003 6:15:54 AM  
**Subject:** : RE: current draft letter -- note that this draft references dateof Reagan assertion

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Shannen.Coffin@usdoj.gov" <Shannen.Coffin@usdoj.gov> ( "Shannen.Coffin@usdoj.gov"  
<Shannen.Coffin@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:24-APR-2003 10:15:54.00  
SUBJECT:: RE: current draft letter -- note that this draft references date of Reagan  
assertion  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : RE: current draft letter -- note that  
this draft references date of Reagan assertion  
Was Read By : Shannen.Coffin@usdoj.gov  
On : Thu, 24 Apr 2003 10:13:45 -0400

---

**From:** Shannen.Coffin@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/24/2003 10:26:32 AM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Shannen.Coffin@usdoj.gov" <Shannen.Coffin@usdoj.gov> ( "Shannen.Coffin@usdoj.gov"

<Shannen.Coffin@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME:24-APR-2003 14:26:32.00

SUBJECT::

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message :

Was Read By : Shannen.Coffin@usdoj.gov

On : Thu, 24 Apr 2003 14:23:23 -0400

---

**From:** CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/24/2003 6:27:24 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 24-APR-2003 10:27:24.00  
SUBJECT:: Re:  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

taken care of.

Brett M. Kavanaugh  
04/24/2003 10:03:59 AM  
Record Type: Record

To: Benjamin A. Powell/WHO/EOP@EOP  
cc:  
Subject:

Karl wanted to talk to you re Wisconsin.

---

**From:** Shannen.Coffin@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/24/2003 10:31:39 AM  
**Subject:** : REVISED

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Shannen.Coffin@usdoj.gov" <Shannen.Coffin@usdoj.gov> ( "Shannen.Coffin@usdoj.gov"  
<Shannen.Coffin@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME:24-APR-2003 14:31:39.00

SUBJECT:: REVISED

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : REVISED

Was Read By : Shannen.Coffin@usdoj.gov

On : Thu, 24 Apr 2003 14:27:59 -0400

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Sheila.Joy@usdoj.gov <Sheila.Joy@usdoj.gov>  
**Sent:** 4/24/2003 6:32:22 AM  
**Subject:** : Re: New vacancy notice - VA,E Henry Morgan ret 2/8/04 (Norfolk office)

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-APR-2003 10:32:22.00  
SUBJECT:: Re: New vacancy notice - VA,E Henry Morgan ret 2/8/04 (Norfolk office)  
TO:"Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ( "Sheila.Joy@usdoj.gov"  
<Sheila.Joy@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Please FAX over letter.

"Sheila.Joy@usdoj.gov" <Sheila.Joy  
04/24/2003 10:14:55 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: New vacancy notice - VA,E Henry Morgan ret 2/8/04 (Norfolk  
office)

Message Sent

To:  
"Viet.Dinh@usdoj.gov" <Viet.Dinh@usdoj.gov> (Receipt Notification  
Requested) (IPM Return Requested)  
"Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov> (Receipt Notification  
Requested) (IPM Return Requested)  
"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> (Receipt  
Notification Requested) (IPM Return Requested)  
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (Receipt  
Notification Requested) (IPM Return Requested)  
"Nathan.Sales@usdoj.gov" <Nathan.Sales@usdoj.gov> (Receipt Notification  
Requested) (IPM Return Requested)  
"Carl.A.Anderson@usdoj.gov" <Carl.A.Anderson@usdoj.gov> (Receipt  
Notification Requested) (IPM Return Requested)  
Brett M. Kavanaugh/WHO/EOP@EOP

---

**From:** Viet.Dinh@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; David G. Leitch/WHO/EOP@EOP [ WHO ] <David G. Leitch>  
**Sent:** 4/24/2003 6:49:40 AM  
**Subject:** : FW: Dem Ltr re Supreme Court

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Viet.Dinh@usdoj.gov" <Viet.Dinh@usdoj.gov> ( "Viet.Dinh@usdoj.gov"  
<Viet.Dinh@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:24-APR-2003 10:49:40.00  
SUBJECT:: FW: Dem Ltr re Supreme Court  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

-----Original Message-----

From: Comstock, Barbara  
Sent: Thursday, April 24, 2003 9:33 AM  
To: Olson, Theodore B; Clement, Paul D; Ciongoli, Adam; Dinh, Viet;  
Bryant, Dan; Taylor, Jeffrey  
Subject: Dem Ltr re Supreme Court

McAuliffe letter re Supreme Court

-----Original Message-----

URGENT ACTION ALERT: SUPREME COURT COUNTDOWN

Dear XXXXXXXXXX:

At the end of June, the current Supreme Court session will come to a close. When that happens, all signs point to one or more of the current Justices retiring, providing an opportunity for President Bush to nominate an extremist Justice who will put our most cherished American values at risk.

\* There hasn't been a retirement in almost nine years, the longest drought in nearly 200 years. [1] \* Several Justices are facing serious health issues and have indicated a strong desire to retire soon. [2] \* Chief Justice Rehnquist has recently held secret meetings with the White House. [3] \* Two weeks ago, President Bush's father hosted a fundraiser at his home to raise money for an ad campaign to push Bush's judicial nominees. [4] \* The Republican chairman of the Senate Judiciary Committee, Orrin Hatch, is pressuring Justices to make their move. [5]

Civil rights. The freedom to choose. Environmental protections. The hard-won rights of workers. If President Bush stacks the Court with right-wing ideologues, all of these cherished values are in peril. You must get involved today to help protect these values.

[http://mailer.democrats.org/rdr/002JK04vsv0001D](http://mailer democrats.org/rdr/002JK04vsv0001D)

At the DNC, we're organizing on every level to make sure the voices of average Americans are heard on this issue. And, with your help, I promise you that we can and will defeat this threat to our values.

REV\_00115395

I'm asking you to do three things:

1. Come to our Supreme Court Action Center and sign the petition to President Bush letting him know you'll fight his attempts to attack our values and stack the Supreme Court with right-wing extremists.

<http://mailer democrats.org/rdr/002JK04vsv0001E>

2. Once you've signed the petition, get as many as your friends as possible to sign it.

<http://mailer democrats.org/rdr/002JK04vsv0001F>

3. Join our Supreme Court Action Team by signing up to become a Democratic eCaptain today.

<http://mailer democrats.org/rdr/002JK04vsv0001G>

Signing this petition and telling your friends is the most important thing I have asked you to do since I've been Chairman of the Democratic National Committee.

<http://mailer democrats.org/rdr/002JK04vsv0001H>

I pledge that in the weeks to come, I will personally obtain and deliver to your inbox the support of our top Democratic leaders in this effort.

Sincerely, Terence R. McAuliffe Chairman

Cites: [1] New York Times, 12/27/02 [2] Washington Post, 1/6/03, UPI, 6/30/00  
[3] Washington Post, 11/27/02 [4] Washington Post, 4/15/03 [5] New York Times, 12/27/02

\*\*\*\*\*

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/24/2003 7:01:52 AM  
**Subject:** : Re: FW: Letters for approval - congrats - debbie

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-APR-2003 11:01:52.00  
SUBJECT:: Re: FW: Letters for approval - congrats - debbie  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I am bringing it over



---

**From:** CN=Jean Cooper/OU=OPD/O=EOP@Exchange [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/24/2003 7:19:12 AM  
**Subject:** : Peter Coneway letter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Jean Cooper ( CN=Jean Cooper/OU=OPD/O=EOP@Exchange [ OPD ] )  
CREATION DATE/TIME: 24-APR-2003 11:19:12.00  
SUBJECT: : Peter Coneway letter  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Hey Brett,  
Steve wanted me to ask you if you had another copy of the Coneway letter?;  
He didn't elaborate, so if you don't know what I'm talking about I'll get  
you some more info.;  
Thanks,  
Jean

---

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/24/2003 7:27:06 AM  
**Subject:** : D. Md.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 24-APR-2003 11:27:06.00  
SUBJECT: : D. Md.  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Have left messages for Rene Augustine; will let you know.

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/24/2003 11:36:29 AM  
**Subject:**

Are you the working contact for 5/9, or am I? Once sched. has this info the event will be approved.

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/24/2003 7:36:03 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:24-APR-2003 11:36:03.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Are you the working contact for 5/9, or am I? Once sched. has this info  
the event will be approved.  
;

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Lauren J. Vestewig/OPD/EOP@Exchange@EOP [ OPD ] <Lauren J. Vestewig>  
**Sent:** 4/24/2003 7:38:00 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-APR-2003 11:38:00.00  
SUBJECT::  
TO:Lauren J. Vestewig ( CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

what time is deputies meeting tomorrow on airlines. what paper is there?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Elizabeth S. Dougherty/OPD/EOP@EOP [ OPD ] <Elizabeth S. Dougherty>  
**Sent:** 4/24/2003 7:48:58 AM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:24-APR-2003 11:48:58.00

SUBJECT::

TO:Elizabeth S. Dougherty ( CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [ OPD ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Jay told me to come to deputies meeting tomorrow. where and when? any  
paper? agenda?

---

**From:** CN=Jess Sharp/OU=OPD/O=EOP [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/24/2003 9:17:16 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jess Sharp ( CN=Jess Sharp/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME:24-APR-2003 13:17:16.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Hey Brett - Do you have any paper that you can share on these bankruptcy issues? I'm putting together an options paper for the meeting tomorrow.  
Thanks.

---

**From:** Sean Rushton <SRushton@CommitteeforJustice.org>  
**To:** SRushton@CommitteeforJustice.org [ UNKNOWN ] <SRushton@CommitteeforJustice.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/24/2003 2:12:57 PM  
**Subject:** : Judges.  
**Attachments:** P\_FL1WF003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Sean Rushton <SRushton@CommitteeforJustice.org> ( Sean Rushton  
<SRushton@CommitteeforJustice.org> [ UNKNOWN ] )  
CREATION DATE/TIME:24-APR-2003 18:12:57.00  
SUBJECT:: Judges.  
TO:SRushton@CommitteeforJustice.org ( SRushton@CommitteeforJustice.org [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

WEEKLY STANDARD

Recess Time

With Senate Democrats taking obstructionism to new levels, the president should re-read Article II, Section 2, Paragraph 3.

by Hugh Hewitt

04/23/2003

THE LEFT EDGE of the Senate Democratic caucus has taken control of the judicial-nomination process and has forced the entire Senate into what is, at best, an extra-constitutional swamp. With their filibuster of D.C. Circuit Court nominee Miguel Estrada, their threatened filibusters of Fifth Circuit nominees Priscilla Owen and Charles Pickering, and their obstruction of other nominees such as John Roberts, Carolyn Kuhl, and a half-dozen Sixth Circuit nominees, Senate Democrats have decided it is good policy to wreck a judicial nomination and confirmation process that has worked for more than two centuries.

The radical agenda of the Senate Democrats has escaped a great deal of attention, though it surely played a role in their historic defeats in November 2002 and will do so again in the more than half-dozen referendums on incumbent Democratic Senators looming in November 2004. The temptation to let the likes of Tom Daschle, Harry Reid, Patty Murray, Blanche Lincoln, and Chuck Schumer hang themselves on their extremist approach must be huge, but President Bush and his advisers would be better served by aggressively defending the Constitution at every step. There are many ways to do this, including a jam-down of new Senate rules with 51 votes. But a way-station to such a melt-down is found in the president's recess appointment power.

Article II, Section 2, Paragraph 3 provides: "The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session."

Thus the president can fill every judicial vacancy that presently exists, though these appointments will lapse in the fall of 2004.

REV\_00115416



Nominees have traditionally been reluctant to fill such temporary posts as the Senate guarded its confirmation power jealously and was likely to turn a cold-shoulder to the recess appointees in much the way that the NFL veterans shunned the temporary players who took the field during their strike.

Bill Clinton broke the taboo against recess appointments to the bench, however, with his end-of-term appointment of Roger Gregory to the Fourth Circuit Court of Appeals--an appointment President Bush made permanent through his nomination and the Senate's consent as a gesture of conciliation. That gesture and many others have been rejected as inadequate by the Leahy-Daschle-Schumer-Kennedy caucus. Kindness didn't--and won't--work. Stronger measures are called for, not only to meet real needs for judges, but also to bring the controversy to the public's attention. The Democrats have crashed the process and shredded the traditions because of the pressure of abortion absolutists. Their record is a sorry one, and attention generated via the recess-appointment power will help shine light on their excess.

At this writing there are 24 vacancies on the U.S. Courts of Appeals. The president would be wise not to launch too many recess appointments at first, but it would be a strong opening move to announce that, say, two of the six blocked nominees to the Sixth Circuit will be appointed over the Memorial Day Senate break if there is no movement with those nominees, and that the two vacancies without nominees on the D.C. Circuit (there are a total of four, with Estrada and Roberts having been nominated in May of 2001) will receive nominees in May and will be appointed during the holiday recess unless at least Roberts (and perhaps both Roberts and Estrada) gets a floor vote before then.

The Sixth Circuit nominees are all named, and two would have to volunteer for this sort of hardball, but the two D.C. open slots would be best used to serve up a couple of rock-ribbed conservatives who might be willing to serve 15 to 18 months for the good of the cause. With the freedom from pressure to conform to Chuck Schumer's strange reading of the Constitution, these two judges could provide an impressive legacy of opinions over their year-and-a-half of service. Readers are invited to suggest nominees to me from among the caucus of "They Couldn't Get Confirmed by This Senate in a Hundred Years" club because of their intellectual firepower. Perhaps Judge Bork hankers for a D.C. Circuit encore?

If the Senate radicals remain entrenched in their desire to overturn the Constitution, either the Senate can discipline itself with new rules or the president can increase the number of recess judges and announce a commitment to keep all such nominees on the bench through the recess process for as long as his power to extend their service endures. As Bill Clinton demonstrated, even a lame-duck president can employ the power just prior to his replacement's arrival. President Bush could keep using the recess power through December of 2004 even if defeated, and through December of 2008 if reelected.

This approach would announce a fundamental change in the nomination process, though a constitutional one. It would answer the Democrats' irresponsible absolutism with a measured and transparent reply. Conservative activists would be satisfied, as would moderate defenders of the clear design of the Constitution.

The battles over judicial appointments at home are not nearly as dramatic as those battles fought abroad, but the ability to wage the latter ultimately depends upon a healthy respect for the Constitution's rules at home. Democrats have abandoned that respect in their zeal to meet the demands of the abortion-rights caucus. The president should

answer their challenge.

Hugh Hewitt is the host of The Hugh Hewitt Show  
<<http://www.hughhewitt.com>> , a nationally syndicated radio talkshow,  
and a contributing writer to The Daily Standard. His new book, In,  
<<http://www.amazon.com/exec/obidos/ASIN/0785263950/qid%253D1049396384/sr%253D11-1/ref%253Dsr%255F11%255F1/theweeklyst09-20>> But Not Of, has  
just been published by Thomas Nelson.

Sean Rushton

Executive Director

Committee for Justice

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- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_FL1WF003\_WHO.TXT\_1>

## WEEKLY STANDARD

### Recess Time

With Senate Democrats taking obstructionism to new levels, the president should re-read Article II, Section 2, Paragraph 3.

by Hugh Hewitt

04/23/2003

< /font>

THE LEFT EDGE of the Senate Democratic caucus has taken control of the judicial-nomination process and has forced the entire Senate into what is, at best, an extra-constitutional swamp. With their filibuster of D.C. Circuit Court nominee Miguel Estrada, their threatened filibusters of Fifth Circuit nominees Priscilla Owen and Charles Pickering, and their obstruction of other nominees such as John Roberts, Carolyn Kuhl, and a half-dozen Sixth Circuit nominees, Senate Democrats have decided it is good policy to wreck a judicial nomination and confirmation process that has worked for more than two centuries.

The radical agenda of the Senate Democrats has escaped a great deal of attention, though it surely played a role in their historic defeats in November 2002 and will do so again in the more than half-dozen referendums on incumbent Democratic Senators looming in November 2004. The temptation to let the likes of Tom Daschle, Harry Reid, Patty Murray, Blanche Lincoln, and Chuck Schumer hang themselves on their extremist approach must be huge, but President Bush and his advisers would be better served by aggressively defending the Constitution at every step. There are many ways to do this, including a jam-down of new Senate rules with 51 votes. But a way-station to such a melt-down is found in the president's recess appointment power.

Article II, Section 2, Paragraph 3 provides: "The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session."

Thus the president can fill every judicial vacancy that presently exists, though these appointments will lapse in the fall of 2004. Nominees have traditionally been reluctant to fill such temporary posts as the Senate guarded its confirmation power jealously and was likely to turn a cold-shoulder to the recess appointees in much the way that the NFL veterans shunned the temporary players who took the field during their strike.

Bill Clinton broke the taboo against recess appointments to the bench, however, with his end-of-term appointment of Roger Gregory to the Fourth Circuit Court of Appeals--an appointment President Bush made permanent through his nomination and the Senate's consent as a gesture of conciliation. That gesture and many others have been rejected as inadequate by the Leahy-Daschle-Schumer-Kennedy caucus. Kindness didn't--and won't--work. Stronger measures are called for, not only to meet real needs for judges, but also to bring the controversy to the public's attention. The Democrats have crashed the process and shredded the traditions because of the pressure of abortion absolutists. Their record is a sorry one, and attention generated via the recess-appointment power will help shine light on their excess.

At this writing there are 24 vacancies on the U.S. Courts of Appeals. The president would be wise not to launch too many recess appointments at first, but it would be a strong opening move to announce that, say, two of the six blocked nominees to the Sixth Circuit will be appointed over the Memorial Day Senate break if there is no movement with those nominees, and that the two vacancies without nominees on the D.C. Circuit (there are a total of four, with Estrada and Roberts having been nominated in May of 2001) will receive nominees in May and will be appointed during the holiday recess unless at least Roberts (and perhaps both Roberts and Estrada) gets a floor vote before then.

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This approach would announce a fundamental change in the nomination process, though a constitutional one. It would answer the Democrats' irresponsible absolutism with a measured and transparent reply. Conservative activists would be satisfied, as would moderate defenders of the clear design of the Constitution.

The battles over judicial appointments at home are not nearly as dramatic as those battles fought abroad, but the ability to wage the latter ultimately depends upon a healthy respect for the Constitution's rules at home. Democrats have abandoned that respect in their zeal to meet the demands of the abortion-rights caucus. The president should answer their challenge.

*Hugh Hewitt is the host of The Hugh Hewitt Show, a nationally syndicated radio talkshow, and a contributing writer to The Daily Standard. His new book, In, But Not Of, has just been published by Thomas Nelson.*

Sean Rushton  
Executive Director  
Committee for Justice  
1275 Pennsylvania Avenue, NW  
Tenth Floor  
Washington, DC  
202-481-6850 phone  
202-487-6439 mobile  
www.committeeforjustice.org

---

**From:** Craig.Blackwell@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/24/2003 10:20:22 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Craig.Blackwell@usdoj.gov" <Craig.Blackwell@usdoj.gov> (  
"Craig.Blackwell@usdoj.gov" <Craig.Blackwell@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:24-APR-2003 14:20:22.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message :  
Was Read By : Craig.Blackwell@usdoj.gov  
On : Thu, 24 Apr 2003 14:18:22 -0400

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**From:** Craig.Blackwell@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/24/2003 10:31:37 AM  
**Subject:** : REVISED

##### Begin Original ARMS Header #####  
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CREATOR:"Craig.Blackwell@usdoj.gov" <Craig.Blackwell@usdoj.gov> (  
"Craig.Blackwell@usdoj.gov" <Craig.Blackwell@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:24-APR-2003 14:31:37.00  
SUBJECT:: REVISED  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : REVISED  
Was Read By : Craig.Blackwell@usdoj.gov  
On : Thu, 24 Apr 2003 14:29:02 -0400

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**From:** Kirk Blalock <kblalock@fierce-isakowitz.com>  
**To:** <Schacht, Diana L.>;<Warsh, Kevin>;<Kavanaugh, Brett M.>;<Silverberg, Kristen>  
**Sent:** 4/24/2003 3:21:29 PM  
**Subject:** Congress Daily Today

#### JUDICIARY

##### Asbestos Litigation Talks Continue As Deal Remains Elusive

There is no deal yet on asbestos litigation reform legislation, congressional and industry sources participating in the negotiations said today. Meetings are ongoing and negotiators are "working hard," they said, but contrary to a published report today that proclaimed an accord was close at hand, sources on all sides of the issue said that is not the case. That does not mean the involved parties are not optimistic, or are at least maintaining a public facade of optimism. Key parties in labor, industry and senators on both sides of the aisle agreed several weeks ago to make a good faith effort to pursue the trust fund concept as a means for settling a flood of asbestos claims. In that respect, and in the context of the bitter disputes that punctuated past congressional debates on asbestos reform, "we're closer now than we've ever been," one source remarked. However, negotiators' effort to put meat on the conceptual framework continues. The Senate Judiciary Committee "still plans a May markup, and I think that's the time you'll see people coming together to say this is what we're going to work off of," predicted one source.

Senate Judiciary Chairman Hatch before the start of the April recess also said he planned to have the formal drafting of the asbestos litigation bill wrapped up by the time senators returned. However, sources privy to the negotiations said the talks and drafting, while productive, remain largely in the conceptual stage, and there is little possibility of formal legislative language being nailed down by the week's end. Indeed, several sources said negotiators with the AFL-CIO, who are representing the interests of the larger labor community, planned to submit its version of medical criteria to the committee Friday. "What we're trying to get [resolved] are the big structural issues and the money issues. It doesn't mean we can't get there," said Damon Silvers, associate general counsel of the AFL-CIO said. "It means we have a lot of hard work in front of us." Sources concurred that many of the tough questions relating to the construction of the trust fund, the medical criteria used to establish access to that fund, the individual case values, and the allocation of payments among defendant companies and their insurers -- in short, the thorniest of issues, remain unresolved.

Another key unresolved issue centers on the finality of the settlement and whether asbestos victims would be guaranteed ample compensation even if the trust fund were to go bankrupt. That is apt to constitute a contentious fight, inasmuch as it raises the question of whether the federal government, or perhaps the private sector, would be on the hook for paying those asbestos claims. That is likely to "be the last issue to be solved," Silvers predicted. "Victims cannot be the ones to bear that risk," he added. "If Hatch wants to do a consensus bill, [he has to] figure out a way to solve this problem. A federal backstop is the simplest way to do it." -- by Pamela Barnett

---

**From:** CN=Paul B. Dyck/OU=WHO/O=EOP [ WHO ]  
**To:** tjosefiak@rnchq.org @ inet [ UNKNOWN ] <tjosefiak@rnchq.org @ inet>; cspies@rnchq.org @ inet [ UNKNOWN ] <cspies@rnchq.org @ inet>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/24/2003 1:04:48 PM  
**Subject:** : National Pachyderm Club Conference

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Paul B. Dyck ( CN=Paul B. Dyck/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-APR-2003 17:04:48.00  
SUBJECT:: National Pachyderm Club Conference  
TO:tjosefiak@rnchq.org @ inet ( tjosefiak@rnchq.org @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:cspies@rnchq.org @ inet ( cspies@rnchq.org @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The National Pachyderm Club is trying to get an administration speaker for their national conference. While it isn't a priority and I don't think anyone will attend, their website (<http://www.texaspachyderms.com/>) refers to the conference as described below. Does this pose legal problems referring in prematurely referring to the re-elect, or does it matter since it is their event? Thanks. Paul

As you may know, the National Conference of Pachyderm Clubs will be held this year in Galveston, hosted by the Galveston Island Pachyderm Club. The theme for the Conference is "Threshold to Reelection," obviously referring to our President, George W. Bush, who is also our fellow Texan.



---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/24/2003 6:17:10 PM  
**Subject:** Our Presidential event was approved

I'll fax the pink paper.

**From:** CN=Emily Winland/OU=OPD/O=EOP [ OPD ]  
**To:** Ado A. Machida/OVP/EOP@EOP [ OVP ] <Ado A. Machida>;David.Aufhauser@us.treas.gov [ UNKNOWN ] <David.Aufhauser@us.treas.gov>;Kristen Silverberg/WHO/EOP@Exchange@EOP [ WHO ] <Kristen Silverberg>;Adam B. Goldman/WHO/EOP@EOP [ WHO ] <Adam B. Goldman>;Courtney S. Elwood/OVP/EOP@EOP [ OVP ] <Courtney S. Elwood>;Viet.Dinh@usdoj.gov [ UNKNOWN ] <Viet.Dinh@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Kevin Warsh/OPD/EOP@EOP [ OPD ] <Kevin Warsh>  
**CC:** Diana L. Schacht/OPD/EOP@EOP [ OPD ] <Diana L. Schacht>;heather.mcnaught@usdoj.gov [ UNKNOWN ] <heather.mcnaught@usdoj.gov>;Marty P. Smith/OPD/EOP@EOP [ OPD ] <Marty P. Smith>;elizabeth\_vannoy@do.treas.gov [ UNKNOWN ] <elizabeth\_vannoy@do.treas.gov>;Marie K. Fishpaw/OVP/EOP@EOP [ OVP ] <Marie K. Fishpaw>;Lauren J. Vestewig/OPD/EOP@Exchange@EOP [ OPD ] <Lauren J. Vestewig>  
**Sent:** 4/24/2003 2:17:21 PM  
**Subject:** : Tort Reform Meeting will be @ 1:45pm tomorrow

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Emily Winland ( CN=Emily Winland/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME:24-APR-2003 18:17:21.00  
SUBJECT:: Tort Reform Meeting will be @ 1:45pm tomorrow  
TO:Ado A. Machida ( CN=Ado A. Machida/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
TO:David.Aufhauser@us.treas.gov ( David.Aufhauser@us.treas.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Adam B. Goldman ( CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
TO:Viet.Dinh@usdoj.gov ( Viet.Dinh@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:heather.mcnaught@usdoj.gov ( heather.mcnaught@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:Marty P. Smith ( CN=Marty P. Smith/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:elizabeth\_vannoy@do.treas.gov ( elizabeth\_vannoy@do.treas.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:Marie K. Fishpaw ( CN=Marie K. Fishpaw/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
CC:Lauren J. Vestewig ( CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The meeting to discuss Tort Reform will have to begin at 1:45pm tomorrow (instead of 2:00pm). It will still be held in Jay Lefkowitz's office. I am sorry for the short notice, and any inconvenience.

thanks,  
Emily  
456-6534

REV\_00115434

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/24/2003 2:36:53 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:24-APR-2003 18:36:53.00  
SUBJECT: :  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Did you want me to do something with this video you left on my desk?

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/24/2003 6:37:21 PM  
**Subject:**

Did you want me to do something with this video you left on my desk?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David McMaster/WHO/EOP@EOP [ WHO ] <David McMaster>  
**CC:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 4/24/2003 5:09:41 PM  
**Subject:** : You can use Matt's official title for SIBF event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-APR-2003 21:09:41.00  
SUBJECT:: You can use Matt's official title for SIBF event  
TO:David McMaster ( CN=David McMaster/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Craig.Blackwell@usdoj.gov <Craig.Blackwell@usdoj.gov>  
**Sent:** 4/24/2003 6:15:42 PM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 24-APR-2003 22:15:42.00

SUBJECT: :

TO: "Craig.Blackwell@usdoj.gov" <Craig.Blackwell@usdoj.gov> ( "Craig.Blackwell@usdoj.gov"  
<Craig.Blackwell@usdoj.gov> [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Please FAX filed notice with attachment to me. Thx for all your hard work  
on this.

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**From:** Craig.Blackwell@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/25/2003 4:03:28 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Craig.Blackwell@usdoj.gov" <Craig.Blackwell@usdoj.gov> (  
"Craig.Blackwell@usdoj.gov" <Craig.Blackwell@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:25-APR-2003 08:03:28.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

will do now

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett M. Kavanaugh@who.eop.gov]  
Sent: Thursday, April 24, 2003 10:15 PM  
To: Blackwell, Craig  
Subject:

Please FAX filed notice with attachment to me. Thx for all your hard work  
on  
this.

---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/25/2003 1:23:03 AM  
**Subject:** : OpinionJournal - On the Editorial Page - April 25, 2003

##### Begin Original ARMS Header #####  
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CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME:25-APR-2003 05:23:03.00  
SUBJECT:: OpinionJournal - On the Editorial Page - April 25, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
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From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003409>

Regime change isn't enough. We must make sure the party's over.  
12:01 a.m. EDT

Wonder Land BY DANIEL HENNINGER  
<http://www.opinionjournal.com/columnists/dhenninger/?id=110003408>

The newest American institution: the family flack.  
12:01 a.m. EDT

Citizen of the World BY TUNKU VARADARAJAN  
<http://www.opinionjournal.com/columnists/tvaradarajan/?id=110003406>

Not all religious pilgrimages are as strenuous as the Shiites'.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Draining Iraq's Baath  
Regime change isn't enough. We must make sure the party's over.  
Apr 25 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105123005414447500,00.html%3Fmod%3Dopinion>

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Santorum and Tolerance  
Did the Pennsylvania senator really slur homosexuals?  
Apr 25 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105123031553911600,00.html%3Fmod%3Dopinion>

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The FDA's New Math  
Some good news out of the Food and Drug Administration.  
Apr 25 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105123055774>



1600,00.html%3Fmod%3Dopinion

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#### Commentary

##### Six Months to Act

We must eradicate SARS before the winter, or it will be too late.

By DONALD S. BURKE

Apr 25 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105123092912099900,00.html%3Fmod%3Dopinion>

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##### Science and Progress

DNA was discovered 50 years ago today.

By TONY BLAIR

Apr 25 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105123231977882000,00.html%3Fmod%3Dopinion>

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#### Wonder Land

##### Agents in Place

The newest American institution: the family flack.

By DANIEL HENNINGER

Apr 25 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105123293516629000,00.html%3Fmod%3Dopinion>

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#### The Americas

##### Setting the Record Straight

Colin Powell should know that the U.S. didn't back a coup against the Chilean leader.

By MARY ANASTASIA O'GRADY

Apr 25 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105122946231749700,00.html%3Fmod%3Dopinion>

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#### International

##### De-Baathify Iraq

Iraq must be rebuilt by those untainted by the Baath Party.

From The Wall Street Journal Europe

Apr 25 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105122562326272700,00.html%3Fmod%3Dopinion>

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##### Giscard's China Shop

Giscard d'Estaing drops another bombshell.

From The Wall Street Journal Europe

Apr 25 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105122626039348700,00.html%3Fmod%3Dopinion>

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Call Off This Silly Meeting  
The defense summit will create more friction and division among Europeans.  
By RAFAEL L. BARDAJI  
From The Wall Street Journal Europe  
Apr 25 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105122373067137500,00.html%3Fmod%3Dopinion>

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Beijing's Big Earthquake Is Yet to Come  
SARS will continue to spread until China asks for help from the outside world.  
By HUGO RESTALL  
From The Wall Street Journal Europe  
Apr 25 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105122298279998600,00.html%3Fmod%3Dopinion>

~~~~~

Koizumi's Second Anniversary  
Japan's prime minister should reform the country's financial socialism.  
By JESPER KOLL  
From The Asian Wall Street Journal  
Apr 25 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105122232819170200,00.html%3Fmod%3Dopinion>

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<http://cj.careercast.com/taxis/jm/jobPostForm.html?lookid=cj&jp=C>

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**From:** Paul.D.Clement@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/25/2003 6:53:09 AM  
**Subject:** : Re: FW: Breaking news: O'Connor to retire!

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Paul.D.Clement@usdoj.gov" <Paul.D.Clement@usdoj.gov> ( "Paul.D.Clement@usdoj.gov"  
<Paul.D.Clement@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME:25-APR-2003 10:53:09.00

SUBJECT:: Re: FW: Breaking news: O'Connor to retire!

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : Re: FW: Breaking news: O'Connor to  
retire!

Was Read By : Paul.D.Clement@usdoj.gov

On : Fri, 25 Apr 2003 10:51:27 -0400

---

**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>  
**CC:** <Montiel, Charlotte L.>; <Nelson, Carolyn>  
**Sent:** 4/25/2003 7:56:34 AM  
**Subject:** will not be at staff meeting; have air policy mtg at 8:15

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**CC:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>;Charlotte L. Montiel/WHO/EOP@Exchange@EOP [ WHO ] <Charlotte L. Montiel>  
**Sent:** 4/25/2003 3:57:26 AM  
**Subject:** : will not be at staff meeting; have air policy mtg at 8:15

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-APR-2003 07:57:26.00  
SUBJECT:: will not be at staff meeting; have air policy mtg at 8:15  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alicia W. Davis/WHO/EOP@EOP [ WHO ] <Alicia W. Davis>  
**Sent:** 4/25/2003 4:17:35 AM  
**Subject:** : Saint Anselm/Karl Rove

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-APR-2003 08:17:35.00  
SUBJECT:: Saint Anselm/Karl Rove  
TO:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

You had given me a hard copy of the invite/poster for this, which also is fine.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>;Patrick J. Bumatay/WHO/EOP@Exchange@EOP [ WHO ] <Patrick J. Bumatay>  
**Sent:** 4/25/2003 9:22:56 AM  
**Subject:** : can i get a pdf copy of judges letter to the 6 Senators sent this week

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-APR-2003 13:22:56.00  
SUBJECT:: can i get a pdf copy of judges letter to the 6 Senators sent this week  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

**From:** CN=Emily Winland/OU=OPD/O=EOP [ OPD ]  
**To:** diana l. schacht/opd/eop@eop [ OPD ] <diana l. schacht>;heather.mcnaught@usdoj.gov [ UNKNOWN ] <heather.mcnaught@usdoj.gov>;marty p. smith/opd/eop@eop [ OPD ] <marty p. smith>;ado a. machida/ovp/eop@eop [ OVP ] <ado a. machida>;david.aufhauser@do.treas.gov @ inet [ UNKNOWN ] <david.aufhauser@do.treas.gov @ inet>;kristen silverberg/who/eop@exchange@eop [ WHO ] <kristen silverberg>;adam b. goldman/who/eop@eop [ WHO ] <adam b. goldman>;elizabeth.vannoy@do.treas.gov @ inet [ UNKNOWN ] <elizabeth.vannoy@do.treas.gov @ inet>;marie k. fishpaw/ovp/eop@eop [ OVP ] <marie k. fishpaw>;lauren j. vestewig/opd/eop@exchange@eop [ OPD ] <lauren j. vestewig>;courtney s. elwood/ovp/eop@eop [ OVP ] <courtney s. elwood>;viet.dinh@usdoj.gov @ inet [ UNKNOWN ] <viet.dinh@usdoj.gov @ inet>;brett m. kavanaugh/who/eop@eop [ WHO ] <brett m. kavanaugh>;kevin warsh/opd/eop@eop [ OPD ] <kevin warsh>  
**Sent:** 4/25/2003 6:18:09 AM  
**Subject:** : Additional Material for today's Tort Reform Meeting

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Emily Winland ( CN=Emily Winland/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-APR-2003 10:18:09.00

SUBJECT:: Additional Material for today's Tort Reform Meeting

TO:diana l. schacht ( CN=diana l. schacht/OU=opd/O=eop@eop [ OPD ] )

READ:UNKNOWN

TO:heather.mcnaught@usdoj.gov ( heather.mcnaught@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

TO:marty p. smith ( CN=marty p. smith/OU=opd/O=eop@eop [ OPD ] )

READ:UNKNOWN

TO:ado a. machida ( CN=ado a. machida/OU=ovp/O=eop@eop [ OVP ] )

READ:UNKNOWN

TO:david.aufhauser@do.treas.gov @ inet ( david.aufhauser@do.treas.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

TO:kristen silverberg ( CN=kristen silverberg/OU=who/O=eop@exchange@eop [ WHO ] )

READ:UNKNOWN

TO:adam b. goldman ( CN=adam b. goldman/OU=who/O=eop@eop [ WHO ] )

READ:UNKNOWN

TO:elizabeth.vannoy@do.treas.gov @ inet ( elizabeth.vannoy@do.treas.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

TO:marie k. fishpaw ( CN=marie k. fishpaw/OU=ovp/O=eop@eop [ OVP ] )

READ:UNKNOWN

TO:lauren j. vestewig ( CN=lauren j. vestewig/OU=opd/O=eop@exchange@eop [ OPD ] )

READ:UNKNOWN

TO:courtney s. elwood ( CN=courtney s. elwood/OU=ovp/O=eop@eop [ OVP ] )

READ:UNKNOWN

TO:viet.dinh@usdoj.gov @ inet ( viet.dinh@usdoj.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

TO:brett m. kavanaugh ( CN=brett m. kavanaugh/OU=who/O=eop@eop [ WHO ] )

READ:UNKNOWN

TO:kevin warsh ( CN=kevin warsh/OU=opd/O=eop@eop [ OPD ] )

READ:UNKNOWN

##### End Original ARMS Header #####

In preparation for today's meeting on Tort Reform at 1:45pm, you will find a letter sent by the Clinton Administration about asbestos reform and medical criteria at the following web address-  
<http://www.citizen.org/documents/dojlett.PDF>

Please let me know if you have any questions.

thanks,  
Emily

REV\_00115460



---

**From:** Viet.Dinh@usdoj.gov  
**To:** <Kavanaugh, Brett M.>; 'Bartolomucci, Chris'  
<exch=SMTP#c#h.#u#christopher#u#bartolomucci#064#who.eop.gov%jcon@intmail.usdoj.gov>;  
Gregory.G.Garre@usdoj.gov <Gregory.G.Garre@usdoj.gov>; Adam.Ciongoli@usdoj.gov  
<Adam.Ciongoli@usdoj.gov>; Paul.D.Clement@usdoj.gov  
<Paul.D.Clement@usdoj.gov>; Dan.Bryant@usdoj.gov  
<Dan.Bryant@usdoj.gov>; Dan.Bryant@usdoj.gov <Leitch, David G.>  
**Sent:** 4/25/2003 10:46:17 AM  
**Subject:** FW: Breaking news: O'Connor to retire!

-----Original Message-----

From: Sales, Nathan  
Sent: Friday, April 25, 2003 10:31 AM  
To: Dinh, Viet; Charnes, Adam; Benczkowski, Brian A; Remington, Kristi L; Joy, Sheila; Hall, William; Benedi, Lizette D; Kesselman, Marc (OLP); Chenoweth, Mark  
Subject: Breaking news: O'Connor to retire!  
Importance: High

<http://www.cnn.com/2003/SHOWBIZ/Music/04/24/ocomor.reut/index.html>

**From:** Viet.Dinh@usdoj.gov  
**To:** H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Paul.D.Clement@usdoj.gov <Paul.D.Clement@usdoj.gov>; Gregory.G.Garre@usdoj.gov <Gregory.G.Garre@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Dan.Bryant@usdoj.gov <Dan.Bryant@usdoj.gov>; Adam.Ciongoli@usdoj.gov <Adam.Ciongoli@usdoj.gov>; David G. Leitch/WHO/EOP@EOP [ WHO ] <David G. Leitch>  
**Sent:** 4/25/2003 6:47:16 AM  
**Subject:** : FW: Breaking news: O'Connor to retire!

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Viet.Dinh@usdoj.gov" <Viet.Dinh@usdoj.gov> ( "Viet.Dinh@usdoj.gov"

<Viet.Dinh@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 25-APR-2003 10:47:16.00

SUBJECT: : FW: Breaking news: O'Connor to retire!

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: "Paul.D.Clement@usdoj.gov" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested)

(IPM Return Requested) ( "Paul.D.Clement@usdoj.gov" <Paul.D.Clement@usdoj.gov> (Receipt

Notification Requested) (IPM Return Requested) [ UNKNOWN ] )

READ: UNKNOWN

TO: "Gregory.G.Garre@usdoj.gov" <Gregory.G.Garre@usdoj.gov> (Receipt Notification Requested)

(IPM Return Requested) ( "Gregory.G.Garre@usdoj.gov" <Gregory.G.Garre@usdoj.gov> (Receipt

Notification Requested) (IPM Return Requested) [ UNKNOWN ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: "Dan.Bryant@usdoj.gov" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM

Return Requested) ( "Dan.Bryant@usdoj.gov" <Dan.Bryant@usdoj.gov> (Receipt Notification

Requested) (IPM Return Requested) [ UNKNOWN ] )

READ: UNKNOWN

TO: "Adam.Ciongoli@usdoj.gov" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested)

(IPM Return Requested) ( "Adam.Ciongoli@usdoj.gov" <Adam.Ciongoli@usdoj.gov> (Receipt

Notification Requested) (IPM Return Requested) [ UNKNOWN ] )

READ: UNKNOWN

TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

-----Original Message-----

From: Sales, Nathan

Sent: Friday, April 25, 2003 10:31 AM

To: Dinh, Viet; Charnes, Adam; Benczkowski, Brian A; Remington, Kristi L;

Joy, Sheila; Hall, William; Benedi, Lizette D; Kesselman, Marc (OLP);

Chenoweth, Mark

Subject: Breaking news: O'Connor to retire!

Importance: High

<http://www.cnn.com/2003/SHOWBIZ/Music/04/24/oconnor.reut/index.html>

REV\_00115462

---

**From:** Viet.Dinh@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/25/2003 6:54:26 AM  
**Subject:** : Re: FW: Breaking news: O'Connor to retire!

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Viet.Dinh@usdoj.gov" <Viet.Dinh@usdoj.gov> ( "Viet.Dinh@usdoj.gov"  
<Viet.Dinh@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:25-APR-2003 10:54:26.00  
SUBJECT:: Re: FW: Breaking news: O'Connor to retire!  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : Re: FW: Breaking news: O'Connor to  
retire!  
Was Read By : Viet.Dinh@usdoj.gov  
On : Fri, 25 Apr 2003 10:53:27 -0400

---

**From:** Adam.Ciongoli@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/25/2003 6:54:24 AM  
**Subject:** : Re: FW: Breaking news: O'Connor to retire!

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Adam.Ciongoli@usdoj.gov" <Adam.Ciongoli@usdoj.gov> ( "Adam.Ciongoli@usdoj.gov"  
<Adam.Ciongoli@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:25-APR-2003 10:54:24.00  
SUBJECT:: Re: FW: Breaking news: O'Connor to retire!  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : Re: FW: Breaking news: O'Connor to  
retire!  
Was Read By : Adam.Ciongoli@usdoj.gov  
On : Fri, 25 Apr 2003 10:52:55 -0400

---

**From:** Hernandez, Israel  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/25/2003 10:58:04 AM  
**Subject:** Judicial Independence Proposal

Thanks for submitting in quick order. Those who attend Andy's Anonymous look to get proposals in after they meet.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** G. Timothy Saunders/WHO/EOP [ WHO ] <G. Timothy Saunders>  
**Sent:** 4/25/2003 7:28:16 AM  
**Subject:** RECEIVED: re Judge announcement

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-APR-2003 11:28:16.00  
SUBJECT:RECEIVED: re Judge announcement  
TO:G. Timothy Saunders ( CN=G. Timothy Saunders/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

RETURN RECEIPT

Your Document:  
re Judge announcement  
was successfully received by:  
CN=Brett M. Kavanaugh/OU=WHO/O=EOP  
at:  
04/25/2003 11:27:48 AM

---

**From:** Dan.Bryant@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/25/2003 7:39:34 AM  
**Subject:** : Re: FW: Breaking news: O'Connor to retire!

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Dan.Bryant@usdoj.gov" <Dan.Bryant@usdoj.gov> ( "Dan.Bryant@usdoj.gov"  
<Dan.Bryant@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:25-APR-2003 11:39:34.00  
SUBJECT:: Re: FW: Breaking news: O'Connor to retire!  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : Re: FW: Breaking news: O'Connor to  
retire!  
Was Read By : Dan.Bryant@usdoj.gov  
On : Fri, 25 Apr 2003 11:37:37 -0400

---

**From:** Gregory.G.Garre@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/25/2003 7:57:49 AM  
**Subject:** : Re: FW: Breaking news: O'Connor to retire!

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Gregory.G.Garre@usdoj.gov" <Gregory.G.Garre@usdoj.gov> (  
"Gregory.G.Garre@usdoj.gov" <Gregory.G.Garre@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:25-APR-2003 11:57:49.00  
SUBJECT:: Re: FW: Breaking news: O'Connor to retire!  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : Re: FW: Breaking news: O'Connor to  
retire!  
Was Read By : Gregory.G.Garre@usdoj.gov  
On : Fri, 25 Apr 2003 11:56:03 -0400



**From:** CN=Emily Winland/OU=OPD/O=EOP [ OPD ]  
**To:** ado a. machida/ovp/eop@eop [ OVP ] <ado a. machida>;david.aufhauser@do.treas.gov @ inet [ UNKNOWN ] <david.aufhauser@do.treas.gov @ inet>;kristen silverberg/who/eop@exchange@eop [ WHO ] <kristen silverberg>;adam b. goldman/who/eop@eop [ WHO ] <adam b. goldman>;Cindy R. Alexander/CEA/EOP@EOP [ CEA ] <Cindy R. Alexander>;courtney s. elwood/ovp/eop@eop [ OVP ] <courtney s. elwood>;viet.dinh@usdoj.gov @ inet [ UNKNOWN ] <viet.dinh@usdoj.gov @ inet>;brett m. kavanaugh/who/eop@eop [ WHO ] <brett m. kavanaugh>;kevin warsh/opd/eop@eop [ OPD ] <kevin warsh>  
**CC:** diana l. schacht/opd/eop@eop [ OPD ] <diana l. schacht>;heather.mcnaught@usdoj.gov [ UNKNOWN ] <heather.mcnaught@usdoj.gov>;marty p. smith/opd/eop@eop [ OPD ] <marty p. smith>;elizabeth.vannoy@do.treas.gov @ inet [ UNKNOWN ] <elizabeth.vannoy@do.treas.gov @ inet>;marie k. fishpaw/ovp/eop@eop [ OVP ] <marie k. fishpaw>;lauren j. vestewig/opd/eop@exchange@eop [ OPD ] <lauren j. vestewig>  
**Sent:** 4/25/2003 8:50:51 AM  
**Subject:** : Tort Reform Meeting Tuesday April 29 4:30pm, Room 211, EEOB

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Emily Winland ( CN=Emily Winland/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-APR-2003 12:50:51.00

SUBJECT:: Tort Reform Meeting Tuesday April 29 4:30pm, Room 211, EEOB

TO:ado a. machida ( CN=ado a. machida/OU=ovp/O=eop@eop [ OVP ] )

READ:UNKNOWN

TO:david.aufhauser@do.treas.gov @ inet ( david.aufhauser@do.treas.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

TO:kristen silverberg ( CN=kristen silverberg/OU=who/O=eop@exchange@eop [ WHO ] )

READ:UNKNOWN

TO:adam b. goldman ( CN=adam b. goldman/OU=who/O=eop@eop [ WHO ] )

READ:UNKNOWN

TO:Cindy R. Alexander ( CN=Cindy R. Alexander/OU=CEA/O=EOP@EOP [ CEA ] )

READ:UNKNOWN

TO:courtney s. elwood ( CN=courtney s. elwood/OU=ovp/O=eop@eop [ OVP ] )

READ:UNKNOWN

TO:viet.dinh@usdoj.gov @ inet ( viet.dinh@usdoj.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

TO:brett m. kavanaugh ( CN=brett m. kavanaugh/OU=who/O=eop@eop [ WHO ] )

READ:UNKNOWN

TO:kevin warsh ( CN=kevin warsh/OU=opd/O=eop@eop [ OPD ] )

READ:UNKNOWN

CC:diana l. schacht ( CN=diana l. schacht/OU=opd/O=eop@eop [ OPD ] )

READ:UNKNOWN

CC:heather.mcnaught@usdoj.gov ( heather.mcnaught@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

CC:marty p. smith ( CN=marty p. smith/OU=opd/O=eop@eop [ OPD ] )

READ:UNKNOWN

CC:elizabeth.vannoy@do.treas.gov @ inet ( elizabeth.vannoy@do.treas.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

CC:marie k. fishpaw ( CN=marie k. fishpaw/OU=ovp/O=eop@eop [ OVP ] )

READ:UNKNOWN

CC:lauren j. vestewig ( CN=lauren j. vestewig/OU=opd/O=eop@exchange@eop [ OPD ] )

READ:UNKNOWN

##### End Original ARMS Header #####

The Tort Reform Meeting will be on Tuesday April 29 at 4:30pm in room 211, EEOB.

Please send me clearance info for all outside participants.

thanks for your patience in rescheduling,

Emily  
456-6534

REV\_00115473

---

**From:** Kavanaugh, Brett M.  
**To:** <Bumatay, Patrick J.>;<Nelson, Carolyn>  
**Sent:** 4/25/2003 1:22:07 PM  
**Subject:** can i get a pdf copy of judges letter to the 6 Senators sent this week

---

**From:** Kaplan, Joel  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/25/2003 2:15:40 PM  
**Subject:** what's our deal on sunday?

---

**From:** Miranda, Manuel \(\Frist\) <Manuel\_Miranda@frist.senate.gov>  
**To:** <Kavanaugh, Brett M.>; Viet.Dinh@usdoj.gov <Viet.Dinh@usdoj.gov>; Brian Benczkowski  
\\(E-mail\) <Brian.A.Benczkowski@usdoj.gov>; Jamie.E.Brown@usdoj.gov  
<Jamie.E.Brown@usdoj.gov>; Jamie.E.Brown@usdoj.gov <Grubbs, Wendy J.>  
**Sent:** 4/25/2003 2:22:56 PM  
**Subject:** FW: Scheduler notification from Capitol Correspond

Regrettably, we need to move the Principals' meeting to Thursday as below. WHF and OGH are clear. Please advise.

-----Original Message-----

From: Senator\_frist@frist.senate.gov  
[mailto:Senator\_frist@frist.senate.gov]  
Sent: Thursday, April 24, 2003 6:52 PM  
To: Vogel, Alex (Frist); Bainwol, Mitch (Frist); Miranda, Manuel (Frist)  
Subject: Scheduler notification from Capitol Correspond

SCHEDULING NOTIFICATION

Description: (tentative) Meeting GOP Judiciary Committee Members with  
Judge Albert Gonzales, WH Legal Counsel and Viet Dinh  
Status: Approved  
Start Date: 05/01/2003 Start Time: 04:45 pm  
End Date: 05/01/2003 End Time: 05:30 pm

Location: S-230  
Contact: manny coordinating

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Jamie.E.Brown@usdoj.gov [ UNKNOWN ] <Jamie.E.Brown@usdoj.gov>; Viet.Dinh@usdoj.gov [ UNKNOWN ] <Viet.Dinh@usdoj.gov>; Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>; Brian Benczkowski (E-mail) <Brian.A.Benczkowski@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/25/2003 10:23:33 AM  
**Subject:** : FW: Scheduler notification from Capitol Correspond

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:25-APR-2003 14:23:33.00  
SUBJECT:: FW: Scheduler notification from Capitol Correspond  
TO:Jamie.E.Brown@usdoj.gov ( Jamie.E.Brown@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Viet.Dinh@usdoj.gov ( Viet.Dinh@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Brian Benczkowski (E-mail)" <Brian.A.Benczkowski@usdoj.gov> ( "Brian Benczkowski (E-mail)" <Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Regrettably, we nneed to move the Principals' meeting to Thursday as below. WHF and OGH are clear. Please advise.

-----Original Message-----

From: Senator\_frist@frist.senate.gov  
[mailto:Senator\_frist@frist.senate.gov]  
Sent: Thursday, April 24, 2003 6:52 PM  
To: Vogel, Alex (Frist); Bainwol, Mitch (Frist); Miranda, Manuel (Frist)  
Subject: Scheduler notification from Capitol Correspond

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Location: S-230  
Contact: manny coordinating

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/25/2003 3:14:59 PM  
**Subject:** : White House Global Messenger - 4/28/03  
**Attachments:** P\_TFEXF003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )  
CREATION DATE/TIME:25-APR-2003 19:14:59.00  
SUBJECT:: White House Global Messenger - 4/28/03  
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(See attached file: GM 4-28-03 FINAL.doc)

THE GLOBAL MESSENGER  
Monday, April 28, 2003

\*\*\*\*\*KEY POINTS FROM THE PRESIDENT'S INTERVIEW WITH TOM BROKAW, NBC NEWS, 4/25/03\*\*\*\*\*

\*Iraq suffered for over 20 years from Saddam's tyranny, but the foundation for democracy is now being laid, and our military forces will leave as soon as we 've accomplished our mission.

\*Coalition troops are working with Iraqis to maintain order in different cities and make the country more secure.

\*We have an orderly process to bring stability and food and medicine to the Iraqi people, so life can begin to return to normal.

\*We are also confident that a government will emerge that represents all Iraqi people and honors the history and traditions of Iraq.

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Daylight. Subject to Change

TBD CentCom Operations Update  
TBD Defense Department Briefing  
12:30 pm State Department Briefing  
1:15 pm President Bush remarks in Dearborn, Michigan

\*\*\*\*\*LIBERATION UPDATE\*\*\*\*\*

The voices of freedom, now heard across Iraq

For more reactions to Operation Iraqi Freedom, visit "Liberation Update" at: <http://www.whitehouse.gov/liberation>

\*\*\*

"A 30-year-old secretary in Baghdad named Lina Daoud ponders what lies ahead. Her words come out as pastel bubbles: 'We want a happy future, we want technology, we want freedom...everything.'" Washington Post, 4/25/03

\*\*\*\*\*Reconstruction and Humanitarian Update\*\*\*\*\*

REV\_00115493

\*The International Committee for the Red Cross (ICRC) has restored wastewater treatment service to more than 70,000 residents of Baghdad.

\*On April 23, a World Health Organization team of epidemiologists and engineers worked with members of the Iraqi National Public Health Laboratories to restore laboratory facilities throughout the city. With the assistance of the Jordanian Ministry of Health, the WHO is also working to restore Baghdad's blood bank.

\*Since March 20, the ICRC has provided more than 228 families in the northern governate of Arbil with emergency non-food items, including cooking stoves, heaters, hygiene kits, and blankets.

\*According to the World Food Program, 1,607 trucks have transported more than 38,177 metric tons of food aid to northern Iraq through Turkey to date.

\*\*\*\*\*KEY QUOTES\*\*\*\*\*

"We have an orderly process to bring stability and food and health to the Iraqi people, so life can begin to return to normal. And then I'm confident that a government will emerge. I dismiss the critics who say that democracy can't flourish in Iraq....I do believe there can be a representative government and all factions can be represented."  
President Bush, interview with NBC, 4/25/03

"Turkey is a Muslim country that has a democratic system. Pakistan, after years of difficulty, is now on a firm footing and a path to a democratic system with a new prime minister and a new parliament. And so just because one is in an Arab country or one is practicing the Muslim faith, to suggest that therefore you are denied the benefits of democracy...it's a false choice. Democracy can coexist with any faith."  
Secretary Powell, interview with Free Iraq TV/Radio Sawa, 4/24/03

THE WHITE HOUSE

Office of Global Communications

For more information log on to <http://www.whitehouse.gov/ogc>

\*\*\*\*\*

You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere. - GM 4-28-03 FINAL.doc

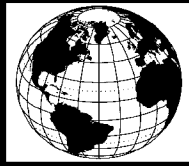
ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_TFEXF003\_WHO.TXT\_1>



# THE GLOBAL MESSENGER

Monday, April 28, 2003



## **TODAY'S SCHEDULE**

*All Times Eastern Daylight. Subject to Change*

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TBD	Defense Department Briefing
12:30 pm	State Department Briefing
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*Washington Post, 4/25/03*

## **KEY QUOTES**

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**President Bush, interview with *NBC*, 4/25/03**

"Turkey is a Muslim country that has a democratic system. Pakistan, after years of difficulty, is now on a firm footing and a path to a democratic system with a new prime minister and a new parliament. And so just because one is in an Arab country or one is practicing the Muslim faith, to suggest that therefore you are denied the benefits of democracy...it's a false choice. Democracy can coexist with any faith."

**Secretary Powell, interview with *Free Iraq TV/Radio Sawa*, 4/24/03**

## **KEY POINTS FROM THE PRESIDENT'S INTERVIEW WITH TOM BROKAW, *NBC NEWS*, 4/25/03**

- Iraq suffered for over 20 years from Saddam's tyranny, but the foundation for democracy is now being laid, and our military forces will leave as soon as we've accomplished our mission.
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**THE WHITE HOUSE**  
**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00115495



---

**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>  
**Sent:** 4/25/2003 4:07:06 PM  
**Subject:**

Larry Thompson has recused.

---

**From:** CN=Nanette Everson/OU=WHO/O=EOP [ WHO ]  
**To:** Emory Rounds/WHO/EOP@EOP [ WHO ] <Emory Rounds>  
**CC:** Matthew A. Schlapp/WHO/EOP [ WHO ] <Matthew A. Schlapp>; Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/26/2003 6:10:25 AM  
**Subject:** : Re: FW: Invitation to Reception 4/29/03  
**Attachments:** 02642\_p\_bvhxf003\_who.txt\_1.htm; 02642\_p\_bvhxf003\_who.txt\_2.ppt

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-APR-2003 10:10:25.00  
SUBJECT:: Re: FW: Invitation to Reception 4/29/03  
TO:Emory Rounds ( CN=Emory Rounds/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
CC:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

We'll need an answer first thing on Monday morning from Peder on this. I know we discussed in staff yesterday morning, but we need to give the final analysis. Thanks.

Brett M. Kavanaugh  
04/23/2003 10:45:11 AM  
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP  
cc: Jonathan F. Ganter/WHO/EOP@EOP  
Subject: Re: FW: Invitation to Reception 4/29/03

Nanette: Does not appear to be a widely attended event. Would they need to be pay to attend? Your thoughts?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
04/23/2003 10:43 AM -----

David McMaster  
04/23/2003 10:24:22 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Jonathan F. Ganter/WHO/EOP@EOP  
Subject: Re: FW: Invitation to Reception 4/29/03

Brett- would you mind taking a look at this and letting me know if this is something Schlapp can do?

Thanks,  
Dave

----- Forwarded by David McMaster/WHO/EOP on 04/23/2003

REV\_00115510

10:23 AM -----

Susan E. Baise  
04/23/2003 10:21:14 AM  
Record Type: Record

To: David McMaster/WHO/EOP@EOP  
cc:  
Subject: Re: FW: Invitation to Reception 4/29/03

we need to clear this by counsel, so he says?

----- Forwarded by Susan E. Baise/WHO/EOP on 04/23/2003  
10:21 AM -----

David McMaster  
04/21/2003 11:11:07 AM  
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP  
cc: Susan E. Baise/WHO/EOP@EOP  
bcc:  
Subject: Re: FW: Invitation to Reception 4/29/03

looks open.

Susan- would you mind rsvp'ing for Matt?

Thanks,  
Dave

Matthew A. Schlapp  
04/21/2003 11:06:18 AM  
Record Type: Record

To: David McMaster/WHO/EOP@EOP, Susan E. Baise/WHO/EOP@EOP  
cc:  
Subject: FW: Invitation to Reception 4/29/03

I'd like to do this if I'm able to  
----- Forwarded by Matthew A. Schlapp/WHO/EOP on  
04/21/2003 11:06 AM -----

"Raffaniello, Pat" <Pat.Raffaniello@clarkbardes.com>  
04/21/2003 10:44:33 AM  
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP  
cc:  
Subject: FW: Invitation to Reception 4/29/03

Matt:

The Federal Policy Group of Clark/Bardes Consulting, the Cigar Association of America, and the Wine and Spirits Wholesalers of America is hosting a reception for the members of the Cigar Association and WSWA to honor House Majority Whip Roy Blunt, Chief Deputy Whip Eric Cantor and the House Majority Deputy Whip Team.

We cordially invite the staff of the White House Office of Legislative Affairs join us and the Whip team for after dinner drinks, wine and

REV\_00115511

cigar tasting, and light hors d'oeuvres on Tuesday evening from 8:00 pm to 11:00 pm at Jordan's Restaurant at 1300 Pennsylvania Avenue, NW. Please see the attached flyer for the details on the location of the valet parking.

Pat

Patrick J. Raffaniello  
Federal Policy Group  
101 Constitution Ave., NW  
Suite 701 East  
Washington, DC 20001  
p: 202.772.2488  
f: 202.772.2490  
email: Pat.Raffaniello@clarkbardes.com

- att1.htm
- Flyer invite for Cigar and Wine Night April 29, 2003.ppt

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <02642\_p\_bvhxf003\_who.txt\_1>

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <02642\_p\_bvhxf003\_who.txt\_2>

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*Pat*

Patrick J. Raffaniello  
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101 Constitution Ave., NW  
Suite 701 East  
Washington, DC 20001  
p: 202.772.2488  
f: 202.772.2490  
email: Pat.Raffaniello@clarkbardes.com



*The Cigar Association of America*  
*Norm Sharp*                      *Craig Williamson*

*Wine & Spirits Wholesalers of America*  
*Juanita Duggan*      *Jim Rowland*              *Mike Johnson*

*The Federal Policy Group*  
*Ken Kies*                      *Pat Raffaniello*

*Invite You To*  
*An Evening Honoring*

*Majority Whip Roy Blunt*  
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*And*  
*The House Republican Deputy Whip Team*

*At an “after hours”*  
*Wine, Cigar, and Spirits Tasting*

*At Jordan’s Restaurant*  
*1300 Pennsylvania Avenue, NW*  
*in the*  
*Ronald Reagan Building*

*Tuesday, April 29<sup>th</sup>*  
*8:00 pm – 11:00 pm*

*Valet parking at the entrance on Pennsylvania Ave. & 13<sup>th</sup> St.*

*RSVP to Mary Ellen Jamison at 202.772.2481*  
*or e-mail [maryellen.jamison@clarkbardes.com](mailto:maryellen.jamison@clarkbardes.com)*

---

**From:** CN=Nanette Everson/OU=WHO/O=EOP [ WHO ]  
**To:** Emory Rounds/WHO/EOP@EOP [ WHO ] <Emory Rounds>  
**CC:** Matthew A. Schlapp/WHO/EOP [ WHO ] <Matthew A. Schlapp>;Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/26/2003 6:10:25 AM  
**Subject:** : Re: FW: Invitation to Reception 4/29/03  
**Attachments:** P\_BVHXF003\_WHO.TXT\_1.htm; P\_BVHXF003\_WHO.TXT\_2.ppt

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-APR-2003 10:10:25.00  
SUBJECT:: Re: FW: Invitation to Reception 4/29/03  
TO:Emory Rounds ( CN=Emory Rounds/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
CC:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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04/23/2003 10:45:11 AM  
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP  
cc: Jonathan F. Ganter/WHO/EOP@EOP  
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REV\_00115515

10:23 AM -----

Susan E. Baise  
04/23/2003 10:21:14 AM  
Record Type: Record

To: David McMaster/WHO/EOP@EOP  
Cc:  
Subject: Re: FW: Invitation to Reception 4/29/03

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REV\_00115516



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Pat

Patrick J. Raffaniello  
Federal Policy Group  
101 Constitution Ave., NW  
Suite 701 East  
Washington, DC 20001  
p: 202.772.2488  
f: 202.772.2490  
email: Pat.Raffaniello@clarkbardes.com

- att1.htm
- Flyer invite for Cigar and Wine Night April 29, 2003.ppt

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_BVHXF003\_WHO.TXT\_1>

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_BVHXF003\_WHO.TXT\_2>

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*RSVP to Mary Ellen Jamison at 202.772.2481*  
*or e-mail [maryellen.jamison@clarkbardes.com](mailto:maryellen.jamison@clarkbardes.com)*

---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/28/2003 1:33:45 AM  
**Subject:** : OpinionJournal - On the Editorial Page - April 28, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME:28-APR-2003 05:33:45.00  
SUBJECT:: OpinionJournal - On the Editorial Page - April 28, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY ANNE BAYEFSKY  
<http://www.opinionjournal.com/editorial/?id=110003420>

The U.N. fundamentally opposes American values--and its own.  
12:01 a.m. EDT

Thinking Things Over BY ROBERT L. BARTLEY  
<http://www.opinionjournal.com/columnists/rbartley/?id=110003419>

North Korea is the latest arms-control folly.  
12:01 a.m. EDT

Extra BY DOROTHY RABINOWITZ  
<http://www.opinionjournal.com/extra/?id=110003414>

No questions, they told me about phony sex-abuse charges. I asked anyway.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Interdicting North Korea  
Recall how the British policed the 19th-century slave trade.  
Apr 28 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105149406260496700,00.html%3Fmod%3Dopinion>

~~~~~

Saddam's House of Horrors  
Make Tariq Aziz tour the torture chambers.  
Apr 28 2003

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That '70s Show  
Carter-era energy subsidies make a comeback.  
Apr 28 2003

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#### Commentary

##### Human Wrongs

The U.N. can't define terrorism, let alone confront it.

By ANNE BAYEFSKY

Apr 28 2003

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##### SAMS -- Severe Acute Media Syndrome?

The media scare of SARS is worse than the disease.

By DAVID BALTIMORE

Apr 28 2003

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##### The Road Not Taken

Attacks on Israel must cease for the "road map" to work.

By EHUD BARAK

Apr 28 2003

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#### Thinking Things Over

##### North Korea: Arms Control Folly

Deterrence and interdiction are the only two real alternatives.

By ROBERT L. BARTLEY

Apr 28 2003

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#### International

##### Losers II

The meeting between Germany, France, Luxembourg and Belgium will take place because none of the participants has the courage to call it off.

From The Wall Street Journal Europe

Apr 28 2003

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##### West Versus West

The diplomatic catastrophe of the Iraq conflict has left Europe paralyzed.

By ANDRE GLUCKSMANN

From The Wall Street Journal Europe

Apr 28 2003

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#### Getting It Right at Last

The announced takeover of oil giant Sibneft by its competitor, Yukos, proves it is possible for entrepreneurs in Russia to reap just rewards.

By GEOFFREY T. SMITH

From The Wall Street Journal Europe

Apr 28 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105149264890518500,00.html%3Fmod%3Dopinion>

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#### Stop the Cash Flow to Pyongyang

The U.S. must stop helping the North Korean military.

By HENRY SOKOLSKI

From The Asian Wall Street Journal

Apr 28 2003

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#### Kim Jong Il's Blackmail Tactics Conceal Fear

If Pyongyang wasn't afraid, it would have officially acknowledged that it has nuclear weapons.

By SHIM JAE HOON

From The Asian Wall Street Journal

Apr 28 2003

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**From:** Lefkowitz, Jay P.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/28/2003 9:09:35 AM  
**Subject:** judges

we have tentative time on calendar in coming weeks for two different sets of Judges remarks.

what do you have in mind?

---

**From:** Sean Rushton <SRushton@CommitteeforJustice.org>  
**To:** SRushton@CommitteeforJustice.org [ UNKNOWN ] <SRushton@CommitteeforJustice.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/28/2003 5:49:20 AM  
**Subject:** : SCOTUS fight preview.  
**Attachments:** P\_CZ0YF003\_WHO.TXT\_1.html

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<SRushton@CommitteeforJustice.org> [ UNKNOWN ] )  
CREATION DATE/TIME:28-APR-2003 09:49:20.00  
SUBJECT:: SCOTUS fight preview.  
TO:SRushton@CommitteeforJustice.org ( SRushton@CommitteeforJustice.org [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Washington Times

April 27, 2003

Forthcoming clash for the court

By James L. Swanson

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Executive Director

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Washington Times  
April 27, 2003  
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202-467-6439 mobile  
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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Lana Dickey/WHO/EOP@EOP [ WHO ] <Lana Dickey>  
**Sent:** 4/28/2003 11:08:35 AM  
**Subject:** : Re: Law Day

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CREATION DATE/TIME:28-APR-2003 15:08:35.00  
SUBJECT:: Re: Law Day  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lana Dickey ( CN=Lana Dickey/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
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Yes thank you.

.

----- Original Message -----  
From:Lana Dickey/WHO/EOP  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 04/28/2003 02:27:25 PM  
Subject: Law Day

We have our draft ready for Harriet. Do you want to see it now? Thanks.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>;Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>  
**CC:** Ryan L. Cole/WHO/EOP@EOP [ WHO ] <Ryan L. Cole>  
**Sent:** 4/28/2003 8:35:55 AM  
**Subject:** : May 9 judges event

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SUBJECT:: May 9 judges event  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
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CC:Ryan L. Cole ( CN=Ryan L. Cole/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

When would you ordinarily send out invites for May 9 judges event? Can we meet about it today to discuss?



---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/28/2003 8:38:57 AM  
**Subject:** : Re: May 9 judges event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-APR-2003 12:38:57.00  
SUBJECT:: Re: May 9 judges event  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Tim is out of town.  
Can meet anytime but 1:30 - 2:00

Brett M. Kavanaugh  
04/28/2003 12:35:30 PM  
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP, Matthew E. Smith/WHO/EOP@EOP  
cc: Ryan L. Cole/WHO/EOP@EOP  
Subject: May 9 judges event

When would you ordinarily send out invites for May 9 judges event? Can we meet about it today to discuss?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**CC:** wendy j. grubbs/who/eop@eop [ WHO ] <wendy j. grubbs>;brian benczkowski (e-mail) <brian.a.benczkowski@usdoj.gov>;jamie.e.brown@usdoj.gov [ UNKNOWN ] <jamie.e.brown@usdoj.gov>;viet.dinh@usdoj.gov [ UNKNOWN ] <viet.dinh@usdoj.gov>  
**Sent:** 4/28/2003 8:39:11 AM  
**Subject:** : Re: FW: Scheduler notification from Capitol Correspond

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:28-APR-2003 12:39:11.00

SUBJECT:: Re: FW: Scheduler notification from Capitol Correspond

TO:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

CC:wendy j. grubbs ( CN=wendy j. grubbs/OU=who/O=eop@eop [ WHO ] )

READ:UNKNOWN

CC:"brian benczkowski (e-mail)" <brian.a.benczkowski@usdoj.gov> ( "brian benczkowski (e-mail)" <brian.a.benczkowski@usdoj.gov> [ UNKNOWN ] )

READ:UNKNOWN

CC:jamie.e.brown@usdoj.gov ( jamie.e.brown@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

CC:viet.dinh@usdoj.gov ( viet.dinh@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Judge Gonzales will be out of town all day on Thursday, May 1. Apologies.

"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov>

04/25/2003 02:22:56 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: FW: Scheduler notification from Capitol Correspond

Regrettably, we nneed to move the Principals' meeting to Thursday as below. WHF and OGH are clear. Please advise.

-----Original Message-----

From: Senator\_frist@frist.senate.gov

[mailto:Senator\_frist@frist.senate.gov]

Sent: Thursday, April 24, 2003 6:52 PM

To: Vogel, Alex (Frist); Bainwol, Mitch (Frist); Miranda, Manuel (Frist)

Subject: Scheduler notification from Capitol Correspond

SCHEDULING NOTIFICATION

Description: (tentative) Meeting GOP Judiciary Committee Members with Judge Albert Gonzales, WH Legal Counsel and Viet Dinh

Status: Approved

Start Date: 05/01/2003 Start Time: 04:45 pm

End Date: 05/01/2003 End Time: 05:30 pm

Location: S-230

Contact: manny coordinating

REV\_00115599

Message Sent

To:

---

Brett M. Kavanaugh/WHO/EOP@EOP

Viet.Dinh@usdoj.gov

"Brian Benczkowski (E-mail)" <Brian.A.Benczkowski@usdoj.gov>

Jamie.E.Brown@usdoj.gov

Wendy J. Grubbs/WHO/EOP@EOP

---

**From:** MailRouter [ SYS ]  
**To:** Brett M. Kavanaugh/WHO/EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/28/2003 8:39:16 AM  
**Subject:** DELIVERY FAILURE: Recipient user name wendy j. grubbs/who/eop (wendy j. grubbs/who/eop@eop) not unique. Several matches found in Name & Address Book.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES NONDELIVERY RECEIPT )  
CREATOR:MailRouter ( MailRouter [ SYS ] )  
CREATION DATE/TIME:28-APR-2003 12:39:16.00  
SUBJECT:DELIVERY FAILURE: Recipient user name wendy j. grubbs/who/eop (wendy j. grubbs/who/eop@eop) not unique. Several matches found in Name & Address Book.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

DELIVERY FAILURE REPORT

Your Document:  
Re: FW: Scheduler notification from Capitol Correspond  
could not be delivered to:  
CN=wendy j. grubbs/OU=who/O=eop@eop  
because:  
Recipient user name wendy j. grubbs/who/eop (wendy j. grubbs/who/eop@eop) not unique.  
Several matches found in Name & Address Book.  
Routing Path:  
CN=Mail2/O=EOP;CN=Mail2/O=EOP

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>  
**Sent:** 4/28/2003 8:40:34 AM  
**Subject:** : Re: May 9 judges event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-APR-2003 12:40:34.00  
SUBJECT:: Re: May 9 judges event  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

will he be back by tomorrow morning?

Matthew E. Smith

04/28/2003 12:38:27 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: May 9 judges event

Tim is out of town.  
Can meet anytime but 1:30 - 2:00

Brett M. Kavanaugh  
04/28/2003 12:35:30 PM  
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP, Matthew E. Smith/WHO/EOP@EOP  
cc: Ryan L. Cole/WHO/EOP@EOP  
Subject: May 9 judges event

When would you ordinarily send out invites for May 9 judges event? Can we meet about it today to discuss?

---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/28/2003 8:44:28 AM  
**Subject:** : Re: May 9 judges event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-APR-2003 12:44:28.00  
SUBJECT:: Re: May 9 judges event  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

If we need to get moving today, should we chat and I'll fill him in later?

Brett M. Kavanaugh  
04/28/2003 12:40:09 PM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: May 9 judges event

will he be back by tomorrow morning?

Matthew E. Smith  
  
04/28/2003 12:38:27 PM  
  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: May 9 judges event

Tim is out of town.  
Can meet anytime but 1:30 - 2:00

Brett M. Kavanaugh  
04/28/2003 12:35:30 PM  
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP, Matthew E. Smith/WHO/EOP@EOP  
cc: Ryan L. Cole/WHO/EOP@EOP

Subject: May 9 judges event

When would you ordinarily send out invites for May 9 judges event? Can we meet about it today to discuss?

---

**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/28/2003 8:50:16 AM  
**Subject:** : TRANSCRIPT - Media Availability with Secretary Powell 04/28/03

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:28-APR-2003 12:50:16.00  
SUBJECT:: TRANSCRIPT - Media Availability with Secretary Powell 04/28/03  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

MEDIA AVAILABILITY WITH SECRETARY OF STATE COLIN POWELL AND JORDANIAN  
FOREIGN MINISTER MARWAN MUASHER FOLLOWING THEIR MEETING

C STREET ENTRANCE, THE STATE DEPARTMENT, WASHINGTON, D.C.  
11:39 A.M. EDT, MONDAY, APRIL 28, 2003

;

SEC. POWELL: Good morning, everyone. It's been my pleasure to host Foreign Minister Muasher of Jordan. We had a good conversation, and as you might expect, we talked about the two topics of the day of greatest interest to us, and that was where we are in Iraq now that, for the most part, the serious hostilities are over. Although we have not yet finished cleaning up all the pockets of resistance, nevertheless, you can see that our attention has turned to dealing with humanitarian needs. And I am pleased that food is not a problem in the country, and we're hard at work fixing the electrical grid and making sure that the people of Iraq have clean water and the other things needed for satisfactory daily life.

;;;;; We will begin the effort of rebuilding the ministries. And as you know from the meeting taking place in Baghdad today, work is also underway to help the Iraqi people create a new government that will be representative of all the Iraqi people.

;;;;; So we discussed this issue in some detail, and then we moved to the Middle East peace process. And I reaffirmed President Bush's commitment to release, with the other members of the Quartet, the road map, as soon as Prime Minister-designate Abu Mazen has been confirmed by the PLC, and we hope that will be in the next several days.

;;;;; And both the minister and I expressed our hopes that both parties -- the Palestinians and the Israelis -- will grab this new opportunity to achieve progress along the path to peace through the use of this road map. So we're encouraged by this development, the transformation within the Palestinian Authority, that will allow the Palestinian people to have a prime minister who can be a responsible partner working with Israel and working with the United States, members of the Quartet, and the countries in the region, leaders in the region, to move forward to our goal, which is to create a Palestinian state in a period of time that President Bush suggested, within a three-year period of time.

;;;;; So, Mr. Minister, as always, it's a great pleasure to have had you here.

;;;;; MIN. MUASHER: Thank you, sir. Let me thank Secretary Powell for this very productive meeting. We discussed, of course, again, the two main issues on the region's mind -- Iraq and the peace process.

;;;;; We emphasized the need to start a political process in Iraq that would lead to the formation of a credible and representative Iraqi government so we can get on with the process of rebuilding Iraq, and the



withdrawal of all foreign troops from Iraq.

;;;;; On the peace process, I am very encouraged by what I heard from the secretary about the president's resolve to get ahead with the road map. We are all looking forward to the time when the road map will be announced, in a few days, hopefully. More importantly, I think there is serious work ahead of us in making sure that the road map is implemented at a very early time and in an honest manner that would restart the peace process, that would give people hope that they can live in peace and security, and that would get us to the time when a Palestinian state will be established alongside Israel, and where the occupation -- again, the Israeli occupation will end.

;;;;; I look forward to working with the secretary on these issues, and I believe that the time has come in the Middle East to truly look at all the problems of the Middle East in a way that would end all conflicts there.

;;;;; Thank you.

;;;;; Q Mr. Secretary, is the U.S. -- are you getting support from Europeans and Arab governments -- I could ask the minister, too -- on your -- what should I say? -- hopes for a transformation of the leadership, of, frankly, a sidetracking of Yasser Arafat, bringing to the fore Abu Mazen? Is the U.S. alone on this or is it reinforced?

;;;;; SEC. POWELL: I don't think we're alone. Clearly, we have been ahead of our European colleagues with respect to calling for transformation in the leadership of the Palestinian Authority.

;;;;; But I think I can speak for the members of the Quartet when we say that we welcome the appointment of a prime minister who we believe can be a partner to work with members of the Quartet and others in the region to move the peace process along. Chairman Arafat is there, but I believe we need new, reinvigorated leadership of the kind that we hope Mr. Abu Mazen will bring to the table; the kind that Mr. Fayyad, the minister of Finance, is bringing to the table. And this is not the time to look back. It's a time to look forward and do everything we can to help the new prime minister.

;;;;; Q Minister, is that something that -- do you have something to say about it?

;;;;; MIN. MUASHER: Well, this is a -- the Palestinian reform process is that, a Palestinian process that is internal and that is ongoing. And we believe that the recent developments have been very encouraging. You have a new government. You have a prime minister with authority, and you have ministers that are authorized with going on with some very serious work, both on security and finance, among other things.

;;;;; We support the new Palestinian government, and we intend to work with it in order to make sure that the proper conditions are created on the ground that would help in relaunching the peace process.

;;;;; Q Mr. Foreign Minister?

;;;;; SEC. POWELL: Yeah? Yes, here.

;;;;; Q Mr. Foreign Minister, you've spoken about moving ahead with the road map but also that you would like to see more of a U.S. engagement, not only rolling out the road map. Could you describe what kind of U.S. engagement you'd like to see going forward?

;;;;; And Secretary Powell, on North Korea, the North Koreans, there's been some reports out through the Chinese that the North Koreans offered to scrap their nuclear programs, not do any testing, in exchange for a security guarantee by the United States. Is there anything you could say on that? Thank you.

;;;;; MIN. MUASHER: Well, I think what we all want to see is tangible differences on the ground, differences that would indicate to Palestinians in particular there is indeed hope that the peace process is finally relaunched and that their lives have changed. We would like to see Israel lift the curfews, stop demolition of homes. We would like to see an end to settlement activity, and we would like to see the security situation also stabilized.

;;;;; So these are the kind of early activities that we would be looking at to see whether we can indeed translate the road map into a tangible difference on the ground.

;;;;; SEC. POWELL: The trilateral meeting that we held with the Chinese and the North Koreans last week in Beijing, I think, turned out to be quite useful. The North Koreans acknowledged a number of things that they were doing and, in effect, said these are now up for further discussion. They did put forward a plan that would ultimately deal with their nuclear capability and their missile activities, but they, of course, expect something considerable in return. And so we are studying that plan, or we are examining it with our friends and allies. We're staying in the closest touch with the South Koreans, the Japanese, the Chinese, Russians, Australians and others. And so I think it was useful to get it all out on the table and see where we go from here.

;;;;; They've never used the word "testing." You suggested they threatened to test. But they never used the word "test." They said that it is the kind of capability that one can display in one way or another. And we're taking all of this (in ?) seriousness, and now that Assistant Secretary Kelly is back, we'll be spending quite a bit of time going over his notes and his impressions on what he heard.

;;;;; Let me take this opportunity to thank the Chinese government for not only hosting this meeting but being a full participant in this first multilateral session.

;;;;; Q Mr. Secretary, have you asked the Jordanians in any manner to help work with the Syrians for moderation, and also to ask for special policing and other type of army-type infrastructure to go into Iraq?

;;;;; SEC. POWELL: No, it didn't come up in the course of -- the second part of your question --- didn't come up in the course of our conversation. And I don't know if the minister wishes to say a word to that point.

;;;;; With respect to Syria, we always discuss Syria when we are together. And as you know, I plan to travel to Syria in the not-too-distant future and have a full range of conversations with the Syrian leadership over issues that are on our mind and of concern to us and that we have been speaking about rather openly in recent weeks. And I'm sure we'll have complete and comprehensive discussions with the Syrians.

;;;;; And I hope that in light of the changed circumstances in the region, not only with respect to what happened in Iraq, but with the likelihood that the road map is about to be placed down over the next several days, I hope that these two elements -- changed circumstance in Iraq and the road map -- will cause the Syrians to review all of their policies and give some consideration to changing those policies, which we believe have not been helpful in the past.

;;;;; Q Mr. Secretary, there were reports over the weekend that North Korea actually told the State Department on March 31st that it had begun this reprocessing, although the press didn't find out about it until a later date. And there are some allegations that the rest of the administration didn't find out about it, or other agencies. Can you address that?

;;;;; SEC. POWELL: Yeah, that's nonsense. Over a period of time, the North Koreans have made different statements about reprocessing and

whether they are or are not reprocessing. And we always examine those statements and we try to determine the validity of those statements. And our intelligence community still cannot give us any validation or confirmation of what North Korea has said at various times and in various places with respect to reprocessing.

;;;;; So what we were told on the 31st was shared within the administration. I'm not sure if everybody in the administration got it, but it isn't relevant because it didn't seem to be anything that was terribly new or different from what we had been told on a regular basis over the last several months. It was not, in our judgment, anything that was particularly new or newsworthy.

;;;;; Thank you.

;;;;; (Pause while Secretary Powell walks Minister Muasher to his car.)

;;;;; Q Mr. Secretary, can you answer one more question, please, sir? In Cuba, the Cubans have really cracked down on people just trying to exercise their rights. The pope this weekend condemned this. Is there anything that the U.S. can do now to help these people or to help the situation?

;;;;; SEC. POWELL: We're reviewing all of our policies and our approach toward Cuba in light of what I think is a deteriorating human rights situation within Cuba. And we have been rather forceful in our denunciation of these activities. And I am very pleased that His Holiness has also commented on the situation. The long terms of imprisonment -- 12, 15, 20 years -- for speaking out, trying to exercise basic human rights, this just once again illustrates the nature of that regime under this dictator, Fidel Castro, who's been doing this for many years. And so I hope the whole world will now see this regime for what it is, a regime that is one of the last of its kind on the face of the earth, and really is an aberration in the Western Hemisphere, when you look at how all other nations in our hemisphere, except for Cuba, are trying to find the way forward with democracy and free enterprise system and individual rights and liberty. And Castro continues to do nothing but oppress -- suppress his people, suppress opinion. And we're reviewing all of our policies.

;;;;; Thank you.

;;;;; Q Can I ask you about Newt Gingrich?

;;;;; SEC. POWELL: I don't have anything to say about it.

;;;;; Q How about Saudi Arabia? Are we pulling out of Saudi Arabia? Are we getting out of Saudi Arabia?

;;;;; SEC. POWELL: Of course not.

END.

;

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>; brian.benczkowski (e-mail) <brian.a.benczkowski@usdoj.gov>; jamie.e.brown@usdoj.gov [ UNKNOWN ] <jamie.e.brown@usdoj.gov>; viet.dinh@usdoj.gov [ UNKNOWN ] <viet.dinh@usdoj.gov>  
**Sent:** 4/28/2003 9:02:56 AM  
**Subject:** : RE: FW: Scheduler notification from Capitol Correspond

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 28-APR-2003 13:02:56.00

SUBJECT: RE: FW: Scheduler notification from Capitol Correspond

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

CC: Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

CC: "brian.benczkowski (e-mail)" <brian.a.benczkowski@usdoj.gov> ( "brian.benczkowski (e-mail)" <brian.a.benczkowski@usdoj.gov> [ UNKNOWN ] )

READ: UNKNOWN

CC: jamie.e.brown@usdoj.gov ( jamie.e.brown@usdoj.gov [ UNKNOWN ] )

READ: UNKNOWN

CC: viet.dinh@usdoj.gov ( viet.dinh@usdoj.gov [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

The ML would like to have a meeting with all Principals, JC members, and leadership, I suggested including political office (Rove or Hobbes)...so we will reschedule.

Please advise about Tuesday, May 6th at 11 am.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov

[mailto:Brett M. Kavanaugh@who.eop.gov]

Sent: Monday, April 28, 2003 12:39 PM

To: Miranda, Manuel (Frist)

Cc: viet.dinh@usdoj.gov; brian.benczkowski (e-mail);

jamie.e.brown@usdoj.gov; Wendy J. Grubbs@who.eop.gov

Subject: Re: FW: Scheduler notification from Capitol Correspond

Judge Gonzales will be out of town all day on Thursday, May 1.  
Apologies.

(Embedded

image moved "Miranda, Manuel (Frist)"

to file: <Manuel\_Miranda@frist.senate.gov>

pic07679.pcx) 04/25/2003 02:22:56 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: FW: Scheduler notification from Capitol Correspond

REV\_00115612

Regrettably, we nneed to move the Principals' meeting to Thursday as below. WHF and OGH are clear. Please advise.

-----Original Message-----

From: Senator\_frist@frist.senate.gov  
[mailto:Senator\_frist@frist.senate.gov]  
Sent: Thursday, April 24, 2003 6:52 PM  
To: Vogel, Alex (Frist); Bainwol, Mitch (Frist); Miranda, Manuel (Frist)  
Subject: Scheduler notification from Capitol Correspond

SCHEDULING NOTIFICATION

Description: (tentative) Meeting GOP Judiciary Committee Members with  
Judge Albert Gonzales, WH Legal Counsel and Viet Dinh

Status: Approved

Start Date: 05/01/2003 Start Time: 04:45 pm

End Date: 05/01/2003 End Time: 05:30 pm

Location: S-230

Contact: manny coordinating

Message Sent

To: \_\_\_\_\_

Brett M. Kavanaugh/WHO/EOP@EOP

Viet.Dinh@usdoj.gov

"Brian Benczkowski (E-mail)" <Brian.A.Benczkowski@usdoj.gov>

Jamie.E.Brown@usdoj.gov

Wendy J. Grubbs/WHO/EOP@EOP

---

**From:** CN=Courtney S. Elwood/OU=OVP/O=EOP [ OVP ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/28/2003 9:15:47 AM  
**Subject:** : Re: per voice mail

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP [ OVP ] )  
CREATION DATE/TIME:28-APR-2003 13:15:47.00  
SUBJECT:: Re: per voice mail  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks. I'll pass this along to Dean. I told him that Cruz had presented it early in the Administration as a campaign proposal.

.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** noelia rodriguez/who/eop@exchange@eop [ WHO ] <noelia rodriguez>;mercedes m. viana/who/eop@eop [ WHO ] <mercedes m. viana>;leonard b. rodriguez/who/eop@eop [ WHO ] <leonard b. rodriguez>;scastillo@rnchq.org @ inet [ UNKNOWN ] <scastillo@rnchq.org @ inet>;brett m. kavanaugh/who/eop@eop [ WHO ] <brett m. kavanaugh>;Ken Mehlman/WHO/EOP@EOP [ WHO ] <Ken Mehlman>  
**Sent:** 4/28/2003 9:21:26 AM  
**Subject:** : Re: Hispanic media training

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 28-APR-2003 13:21:26.00  
SUBJECT:: Re: Hispanic media training  
TO: noelia rodriguez ( CN=noelia rodriguez/OU=who/O=eop@exchange@eop [ WHO ] )  
READ: UNKNOWN  
TO: mercedes m. viana ( CN=mercedes m. viana/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
TO: leonard b. rodriguez ( CN=leonard b. rodriguez/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
TO: scastillo@rnchq.org @ inet ( scastillo@rnchq.org @ inet [ UNKNOWN ] )  
READ: UNKNOWN  
TO: brett m. kavanaugh ( CN=brett m. kavanaugh/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
TO: Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

It is ok for RNC to run such a media training program for political appointees. Also ok for Levine to run such a program here.

Ken Mehlman  
04/28/2003 01:13:19 PM  
Record Type: Record

To: Leonard B. Rodriguez/WHO/EOP@EOP  
cc: brett m. kavanaugh/who/eop@eop, mercedes m. viana/who/eop@eop, scastillo@rnchq.org @ inet, noelia rodriguez/who/eop@exchange@eop  
bcc:  
Subject: Re: Hispanic media training

Or could we have Adam Levine do this?

Leonard B. Rodriguez  
04/28/2003 09:46:24 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Mercedes M. Viana/WHO/EOP@EOP, Ken Mehlman/WHO/EOP@EOP, scastillo@rnchq.org @ inet, Noelia Rodriguez/WHO/EOP@Exchange@EOP  
Subject: Hispanic media training

Brett-

REV\_00115618

Following our Hispanic appointees conference call, the following inquiry below came to our attention.

Mercy has been talking with Nicolle in making this happen. Is it possible to coordinate this training at the RNC???

Q:  
Possibly hold a media training for all Hispanic Spokespersons (with special emphasis on Spanish-language interviews) and mid and/or high level Administration officials often called to do Spanish-language interviews.

I have had the benefit of getting some media training at work and have found it to be quite helpful. It has made me pretty confident and able when called to do an interview in Spanish. I now even sometimes coach and brief other attorneys for Spanish and English mainstream interviews.



---

**From:** CN=Mercedes M. Viana/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** scastillo@rnchq.org @ inet [ UNKNOWN ] <scastillo@rnchq.org @ inet>;leonard b. rodriguez/who/eop@eop [ WHO ] <leonard b. rodriguez>;noelia rodriguez/who/eop@exchange@eop [ WHO ] <noelia rodriguez>;mercedes m. viana/who/eop@eop [ WHO ] <mercedes m. viana>;ken mehlman/who/eop@eop [ WHO ] <ken mehlman>  
**Sent:** 4/28/2003 9:23:19 AM  
**Subject:** : Re: Hispanic media training

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Mercedes M. Viana ( CN=Mercedes M. Viana/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-APR-2003 13:23:19.00  
SUBJECT:: Re: Hispanic media training  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:scastillo@rnchq.org @ inet ( scastillo@rnchq.org @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
CC:leonard b. rodriguez ( CN=leonard b. rodriguez/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:noelia rodriguez ( CN=noelia rodriguez/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
CC:mercedes m. viana ( CN=mercedes m. viana/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:ken mehlman ( CN=ken mehlman/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

perfect. let's schedule for the summer.

Brett M. Kavanaugh  
04/28/2003 01:21:01 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
bcc:  
Subject: Re: Hispanic media training

It is ok for RNC to run such a media training program for political appointees. Also ok for Levine to run such a program here.

Ken Mehlman  
04/28/2003 01:13:19 PM  
Record Type: Record

To: Leonard B. Rodriguez/WHO/EOP@EOP  
cc: brett m. kavannah/who/eop@eop, mercedes m. viana/who/eop@eop, scastillo@rnchq.org @ inet, noelia rodriguez/who/eop@exchange@eop  
bcc:  
Subject: Re: Hispanic media training

Or could we have Adam Levine do this?

REV\_00115621

Leonard B. Rodriguez  
04/28/2003 09:46:24 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Mercedes M. Viana/WHO/EOP@EOP, Ken Mehlman/WHO/EOP@EOP,  
scastillo@rnchq.org @ inet, Noelia Rodriguez/WHO/EOP@Exchange@EOP  
Subject: Hispanic media training

Brett-  
Following our Hispanic appointees conference call, the following  
inquiry below came to our attention.

Mercy has been talking with Nicolle in making this happen. Is it  
possible to coordinate this training at the RNC???

Q:  
Possibly hold a media training for all Hispanic Spokespersons (with  
special emphasis on Spanish-language interviews) and mid and/or high  
level Administration officials often called to do Spanish-language  
interviews.

I have had the benefit of getting some media training at work and have  
found it to be quite helpful. It has made me pretty confident and able  
when called to do an interview in Spanish. I now even sometimes coach and  
brief other attorneys for Spanish and English mainstream interviews.

Message Sent

To: \_\_\_\_\_  
Ken Mehlman/WHO/EOP@EOP  
leonard b. rodriguez/who/eop@eop  
brett m. kavanaugh/who/eop@eop  
mercedes m. viana/who/eop@eop  
scastillo@rnchq.org @ inet  
noelia rodriguez/who/eop@exchange@eop

REV\_00115622

---

**From:** CN=Lana Dickey/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/28/2003 10:27:53 AM  
**Subject:** : Law Day

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Lana Dickey ( CN=Lana Dickey/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-APR-2003 14:27:53.00  
SUBJECT:: Law Day  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

We have our draft ready for Harriet. Do you want to see it now? Thanks.

**From:** Tracy.T.Washington@usdoj.gov  
**To:** john\_abegg@mccconnell.senate.gov <john\_abegg@mccconnell.senate.gov>; Ashley Snee/WHO/EOP@EOP [ WHO ] <Ashley Snee>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>; Manuel\_Miranda@frist.senate.gov <Manuel\_Miranda@frist.senate.gov>; alex\_dahl@Judiciary.senate.gov <alex\_dahl@Judiciary.senate.gov>; Margarita\_Tapia@Judiciary.senate.gov <Margarita\_Tapia@Judiciary.senate.gov>; William.Hall2@usdoj.gov <William.Hall2@usdoj.gov>; Steve.Koebele@usdoj.gov <Steve.Koebele@usdoj.gov>; Pat.O'Brien@usdoj.gov <Pat.O'Brien@usdoj.gov>; Nancy.Scottfinan@usdoj.gov <Nancy.Scottfinan@usdoj.gov>; Lori.SharpeDay@usdoj.gov <Lori.SharpeDay@usdoj.gov>; Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>; Heather.Cutchens@usdoj.gov <Heather.Cutchens@usdoj.gov>; Dan.Bryant@usdoj.gov <Dan.Bryant@usdoj.gov>; Andrew.Schauder2@usdoj.gov <Andrew.Schauder2@usdoj.gov>; SRushton@CommitteeforJustice.org <SRushton@CommitteeforJustice.org>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Heather\_Wingate@who.eop.gov <Heather\_Wingate@who.eop.gov>; Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>; alex\_vogel@frist.senate.gov <alex\_vogel@frist.senate.gov>; joschal@att.net <joschal@att.net>; makan\_delrahim@Judiciary.senate.gov <makan\_delrahim@Judiciary.senate.gov>; Rena\_Johnson\_Comisac@Judiciary.senate.gov <Rena\_Johnson\_Comisac@Judiciary.senate.gov>; Viet.Dinh@usdoj.gov <Viet.Dinh@usdoj.gov>; Sheila.Joy@usdoj.gov <Sheila.Joy@usdoj.gov>; Nathan.Sales@usdoj.gov <Nathan.Sales@usdoj.gov>; Monica.Goodling@usdoj.gov <Monica.Goodling@usdoj.gov>; Lizette.D.Benedi@usdoj.gov <Lizette.D.Benedi@usdoj.gov>; Jamie.E.Brown@usdoj.gov <Jamie.E.Brown@usdoj.gov>; Don.Willett@usdoj.gov <Don.Willett@usdoj.gov>; Brian.A.Benczkowski@usdoj.gov <Brian.A.Benczkowski@usdoj.gov>; Adam.Charnes@usdoj.gov <Adam.Charnes@usdoj.gov>  
**Sent:** 4/28/2003 11:53:24 AM  
**Subject:** : 4:00 p.m. Judicial Working Group Conference Call is cancelled.

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Tracy.T.Washington@usdoj.gov" <Tracy.T.Washington@usdoj.gov> ( "Tracy.T.Washington@usdoj.gov" <Tracy.T.Washington@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME:28-APR-2003 15:53:24.00

SUBJECT:: 4:00 p.m. Judicial Working Group Conference Call is cancelled.

TO:"john\_abegg@mccconnell.senate.gov" <john\_abegg@mccconnell.senate.gov> ( "john\_abegg@mccconnell.senate.gov" <john\_abegg@mccconnell.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:"Manuel\_Miranda@frist.senate.gov" <Manuel\_Miranda@frist.senate.gov> ( "Manuel\_Miranda@frist.senate.gov" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"alex\_dahl@judiciary.senate.gov" <alex\_dahl@Judiciary.senate.gov> ( "alex\_dahl@judiciary.senate.gov" <alex\_dahl@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Margarita\_Tapia@Judiciary.senate.gov" <Margarita\_Tapia@Judiciary.senate.gov> ( "Margarita\_Tapia@Judiciary.senate.gov" <Margarita\_Tapia@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"William.Hall2@usdoj.gov" <William.Hall2@usdoj.gov> ( "William.Hall2@usdoj.gov"

REV\_00115656

<William.Hall2@usdoj.gov> [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:"Steve.Koebele@usdoj.gov" <Steve.Koebele@usdoj.gov> ( "Steve.Koebele@usdoj.gov"  
 <Steve.Koebele@usdoj.gov> [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:"Pat.O'Brien@usdoj.gov" <Pat.O'Brien@usdoj.gov> ( "Pat.O'Brien@usdoj.gov"  
 <Pat.O'Brien@usdoj.gov> [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:"Nancy.Scottfinan@usdoj.gov" <Nancy.Scottfinan@usdoj.gov> ( "Nancy.Scottfinan@usdoj.gov"  
 <Nancy.Scottfinan@usdoj.gov> [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:"Lori.SharpeDay@usdoj.gov" <Lori.SharpeDay@usdoj.gov> ( "Lori.SharpeDay@usdoj.gov"  
 <Lori.SharpeDay@usdoj.gov> [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (  
 "Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:"Heather.Cutchens@usdoj.gov" <Heather.Cutchens@usdoj.gov> ( "Heather.Cutchens@usdoj.gov"  
 <Heather.Cutchens@usdoj.gov> [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:"Dan.Bryant@usdoj.gov" <Dan.Bryant@usdoj.gov> ( "Dan.Bryant@usdoj.gov"  
 <Dan.Bryant@usdoj.gov> [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:"Andrew.Schauder2@usdoj.gov" <Andrew.Schauder2@usdoj.gov> ( "Andrew.Schauder2@usdoj.gov"  
 <Andrew.Schauder2@usdoj.gov> [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:"SRushton@CommitteeforJustice.org" <SRushton@CommitteeforJustice.org> (  
 "SRushton@CommitteeforJustice.org" <SRushton@CommitteeforJustice.org> [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:"Heather\_Wingate@who.eop.gov" <Heather\_Wingate@who.eop.gov> (  
 "Heather\_Wingate@who.eop.gov" <Heather\_Wingate@who.eop.gov> [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:"alex\_vogel@frist.senate.gov" <alex\_vogel@frist.senate.gov> (  
 "alex\_vogel@frist.senate.gov" <alex\_vogel@frist.senate.gov> [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:"joschal@att.net" <joschal@att.net> ( "joschal@att.net" <joschal@att.net> [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:"makan\_delrahim@judiciary.senate.gov" <makan\_delrahim@Judiciary.senate.gov> (  
 "makan\_delrahim@judiciary.senate.gov" <makan\_delrahim@Judiciary.senate.gov> [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:"Rena\_Johnson\_Comisac@Judiciary.senate.gov" <Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
 ( "Rena\_Johnson\_Comisac@Judiciary.senate.gov" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:"Viet.Dinh@usdoj.gov" <Viet.Dinh@usdoj.gov> ( "Viet.Dinh@usdoj.gov"  
 <Viet.Dinh@usdoj.gov> [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:"Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ( "Sheila.Joy@usdoj.gov"  
 <Sheila.Joy@usdoj.gov> [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:"Nathan.Sales@usdoj.gov" <Nathan.Sales@usdoj.gov> ( "Nathan.Sales@usdoj.gov"  
 <Nathan.Sales@usdoj.gov> [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:"Monica.Goodling@usdoj.gov" <Monica.Goodling@usdoj.gov> ( "Monica.Goodling@usdoj.gov"  
 <Monica.Goodling@usdoj.gov> [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:"Lizette.D.Benedi@usdoj.gov" <Lizette.D.Benedi@usdoj.gov> ( "Lizette.D.Benedi@usdoj.gov"  
 <Lizette.D.Benedi@usdoj.gov> [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:"Jamie.E.Brown@usdoj.gov" <Jamie.E.Brown@usdoj.gov> ( "Jamie.E.Brown@usdoj.gov"  
 <Jamie.E.Brown@usdoj.gov> [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:"Don.Willet@usdoj.gov" <Don.Willet@usdoj.gov> ( "Don.Willet@usdoj.gov"  
 <Don.Willet@usdoj.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> (  
"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov> ( "Adam.Charnes@usdoj.gov"  
<Adam.Charnes@usdoj.gov> [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Tracy T. Washington  
U.S. Department of Justice  
Office of Legal Policy  
Main Building, Room 4234  
(202) 514-2737

---

**From:** CN=Karin B. Torgerson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/28/2003 12:13:26 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Karin B. Torgerson ( CN=Karin B. Torgerson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:28-APR-2003 16:13:26.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Hi Brett.; I was wondering where you are on the Law Day Proclamation?;  
Could you let me know?; We'll need time to staff it.; Thanks

**From:** CN=Lisa J. Macecevic/OU=OMB/O=EOP [ OMB ]  
**To:** James J. Jukes/OMB/EOP@EOP [ OMB ] <James J. Jukes>; Kenneth L. Schwartz/OMB/EOP@EOP [ OMB ] <Kenneth L. Schwartz>; Lauren E. Bloomquist/OMB/EOP@EOP [ OMB ] <Lauren E. Bloomquist>; Kevin Warsh/OPD/EOP@EOP [ OPD ] <Kevin Warsh>; Richard E. Green/OMB/EOP@EOP [ OMB ] <Richard E. Green>; James Boden/OMB/EOP@EOP [ OMB ] <James Boden>; Diana L. Schacht/OPD/EOP@EOP [ OPD ] <Diana L. Schacht>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/28/2003 12:17:55 PM  
**Subject:** : 04/28 CongressDaily - Labor projections on needs for an asbestos trust fund

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Lisa J. Macecevic ( CN=Lisa J. Macecevic/OU=OMB/O=EOP [ OMB ] )  
CREATION DATE/TIME:28-APR-2003 16:17:55.00  
SUBJECT:: 04/28 CongressDaily - Labor projections on needs for an asbestos trust fund  
TO:James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:Kenneth L. Schwartz ( CN=Kenneth L. Schwartz/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:Lauren E. Bloomquist ( CN=Lauren E. Bloomquist/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Richard E. Green ( CN=Richard E. Green/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:James Boden ( CN=James Boden/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(small blurb on class action at end, too)  
Labor Officials Offer Bottom Line On Asbestos Litigation Bill  
ÿÿÿÿ In a move that could prove to be a turning point in ongoing negotiations on asbestos litigation reform legislation, labor officials have effectively drawn their bottom line on overall liability costs, sources said. In a lengthy meeting Friday with Senate staff, industry representatives and their insurers, AFL-CIO officials presented case values and medical criteria that participants said put compensation costs for victims in the range of \$121 billion to \$138 billion. Labor officials were not available to confirm that figure by presstime. That figure, while higher than the \$90 billion that industry defendants and insurers have said they are willing to pay combined into a trust fund for victims, is nevertheless considerably lower than the \$175 billion figure some labor officials had previously floated.  
ÿÿÿÿ Labor's projections, which some nonlabor sources labeled as an "opening bid," is an amount that at least keeps everybody at the table, one source remarked. Industry players who spent the weekend analyzing labor's numbers will get their chance to respond to the offer at another meeting slated for Wednesday among the same parties. Insurers have continued to insist they would hold fast to their earlier commitment with industry to pay \$45 billion of the total. Labor has shied away from setting an overall liability figure, preferring to focus on the individual case values and letting those values dictate the final number, as opposed to working backwards from a predetermined amount. Labor's calculations are part of an intensive negotiation that has stretched through the April recess to try and calculate an allocation formula for the trust fund.  
ÿÿÿÿ Trying to define who pays what and how much has been a central question, but it is far from being the only one on the table. The unions also have made it plain that they want the legislation to provide all victims with a failsafe right to compensation -- even if the said private trust fund goes bust. Labor officials said the "simplest" way to do that would be with a back door to the U.S. Treasury -- something expected to be



anathema to congressional Republicans. Although it could not be confirmed independently, one source in close contact with the White House said the Bush administration is "very vigorously opposed ... to having Uncle Sam be the ultimate default payer." However, Damon Silvers, associate general counsel for the AFL-CIO, in a recent interview pointed out that the federal government just last year agreed to be the payer of last resort on terrorism insurance claims, a move that bailed out the same insurers who are now integrally involved in the debate over asbestos claims.

ÿÿÿÿOn a separate legal reform front, Senate Judiciary ranking member Patrick Leahy , D-Vt., Friday said he is considering drafting his own version of class action reform legislation as an alternative to a bill approved by the Judiciary Committee shortly before the April recess and slated for floor action in May. That measure had the support of two of the committee's nine Democrats. -- by Pamela Barnett

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brian Reardon/OPD/EOP@EOP [ OPD ] <Brian Reardon>  
**Sent:** 4/28/2003 1:20:31 PM  
**Subject:** : working on 1-pager; some problems with Treasury on this

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-APR-2003 17:20:31.00  
SUBJECT:: working on 1-pager; some problems with Treasury on this  
TO:Brian Reardon ( CN=Brian Reardon/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>  
**Sent:** 4/28/2003 1:22:50 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-APR-2003 17:22:50.00  
SUBJECT: :  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

when are they releasing press release

---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>;<Ganter, Jonathan F.>  
**Sent:** 4/28/2003 6:54:49 PM  
**Subject:**

Do either one of you have the Ginsburg hearing transcripts that were in my office?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>  
**CC:** jonathan f. ganter/who/eop@eop [ WHO ] <jonathan f. ganter>  
**Sent:** 4/28/2003 2:55:45 PM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-APR-2003 18:55:45.00  
SUBJECT:: Re:  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:jonathan f. ganter ( CN=jonathan f. ganter/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I do.

From: David G. Leitch/WHO/EOP@Exchange on 04/28/2003 06:54:49 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Jonathan F. Ganter/WHO/EOP@EOP  
cc:  
Subject:

Do either one of you have the Ginsburg hearing transcripts that were in my office?;

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/28/2003 3:12:27 PM  
**Subject:** : White House Global Messenger - 4/29/03  
**Attachments:** P\_0Z1ZF003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )

CREATION DATE/TIME:28-APR-2003 19:12:27.00

SUBJECT:: White House Global Messenger - 4/29/03

TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

(See attached file: GM 4-29-03 FINAL.doc)

THE GLOBAL MESSENGER

Tuesday, April 29, 2003

\*\*\*\*\*Key Points from the President's Remarks in Dearborn, MI,  
4/28/03\*\*\*\*\*

\*Iraqis are moving toward democracy and embracing the responsibilities of active citizenship. Every day, life in Iraq improves as Coalition troops work to secure unsafe areas and bring food and medical care to those in need.

\*The work of building a new Iraq will take time. That nation is recovering not just from weeks of conflict, but from decades of totalitarian rule.

\*We are dispatching teams across Iraq to assess the critical needs of the Iraqi people. We're clearing land mines and working to recover artifacts looted from the National Museum of Antiquities in Baghdad.

\*Iraqi citizens are working closely with Coalition troops to restore order to their cities and improve the life of their nation.

\*Our engineers are meeting with Iraqi engineers, more Iraqis are getting the electricity they need, and we're working to make Iraq's drinking water clean and dependable.

\*We're working to give every Iraqi access to immunizations and emergency treatment, and giving health care to sick children and pregnant women.

\*Because Iraq is now free, economic sanctions are pointless. It is time for the United Nations to lift the sanctions so the Iraqi people can use some resources to build their own prosperity.

\*As freedom takes hold, the Iraqi people will choose their own leaders and government. America has no intention of imposing our form of government or our culture. Yet we will ensure that all Iraqis have a voice in the new government and all citizens have their rights protected.

REV\_00115688

\*Iraq can be an example of peace and prosperity and freedom to the entire Middle East. It will be a hard journey, but Iraq will have a steady friend in the American people.

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Daylight. Subject to Change

12:15 pm White House Briefing

1:50 pm President Bush remarks on the GlobalHIV/AIDS Initiative

\*\*\*\*\*LIBERATION UPDATE\*\*\*\*\*

The voices of freedom, now heard across Iraq

For more reactions to Operation Iraqi Freedom, visit "Liberation Update" at:  
<http://www.whitehouse.gov/liberation>

\*\*\*

"Saleh, a junior Iraqi army officer who is the father of four, said he was taken prisoner at the Qadisiya Dam at the beginning of the war that toppled the regime of Saddam Hussein. 'I gave orders to my five men not to fight and we surrendered,' he said. 'Americans were coming for our own good....What has Saddam done for us? I'm 30 and I haven't enjoyed life - no justice, no piece of land, no car.'

"The men gave thumbs-up signs and peppered journalists with questions: 'No more Saddam statues?' 'No more military service?' 'No more executions?'"

Associated Press, 4/27/03

\*\*\*\*\*KEY QUOTES\*\*\*\*\*

"Whether you're Sunni or Shia or Kurd or Chaldean or Assyrian or Turkoman or Christian or Jew or Muslim - no matter what your faith, freedom is God's gift to every person in every nation."

President Bush, in remarks, 4/28/03

"We have a chance for your sons and daughters grandsons and grand daughters to be safe, to be free, and have the opportunity to live in peace and prosperity. Let us not waste this opportunity....Today on the birthday of Saddam Hussein, let us start the democratic process for the children of Iraq."

Jay Garner, meeting with Iraqi leaders, 4/28/03

THE WHITE HOUSE

Office of Global Communications

For more information log on to <http://www.whitehouse.gov/ogc>

\*\*\*\*\*

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- GM 4-29-03 FINAL.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_0Z1ZF003\_WHO.TXT\_1>

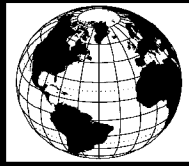






# THE GLOBAL MESSENGER

Tuesday, April 29, 2003



## **TODAY'S SCHEDULE**

*All Times Eastern Daylight. Subject to Change*

- 12:15 pm White House Briefing
- 1:50 pm President Bush remarks on the Global HIV/AIDS Initiative

## **LIBERATION UPDATE**

*The voices of freedom, now heard across Iraq*

For more reactions to Operation Iraqi Freedom, visit "Liberation Update" at:

<http://www.whitehouse.gov/liberation>

"Saleh, a junior Iraqi army officer who is the father of four, said he was taken prisoner at the Qadisiya Dam at the beginning of the war that toppled the regime of Saddam Hussein. 'I gave orders to my five men not to fight and we surrendered,' he said. 'Americans were coming for our own good....What has Saddam done for us? I'm 30 and I haven't enjoyed life - no justice, no piece of land, no car.'

"The men gave thumbs-up signs and peppered journalists with questions: 'No more Saddam statues?' 'No more military service?' 'No more executions?'"

*Associated Press, 4/27/03*

## **KEY QUOTES**

"Whether you're Sunni or Shia or Kurd or Chaldean or Assyrian or Turkoman or Christian or Jew or Muslim -- no matter what your faith, freedom is God's gift to every person in every nation."

**President Bush, in remarks, 4/28/03**

"We have a chance for your sons and daughters grandsons and grand daughters to be safe, to be free, and have the opportunity to live in peace and prosperity. Let us not waste this opportunity....Today on the birthday of Saddam Hussein, let us start the democratic process for the children of Iraq."

**Jay Garner, meeting with Iraqi leaders, 4/28/03**

## **Key Points from the President's Remarks in Dearborn, MI, 4/28/03**

- Iraqis are moving toward democracy and embracing the responsibilities of active citizenship. Every day, life in Iraq improves as Coalition troops work to secure unsafe areas and bring food and medical care to those in need.
- The work of building a new Iraq will take time. That nation is recovering not just from weeks of conflict, but from decades of totalitarian rule.
- We are dispatching teams across Iraq to assess the critical needs of the Iraqi people. We're clearing land mines and working to recover artifacts looted from the National Museum of Antiquities in Baghdad.
- Iraqi citizens are working closely with Coalition troops to restore order to their cities and improve the life of their nation.
- Our engineers are meeting with Iraqi engineers, more Iraqis are getting the electricity they need, and we're working to make Iraq's drinking water clean and dependable.
- We're working to give every Iraqi access to immunizations and emergency treatment, and giving health care to sick children and pregnant women.
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- Iraq can be an example of peace and prosperity and freedom to the entire Middle East. It will be a hard journey, but Iraq will have a steady friend in the American people.

**THE WHITE HOUSE**

**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00115691

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/28/2003 7:25:48 PM  
**Subject:** is this right?

Ø There are presently 51 vacancies out of the 862 authorized federal judgeships. The 12 regional federal appeals courts face a particularly serious crisis, with 24 vacancies out of 167 judgeships

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 4/28/2003 4:44:14 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-APR-2003 20:44:14.00  
SUBJECT::  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Reg Brown called me. I gave him my thoughts, but I want to talk to you  
all as well to make sure I should not supplement.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** adam.charnes@usdoj.gov @ inet [ UNKNOWN ] <adam.charnes@usdoj.gov @ inet>  
**Sent:** 4/28/2003 5:09:22 PM  
**Subject:** : has kristi heard anything from ppo

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:28-APR-2003 21:09:22.00

SUBJECT:: has kristi heard anything from ppo

TO:adam.charnes@usdoj.gov @ inet ( adam.charnes@usdoj.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/28/2003 6:07:12 PM  
**Subject:** : Re:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:28-APR-2003 22:07:12.00

SUBJECT:: Re:

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Let's talk in the am. I tried to reach Reg today to discuss.

.

-----Original Message-----

From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>

To: Gonzales, Alberto R. <Alberto\_R\_Gonzales@who.eop.gov>; Leitch, David G. <David\_G\_Leitch@who.eop.gov>

Sent: Mon Apr 28 20:42:55 2003

Subject;;

Reg Brown called me.; I gave him my thoughts, but I want to talk to you all as well to make sure I should not supplement.

---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/29/2003 1:17:32 AM  
**Subject:** : OpinionJournal - On the Editorial Page - April 29, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME:29-APR-2003 05:17:32.00  
SUBJECT:: OpinionJournal - On the Editorial Page - April 29, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY SHELBY STEELE  
<http://www.opinionjournal.com/editorial/?id=110003425>

Why are black Americans still caught up in century-old protest politics?

12:01 a.m. EDT

The Western Front BY BRENDAN MINITER  
<http://www.opinionjournal.com/columnists/bminiter/?id=110003422>

Sen. Bob Graham runs against a successful war.  
12:01 a.m. EDT

Leisure & Arts BY STEPHEN SESTANOVICH  
<http://www.opinionjournal.com/la/?id=110003424>

Was the Soviet gulag economically rational?

12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Wall Street's Chaperone  
Just because stock research is unconflicted doesn't mean it's any good.  
Apr 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105158178295819400,00.html%3Fmod%3Dopinion>

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Welfare Feats  
More blacks go to college and other good news.  
Apr 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105158198566280700,00.html%3Fmod%3Dopinion>

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What Listeners Want  
Meeting market demand is the only way to curb digital music theft.  
Apr 29 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105158227422546300,00.html%3Fmod%3Dopinion>

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#### Commentary

##### Euro Shield

The French would've been more co-operative on Iraq if they still had the franc.

By STEPHEN S. COHEN

Apr 29 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105157855797317100,00.html%3Fmod%3Dopinion>

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##### Winnie's Hard Cell

Winnie Mandela gets eight months in jail. She's getting off easy.

By INGO CAPRARO

Apr 29 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105157916842937300,00.html%3Fmod%3Dopinion>

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##### A Raw Deal

Frank Quattrone has been indicted for a crime that didn't take place.

By DAN ACKMAN

Apr 29 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB10515797399354400,00.html%3Fmod%3Dopinion>

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#### Global View

##### Place Some Trust in the Shiites

Despite religious leaders, Iranian influence and French duplicity, democracy can work in Iraq.

By GEORGE MELLOAN

Apr 29 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105158261932074400,00.html%3Fmod%3Dopinion>

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#### Leisure & Arts

##### He Gets His Kicks on Route 66

In Oatman, Ariz., Carole Lombard and Clark Gable spent their wedding night and burros run free.

By JOANNE KAUFMAN

Apr 29 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105158187853479500,00.html%3Fmod%3Dopinion>

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##### The David Statue: Just How Clean Is Too Clean?

Getting beneath the surface of an art-world controversy.

By JAMES BECK

Apr 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105158118714777300,00.html%3Fmod%3Dopinion>

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#### Music

Rediscovering World Music's Roots

An earlier generation's life-changing journeys are made digital seven to 15 discs at a time.

By ED WARD

Apr 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105158155391172400,00.html%3Fmod%3Dopinion>

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#### Books

Chain of Misery

"Gulag: A History"

By STEPHEN SESTANOVICH

Apr 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105158070793559800,00.html%3Fmod%3Dopinion>

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#### Time Off

Diversions

Himalayas: An Aesthetic Adventure

Apr 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10515820697942300,00.html%3Fmod%3Dopinion>

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#### International

The Wrong Way to Build Consensus

A truly European Security and Defense Policy has to be the result of consensus by all member states.

By ANA PALACIO

From The Wall Street Journal Europe

Apr 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105156628417458800,00.html%3Fmod%3Dopinion>

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Did Chirac Collude with Saddam?

Did French authorities overlook Iraqi intimidation at a human rights conference in Paris two years ago?

By ANN CLWYD

From The Wall Street Journal Europe

Apr 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105156693562456000,00.html%3Fmod%3Dopinion>

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Can Hu Ask for Help?

China's health system isn't up to the challenge of containing SARS.



From The Asian Wall Street Journal  
Apr 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105157013255226100,00.html%3Fmod%3Dopinion>

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#### Debate in Beijing

Last week's three-way talks in Beijing on Pyongyang's nuclear weapons program was largely spent on who should participate in those security talks.

By DANNY GITTINGS

From The Asian Wall Street Journal  
Apr 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105157426179005100,00.html%3Fmod%3Dopinion>

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You can also review OpinionJournal's privacy policy at <http://opinionjournal.com/about/privacy.html>

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**From:** CN=Jan E. Williams/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>  
**Sent:** 4/29/2003 4:01:48 AM  
**Subject:** : Federal Judges request

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jan E. Williams ( CN=Jan E. Williams/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-APR-2003 08:01:48.00  
SUBJECT:: Federal Judges request  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

do you all have ideas of who can speak to this group?  
----- Forwarded by Jan E. Williams/WHO/EOP on 04/29/2003  
07:59 AM -----

Courtney A. Carrell  
04/28/2003 03:06:13 PM  
Record Type: Record

To: Jan E. Williams/WHO/EOP@EOP  
cc:  
Subject: Federal Judges request

Carlton McLellan was transferred to me. He was calling from the Academy for Educational Development. They are having 5 Supreme Court Judges come from the Republic of Moldova (south of Ukraine) to learn about the American judicial process, and he is intrerested in having someone who could discuss with them the process of appointing federal judges. Please call him at 202-884-8042. He was also going to fax a request. Thanks!

-- Courtney

---

**From:** CN=Courtney S. Elwood/OU=OVP/O=EOP [ OVP ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/29/2003 4:30:50 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP [ OVP ] )  
CREATION DATE/TIME:29-APR-2003 08:30:50.00  
SUBJECT:: Re:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

FYI.  
----- Forwarded by Courtney S. Elwood/OVP/EOP on  
04/29/2003 08:25 AM -----

Cesar Conda  
04/28/2003 12:53 PM  
Record Type: Record

To: Courtney S. Elwood/OVP/EOP@EOP, Ado A. Machida/OVP/EOP@EOP  
cc:  
Subject: Re:

i told Jay that the both of you would not attend this meeting.  
----- Forwarded by Cesar Conda/OVP/EOP on 04/28/2003  
12:52 PM -----

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 04/28/2003 12:51:13 PM  
Record Type: Record

To: Cesar Conda/OVP/EOP@EOP  
cc:  
Subject: Re:

Think Courtney is attending.  
.

-----Original Message-----  
From: Conda, Cesar <cconda@OVP.eop.gov>  
To: Lefkowitz, Jay P. <Jay\_P.Lefkowitz@opd.eop.gov>  
Sent: Mon Apr 28 12:43:49 2003  
Subject;;

no one from OVP will be available; attend your meeting on tort reform  
tomorrow.; call me to discuss.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jan E. Williams/WHO/EOP@EOP [ WHO ] <Jan E. Williams>  
**Sent:** 4/29/2003 4:49:06 AM  
**Subject:** : Re: Federal Judges request

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-APR-2003 08:49:06.00  
SUBJECT:: Re: Federal Judges request  
TO:Jan E. Williams ( CN=Jan E. Williams/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Any one of us could do.

Jan E. Williams

04/29/2003 08:01:19 AM

Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Noel  
J. Francisco/WHO/EOP@EOP  
cc:  
Subject: Federal Judges request

do you all have ideas of who can speak to this group?  
----- Forwarded by Jan E. Williams/WHO/EOP on 04/29/2003  
07:59 AM -----

Courtney A. Carrell  
04/28/2003 03:06:13 PM  
Record Type: Record

To: Jan E. Williams/WHO/EOP@EOP  
cc:  
Subject: Federal Judges request

Carlton McLellan was transferred to me. He was calling from the Academy  
for Educational Development. They are having 5 Supreme Court Judges come  
from the Republic of Moldova (south of Ukraine) to learn about the  
American judicial process, and he is intrerested in having someone who  
could discuss with them the process of appointing federal judges. Please  
call him at 202-884-8042. He was also going to fax a request. Thanks!

-- Courtney

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David Higbee/WHO/EOP@EOP [ WHO ] <David Higbee>  
**Sent:** 4/29/2003 5:04:07 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-APR-2003 09:04:07.00  
SUBJECT::  
TO:David Higbee ( CN=David Higbee/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

By the way, thanks very much for your heads-up voice mail the other night. Judge and David L. had informed me of the selection, which is a good one. And thanks very much for your work on this; I appreciate it.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Courtney S. Elwood/OVP/EOP@EOP [ OVP ] <Courtney S. Elwood>  
**Sent:** 4/29/2003 5:12:12 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 29-APR-2003 09:12:12.00  
SUBJECT: : Re:  
TO: Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@EOP [ OVP ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

any reason?

Courtney S. Elwood  
04/29/2003 08:30:21 AM  
Record Type: Record

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

FYI.

----- Forwarded by Courtney S. Elwood/OVP/EOP on  
04/29/2003 08:25 AM -----

Cesar Conda  
04/28/2003 12:53 PM  
Record Type: Record

To: Courtney S. Elwood/OVP/EOP@EOP, Ado A. Machida/OVP/EOP@EOP  
cc:  
Subject: Re:

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----- Forwarded by Cesar Conda/OVP/EOP on 04/28/2003  
12:52 PM -----

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 04/28/2003 12:51:13 PM  
Record Type: Record

To: Cesar Conda/OVP/EOP@EOP  
cc:  
Subject: Re:

Think Courtney is attending.

.

-----Original Message-----  
From: Conda, Cesar <cconda@OVP.eop.gov>  
To: Lefkowitz, Jay P. <Jay\_P.\_Lefkowitz@opd.eop.gov>  
Sent: Mon Apr 28 12:43:49 2003  
Subject:;

no one from OVP will be available; attend your meeting on tort reform

REV\_00115725

tomorrow.; call me to discuss.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>;Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>  
**Sent:** 4/29/2003 8:45:45 AM  
**Subject:** : please forward: Jeff Sutton confirmed to Sixth Circuit 52-41

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-APR-2003 12:45:45.00  
SUBJECT:: please forward: Jeff Sutton confirmed to Sixth Circuit 52-41  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####



---

**From:** Kavanaugh, Brett M.  
**To:** <Lefkowitz, Jay P.>  
**Sent:** 4/29/2003 8:47:34 AM  
**Subject:** Re:

is there an issue here?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/29/2003 08:47 AM -----

Courtney S. Elwood

04/29/2003 08:30:21 AM

Record Type: Record

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

cc:

Subject: Re:

FYI.

----- Forwarded by Courtney S. Elwood/OVP/EOP on 04/29/2003 08:25 AM -----

Cesar Conda

04/28/2003 12:53 PM

Record Type: Record

To: Courtney S. Elwood/OVP/EOP@EOP, Ado A. Machida/OVP/EOP@EOP

cc:

Subject: Re:

i told Jay that the both of you would not attend this meeting.

----- Forwarded by Cesar Conda/OVP/EOP on 04/28/2003 12:52 PM -----

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 04/28/2003 12:51:13 PM

Record Type: Record

To: Cesar Conda/OVP/EOP@EOP

REV\_00115742

cc:

Subject:      Re:

Think Courtney is attending.

.

-----Original Message-----

From: Conda, Cesar

To: Lefkowitz, Jay P.

Sent: Mon Apr 28 12:43:49 2003

Subject:

no one from OVP will be available attend your meeting on tort reform tomorrow. call me to discuss.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 4/29/2003 4:47:02 AM  
**Subject:** : this ran in the Detroit News

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-APR-2003 08:47:02.00  
SUBJECT:: this ran in the Detroit News  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
04/29/2003 08:46 AM -----

Mercedes M. Viana  
04/29/2003 08:44:02 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: this ran in the Detroit News

----- Forwarded by Mercedes M. Viana/WHO/EOP on  
04/29/2003 08:43 AM -----

Scott Stanzel  
  
04/29/2003 08:39:50 AM  
  
Record Type: Record

To: Mercedes M. Viana/WHO/EOP@EOP  
cc:  
Subject: this ran in the Detroit News

Estrada filibuster may galvanize Latino voters  
By Ruben Navarette

Comment on this story  
Send this story to a friend  
Get Home Delivery

After several failed attempts by Senate Republicans to break a Democratic filibuster, it's starting to look as if Miguel Estrada may never make it to the U.S. Court of Appeals for the District of Columbia Circuit. The controversial Bush nominee may have to settle for the strangest of consolation prizes: his name plastered on bumper stickers in the 2004 election.

Interestingly enough, both parties seem convinced they can use the Estrada saga to help them impress Latino voters. And that would be no small thing. Now the nation's largest minority, Latinos have gone from loyal Democrats to up-for-grabs swing voters who can help decide close races in critical battleground states like Florida, Illinois and New Mexico.

Republicans are sure they can get political mileage out of the fact that Senate Democrats treated Estrada inhospitably. And, just to make sure they don't miss their chance, they're calling out the big guns. Former President George H.W. Bush recently hosted a fund-raiser at his home in Houston to collect money for the political equivalent of an air assault. Guests forked over a quarter of a million dollars to buy television commercials targeting Democratic senators who targeted Estrada and other Bush judicial nominees.

In fact, some of the spots are already airing in four states: Nevada, Arkansas, Indiana and North Carolina. All those states have significant and growing Latino populations -- and Democratic senators seeking re-election in 2004. There are more ads coming in Louisiana, Florida, South Carolina, North Dakota and South Dakota. And just to make sure Latino voters don't miss the point about Democrats and their opposition to Estrada, some Republican spots are in Spanish.

About now, I bet Democrats are having second thoughts about the years they spent fighting the English-only movement.

All Republicans need for their investment to pay off is for Latinos to start asking tough questions -- like why the party of John Kennedy, for all its professed progressivism, seems to have decided that the nation's second-most prominent court is not ready for its first Latino judge. Or why it is that Democrats, even while they insist their beef with Estrada is over his lack of judicial experience, were happy to green-light white nominees who also had never served on the bench. Or why President Bill Clinton, in his two opportunities to appoint a justice to the Supreme Court, failed to nominate a Latino. And why President George W. Bush now seems primed to do just that.

It also wouldn't hurt Republicans if Latinos remembered who went to bat for Estrada. It was a Republican president who first put Estrada's nomination in play, and a Republican-controlled Senate that rallied in support of it. And even when it was clear that the nomination was in trouble, the GOP didn't give up.

You can expect Democrats to answer with their own battery of television commercials, and don't be surprised if they are among the most innovative in recent memory. Democrats have to charge that they actually did the Latino community a favor when they went after Estrada. And to do that, they'll have to tag him an activist whose views (were they only better known) would be so conservative as to put him outside the Latino mainstream.

Shouldn't someone let these guys in on the joke and tell them that -- judging from its views on everything from abortion to vouchers -- the Latino mainstream is conservative?

Besides, whom do Democrats think they're kidding? They were against Estrada's nomination from the moment they realized they couldn't control him, intimidate him or take credit for his success. After all, what fun is it for liberals to put minorities in powerful positions if doing so doesn't leave the benefactors feeling somehow empowered?

To cover their tracks, Senate Democrats managed to convince a handful of Latino advocacy groups to join them in opposing Estrada. But Democrats still have to worry about the people these groups insist they represent -- Latino voters. You remember them? They're the sort of folks who have been known to swell up with pride when one of their own tries to advance and respond angrily when someone else tries to hold him back.

Message Sent

To: \_\_\_\_\_

REV\_00115745

Ashley Snee/WHO/EOP@Exchange@EOP  
Leonard B. Rodriguez/WHO/EOP@EOP  
Abel Guerra/WHO/EOP@EOP  
Ruben S. Barrales/WHO/EOP@EOP  
scastillo@rnchq.org @ inet  
rfernandez@rnchq.org @ inet  
Brett M. Kavanaugh/WHO/EOP@EOP

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Emily Winland/OPD/EOP@EOP [ OPD ] <Emily Winland>  
**Sent:** 4/29/2003 4:48:26 AM  
**Subject:** : Re: Tort Reform Meeting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-APR-2003 08:48:26.00  
SUBJECT:: Re: Tort Reform Meeting  
TO:Emily Winland ( CN=Emily Winland/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

yes

Emily Winland  
04/29/2003 08:28:20 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Lauren J. Vestewig/OPD/EOP@Exchange@EOP, Marty P.  
Smith/OPD/EOP@EOP, heather.mcnaught@usdoj.gov,  
elizabeth.vannoy@do.treas.gov  
Subject: Tort Reform Meeting

Please let me know if you are available to start the Tort Reform meeting tonight at 5:45pm. It is possible that we might have to reschedule or push back the meeting from 4:30pm today. Let me know if you could attend starting at 5:45.

I will confirm once I hear back from all participants.

thanks,  
Emily

Message Sent

To: \_\_\_\_\_  
Kevin Warsh/OPD/EOP@EOP  
Adam B. Goldman/WHO/EOP@EOP  
Brett M. Kavanaugh/WHO/EOP@EOP  
Kristen Silverberg/WHO/EOP@Exchange@EOP  
David.Aufhauser@do.treas.gov  
Courtney S. Elwood/OVP/EOP@EOP  
Ado A. Machida/OVP/EOP@EOP

REV\_00115747

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jay P. Lefkowitz/OPD/EOP@Exchange@EOP [ OPD ] <Jay P. Lefkowitz>  
**Sent:** 4/29/2003 4:48:15 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 29-APR-2003 08:48:15.00  
SUBJECT: : Re:  
TO: Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

is there an issue here?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
04/29/2003 08:47 AM -----

Courtney S. Elwood  
04/29/2003 08:30:21 AM  
Record Type: Record

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

FYI.

----- Forwarded by Courtney S. Elwood/OVP/EOP on  
04/29/2003 08:25 AM -----

Cesar Conda  
04/28/2003 12:53 PM  
Record Type: Record

To: Courtney S. Elwood/OVP/EOP@EOP, Ado A. Machida/OVP/EOP@EOP  
cc:  
Subject: Re:

i told Jay that the both of you would not attend this meeting.  
----- Forwarded by Cesar Conda/OVP/EOP on 04/28/2003  
12:52 PM -----

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 04/28/2003 12:51:13 PM  
Record Type: Record

To: Cesar Conda/OVP/EOP@EOP  
cc:  
Subject: Re:

Think Courtney is attending.  
.

-----Original Message-----  
From: Conda, Cesar <cconda@OVP.eop.gov>  
To: Lefkowitz, Jay P. <Jay\_P.\_Lefkowitz@opd.eop.gov>  
Sent: Mon Apr 28 12:43:49 2003  
Subject:;

REV\_00115748

no one from OVP will be available; attend your meeting on tort reform tomorrow.; call me to discuss.



---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/29/2003 8:54:49 AM  
**Subject:** FW: PEt

Brett- will you go to the PET meeting?

-----Original Message-----

**From:** Reid, Margaret A.  
**Sent:** Tuesday, April 29, 2003 8:50 AM  
**To:** Nelson, Carolyn  
**Subject:** PEt

can you come to the 10am? you have an event on the 5/9.  
thanks!

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/29/2003 4:54:17 AM  
**Subject:** : FW: PEt

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:29-APR-2003 08:54:17.00  
SUBJECT:: FW: PEt  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett- will you go to the PET meeting?  
-----Original Message-----  
From: Reid, Margaret A.  
Sent: Tuesday, April 29, 2003 8:50 AM  
To: Nelson, Carolyn  
Subject: PEt

can you come to the 10am? you have an event on the 5/9.  
thanks!

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>  
**Sent:** 4/29/2003 4:59:32 AM  
**Subject:** : Re: FW: PEt

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-APR-2003 08:59:32.00  
SUBJECT:: Re: FW: PEt  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

sure, what is it?

From: Carolyn Nelson/WHO/EOP@Exchange on 04/29/2003 08:54:49 AM  
Record Type: Record

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

Brett- will you go to the PET meeting?  
-----Original Message-----  
From: Reid, Margaret A.  
Sent: Tuesday, April 29, 2003 8:50 AM  
To: Nelson, Carolyn  
Subject: PEt

can you come to the 10am? you have an event on the 5/9.  
thanks!

---

**From:** CN=David Higbee/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/29/2003 5:27:55 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David Higbee ( CN=David Higbee/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-APR-2003 09:27:55.00  
SUBJECT:: Re:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks for letting us rope you into considering it.

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>  
**CC:** <Gonzales, Alberto R.>; <Leitch, David G.>  
**Sent:** 4/29/2003 9:40:51 AM  
**Subject:** Friday meeting

Can you set up time for three of us to meet on big court and May 9 speech strategies. thanks.

---

**From:** CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/29/2003 5:40:39 AM  
**Subject:** : Re: Raleigh News & Observer (4/29/03) re: Bush names lawyer, ex-Helms aide to court

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-APR-2003 09:40:39.00  
SUBJECT:: Re: Raleigh News & Observer (4/29/03) re: Bush names lawyer, ex-Helms aide to court  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

yeah... pretty straightforward..

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**CC:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 4/29/2003 5:41:50 AM  
**Subject:** : Friday meeting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-APR-2003 09:41:50.00  
SUBJECT:: Friday meeting  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can you set up time for three of us to meet on big court and May 9 speech strategies. thanks.

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/29/2003 5:53:22 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:29-APR-2003 09:53:22.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Call me ASAP. I need to tell Judge what the deal is.



---

**From:** Skelly, Layton  
**To:** tcordaro@osophs.dhhs.gov <Gilbert, Alan>;tcordaro@osophs.dhhs.gov <Hall, Philo D.>;paula.stannard@hhs.gov <paula.stannard@hhs.gov>;peter.urbanowicz@hhs.gov <peter.urbanowicz@hhs.gov>;viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>;alex.azar@hhs.gov <alex.azar@hhs.gov>;john.hoff@hhs.gov <john.hoff@hhs.gov>;jennifer.young@hhs.gov <jennifer.young@hhs.gov>;jennifer.young@hhs.gov <Schacht, Diana L.>;jennifer.young@hhs.gov <Jensen, Amy>;jennifer.young@hhs.gov <Loper, Ginger G.>;jennifer.young@hhs.gov <Grubbs, Wendy J.>;jennifer.young@hhs.gov <Lefkowitz, Jay P.>;jennifer.young@hhs.gov <Perry, Philip J.>;jennifer.young@hhs.gov <Silverberg, Kristen>;jennifer.young@hhs.gov <Deleire, Thomas C.>;jennifer.young@hhs.gov <Kavanaugh, Brett M.>;zurawski-paul@dol.gov <zurawski-paul@dol.gov>;zurawski-paul@dol.gov <Young, Tracy>;zurawski-paul@dol.gov <Besanceney, Brian R.>;marc.kesselman@usdoj.gov <marc.kesselman@usdoj.gov>;marc.kesselman@usdoj.gov <Ackerly, Dana>;marc.kesselman@usdoj.gov <Cowdry, Rex>;hzucker@osophs.dhhs.gov <hzucker@osophs.dhhs.gov>;jafar.karim@hhs.gov <jafar.karim@hhs.gov>  
**CC:** pamela.roller@hhs.gov <pamela.roller@hhs.gov>;joyce.b-moore@hhs.gov <joyce.b-moore@hhs.gov>;marie.belt@hhs.gov <marie.belt@hhs.gov>;marie.belt@hhs.gov <Winland, Emily>;marie.belt@hhs.gov <Vestewig, Lauren J.>;dana.ceasar@hhs.gov <dana.ceasar@hhs.gov>;india.luckett@hhs.gov <india.luckett@hhs.gov>;scriver-langford-lat@dol.gov <scriver-langford-lat@dol.gov>;heather.mcnaught@usdoj.gov <heather.mcnaught@usdoj.gov>;stephanie.wilson@hhs.gov <stephanie.wilson@hhs.gov>;stephanie.wilson@hhs.gov <Stone, Carla B.>;hrobowski-rosita@dol.gov <hrobowski-rosita@dol.gov>;tcordaro@osophs.dhhs.gov <tcordaro@osophs.dhhs.gov>;tcordaro@osophs.dhhs.gov <Lineberry, Stephen M.>  
**Sent:** 4/29/2003 10:12:10 AM  
**Subject:** Re: CC: Weekly Medical Liability Working Group

Apparently my first email did not get through to anyone, so I apologize if you got on the call. We decided to cancel the call for this week. We will reconvene next week. Thank you.

Layton

Layton Skelly

04/28/2003 02:24:15 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

bcc:

Subject: CC: Weekly Medical Liability Working Group 

The Medical Liability Working Group meeting will be a **conference call** tomorrow at 10:00 a.m. The call in information is below:

Call in: 395-6392

REV\_00115781

CODE: 828027

Thank you,

Layton

456-5085

Layton Skelly


04/21/2003 01:33:17 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

bcc:

Subject: Re: Weekly Medical Liability Working Group 

This is to remind everyone that there WILL be a medical liability working group meeting tomorrow at 10:00 in room 476 EEOB.

If you have not attended one of these meetings in person before, please send me your clearance information so you can get into the building. Thank you.

Layton

456-5085

Message Sent To: \_\_\_\_\_

alan.gilbert/opd/eop@eop

philo.d.hall/opd/eop@eop

paula.stannard@hhs.gov @ inet

peter.urbanowicz@hhs.gov @ inet

viet.dinh@usdoj.gov @ inet

alex.azar@hhs.gov @ inet

john.hoff@hhs.gov @ inet

jennifer.young@hhs.gov @ inet

diana.l.schacht/opd/eop@eop

amy.jensen/who/eop@exchange@eop

REV\_00115782

ginger g. loper/who/eop@exchange@eop  
wendy j. grubbs/who/eop@eop  
jay p. lefkowitz/opd/eop@exchange@eop  
philip j. perry/omb/eop@eop  
kristen silverberg/who/eop@exchange@eop  
thomas c. deleire/cea/eop@eop  
brett m. kavanaugh/who/eop@eop  
zurawski-paul@dol.gov @ inet  
tracy young/who/eop@eop  
brian r. besanceney/who/eop@eop  
marc.kesselman@usdoj.gov @ inet  
dana ackerly/cea/eop@eop  
rex cowdry/opd/eop@eop  
hzucker@osophs.dhhs.gov

Message Copied To:

---

pamela.roller@hhs.gov  
joyce.b-moore@hhs.gov  
marie.belt@hhs.gov  
emily winland/opd/eop@eop  
lauren j. vestewig/opd/eop@exchange@eop  
dana.ceasar@hhs.gov  
india.luckett@hhs.gov  
scriver-langford-lat@dol.gov @ inet  
heather.mcnaught@usdoj.gov  
stephanie.wilson@hhs.gov  
carla b. stone/omb/eop@eop  
hrobowski-rosita@dol.gov  
tcordaro@osophs.dhhs.gov  
Layton Skelly/OPD/EOP@EOP  
Stephen M. Lineberry/WHO/EOP@EOP

Message Sent To:

---

Layton Skelly/OPD/EOP@EOP  
alan.gilbert/opd/eop@eop  
philip.d.hall/opd/eop@eop  
paula.stannard@hhs.gov @ inet  
peter.urbanowicz@hhs.gov @ inet  
viet.dinh@usdoj.gov @ inet  
alex.azar@hhs.gov @ inet  
john.hoff@hhs.gov @ inet  
jennifer.young@hhs.gov @ inet  
diana.l.schacht/opd/eop@eop  
amy.jensen/who/eop@exchange@eop  
ginger.g.loper/who/eop@exchange@eop  
wendy.j.grubbs/who/eop@eop  
jay.p.lefkowitz/opd/eop@exchange@eop  
philip.j.perry/omb/eop@eop  
kristen.silverberg/who/eop@exchange@eop  
thomas.c.deleire/cea/eop@eop  
brett.m.kavanaugh/who/eop@eop  
zurawski-paul@dol.gov @ inet  
tracy.young/who/eop@eop  
brian.r.besanceney/who/eop@eop  
marc.kesselman@usdoj.gov @ inet  
dana.ackerly/cea/eop@eop  
rex.cowdry/opd/eop@eop  
hzucker@osophs.dhhs.gov  
jafar.karim@hhs.gov

Message Copied To:

---

pamela.roller@hhs.gov  
joyce.b-moore@hhs.gov  
marie.belt@hhs.gov  
emily.winland/opd/eop@eop

REV\_00115784

lauren.j.vestewig/opd/eop@exchange@eop

dana.ceasar@hhs.gov

india.luckett@hhs.gov

scrivier-langford-lat@dol.gov @ inet

heather.mcnaught@usdoj.gov

stephanie.wilson@hhs.gov

carla.b.stone/omb/eop@eop

hrobowski-rosita@dol.gov

tcordaro@osophs.dhhs.gov

stephen.m.lineberry/who/eop@eop

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>; Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>  
**Sent:** 4/29/2003 6:16:42 AM  
**Subject:** : RE: Friday meeting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:29-APR-2003 10:16:42.00  
SUBJECT:: RE: Friday meeting  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Sure- Friday at 10am.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, April 29, 2003 9:41 AM  
To: Nelson, Carolyn  
Cc: Gonzales, Alberto R.; Leitch, David G.  
Subject: Friday meeting

Can you set up time for three of us to meet on big court and May 9 speech strategies. thanks.

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**CC:** <Gonzales, Alberto R.>; <Leitch, David G.>  
**Sent:** 4/29/2003 10:17:13 AM  
**Subject:** RE: Friday meeting

Sure- Friday at 10am.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, April 29, 2003 9:41 AM  
**To:** Nelson, Carolyn  
**Cc:** Gonzales, Alberto R.; Leitch, David G.  
**Subject:** Friday meeting

Can you set up time for three of us to meet on big court and May 9 speech strategies. thanks.

---

**From:** CN=Colleen M. Carroll/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/29/2003 6:46:13 AM  
**Subject:** : Judicial remarks

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen M. Carroll ( CN=Colleen M. Carroll/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-APR-2003 10:46:13.00  
SUBJECT:: Judicial remarks  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,  
I will be working on the President's remarks for the judicial event next Friday. Right now, I know next to nothing about the event.  
Are you working on this one, or do you have any information to get me started?  
Let me know. Thanks.  
Colleen  
x60399



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen M. Carroll/WHO/EOP@EOP [ WHO ] <Colleen M. Carroll>  
**Sent:** 4/29/2003 6:51:12 AM  
**Subject:** : Re: Judicial remarks

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-APR-2003 10:51:12.00  
SUBJECT:: Re: Judicial remarks  
TO:Colleen M. Carroll ( CN=Colleen M. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I am doing so; we should discuss

Colleen M. Carroll  
04/29/2003 10:45:46 AM  
Record Type: Record

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

Brett,  
I will be working on the President's remarks for the judicial event next Friday. Right now, I know next to nothing about the event.  
Are you working on this one, or do you have any information to get me started?  
Let me know. Thanks.  
Colleen  
x60399

---

**From:** CN=Colleen M. Carroll/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/29/2003 6:55:28 AM  
**Subject:** : Re: Judicial remarks

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen M. Carroll ( CN=Colleen M. Carroll/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-APR-2003 10:55:28.00  
SUBJECT:: Re: Judicial remarks  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Let me know when you have time. We've moved offices, I'm in 171 now and will be here until about noon.  
Colleen

Brett M. Kavanaugh  
04/29/2003 10:50:46 AM  
Record Type: Record

To: Colleen M. Carroll/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Judicial remarks

I am doing so; we should discuss

Colleen M. Carroll  
04/29/2003 10:45:46 AM  
Record Type: Record

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

Brett,  
I will be working on the President's remarks for the judicial event next Friday. Right now, I know next to nothing about the event.  
Are you working on this one, or do you have any information to get me started?  
Let me know. Thanks.  
Colleen  
x60399

---

**From:** Estes, Ashley  
**To:** <Litkenhaus, Colleen>  
**CC:** <Kavanaugh, Brett M.>;<Gottesman, Blake>  
**Sent:** 4/29/2003 11:26:12 AM  
**Subject:** this is the most exciting thing i've seen today!

<http://www.eop.gov/WHMO/whm/menuapr28.htm>

---

**From:** Estes, Ashley  
**To:** <Estes, Ashley>;<Litkenhaus, Colleen>  
**CC:** <Kavanaugh, Brett M.>;<Gottesman, Blake>  
**Sent:** 4/29/2003 11:28:14 AM  
**Subject:** RE: this is the most exciting thing i've seen today!

the only thing - you might want to change is that it reads: "presidential menu"

-----Original Message-----

**From:** Estes, Ashley  
**Sent:** Tuesday, April 29, 2003 11:26 AM  
**To:** Litkenhaus, Colleen  
**Cc:** Kavanaugh, Brett M.; Gottesman, Blake  
**Subject:** this is the most exciting thing i've seen today!

<http://www.eop.gov/WHMO/whm/menuapr28.htm>

---

**From:** Litkenhaus, Colleen  
**To:** <Estes, Ashley>  
**CC:** <Kavanaugh, Brett M.>;<Gottesman, Blake>  
**Sent:** 4/29/2003 11:39:44 AM  
**Subject:** RE: this is the most exciting thing i've seen today!

where does it say that?

-----Original Message-----

**From:** Estes, Ashley  
**Sent:** Tuesday, April 29, 2003 11:28 AM  
**To:** Estes, Ashley; Litkenhaus, Colleen  
**Cc:** Kavanaugh, Brett M.; Gottesman, Blake  
**Subject:** RE: this is the most exciting thing i've seen today!

the only thing - you might want to change is that it reads: "presidential menu"

-----Original Message-----

**From:** Estes, Ashley  
**Sent:** Tuesday, April 29, 2003 11:26 AM  
**To:** Litkenhaus, Colleen  
**Cc:** Kavanaugh, Brett M.; Gottesman, Blake  
**Subject:** this is the most exciting thing i've seen today!

<http://www.eop.gov/WHMO/whm/menuapr28.htm>

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Brosnahan, Jennifer R.>; <Newstead, Jennifer G.>; <Bartolomucci, H. Christopher>; <Sampson, Kyle>; <Francisco, Noel J.>; <Powell, Benjamin A.>; <Ulliot, Theodore W.>  
**Sent:** 4/29/2003 12:21:21 PM  
**Subject:** only 2 D's voted for Sutton: Feinstein and Ben Nelson (but note that Lincoln, Zell Miller, and Bob Graham did not vote)

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Ashley Snee/WHO/EOP@EOP [ WHO ] <Ashley Snee>  
**Sent:** 4/29/2003 1:30:25 PM  
**Subject:** : Re: What is etd for press stmt?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 29-APR-2003 17:30:25.00  
SUBJECT: : Re: What is etd for press stmt?  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Same here!!! Please let me know when you check. Thx!

.

----- Original Message -----  
From: Ashley Snee/WHO/EOP@Exchange  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 04/29/2003 05:27:02 PM  
Subject: RE: What is etd for press stmt?

I have been in a mtg w/ ari and assumed I would see it already sent!!!!!!checking...

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Tuesday, April 29, 2003 4:52 PM  
To: Snee, Ashley  
Subject: What is etd for press stmt?

.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Patrick J. Bumatay/WHO/EOP@Exchange@EOP [ WHO ] <Patrick J. Bumatay>  
**BCC:** Jeanie S. Mamo ( Jeanie S. Mamo/WHO/EOP [ WHO ] )  
**Sent:** 4/29/2003 2:17:20 PM  
**Subject:** : Patrick: From now on, let's label the "supporter contact lists" just as "contact lists"

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:29-APR-2003 18:17:20.00

SUBJECT:: Patrick: From now on, let's label the "supporter contact lists" just as "contact lists"

TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

BCC:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####



---

**From:** CN=Jan E. Williams/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/29/2003 2:17:44 PM  
**Subject:** : Re: Federal Judges request

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jan E. Williams ( CN=Jan E. Williams/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-APR-2003 18:17:44.00  
SUBJECT:: Re: Federal Judges request  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Congrats!! you are the winner. thanks for volunteering. btw, are we really ready to fire the Archivist? if we are, i am ready with names.

Brett M. Kavanaugh  
04/29/2003 08:48:37 AM  
Record Type: Record

To: Jan E. Williams/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Federal Judges request

Any one of us could do.

Jan E. Williams  
04/29/2003 08:01:19 AM  
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP  
cc:  
Subject: Federal Judges request

do you all have ideas of who can speak to this group?  
----- Forwarded by Jan E. Williams/WHO/EOP on 04/29/2003  
07:59 AM -----

Courtney A. Carrell  
04/28/2003 03:06:13 PM  
Record Type: Record

To: Jan E. Williams/WHO/EOP@EOP  
cc:  
Subject: Federal Judges request

Carlton McLellan was transferred to me. He was calling from the Academy for Educational Development. They are having 5 Supreme Court Judges come from the Republic of Moldova (south of Ukraine) to learn about the American judicial process, and he is intrerested in having someone who

could discuss with them the process of appointing federal judges. Please call him at 202-884-8042. He was also going to fax a request. Thanks!

-- Courtney

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>  
**Sent:** 4/29/2003 2:40:29 PM  
**Subject:** It may be 7 women; we should have them to Judge's office at 10 (can Karl come?)

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/29/2003 10:47:17 AM  
**Subject:** : RE: It may be 7 women; we should have them to Judge's office at 10 (can Karl come?)

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:29-APR-2003 14:47:17.00

SUBJECT:: RE: It may be 7 women; we should have them to Judge's office at 10 (can Karl come?)

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Karl will be in with the President from 10-11. Do you have their clearance info or a contact person I can call?

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Tuesday, April 29, 2003 2:40 PM

To: Nelson, Carolyn

Subject: It may be 7 women; we should have them to Judge's office at 10 (can Karl come?)

---

**From:** Kavanaugh, Brett M.  
**To:** manuel\_miranda@frist.senate.gov  
<manuel\_miranda@frist.senate.gov>; brian.a.benczkowski@usdoj.gov  
<brian.a.benczkowski@usdoj.gov>; mark.corallo@usdoj.gov  
<mark.corallo@usdoj.gov>; monica.goodling@usdoj.gov  
<monica.goodling@usdoj.gov>; viet.dinh@usdoj.gov  
<viet.dinh@usdoj.gov>; rena\_johnson\_comisac@judiciary.senate.gov  
<rena\_johnson\_comisac@judiciary.senate.gov>; jamie.e.brown@usdoj.gov  
<jamie.e.brown@usdoj.gov>; barbara\_ledeen@src.senate.gov  
<barbara\_ledeen@src.senate.gov>; steven\_duffield@rpc.senate.gov  
<steven\_duffield@rpc.senate.gov>; srushton@cagw.org  
<srushton@cagw.org>; alafferty@traditionalvalues.org  
<alafferty@traditionalvalues.org>; alex\_dahl@judiciary.senate.gov  
<alex\_dahl@judiciary.senate.gov>; margarita\_tapia@judiciary.senate.gov  
<margarita\_tapia@judiciary.senate.gov>; stephen\_higgins@judiciary.senate.gov  
<stephen\_higgins@judiciary.senate.gov>; makan\_delrahim@judiciary.senate.gov  
<makan\_delrahim@judiciary.senate.gov>; krdaly@aol.com <krdaly@aol.com>; joschal@att.net  
<joschal@att.net>; don\_stewart@cornyn.senate.gov  
<don\_stewart@cornyn.senate.gov>; stevenjduffield@hotmail.com  
<stevenjduffield@hotmail.com>; elizabeth\_keys@src.senate.gov  
<elizabeth\_keys@src.senate.gov>; bill\_wichterman@frist.senate.gov  
<bill\_wichterman@frist.senate.gov>; alex\_vogel@frist.senate.gov  
<alex\_vogel@frist.senate.gov>; bob\_stevenson@frist.senate.gov  
<bob\_stevenson@frist.senate.gov>; paul\_jacobson@frist.senate.gov  
<paul\_jacobson@frist.senate.gov>; paul\_jacobson@frist.senate.gov <Viana, Mercedes  
M.>; paul\_jacobson@frist.senate.gov <Goeglein, Tim>; paul\_jacobson@frist.senate.gov <Guerra,  
Abel>; paul\_jacobson@frist.senate.gov <Rodriguez, Leonard B.>; neil.bradley@mail.house.gov  
<neil.bradley@mail.house.gov>; kyle\_simmons@mccconnell.senate.gov  
<kyle\_simmons@mccconnell.senate.gov>; john\_abegg@mccconnell.senate.gov  
<john\_abegg@mccconnell.senate.gov>; katie\_gumerson@rpc.senate.gov  
<katie\_gumerson@rpc.senate.gov>; margaret.hoover@mail.house.gov  
<margaret.hoover@mail.house.gov>; omar.franco@mail.house.gov  
<omar.franco@mail.house.gov>; omar.franco@mail.house.gov <Snee,  
Ashley>; omar.franco@mail.house.gov <Grubbs, Wendy J.>; omar.franco@mail.house.gov  
<Mamo, Jeanie S.>; omar.franco@mail.house.gov <Smith, Matthew E.>; scastillo@rnchq.org  
<scastillo@rnchq.org>  
**Sent:** 4/29/2003 2:49:27 PM  
**Subject:** Status of Circuit Nominees

## **108th Congress – Status of Circuit Nominees**

**(April 29, 2003)**

### **COURT OF APPEALS NOMINEES (25)**

#### **Confirmed (3)**

Jay Bybee (9th Nevada)

Tim Tymkovich (10th Colorado)

Jeff Sutton (6th Ohio)

#### **On Executive Calendar (4)**

Miguel Estrada (DC)

Priscilla Owen (5th Texas)

Ed Prado (5th Texas)

Deborah Cook (6th Ohio)

**In Judiciary Committee (16)**

John Roberts (DC)

Richard Wesley (2nd New York)

Michael Chertoff (3rd New Jersey)

Terry Boyle (4th North Carolina)

Claude Allen (4th Virginia)

Allyson Duncan (4th North Carolina)

Charles Pickering (5th Mississippi)

David McKeague (6th Michigan)

Susan Neilson (6th Michigan)

Richard Griffin (6th Michigan)

Henry Saad (6th Michigan)

Steve Colloton (8th Iowa)

Carlos Bea (9th California)

Consuelo Callahan (9th California)

Carolyn Kuhl (9th California)

Bill Pryor (11th Alabama)

**Announced Intents to Nominate (2)**

Michael Fisher (3rd Pennsylvania)

Jay Waldman (3rd Pennsylvania)

**ANNOUNCED FUTURE RETIREMENTS OR CURRENT VACANCIES WITHOUT NOMINEES (5)**

CADC, CADC, CA4, CA8, and CA9

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Patrick J. Bumatay/WHO/EOP@Exchange@EOP [ WHO ] <Patrick J. Bumatay>  
**Sent:** 4/29/2003 10:54:13 AM  
**Subject:** : do you have Owen's work number?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-APR-2003 14:54:13.00  
SUBJECT:: do you have Owen's work number?  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Snee, Ashley  
**To:** <Gonzales, Alberto R.>; <Nelson, Carolyn>; <Kavanaugh, Brett M.>  
**Sent:** 4/29/2003 4:25:41 PM  
**Subject:** Mike Allen Story on Judge Gonzales

It will not run tomorrow. He is not sure yet when it will run, but I will keep you posted.



**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, April 29, 2003 5:01 PM  
**To:** Nelson, Carolyn; Kavanaugh, Brett M.  
**Subject:** Re: argument seats

---

The actual message is in attachment. Hit view and you can open.

.

----- Original Message -----

From: Carolyn Nelson/WHO/EOP@Exchange

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

Cc:

Date: 04/29/2003 04:56:07 PM

Subject: RE: argument seats

There isn't an attachment to open. Want me to call Rachel and have her email it to me?

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Tuesday, April 29, 2003 4:53 PM

To: Nelson, Carolyn

Subject: Fw: argument seats

Please email me attachment in text. I am on blackberry.

.

----- Original Message -----

**PRA 6**

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

Cc:

Date: 04/29/2003 04:41:21 PM

Subject: Re: argument seats

- att1.htm << File: att1.htm >>

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/29/2003 1:26:37 PM  
**Subject:** : RE: What is etd for press stmt?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:29-APR-2003 17:26:37.00  
SUBJECT:: RE: What is etd for press stmt?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I have been in a mtg w/ ari and assumed I would see it already  
sent!!!!!!checking...

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, April 29, 2003 4:52 PM  
To: Snee, Ashley  
Subject: What is etd for press stmt?

.

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/29/2003 5:27:02 PM  
**Subject:** RE: What is etd for press stmt?

I have been in a mtg w/ ari and assumed I would see it already sent!!!!!!checking...

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, April 29, 2003 4:52 PM  
**To:** Snee, Ashley  
**Subject:** What is etd for press stmt?

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/29/2003 1:34:37 PM  
**Subject:** : RE: What is etd for press stmt?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:29-APR-2003 17:34:37.00  
SUBJECT:: RE: What is etd for press stmt?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Should be going right now!!!

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, April 29, 2003 5:30 PM  
To: Snee, Ashley; Kavanaugh, Brett M.  
Subject: Re: What is etd for press stmt?

Same here!!! Please let me know when you check. Thx!

.

----- Original Message -----

From:Ashley Snee/WHO/EOP@Exchange  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 04/29/2003 05:27:02 PM  
Subject: RE: What is etd for press stmt?

I have been in a mtg w/ ari and assumed I would see it already sent!!!!!!checking...

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, April 29, 2003 4:52 PM  
To: Snee, Ashley  
Subject: What is etd for press stmt?

.

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/29/2003 5:35:13 PM  
**Subject:** RE: What is etd for press stmt?

Should be going right now!!!

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, April 29, 2003 5:30 PM  
**To:** Snee, Ashley; Kavanaugh, Brett M.  
**Subject:** Re: What is etd for press stmt?

Same here!!! Please let me know when you check. Thx!

.

----- Original Message -----

From: Ashley Snee/WHO/EOP@Exchange  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 04/29/2003 05:27:02 PM  
Subject: RE: What is etd for press stmt?

I have been in a mtg w/ ari and assumed I would see it already sent!!!!!!checking...

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, April 29, 2003 4:52 PM  
To: Snee, Ashley  
Subject: What is etd for press stmt?

.

---

**From:** Bumatay, Patrick J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/29/2003 5:47:09 PM  
**Subject:** FW: Polish Constitution

Did you get a chance to review this?

-----Original Message-----

**From:** Marshall, Misty C.  
**Sent:** Tuesday, April 29, 2003 5:45 PM  
**To:** Bumatay, Patrick J.  
**Subject:** Re: Polish Constitution

Thank you Patrick - we are still waiting for VA Secretary's Awards for Excellence in Nursing...

From: Patrick J. Bumatay/WHO/EOP@Exchange on 04/29/2003 05:36:43 PM  
Record Type: Record

To: Misty C. Marshall/WHO/EOP@EOP, Sarah Campbell/WHO/EOP@EOP  
cc:  
Subject: Polish Constitution

No comments on Polish Constitution.

so we are on the same page, what else do I owe you folks?

Thanks,  
Patrick

---

**From:** Kavanaugh, Brett M.  
**To:** <Bumatay, Patrick J.>  
**Sent:** 4/29/2003 6:01:33 PM  
**Subject:** Patrick: From now on, let's label the "supporter contact lists" just as "contact lists"

---

**From:** Bumatay, Patrick J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/29/2003 6:05:01 PM  
**Subject:** RE: Patrick: From now on, let's label the "supporter contact lists" just as "contact lists"

Ok.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, April 29, 2003 6:02 PM  
**To:** Bumatay, Patrick J.  
**Subject:** Patrick: From now on, let's label the "supporter contact lists" just as "contact lists"



---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/30/2003 1:26:08 AM  
**Subject:** : OpinionJournal - On the Editorial Page - April 30, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME:30-APR-2003 05:26:08.00  
SUBJECT:: OpinionJournal - On the Editorial Page - April 30, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003428>

Don't stick Saddam's victims with the bill for his rule.  
12:01 a.m. EDT

The Real World BY CLAUDIA ROSETT  
<http://www.opinionjournal.com/columnists/cRosett/?id=110003427>

Diplomacy with Pyongyang will fail. Regime change is the only answer.  
12:01 a.m. EDT

Leisure & Arts BY ANN E. BERMAN  
<http://www.opinionjournal.com/la/?id=110003429>

So long, Sothebys.com: Fine-art auctions go offline.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Iraq's Odious Debts  
Don't stick Saddam's victims with the bill for his rule.  
Apr 30 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105166112047242600,00.html%3Fmod%3Dopinion>

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One Judge In, Only 51 to Go  
The Senate approves Jeff Sutton.  
Apr 30 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105166138728915300,00.html%3Fmod%3Dopinion>

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A Steel Olive Branch  
If Old Europe and the U.S. want to patch things up, we have a suggestion.  
Apr 30 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105166199529>

08100,00.html%3Fmod%3Dopinion

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#### Commentary

An Oil-for-People Program

It's possible to transfer ownership of natural resources directly to the people.

By SUSAN LEE

Apr 30 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105166218434477900,00.html%3Fmod%3Dopinion>

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The Road to Damascus

The current American leverage over Syria is unprecedented.

By ITAMAR RABINOVICH

Apr 30 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105166279968684400,00.html%3Fmod%3Dopinion>

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'Bright Line' or Dark Chasm?

Wall Street's \$1.4 billion settlement won't solve anything.

By PAUL KEDROSKY

Apr 30 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105166352127805000,00.html%3Fmod%3Dopinion>

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#### Business World

Too Much Business Purity?

Conflicts of interest inevitably rise in the marketplace. Whose job is it to police it?

By HOLMAN W. JENKINS JR

Apr 30 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10516603824059400,00.html%3Fmod%3Dopinion>

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#### Leisure & Arts

Music

Louis Langree Arrives to Refresh a Festival

French conductor Louis Langree offers us nimble and broad-ranging thoughts.

By MATTHEW GUREWITSCH

Apr 30 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105166662622135500,00.html%3Fmod%3Dopinion>

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Sunday in the Park With Dachshunds

These little earth dogs do not readily take people's advice.

By PAUL M. BARRETT

Apr 30 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105166617699649200,00.html%3Fmod%3Dopinion>

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Fine Art Auctions Retreat From Web  
A chapter of art-market history will close with Sothebys.com.  
By ANN E. BERMAN  
Apr 30 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105166527738530100,00.html%3Fmod%3Dopinion>

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Books  
Rotten to the Corps  
"Jarhead"  
By BING WEST  
Apr 30 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105166581226136500,00.html%3Fmod%3Dopinion>

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Time Off  
Diversions  
The Barber of Seville; Himalayas: An Aesthetic Adventure  
Apr 30 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB10515820697942300,00.html%3Fmod%3Dopinion>

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International

A Warning Shot  
Germany's economy needs liberalization - not tepid reforms -  
to stay afloat.  
From The Wall Street Journal Europe  
Apr 30 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105165275934553700,00.html%3Fmod%3Dopinion>

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Enter the Weak Man  
Abbas's weakness could be a blessing, especially for Palestinians.  
By BRET STEPHENS  
From The Wall Street Journal Europe  
Apr 30 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105165097829439400,00.html%3Fmod%3Dopinion>

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Wanted: A Reform Party for Britain  
Not one of Britain's three major parties appeals to reformists.  
By THERESE RAPHAEL  
From The Wall Street Journal Europe  
Apr 30 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105164991158324600,00.html%3Fmod%3Dopinion>

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War Is Business as Usual in Aceh  
For powerful generals and their men, military service is an opportunity to become modern-day warlords and come back to their hometowns as wealthy men.  
By JAMES VAN ZORGE  
From The Asian Wall Street Journal  
Apr 30 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10516643321216700,00.html%3Fmod%3Dopinion>

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Three Faces of Globalization  
Terrorism, pandemics, and commerce are the three faces of globalization. All thrive on open borders, convenient travel, and international communication.  
By FRANKLIN L. LAVIN  
From The Asian Wall Street Journal  
Apr 30 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105166500959077100,00.html%3Fmod%3Dopinion>

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**From:** Kirk Blalock <kblalock@fierce-isakowitz.com>  
**To:** <Schacht, Diana L.>;<Kavanaugh, Brett M.>;<Warsh, Kevin>;<Silverberg, Kristen>  
**Sent:** 4/30/2003 7:16:49 AM  
**Subject:** Congress Daily AM - Asbestos

## Hatch Warns Labor, Industry to Reach Asbestos Agreement

Senate Judiciary Chairman Hatch warned Tuesday that he planned to press ahead with a May markup of asbestos litigation reform legislation – regardless of whether labor and industry had worked out their differences on an allocation formula for compensating victims.

Negotiations between those parties over funding have been ongoing since before the April recess, but have yet to yield an agreement.

“There will be a bill,” Hatch said in an interview. “We’re going ahead, one way or the other.”

He added, “Business and labor have got to get together.” If they do not, the status quo will prevail “as far as I’m concerned,” Hatch said. However, Hatch said he believes labor has the most to lose under that scenario. “This is a big, big thing,” he said.

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/30/2003 8:05:42 AM  
**Subject:** PET fun

FYI, scheduling informs me that we will need to attend PET meeting everyday until our event. 10:00 rm 180.

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>;<Kavanaugh, Brett M.>  
**Sent:** 4/30/2003 8:15:03 AM  
**Subject:** Re: PET fun

I cannot go today. You or patrick should go.

.

----- Original Message -----

From: Carolyn Nelson/WHO/EOP@Exchange

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

Cc:

Date: 04/30/2003 08:05:42 AM

Subject: PET fun

FYI, scheduling informs me that we will need to attend PET meeting everyday until our event. 10:00 rm 180.

---

**From:** Kavanaugh, Brett M.  
**To:** <Kavanaugh, Brett M.>;<Grubbs, Wendy J.>  
**Sent:** 4/30/2003 8:43:47 AM  
**Subject:** Re: Are you going to roberts

Not until later. Chris bart will be there and david leitch will be there.

.

----- Original Message -----

From: Wendy J. Grubbs/WHO/EOP@Exchange

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

Cc:

Date: 04/30/2003 08:39:04 AM

Subject: Are you going to roberts

Hearing?

.



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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 4/30/2003 5:01:14 AM  
**Subject:** : Re: FW: Freshman letter to Senators Frist and Daschle  
**Attachments:** P\_TSQ0G003\_WHO.TXT\_1.pdf

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:30-APR-2003 09:01:14.00  
SUBJECT:: Re: FW: Freshman letter to Senators Frist and Daschle  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_TSQ0G003\_WHO.TXT\_1>

# United States Senate

WASHINGTON, DC 20510

April 30, 2003

Dear Senators Frist and Daschle,

As the ten newest members of the United States Senate, we write to express our concerns about the state of the federal judicial nomination and confirmation process. The apparent breakdown in this process reflects poorly on the ability of the Senate and the Administration to work together in the best interests of our country. The breakdown also disserves the qualified nominees to the federal bench whose confirmations have been delayed or blocked, and the American people who rely on our federal courts for justice.

We, the ten freshmen of the United States Senate for the 108th Congress, are a diverse group. Among our ranks are former federal executive branch officials, members of the U.S. House of Representatives, and state attorneys general. We include state and local officials, and a former trial and appellate judge. We have different viewpoints on a variety of important issues currently facing our country. But we are united in our commitment to maintaining and preserving a fair and effective justice system for all Americans. And we are united in our concern that the judicial confirmation process is broken and needs to be fixed.

In some instances, when a well qualified nominee for the federal bench is denied a vote, the obstruction is justified on the ground of how prior nominees – typically, the nominees of a previous President – were treated. All of these recriminations, made by members on both sides of the aisle, relate to circumstances which occurred before any of us arrived in the United States Senate. None of us were parties to any of the reported past offenses, whether real or perceived. None of us believe that the ill will of the past should dictate the terms and direction of the future.

Each of us firmly believes that the United States Senate needs a fresh start. And each of us believes strongly that we were elected to this body in order to do a job for the citizens of our respective states – to enact legislation to stimulate our economy, protect national security, and promote the national welfare, and to provide advice and consent, and to vote on the President's nominations to important positions in the executive branch and on our nation's courts.

Accordingly, the ten freshmen of the United States Senate for the 108th Congress urge you to work toward improving the Senate's use of the current process or establishing a better process for the Senate's consideration of judicial nominations. We acknowledge that the White House should be included in repairing this process.

All of us were elected to do a job. Unfortunately, the current state of our judicial confirmation process prevents us from doing an important part of that job. We seek a bipartisan solution that will protect the integrity and independence of our nation's courts, ensure fairness for judicial nominees, and leave the bitterness of the past behind us.

Yours truly,

John Cornyn

Mark Royce

Lee Merrick

Lindsey Graham

Elizabeth Dole

Larry Claiborne

Nor Coleman

Jim Talent

Lamar Alexander

John E. Sununu

---

**From:** Vestewig, Lauren J.  
**To:** <Kavanaugh, Brett M.>;<Kupfer, Jeffrey F.>  
**Sent:** 4/30/2003 9:05:30 AM  
**Subject:** Meeting re. asbestos

Jay is meeting with Jud Sommer and Andy Kaisler of Goldman today at 3 pm to talk about asbestos. Can you join?

---

**From:** Thomas, Ginni <ginni.thomas@heritage.org>  
**To:** Karre, Meredith <Meredith.Karre@heritage.org>; Thomas, Ginni <ginni.thomas@heritage.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/30/2003 5:31:08 AM  
**Subject:** : Heritage Update - Recent Publications and Upcoming Events, April 30th  
**Attachments:** P\_ENT0G003\_WHO.TXT\_1.htm

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Thomas, Ginni" <ginni.thomas@heritage.org> ( "Thomas, Ginni"  
<ginni.thomas@heritage.org> [ UNKNOWN ] )  
CREATION DATE/TIME:30-APR-2003 09:31:08.00  
SUBJECT:: Heritage Update - Recent Publications and Upcoming Events, April 30th  
TO:"Karre, Meredith" <Meredith.Karre@heritage.org> ( "Karre, Meredith"  
<Meredith.Karre@heritage.org> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Thomas, Ginni" <ginni.thomas@heritage.org> ( "Thomas, Ginni"  
<ginni.thomas@heritage.org> [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Within the next 24 hours, heritage.org will have two important contributions for the current tax debate

1) The best possible \$350 or \$550 billion tax plan. This will detail each aspect of various plans under consideration on Capitol Hill, detailing those specific proposals that would provide the greatest boost to job growth and real disposable income, as well as the maximum increase in GDP.

2) The only macroeconomic analysis of Chairman Bill Thomas's 8-18 compromise.

Ginni Thomas  
<[http://www.heritage.org/emails/hidden/heritage\\_update.gif](http://www.heritage.org/emails/hidden/heritage_update.gif)>  
<<http://www.heritage.org/>> <<http://www.heritage.org/research/>>  
<<http://www.heritage.org/press/dailybriefing/>>  
<<http://www.heritage.org/press/events/>>

April 30, 2003

Upcoming Events: Click  
Here for <<http://www.heritage.org/Press/Events/index.cfm>> Event Details  
and RSVP

Asia: The View from Capitol Hill  
Featuring: Frank Jannuzi, Professional Staff Member, Committee on Foreign Relations; Sara Hessenflow, Legislative Assistant, Senator Sam Brownback; Dennis Halpin, Professional Staff, Committee on International Relations; Peter Yeo, Deputy Staff Director, Committee on International Relations; and Dana Dillion, The Heritage Foundation.  
Monday, May 5th, 1:30 p.m. - 3:00 p.m.

President Bush's Health Care Plan  
Featuring: Director Kay James, Office of Personnel Management; Doug Badger, Special Assistant to the President for Economic Policy, The White House; Ann-Marie Lynch, Deputy Assistant Secretary, Office of Health Policy, Department of Health and Human Services; and Bob Moffit and Mike Franc, The Heritage Foundation.  
Thursday, May 8th, 12:00 noon - 1:30 p.m.  
2226 Rayburn House Office Building. Lunch Provided

Perils and Possibilities: Petroleum Opportunities in Africa

Featuring: Representative Ed Royce (R-CA) (invited), Chairman of the Subcommittee on Africa; Jendayi Frazer, Ph.D. (invited), Special Assistant to the President and Senior Director for African Affairs, National Security Council; Michael Rodgers, Senior Director, Upstream Group, PFC Energy; Ambassador Pamela E. Bridgewater, Deputy Assistant Secretary of State for African Affairs; Jim Burkhard, Director, Cambridge Energy Research Associates; and Ariel Cohen, The Heritage Foundation.  
Thursday, May 8th, 12:00 noon - 1:30 p.m.

Planning a Revolution: Mapping the Pentagon's Transformation  
Featuring: Admiral Arthur Cebrowski, Director, Office of Force Transformation; and Larry Wortzel, The Heritage Foundation.  
Tuesday, May 13th, 12:00 noon

Foreign and Defense Policy:

<<http://www.heritage.org/Research/NationalSecurity/bg1645.cfm>> How to Reinvigorate U.S. Public Diplomacy by Stephen Johnson and Helle Dale

<<http://www.heritage.org/Research/Europe/bg1648.cfm>> Restructuring America's European Base Structure for the New Era by Jack Spencer and John C. Hulsman

<<http://www.heritage.org/Research/AsiaandthePacific/W267.cfm>> U.S.-North Korea Talks: Forging Security Beyond the Nuclear Issue by Balbina Hwang

<<http://www.heritage.org/Press/Commentary/ed042703.cfm>> Give Iraq a Clean Slate by Helle Dale

<<http://www.heritage.org/Press/Commentary/ed042903.cfm>> Anti-Libertation Theology by Joseph Loconte

<<http://www.heritage.org/Press/Commentary/ed042803.cfm>> Safer in Washington? by Dexter Ingram

CNN <<http://www.heritage.org/Press/Commentary/ed042403.cfm>> Should Scale Back Chumminess with Cuba  
by Rich Tucker

Domestic Policy:

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<<http://www.heritage.org/Press/Commentary/ed042403a.cfm>> The Right Kind of Tax Cut by Dan Mitchell

<<http://www.heritage.org/Research/AsiaandthePacific/em870.cfm>> An American Response to Severe Acute Respiratory Syndrome by John Tkacik

<<http://www.heritage.org/Research/Education/wm234.cfm>> Parental Choice in Education for Special Needs Students by Krista Kafer

The 26th Annual Resource Bank Meeting

Attorney General John Ashcroft and Labor Secretary Elaine Chao joined dozens of public policy experts to address the 26th annual Resource Bank meeting held April 24-25, in New Orleans.

The Heritage Foundation welcomed 425 individuals from the 240 free-market, public policy organizations represented.

For the second straight year international guests, from 26 countries, proved the growing presence of principles public-policy groups worldwide. Puerto Rico and Washington, D.C., were among the 44 states also represented.

Click <<http://www.heritage.org/about/community/resourcebank.cfm>> here for more details.

#### Government Relations

<<http://www.heritage.org/about/staff/michaelfranc.cfm>> Michael Franc

Vice President, Government Relations

Contact: 202-608-6064

#### Executive Branch Relations

<<http://www.heritage.org/about/staff/virginiathomas.cfm>> Virginia Thomas

Director, Executive Branch Relations

Contact: 202-608-6240

Meredith Karre ( <<mailto:%20meredith.karre@heritage.org>> email)

Deputy Executive Branch Liaison

Contact: 202-608-6058

<[http://www.heritage.org/emails/hidden/pres\\_prior.gif](http://www.heritage.org/emails/hidden/pres_prior.gif)>

<<http://www.heritage.org/research/taxes/taxbriefingroom.cfm>> The Economy  
New and timely research on the tax debate and the President's plan.

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<<http://www.heritage.org/research/healthcare/medicarebriefingroom.cfm>>

Health Care

<[http://www.heritage.org/emails/hidden/GR\\_heritageResources.gif](http://www.heritage.org/emails/hidden/GR_heritageResources.gif)>

<<http://www.heritage.org/research/features/agenda.cfm>> Agenda 2003:

Shaping America's Future

The issues facing the 108th Congress, from homeland security to health care to tax reform, present lawmakers with the opportunity to improve all Americans' security and prosperity. To request a copy of Heritage's Agenda 2003 or to <<http://www.heritage.org/research/features/agenda.cfm>> view excerpts, contact Meredith Karre, Deputy Executive Branch Liaison ( <<mailto:%20meredith.karre@heritage.org>> email).

<<http://www.heritage.org/About/Bookstore/policyexperts2003.cfm>> Policy Experts 2003

The essential "who's who" guide to the world of public policy experts and organizations can be ordered by contacting the Heritage Foundation's Publications Department at 1-800-544-4843, by mail at, 214 Massachusetts Avenue NE, Washington, DC 20002, or

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<<http://www.heritage.org/About/Staff/experts.cfm>> Heritage Experts

<<http://www.heritage.org/press/>> Press Room

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Ginni Thomas



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| April 30, 2003                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | </TR> |
| <b>Upcoming Events:</b> &nb sp;      &nbs<br>p;      ; <a href="#">Click Here fo r Event Details and<br/>RSVP</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |
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| <b>President Bush's Health Care Plan</b><br>Featuring: <b>Director Kay James</b> , Office of Personnel Management; <b>Doug Badger</b> , Special Assistant to the President for Economic Policy, The White House; <b>Ann-Marie Lynch</b> , Deputy Assistant Secretary , Office of Health Policy, Department of Health and Human Services; and <b>Bob Moffit</b> and <b>Mike Franc</b> , Th e Heritage Foundation.<br>Thursday, <b>May 8th</b> , 12:00 noon - 1:30 p.m.<br><b>2226 Rayburn House Office Building. Lunch Provided</b>                                                                                                                                              |       |
| <b>Perils and Possibilities: Petroleum Opportunities in Africa</b><br>Featuring: <b>Representative Ed Royce</b> (R-CA) (invited), Chairman of the Subcommittee on Africa; <b>Jendayi Frazer</b> , Ph.D. (invited), Special Assistant to the President and Senior Director for African Affairs, National Security Council; <b>Michael Rodgers</b> , Senior Director, Upstream Group, PFC Energy; <b>Ambassador Pamela E. Bridgewater</b> , Deputy Assistant Secretary of State for African Affairs; <b>Jim Burkhard</b> , Director, Cambridge Energy Research Associates; and <b>Ariel Cohen</b> , The Heritage Foundation.<br>Thursday, <b>May 8th</b> , 12:00 noon - 1:30 p.m. |       |



## Planning a Revolution: Mapping the Pentagon's Transformation

Featuring: **Admiral Arthur Cebrowski**, Director, Office of Force Transformation; and **Larry Wortzel**, The Heritage Foundation.

Tuesday, **May 13th**, 12:00 noon

## Foreign and Defense Policy:

How to Reinvigorate U.S. Public Diplomacy

by Stephen Johnson and Helle Dale

Restructuring America's European Base Structure for the New Era by Jack Spencer and John C. Hulsman

U.S.-North Korea Talks: Forging Security Beyond the Nuclear Issue by Balbina Hwang

Give Iraq a Clean Slate by Helle Dale

Anti-Libertation Theology by Joseph Loconte  
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color=#294984 size=2>The  
Economy

New and timely research on the tax debate and the President's plan.

Post-war Iraq

Health Care



## Agenda 2003: Shaping America's Future

The issues facing the 108th Congress, from homeland security to health care to tax reform, present lawmakers with the opportunity to improve all Americans' security and prosperity. To request a copy of Heritage's Agenda 2003 or to view excerpts, contact Meredith Karre, Deputy Executive Branch Liaison (email).

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**From:** Bumatay, Patrick J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/30/2003 9:37:53 AM  
**Subject:** please come over now

Judge is ready for Owen group

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Collister W. Johnson/WHO/EOP@EOP [ WHO ] <Collister W. Johnson>  
**Sent:** 4/30/2003 11:17:43 AM  
**Subject:** : Re: DOJ issue and Gov. Taft  
**Attachments:** P\_VKG1G003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 30-APR-2003 15:17:43.00  
SUBJECT: : Re: DOJ issue and Gov. Taft  
TO: Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

probably Israelite, who then would likely refer to McCallum.

Collister W. Johnson  
04/30/2003 03:07:22 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Ken Mehlman/WHO/EOP@EOP, Darren W. Bearson/WHO/EOP@EOP  
bcc:  
Subject: Re: DOJ issue and Gov. Taft

Thanks brett - which of the three would you recommend?  
c

Brett M. Kavanaugh  
04/30/2003 08:52:51 AM  
Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: DOJ issue and Gov. Taft

I would recommend that they contact DOJ directly, either Robert McCallum, David Ayres, or David Israelite.

Collister W. Johnson  
04/30/2003 08:49:20 AM  
Record Type: Record

**PRA 6**

cc: Brett M. Kavanaugh/WHO/EOP@EOP, Ken Mehlman/WHO/EOP@EOP, Ruben S. Barrales/WHO/EOP@EOP

**REV\_00116033**

bcc:  
Subject: Re: DOJ issue and Gov. Taft

Brian -  
Thanks for the note. I am sending to our WH Counsel, Brett Kavanaugh, who leads us in any concerns with DOJ.

Brett -  
Please see the note below from the Chief of Staff to Governor Taft. They have some real concerns about the current direction of the Disability Rights Section in the DOJ Civil Rights Division. Your guidance?

c

PRA 6

04/29/2003 11:11:36 PM  
Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP  
cc:  
Subject: DOJ issue

We need some help with a DOJ issue.

DOJ is threatening to "investigate" every Ohio state-owned facility, building, parking lot, etc. for allegedly failing to conduct a self-evaluation and transition plan for compliance under the American with Disabilities Act. This investigation is to begin in June.

This is a long story...bottom line is we need to have a conversation with someone above the Disability Rights Section in the DOJ Civil Rights Division to resolve the issue. My attorneys tell me DOJ is on unstable legal grounds but won't relent or have a reasonable discussion.

Can you point me in a direction?

-BKH

- att1.htm

We need some help with a DOJ issue.

DOJ is threatening to "investigate" every Ohio state-owned facility, building, parking lot, etc. for allegedly failing to conduct a self-evaluation and transition plan for compliance under the American with Disabilities Act. This investigation is to begin in June.

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Can you point me in a direction?

-BKH

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**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>;<Kavanaugh, Brett M.>;<Bartolomucci, H. Christopher>  
**Sent:** 4/30/2003 11:43:05 AM  
**Subject:** Re: I have a car coming at noon.

Where are you.

.

----- Original Message -----

From: David G. Leitch/WHO/EOP@Exchange

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

H. Christopher Bartolomucci/WHO/EOP@EOP

Cc:

Date: 04/30/2003 11:42:10 AM

Subject: I have a car coming at noon.

.

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**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/30/2003 12:43:33 PM  
**Subject:** : TRANSCRIPT - Richard Armitage Speech to the National Defense University 04/30/03

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:30-APR-2003 16:43:33.00

SUBJECT:: TRANSCRIPT - Richard Armitage Speech to the National Defense University 04/30/03

BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

REMARKS BY RICHARD L. ARMITAGE, DEPUTY SECRETARY OF STATE, TO THE NATIONAL DEFENSE UNIVERSITY (AS RELEASED BY THE STATE DEPARTMENT)

SUBJECT: IRAQ AND THE GLOBAL CHALLENGE OF PROLIFERATION

CAPITAL HILTON, WASHINGTON, D.C.

9:30 A.M. EDT, WEDNESDAY, APRIL 30, 2003

;

MR. ARMITAGE: Well, thank you very much for the kind and elegant and eloquent words. There are many who accuse me of spending too much time in the weight room -- I should be spending more time on the duties, but I will let you all judge if that's the case when I've finished my remarks.

;;;;; Paul was right. We were at the boat school together. Neither of us had the opportunity to have a college education. (Laughter.) And again, about 23 years ago, found ourselves in the Pentagon -- both of us as junior bureaucrats working in the Reagan administration. Of course Paul was a serving military officer, and we've intersected from time to time ever since.

;;;;; And I really appreciate you allowing me back home, as my two-time service as the Chairman of the Board of Visitors is one of the things that I point to in almost 28 years of government service, as something that really mattered. It mattered a lot to me, and I think it mattered a lot to many of you in the room because it was during that time the Middle States' Accreditation Board came and visited and we gained accreditation for this fine university. It was long overdue. And if I do nothing else in a government career, having been part of that, along with the excellent faculty here, then I will have considered my life to have been a great success. So thanks for allowing me back.

;;;;; And I can't imagine a better audience for what I want to talk about today than this National Defense University. This is the incubator, as far as I'm concerned, for some of this nation's finest strategic thinking. And the events unfolding today in Iraq will require your best work if we are to learn valuable lessons -- in particular, if we are to learn lessons about how to approach the challenge that weapons of mass destruction pose for the security of this nation and, indeed, for all nations.

;;;;; Forty years ago, John F. Kennedy predicted that within a decade his successor could face a world bristling with nuclear weapons. He said, "I ask you to stop and think for a moment what it would mean to have nuclear weapons in so many hands; in the hands of countries large and small, stable and unstable, responsible and irresponsible, scattered throughout the world."

;;;;; Well, today, this is not the world President Bush faces, so we are fortunate in that regard. Though of course, JFK did not have to reckon with weapons of mass destruction intersecting with non-state actors. So today, instead of the 25 or so countries that President Kennedy once



predicted, only a handful of nations possess nuclear weapons. Of course we suspect many more countries have chemical and biological weapons, but still short of the scores that have been predicted in the past.

;;;;; Well, we've reached this state of affairs in no small part through a concerted effort of many nations. Agreements such as the Nuclear Non-Proliferation Treaty and the Chemical Weapons Convention, organizations such as the IAEA and the Nuclear Suppliers Group -- these constitute a global security architecture that has served us satisfactorily and kept us safe.

;;;;; But as we have seen so dramatically in recent days, that architecture is showing some signs of age. Just look at the headlines. You will see India and Pakistan with a thousand-mile shared border and a 50-year history of enmity and war -- a situation that is truly frightening when you add into the mix nuclear weapons outside of the system of international restraints. Of course you'll see North Korea in the headlines -- a blighted nation led by a dictator who defies his international commitments and fiddles with nuclear threats. And you'll see Iran where an entire generation is ready for change, while elements of a violent and backward past look to buy and to build weapons of mass destruction despite their solemn obligations to the contrary.

;;;;; Now all of this goes on while terrorists are shopping the globe for enriched uranium, lethal chemicals and technical expertise. And September 11th brought home to Americans the awful truth that no one is safe from such individuals -- not Tanzanians and Kenyans attending to their daily shopping or ordinary Americans, from stockbrokers to waiters, guilty of nothing more than going to the office.

;;;;; And of course, in the headlines you will certainly see Iraq.

;;;;; These are among the most pressing global security concerns of our time. And yet, the system we have in place for dealing with such proliferation challenges does not really offer solutions for these problems. This is a system that works to dampen the demand for such capabilities and to deny the means to develop them, and with some success. But it is not a system that has a clear and a consistent way of dealing with nations who pass certain milestones.

;;;;; It's time for the world community to reinvigorate our shared commitment to stopping the spread of these weapons. And perhaps it is time to refashion the tools we already have for doing so -- to develop new tools to deal with these challenges as well as to commit to vigorous bilateral and multilateral negotiations whenever necessary.

;;;;; Now I will try to tell you all the truth. I certainly don't have all the answers on this. I can't, today, tell you exactly how to fix what is broken or how to build the new structures we need to be safe. But what I can tell you is that Iraq offers proof that the community of nations needs to come together to ask the right questions and to work out a way to deal with the tough proliferation challenges of today and tomorrow.

;;;;; In Iraq, the possession of the weapons and the means to make them, even the demonstrated willingness to use them -- that, alone, was not the problem. The problem was a dictator who by force and by fear created a political culture defined by the desire to possess and keep such capabilities at all cost.

;;;;; War was never the preferred option for our nation. It generally is not the preferred option for countries with representative governments. But Saddam Hussein was able to exploit that reluctance and exploit it for far too long. He agreed to a ceasefire he never intended to keep, and for 12 years he led the international community on -- all while he continued to do exactly as he pleased; whether that meant torturing his people, suborning terrorism or looting his nation; stashing proscribed items in private homes and schools and hospitals as well as secret hiding places.

;;;;; We simply reached the point where there was no other option, where the will of the world community, so clearly expressed in resolution after resolution from the United Nations Security Council, had to be enforced. It was unpleasant, but unavoidable -- an unpleasant and unavoidable prospect for any nation with the courage of its convictions.

;;;;; And so a group of nations has come together to force and to forge a change in the political culture of Iraq. And this required that we destroy the old regime, which the US military has done and done brilliantly, and we owe much to the assistance of our British, Australian and Polish allies inside Iraq and many other partners outside the country.

;;;;; A little more than a month after military operations began, some of our warriors are already returning home to a hero's welcome, while some will stay in place for some time to continue clean-up activities. But without question, the brutal regime of Saddam Hussein is gone.

;;;;; Changing the political culture, however, also requires that we create the conditions for something to grow in place of that regime. And I want to talk to you today about some of the ways in which the United States is working with other nations to do so.

;;;;; From the moment that we began to consider military operations, we all knew that the aftermath would be a significant challenge, but we never for a moment thought it would be an insurmountable challenge. We hold the lives of our men and women in uniform far too dear to send them on an impossible mission.

;;;;; And while you've all seen the images of looting in post-war Iraq, the news is actually much better than we had anticipated and than we had planned for.

;;;;; Our forces were able to achieve military objectives while sparing the country from a humanitarian emergency, in large part, because we could achieve those objectives without significantly damaging civilian infrastructure. But of course, much of that infrastructure had already been damaged or allowed to become decrepit because of a deliberate policy of Saddam Hussein to pressure, particularly the Shia, in the south.

;;;;; So at this point, the most formidable challenge we face is reconstruction. This will be formidable for physical as well as psychological reasons. Indeed, I would say this is not so much reconstruction as it is redevelopment of human beings and a national infrastructure that have suffered from decades of abuse and decades of neglect. This is going to require patience and persistence and above all, obviously, hard work.

;;;;; Our goal is an Iraq that is moving toward democracy; an Iraq that is whole; an Iraq that is free of weapons of mass destruction; an Iraq which is at peace with its neighbors and within itself; an Iraq for Iraqis -- for all Iraqis.

;;;;; And for those who doubt that the United States has good intentions toward the Muslim world, I can offer a thought, and that is a thought about our great respect for Islam, and more particularly, the Shia of Iraq. For the first time in so many years, they were able to participate in the religious observance of the Arbayeen recently. And it was a great demonstration of their faith and their desire to be free that so many people took the pilgrimage to demonstrate their devotion for the first time in 23 years; only possible by the activities of a U.S.-led coalition.

;;;;; President Bush has requested and Congress has provided some \$2.4 billion to assist the people of Iraq in redeveloping that nation. The first priorities will continue to be the restoration of basic services, but we're also looking at key sectors where we can help make immediate improvements in the life of all Iraqis, such as: educational opportunities for Iraqi children, the schools will shortly open, as well as some of the universities; roads and bridges and ports that are functional and safe;

agricultural fields which are both productive and safe.

;;;;; And we are finding as we get these -- what we are finding as we get these efforts underway is something that we had hoped, prior to the conflict, would be the case: the technical expertise to do almost all of this already resides in Iraq. People know what to do to make their country prosper and they would have done it long ago if Saddam Hussein had simply let them.

;;;;; The key now, obviously, is for Iraqis to develop a political system that will not hold them back. And so the coalition and the United States, particularly, are helping Iraqis to form an interim authority, or an IIA. This authority will be chosen by Iraqis and it is meant to be temporary, hence the word "interim." It operates only until free and fair elections bring a legitimate government to power. Nonetheless, it's absolutely imperative that this IIA be broadly representative, drawing from all of Iraq's ethnic groups and regions, including liberated Iraqis from inside as well as outside the country -- those free Iraqis who are now returning home from all around the world.

;;;;; The IIA will give Iraqis a way to participate in the economic and political reconstruction of a country from the very beginning. And as it is able, this authority will assume responsibilities ever more daily for the functioning of the government.

;;;;; The U.S. and coalition countries have helped convene two meetings, the most recently held Monday, in Baghdad, which have helped create a national dialogue about governance. These sessions have been successful, successful enough that the participants believe they can form an IIA within the next few weeks.

;;;;; And the role of the United States and our allies is limited in this regard. We are helping to create a level playing field for this energized Iraqi political process, but we will step in to stop any attempts to seize power and return the people of Iraq to servitude. That is part of the ongoing responsibility we accept for security in Iraq. President Bush has said that we are committed to helping Iraq build a future of freedom, of dignity, and of peace. The United States does not see this in any sense as an occupation, but rather, we see it as an obligation -- an obligation that we will stay long enough to see this through. And as the President has made very, very clear, not one day longer. In the meantime, we will continue to root out remaining elements of the regime. We will continue to hunt down the terrorists who have used Iraq as a safe-haven for far too many years and of course, we will continue to seek out Saddam Hussein's weapons of mass destruction.

;;;;; I want to be clear here today that I am extraordinarily confident that Iraq had those capabilities. Rarely have the intelligence agencies of this country and our allies been so unified on any subject. Now, I know there are those, probably in this audience, that think because we have found little so far, that there's nothing to find. But I'd like to suggest to you a more frightening reality, and that is that it is far too easy to hide and to move these capabilities, and far too difficult to find them, especially in the face of a determined and practiced effort to conceal them. And the regime of Saddam Hussein was nothing if not practiced. They had years of close scrutiny in which to learn how to deceive inspectors. And then they had four unfettered years to do as they pleased.

;;;;; What emerged was a well-developed and sophisticated strategy of dispersal. For example, Secretary Powell told the United Nations Security Council on February 5th, "We know that Iraq has embedded key portions of its illicit chemical weapons infrastructure within its legitimate civilian industry." And as for Iraq's biological weapons program, Secretary Powell pointed out that multiple sources have told us of mobile facilities built while UNSCOM inspectors were actually in Iraq and designed especially and only to avoid detection.

;;;;; Now, whether it is the mobile labs or weapons disguised as

industry, we are finding now that the capabilities were even more dispersed and disguised than we had thought. The evidence of Saddam Hussein's programs is likely to be spread across many hundreds and even possibly thousands of sites in Iraq. It is going to take us months to find this material, but find it we will.

;;;;; Don't forget that it was information provided by defectors, including members of Saddam Hussein's immediate family and scientists from within the program, that was critical and at times, essential, to revealing what UN inspectors were able to figure out and find out in the past. That is one reason why an inspection regime based on anything other than genuine disarmament by the now-defunct regime was doomed to fail in Iraq.

;;;;; Indeed, my optimism that we will find evidence of Iraq's weapons soon is largely a function of the cooperation that we are beginning to get from Iraqi scientists and former Iraqi officials. We're interviewing these people and continuing to seek others based on the intelligence we have about who was instrumental in each of these programs.

;;;;; And the people we have found are already leading us to other people, as well as to computer files and documents. And with these sources of information, we can say with a high degree of confidence that we will find Iraq's unconventional weapons.

;;;;; Many of these individuals are proving most helpful, but it may take some time to persuade others to cooperate with us because again, we are talking about a cultural change. People have to be certain that the climate of fear and the climate of intimidation is truly gone for good before they will be willing to truly talk about the past. And indeed, there is one sad sign that Iraqis are beginning to believe. Hundreds of people are coming forward showing reporters and soldiers and marines the scars on their bodies, the cigarette burns, the electric shocks, the mutilated hands, feet and ears.

;;;;; They are starting to share their stories of pain, of execution and of extortion, of loved ones who disappeared. They are beginning to show us mass graves and obscene torture chambers. The more we learn about just how bad it was, the more we know that this is going to be a long recovery and a hard reckoning for Iraqis. But that is what it will take: a firm decision to reconcile with the past and to move on from the past, as well as the firm determination to undo the legacy of brutality they inherited from Saddam Hussein.

;;;;; Back in 1962, President Kennedy said that in a world where the possession of nuclear weapons was commonplace, "There would be no rest, no stability, no security, and no chance of effective disarmament. There would only be the increased chance of accidental war - and an increased necessity for the great powers to involve themselves in what otherwise would be local conflicts."

;;;;; Well, I believe the world of 2003 is a safer one than that predicted. We are coming ever closer, however, to realizing in one way, that terrible vision. September 11th taught us the risks of complacency, of knowing that we are not facing up to the threats and the challenges of the day and simply allowing the difficulties of doing so to defeat us.

;;;;; Iraq is an object lesson in what can happen if we leave the problems of proliferation to a solution of the past. The use of military force to destroy a perverse political culture was a point of no return we don't want to keep coming back to. But if we are to avoid doing so, we must have effective and peaceful means of achieving and enforcing that change. And yet, while Iraq illustrates the gaps we have in our global architecture for dealing with weapons of mass destruction, it is not the template. This is not a one-size-fits-all policy. In fact, our President has stated that the threat we face from North Korea's nuclear problem is something that can be dealt with through patient, deliberate and multilateral diplomacy. And indeed, we're working now, well, with the

governments of China, Japan, the Republic of Korea toward that end. And there are certainly other success stories we can point to.

;;;;; The United States, the Russian Federation and other Soviet states have worked together for years in the Cooperative Threat Reduction program, which has led to the elimination of substantial Cold War capabilities.

;;;;; For that matter, the United Nations responded swiftly to the attacks on our nation on September 11th and helped direct international reaction into concrete action to combat terrorists and to close down the financial networks that support them. This fact will be rather graphically demonstrated in about an hour or so when Secretary Powell unveils the Global Patterns of Terrorism, and we will see a rather significant, more than 40 percent, decline because of international activities to combat the problem of terrorism.

;;;;; But far too often when we talk about proliferation challenges, the international community has a tendency to put off difficult decisions, as if these difficult decisions will go away on their own. I believe our President has shown the courage to make these difficult decisions, to do what is necessary to protect the interests of this nation and the lives of our citizens.

;;;;; Now, however, it is time for the community of nations to work together, to start asking the right questions and start doing what is necessary to reshape, to reinvigorate that architecture of our common security. And certainly, this government of yours is prepared to do what it takes. We are prepared to work with all those who are willing to find effective ways to address the most pressing challenges of our time -- the challenges not just for the security of this nation, but for all nations.

;;;;; And that's why I asked Admiral Gaffney to have the opportunity to come to this university today. Because I want to challenge you to discuss this in your classrooms, and in your seminars and in your fora. And I want you to use the time the government and our various bureaucracies have given you to advance your education to attack this problem. That's why I asked to come here today. I'm going to leave you with that challenge and with my enormous gratitude for doing me the honor of listening to me this morning.

;;;;; Thank you very much. (Applause.)

END.

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**From:** Vestewig, Lauren J.  
**To:** <Kupfer, Jeffrey F.>;<Kavanaugh, Brett M.>  
**Sent:** 4/30/2003 2:35:03 PM  
**Subject:** 4:45 now for the meeting with Jud Sommer. Thanks.

---

**From:** Kavanaugh, Brett M.  
**To:** <Bumatay, Patrick J.>  
**Sent:** 4/30/2003 2:39:54 PM  
**Subject:** comments on the me mo

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/30/2003 02:39 PM -----

Elizabeth S. Dougherty

04/30/2003 02:38:51 PM

Record Type: Record

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

cc:

Subject: comments on the me mo

for some reason, only the first page of your fax came through. would you mind sending them again to 6-5557. thanks!!

REV\_00116094

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**From:** Kavanaugh, Brett M.  
**To:** <Mehlman, Ken>;<Goeglein, Tim>;<Snee, Ashley>;<Grubbs, Wendy J.>;<Schlapp, Matthew A.>  
**Sent:** 4/30/2003 3:02:54 PM  
**Subject:** Hatch-Schumer exchange at Roberts hearing today

This exchange from today's hearing well illustrates the current Senate relations on judges.

Sen. Hatch just said at the hearing that Schumer asked "dumb ass" questions and that he knows dumb ass questions when he sees dumb ass questions.

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>; Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>; Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>; Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>; Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 4/30/2003 11:48:13 AM  
**Subject:** : important op-ed of support for Carolyn Kuhl

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 30-APR-2003 15:48:13.00  
SUBJECT: : important op-ed of support for Carolyn Kuhl  
TO: Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

April 30, 2003

NOMINEE DOESN'T DESERVE CALUMNY HEAPED ON HER  
Forum Column

By Vilma S. Martinez

As a member of Sen. Barbara Boxer's judicial screening committee during the Clinton administration, I was proud to recommend Judge Richard Paez for the 9th U.S. Circuit Court of Appeals. President Clinton nominated Paez, but his nomination languished for four years, and he was subjected to a campaign of half-truths and cruel caricatures. California Superior Court Judge Carolyn Kuhl, characteristic of her sense of fairness and respect for an independent judiciary, stepped up to the plate. She wrote letters, made phone calls and exhorted her fellow Republicans to confirm Paez and other Clinton nominees. Now that President Bush has nominated Kuhl to the 9th Circuit, many of the groups that supported Paez, ironically, have turned their fire on Kuhl, apparently to exact payback against Senate Republicans. This turnabout is not fair play. It is the continuation of a vicious cycle that punishes worthy judicial candidates in a misguided effort to use the judiciary to further narrow political ends. I generally identify myself as a Democrat, am a veteran of civil rights battles and testified against Judge Robert Bork's nomination to the U.S. Supreme Court (on the basis of his inadequate judicial temperament). Like others dedicated to the independence of our judiciary, I certainly do not want ideologues serving as judges on our federal courts. That is why I think that Kuhl would make a great addition to the 9th Circuit. Kuhl has served for seven years on the Los Angeles County Superior Court. Before that, she and I were law partners for nine years. Kuhl is what I think of as an "old fashioned" judge. She cares about due process for everyone. In her seven years on the Superior Court, she has shown that she is careful to hear both sides. She does not try to influence the outcome of a case to favor one side or the other. She is serious about her oath to follow the law, whatever the result. Kuhl takes as her guide the words of Justice Felix Frankfurter that the highest calling of a judge is to subordinate the judge's personal views to the law. Kuhl hardly can be described as being on "the fringe" of the Los

REV\_00116120

Angeles legal community. She is the first woman to serve as the supervising judge of the civil departments of the Los Angeles Superior Court, a court system that is larger than the entire federal trial court nationwide. She served as the supervising judge of that court's very successful complex litigation program in its experimental phase.

Both the plaintiff and defense bars in Los Angeles actively support Kuhl, even though she primarily represented defendants when she practiced law. California Supreme Court Justice Carlos Moreno, more than a dozen justices of the Court of Appeal and almost 100 judges of the Superior Court (including more than 25 women) have signed letters in support of Kuhl. Many of these supporters are active Democrats. They know Kuhl and, like me, they know that she has not been, and would not be, a result-oriented judge. Prof. Erwin Chemerinsky recently argued, in the pages of this publication, that the battle over judges that was so unfair to nominees of Clinton should continue against Bush's nominees. "Look Closely," Forum, April 17. He also takes the position that candidates for judicial office should be judged by who their clients are and what positions they took on behalf of those clients.

The Los Angeles County Bar Association strongly disagrees. In its March 28 letter to the members of the Senate Judiciary Committee, the County

Bar stated: "The recent trend in attacking the qualifications of judicial candidates on the basis of positions advocated on behalf of clients is misguided ... . [W]e urge that the Judiciary Committee give due consideration to those issues that are critical to assessing a nominees' qualifications - the nominees' professional abilities, intelligence, integrity, experience and judicial temperament - and not to those positions taken by nominees on behalf of their clients."

The letter explains that because of a lawyer's responsibility to explore and present all arguments that may advance a client's cause, "neither the identity of a lawyer's clients nor the zealous advocacy of their causes necessarily provides any insight into the lawyer's personal beliefs, nor do they necessarily provide any indication of how a nominee may view a particular case presented to him or her as a judge." The letter also notes that the type of personal attacks on candidates that have become common may discourage candidates from pursuing judicial nominations and discourage lawyers from taking on unpopular or controversial clients or causes.

I call on fellow members of the bar, both Democrats and Republicans, to step up to the plate to support Kuhl, just like she went to bat for Paez and other Clinton nominees. It is shameful that her generosity and dedication to an independent judiciary are being repaid with the same sort of calumny that Paez suffered. Until the politicians decide to play fair with judicial candidates, our system of justice will suffer grievously.

Vilma S. Martinez has been a partner at Munger, Tolles & Olson for 20 years.

Previously, she served as president and general counsel of the Mexican American Legal Defense and Educational Fund.

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**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/30/2003 4:06:27 PM  
**Subject:** RE:

He says he wants you to go to senior staff. What did he say about staff meeting?

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Wednesday, April 30, 2003 4:00 PM  
**To:** Nelson, Carolyn  
**Subject:**

Did we cancel staff meeting? Also, do we need someone at senior staff; I used to go to that when Judge and Tim were not around. Let me know.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 4/30/2003 12:17:21 PM  
**Subject:** : AP story on pledge case

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:30-APR-2003 16:17:21.00  
SUBJECT:: AP story on pledge case  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

By ANNE GEARAN

The Associated Press

Wednesday, April 30, 2003; 3:28 PM

WASHINGTON - The Bush administration appealed to the Supreme Court on Wednesday to preserve the phrase "under God" in the Pledge of Allegiance recited by school children.

The reference does not amount to unconstitutional government promotion of religion, the administration's top Supreme Court lawyer wrote in a court filing.

"Whatever else the (Constitution's) establishment clause may prohibit, this court's precedents make clear that it does not forbid the government from officially acknowledging the religious heritage, foundation and character of this nation," Solicitor General Theodore Olson wrote in a court filing.

"That is what the Pledge of Allegiance does. The pledge is therefore constitutional."

The Justice Department and a California school district asked the high court to reverse a federal appeals court ruling last year that banned the teacher-led pledge in public schools.

The Constitution says the government may not establish religion. In practice that has meant the government cannot endorse or promote religion in general, or favor one religion over another.

The Supreme Court has twice declared the pledge is constitutional, and numerous justices have assumed as much in other writings, Olson argued. The administration asked the court to hear its appeal in the term that begins in the fall. The court could decide before summer whether to take the case.

The 9th U.S. Circuit Court of Appeals was so far out of bounds that the Supreme Court could simply strike down the ruling without even hearing arguments on the case, Olson suggested.

In March, the sharply divided San Francisco appeals court voted not to reconsider its earlier ruling on the pledge. In the initial ruling last June, two judges on a three-judge panel ruled that the regular morning classroom salute to the American flag is unconstitutional because of the phrase "one nation, under God."

The ban is on hold while the school district appeals. The Bush administration joined the case and filed its own appeal. If allowed to take effect in the nine states covered by the 9th Circuit, the pledge ban would affect 9.6 million children in public schools.

---

**From:** Nelson, Carolyn  
**To:** <Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Ullyot, Theodore W.>;<Brilliant, Hana F.>;<Bumatay, Patrick J.>;<Carroll, James W.>;<Everson, Nanette>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<McNally, Edward>;<Montiel, Charlotte L.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Brosnahan, Jennifer R.>  
**Sent:** 4/30/2003 4:26:44 PM  
**Subject:** STAFF MEETING ON FOR TOMORROW

Usual time, in the Judge's office.

Thanks!

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>  
**Sent:** 4/30/2003 4:30:00 PM  
**Subject:** Re: STAFF MEETING ON FOR TOMORROW

you are a mess

From: Carolyn Nelson/WHO/EOP@Exchange on 04/30/2003 04:17:37 PM

Record Type: Record

To:

cc:

Subject: STAFF MEETING ON FOR TOMORROW

Brett Kavanaugh will be commanding the meeting per the Judge's request.

Thanks!!

---

**From:** Kavanaugh, Brett M.  
**To:** <Torgerson, Karin B.>  
**Sent:** 4/30/2003 4:36:03 PM  
**Subject:** sent over some suggested changes; use as you see fit; thanks

---

**From:** Bumatay, Patrick J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/30/2003 5:36:53 PM  
**Subject:** from AmericanProwler.com

Did you see this?

### **THE NEW JUDGMENTALISM**

Look for major movement, at least from the White House side, in the nomination of federal judges. "The president promised that many of the openings in the federal judiciary would at the very least have nominations," says a White House political staffer.

The nominations, which will most likely number at least 40 and fewer than 150, should keep the Senate Judiciary Committee busy for quite a while.

The plan, according to the White House source, is to force Senate adversaries into picking and choosing individual nominees out of clusters that in the end will probably add up to more than 200 when combined with current nominees held up in committee. The larger the pool, in other words, the harder it will be for Democrats to obstruct movement toward confirmation. So one would think.



---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 4/30/2003 1:36:27 PM  
**Subject:** : from AmericanProwler.com

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:30-APR-2003 17:36:27.00  
SUBJECT:: from AmericanProwler.com  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Did you see this?

;

THE NEW JUDGMENTALISM

Look for major movement, at least from the White House side, in the nomination of federal judges. "The president promised that many of the openings in the federal judiciary would at the very least have nominations," says a White House political staffer.

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---

**From:** Montiel, Charlotte L.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/30/2003 5:38:01 PM  
**Subject:** call Ashley Snee 67984 ASAP

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 4/30/2003 5:46:17 PM  
**Subject:** toobin and greenberger

Give me some times tomorrow that I could set up for you to chat with Toobin and Greenberger (WSJ). I'll fill you in on what about for each - mainly judges/process what is appropriate to expect of nominees, etc for Toobin. Greenberger wants to meet you. In all shouldn't take more than an hour tops and we can do in my office or your office.

---

**From:** Kavanaugh, Brett M.  
**To:** <Orr, Christopher J.>;<Snee, Ashley>  
**Sent:** 4/30/2003 8:07:06 PM  
**Subject:** web page

On the "In Focus" part of web page, I think we should add "Judges" or "Judicial Appointments Process" or "Judicial Nomination and Confirmation Process" -- that gives easy place for people to find.

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 4/30/2003 4:13:45 PM  
**Subject:** : White House Global Messenger - 5/01/03  
**Attachments:** P\_BNY1G003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )  
CREATION DATE/TIME:30-APR-2003 20:13:45.00  
SUBJECT:: White House Global Messenger - 5/01/03  
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(See attached file: GM 5-01-03 FINAL.doc)

THE GLOBAL MESSENGER  
Thursday, May 1, 2003

\*\*\*\*\*STATEMENT BY THE PRESIDENT ON THE MIDDLE  
EAST, 4/30/03\*\*\*\*\*

On March 14, I noted the important steps taken by the Palestinian Legislative Council (PLC) toward the creation of an empowered, accountable office of Prime Minister.

The PLC has now confirmed a new Palestinian Prime Minister and Cabinet. Today, the roadmap for peace developed by the United States over the last several months in close cooperation with Russia, the European Union, and the United Nations has been presented to Israel and the Palestinians.

The roadmap represents a starting point toward achieving the vision of two states, a secure State of Israel and a viable, peaceful, democratic Palestine, that I set out on June 24, 2002.

It is a framework for progress towards lasting peace and security in the Middle East. Implementing the roadmap will depend upon the good faith efforts and contributions of both sides. The pace of progress will depend strictly on the performance of the parties.

I urge Israelis and Palestinians to work with us and with other members of the international community, and above all directly with each other to immediately end the violence and return to a path of peace based on the principles and objectives outlined in my statement of June 24, 2002.

Both Israelis and Palestinians have suffered from the terror and violence, and from the loss of hope in a better future of peace and security. An opportunity now exists to move forward.

The United States will do all it can to seize this opportunity. To that end, I have asked Secretary Powell to travel to the region to begin working with the parties so that we can take advantage of this moment.

REV\_00116168

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Daylight. Subject to Change

9:45 am Secretary Powell Briefs from Madrid, Spain  
12:00 pm Vice President Cheney Speaks at the Heritage  
Foundation Luncheon  
9:00 pm President Bush Addresses the Nation

\*\*\*\*\*IRAQ RECONSTRUCTION UPDATE\*\*\*\*\*

\* On April 26, the International Committee of the Red Cross  
and Red Crescent in Baghdad put 14 satellite telephones  
at the disposal of Iraqis eager to contact their relatives abroad.

\* The American vessel Free Atlas, carrying 28,500 metric tons  
of wheat, arrived in Al Aqabah, Jordan on April 30. On May 1,  
the vessel The Rise is scheduled to arrive at the  
Port of Umm Qasr, and contains locally procured rice from  
Pakistan purchased with part of a U.S. donation of \$200  
million to the World Food Program.

\*\*\*\*\*IN THE PRESIDENT'S WORDS: THE MIDDLE  
EAST, 6/24/02\*\*\*\*\*

"If liberty can blossom in the rocky soil of the West Bank and  
Gaza, it will inspire millions of men and women around the  
globe who are equally weary of poverty and oppression,  
equally entitled to the benefits of democratic government.

".... Prosperity and freedom and dignity are not just American  
hopes, or Western hopes. They are universal, human hopes.  
And even in the violence and turmoil of the Middle East,  
America believes those hopes have the power to transform  
lives and nations."

THE WHITE HOUSE  
Office of Global Communications  
For more information log on to <http://www.whitehouse.gov/ogc>

\*\*\*\*\*

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information about the President's messages to the world. This  
office distributes updates on major international topics such as the  
global war on terror, the case for regime change in Iraq, and  
more broadly, the ways in which we can all better communicate  
the aspirations and interests that Americans share with  
freedom-loving people everywhere.

- GM 5-01-03 FINAL.doc

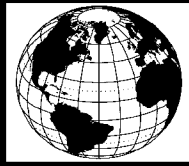
ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_BNY1G003\_WHO.TXT\_1>



# THE GLOBAL MESSENGER

Thursday, May 1, 2003



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*All Times Eastern Daylight. Subject to Change*

- |          |                                                                  |
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**THE WHITE HOUSE**  
**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00116170

---

**From:** Orr, Christopher J.  
**To:** <Kavanaugh, Brett M.>;<Snee, Ashley>  
**Sent:** 4/30/2003 9:50:31 PM  
**Subject:** Re: web page

Good idea.

----- Original Message -----

From: Brett M. Kavanaugh/WHO/EOP

To: Christopher J. Orr/WHO/EOP@EOP,

Ashley Snee/WHO/EOP@Exchange@EOP

Cc:

Date: 04/30/2003 08:08:53 PM

Subject: web page

On the "In Focus" part of web page, I think we should add "Judges" or "Judicial Appointments Process" or "Judicial Nomination and Confirmation Process" -- that gives easy place for people to find.



---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/1/2003 1:29:28 AM  
**Subject:** : OpinionJournal - On the Editorial Page - May 1, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME: 1-MAY-2003 05:29:28.00  
SUBJECT:: OpinionJournal - On the Editorial Page - May 1, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY BRET STEPHENS  
<http://www.opinionjournal.com/editorial/?id=110003432>

Abu Mazen's strength is his lack of strength.  
12:01 a.m. EDT

John Fund's Political Diary  
<http://www.opinionjournal.com/diary/?id=110003431>

SARS panic spreads far faster than the virus itself.  
12:01 a.m. EDT

Dorothy Rabinowitz's Media Log  
<http://www.opinionjournal.com/medialog/?id=110003435>

Fallen warriors remind us why whiny celebs are irrelevant.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Recalling Governor Davis  
Californians may get a chance to revisit their November vote.  
May 01 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105174718443455800,00.html%3Fmod%3Dopinion>

~~~~~

Mothers Against Monopoly  
Eleanor Holmes Norton doesn't speak for all parents in D.C.  
May 01 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105174768679543300,00.html%3Fmod%3Dopinion>

~~~~~

Tyco's Bad Odor  
It's worse than a \$6,000 shower curtain.  
May 01 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105174833989>

831300,00.html%3Fmod%3Dopinion

~~~~~

#### Commentary

##### A Marine Comes Home

Fallen warriors remind us why whiny celebs are irrelevant.

By DOROTHY RABINOWITZ

May 01 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105174920981724700,00.html%3Fmod%3Dopinion>

~~~~~

##### After the Strongman

Abu Mazen's strength is his lack of strength.

By BRET STEPHENS

May 01 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105174963226111500,00.html%3Fmod%3Dopinion>

~~~~~

##### Musical Bandits

Welcome to the Napster cha-cha.

By MICHAEL J. WOLF

May 01 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105175018046801500,00.html%3Fmod%3Dopinion>

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#### Politics & People

##### Golden State Blues

Gray Davis should take the recall effort seriously.

By ALBERT R. HUNT

May 01 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105174596572171000,00.html%3Fmod%3Dopinion>

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#### Leisure & Arts

##### The Gallery

Bay Area Asian Art Checks Into the Library

Years of political horse-trading pays off.

By DAVID LITTLEJOHN

May 01 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105174940162170200,00.html%3Fmod%3Dopinion>

~~~~~

##### Opera

An Updated Mozart

Cosi Fan Tutte at the Brooklyn Academy of Music.

By HEIDI WALESON

May 01 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105175029411>

087200,00.html%3Fmod%3Dopinion

~~~~~

#### Theater

Dancing 'Like a Fish' in Underwater Puppet Theater  
Basil Twist's Symphonie Fantastique at the Clark Studio Theater, Lincoln Center.

By ROBERT GRESKOVIC

May 01 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10517513404266300,00.html%3Fmod%3Dopinion>

~~~~~

#### Books

A Royal Whodunit

"Mary, Queen of Scots, and the Murder of Lord Darnley"

By BARBARA D. PHILLIPS

May 01 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105174997042090200,00.html%3Fmod%3Dopinion>

~~~~~

#### Time Off

Diversions

Passion's Discipline: The History of the Sonnet in the British Isles and America; The Barber of Seville; Himalayas: An Aesthetic Adventure

May 01 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10515820697942300,00.html%3Fmod%3Dopinion>

~~~~~

#### International

Apple Takes on Taiwan

Hong Kong's Apple Daily newspaper launches a clone in Taiwan.

By JESSE WONG

From The Asian Wall Street Journal

May 01 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105173137149573300,00.html%3Fmod%3Dopinion>

~~~~~

SARS Plays Into Beijing's Hands

China regards the crisis as a sign to maintain secrecy and stasis.

By BRUCE GILLEY

From The Asian Wall Street Journal

May 01 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105172665997429800,00.html%3Fmod%3Dopinion>

~~~~~

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---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/1/2003 8:15:03 AM  
**Subject:**

what was that?!

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>;<Kavanaugh, Brett M.>  
**Sent:** 5/1/2003 8:18:15 AM  
**Subject:** Re:

No one had anything new to report.

.

----- Original Message -----

From: Carolyn Nelson/WHO/EOP@Exchange

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

Cc:

Date: 05/01/2003 08:15:03 AM

Subject:

what was that?!

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/1/2003 10:51:38 AM  
**Subject:** we are on for 3pm with jeff toobin

do you want to do in my office or your office? i told him that it will be on background as an admin official.

---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**Sent:** 5/1/2003 10:51:08 AM  
**Subject:** Re: we are on for 3pm with jeff toobin

yours

From: Ashley Snee/WHO/EOP@Exchange on 05/01/2003 10:51:38 AM

Record Type: Record

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

cc:

Subject: we are on for 3pm with jeff toobin

do you want to do in my office or your office? i told him that it will be on background as an admin official.



---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/1/2003 11:10:33 AM  
**Subject:** When is judge coming up here

For meeting manny was working on?

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>;<Mamo, Jeanie S.>  
**Sent:** 5/1/2003 11:15:07 AM  
**Subject:** Claude Allen

It sounds like the Post is going to be doing a story on Claude Allen that may include something about how one of his "supporters" on the list aren't quite that. Jeanie - how did you address that exactly, and did they write anything?

---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**Sent:** 5/1/2003 12:13:12 PM  
**Subject:** AP story on Owen

*By JESSE J. HOLLAND*

The Associated Press

Thursday, May 1, 2003: 11:21 AM

WASHINGTON - Senate Democrats on Thursday blocked Texas Judge Priscilla Owen from being confirmed to the U.S. Appeals Court, the second time they've thwarted President Bush and majority Republicans in a confrontation over federal judgeships.

GOP senators were not able to get the 60 votes they needed to break the filibuster on Owen, a home-state favorite of the president who has been nominated to the 5th U.S. Circuit Court of Appeals in New Orleans. Their attempt to break the Democratic filibuster failed, 52-44.

The vote broke down along mostly party lines, with independent Sen. Jim Jeffords of Vermont voting with the Democrats and two Democrats - Sens. Zell Miller of Georgia and Ben Nelson of Nebraska - voting with the GOP. Four senators did not vote: Democrats Paul Sarbanes of Maryland, Joe Lieberman of Connecticut, Bob Graham of Florida and Republican James Inhofe of Oklahoma.

Republicans say Owen is more than qualified for the appellate bench and that Democrats misrepresented her positions and demonized her when they rejected her nomination last year when they controlled the Senate.

"I think that Justice Owen has been put in the political meat grinder in Washington, D.C.," said Sen. Kay Bailey Hutchinson, R-Texas.

But Democrats complain that Owen, who sits on the Texas Supreme Court, is an anti-abortion, pro-business judicial activist whose opinions and rulings are overly influenced by her personal beliefs. Bush forced them into this new filibuster by sending her name back for confirmation, they said.

"We are here because the president has picked another fight with the United States Senate by renominating a divisive and controversial activist to another circuit court, and that's regrettable," said Sen. Patrick Leahy of Vermont, the top Democrat on the Senate Judiciary Committee.

Democrats say they have more than enough votes in their 48-member caucus to keep Owen bottled up in the Senate for months to come.

"She seems to want to make law to fit her own ideological preconception rather than follow the law as written," said Sen. Charles Schumer, D-N.Y.

A successful filibuster on Owen for Democrats will mean that simultaneous filibusters will be going against Owen and Hispanic lawyer Miguel Estrada, nominated to the U.S. Court of Appeals for the District of Columbia. It will be the first time two official filibusters against judicial nominees have occurred simultaneously in the Senate.

Republicans have lost four attempts to break the Estrada filibuster. If they're successful on Owen, Democrats say they're prepared to have three or even more judicial filibusters going simultaneously.

Democrats have threatened all year to filibuster against the nomination of U.S. District Judge Charles Pickering of

Mississippi to the 5th Circuit.

"I think Pickering will have a very rough time," Schumer said. "And I think they'll be more" filibusters.

Schumer said another possible target could be California Judge Carolyn Kuhl, a former Reagan administration lawyer nominated to the San Francisco-based 9th U.S. Circuit Court of Appeals.

The Senate Judiciary Committee vote will indicate whether Democrats will try to filibuster a nominee, Schumer said. The committee has 10 Republicans and nine Democrats.

"If we don't get nine votes against them in the Judiciary Committee, it will be a difficult thing to hold it up on the floor of the Senate," said Schumer, who sits on the Senate Judiciary Committee. "That's our rule of thumb."

Sen. John Cornyn, R-Texas, says he will hold hearings in his Senate Judiciary subcommittee in May to try to resolve the Senate logjam. Cornyn personally would prefer to ban filibusters and holds on judicial nominees.

"The Senate needs to find an end to the downward spiral of accusations, obstruction and delay," said Cornyn, who put together a letter from all 10 Senate freshmen calling for quicker confirmation of judges.

Schumer suggested setting up bipartisan nomination commissions in each state that would recommend a judicial candidate to the president for each empty judgeship. "It's our best hope for breaking the vicious cycle," Schumer said.

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 5/1/2003 8:17:29 AM  
**Subject:** : AP story on Owen

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-MAY-2003 12:17:29.00  
SUBJECT:: AP story on Owen  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

By JESSE J. HOLLAND

The Associated Press

Thursday, May 1, 2003; 11:21 AM

WASHINGTON - Senate Democrats on Thursday blocked Texas Judge Priscilla Owen from being confirmed to the U.S. Appeals Court, the second time they've thwarted President Bush and majority Republicans in a confrontation over federal judgeships.

GOP senators were not able to get the 60 votes they needed to break the filibuster on Owen, a home-state favorite of the president who has been nominated to the 5th U.S. Circuit Court of Appeals in New Orleans. Their attempt to break the Democratic filibuster failed, 52-44.

The vote broke down along mostly party lines, with independent Sen. Jim Jeffords of Vermont voting with the Democrats and two Democrats - Sens. Zell Miller of Georgia and Ben Nelson of Nebraska - voting with the GOP. Four senators did not vote: Democrats Paul Sarbanes of Maryland, Joe Lieberman of Connecticut, Bob Graham of Florida and Republican James Inhofe of Oklahoma.

Republicans say Owen is more than qualified for the appellate bench and that Democrats misrepresented her positions and demonized her when they rejected her nomination last year when they controlled the Senate.

"I think that Justice Owen has been put in the political meat grinder in Washington, D.C.," said Sen. Kay Bailey Hutchinson, R-Texas.

But Democrats complain that Owen, who sits on the Texas Supreme Court, is an anti-abortion, pro-business judicial activist whose opinions and rulings are overly influenced by her personal beliefs. Bush forced them into this new filibuster by sending her name back for confirmation, they said.

"We are here because the president has picked another fight with the United States Senate by renominating a divisive and controversial activist to another circuit court, and that's regrettable," said Sen. Patrick Leahy of Vermont, the top Democrat on the Senate Judiciary Committee.

Democrats say they have more than enough votes in their 48-member caucus to keep Owen bottled up in the Senate for months to come.

"She seems to want to make law to fit her own ideological preconception rather than follow the law as written," said Sen. Charles Schumer, D-N.Y. A successful filibuster on Owen for Democrats will mean that simultaneous filibusters will be going against Owen and Hispanic lawyer Miguel Estrada, nominated to the U.S. Court of Appeals for the District of Columbia. It will be the first time two official filibusters against judicial nominees have occurred simultaneously in the Senate.

Republicans have lost four attempts to break the Estrada filibuster. If they're successful on Owen, Democrats say they're prepared to have three or even more judicial filibusters going simultaneously.

Democrats have threatened all year to filibuster against the nomination of U.S. District Judge Charles Pickering of Mississippi to the 5th Circuit.

"I think Pickering will have a very rough time," Schumer said. "And I think they'll be more" filibusters.

Schumer said another possible target could be California Judge Carolyn Kuhl, a former Reagan administration lawyer nominated to the San Francisco-based 9th U.S. Circuit Court of Appeals.

The Senate Judiciary Committee vote will indicate whether Democrats will

try to filibuster a nominee, Schumer said. The committee has 10 Republicans and nine Democrats.

"If we don't get nine votes against them in the Judiciary Committee, it will be a difficult thing to hold it up on the floor of the Senate," said Schumer, who sits on the Senate Judiciary Committee. "That's our rule of thumb."

Sen. John Cornyn, R-Texas, says he will hold hearings in his Senate Judiciary subcommittee in May to try to resolve the Senate logjam. Cornyn personally would prefer to ban filibusters and holds on judicial nominees.

"The Senate needs to find an end to the downward spiral of accusations, obstruction and delay," said Cornyn, who put together a letter from all 10 Senate freshmen calling for quicker confirmation of judges.

Schumer suggested setting up bipartisan nomination commissions in each state that would recommend a judicial candidate to the president for each empty judgeship. "It's our best hope for breaking the vicious cycle," Schumer said.

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>;<Snee, Ashley>  
**Sent:** 5/1/2003 1:03:43 PM  
**Subject:** FW: Whip Alert Update 05/01/03

-----Original Message-----

**From:** Swonger, Amy (McConnell) [mailto:Amy\_Swonger@mcconnell.senate.gov]  
**Sent:** Thursday, May 01, 2003 1:00 PM  
**Subject:** Whip Alert Update 05/01/03

**WHIP ALERT UPDATE**

*Thursday, April 1, 2003*

**Vote at 2:15 p.m.**

By Unanimous Consent, the Senate will vote at **2:15 p.m.** today on the confirmation of the nomination of Edward C. Prado, of Texas, to be U.S. Circuit Judge for the Fifth Circuit (Exec. Cal. #105).

On Monday, April 5, the Senate will vote at **4:45 p.m.** on the confirmation of the nomination of Deborah L. Cook, of Ohio, to be U.S. Circuit Judge for the Sixth Circuit (Exec. Cal. #34).

On Thursday, April 8, the Senate will take up the nomination of John G. Roberts, Jr., of Maryland, to be U.S. Circuit Judge for the District of Columbia Circuit (Exec. Cal. #35) with the expectation that a vote will occur later in the week.

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**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**Sent:** 5/1/2003 1:14:30 PM  
**Subject:** Prado vote today; Cook vote Monday; floor debate begins on Roberts nomination next Thursday  
5/8 with likely vote on 5/8 or 5/9



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**From:** Sampson, Kyle  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Kavanaugh, Brett M.>; <Francisco, Noel J.>; <Bartolomucci, H. Christopher>  
**Sent:** 5/1/2003 1:41:24 PM  
**Subject:** SJC Markup

Kuhl: held over.

Roberts: held over.

Minaldi: reported to the floor unanimously by voice vote.

U.S. Marshal Torres: reported to the floor by voice vote.

Holmes: reported WITHOUT RECOMMENDATION by a party line vote of 10-9.

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**From:** Estrada, Miguel A. <MEstrada@gibsondunn.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/1/2003 1:41:43 PM  
**Subject:** : Some witnesses

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Estrada, Miguel A." <MEstrada@gibsondunn.com> ( "Estrada, Miguel A."  
<MEstrada@gibsondunn.com> [ UNKNOWN ] )  
CREATION DATE/TIME: 1-MAY-2003 17:41:43.00  
SUBJECT:: Some witnesses  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

CORNYN TO CONVENE HEARING TO DISCUSS "FRESH START" IN  
JUDICIAL CONFIRMATION PROCESS

Senators, leading constitutional scholars to testify

WASHINGTON - U.S. Sen. John Cornyn, Chairman of the Judiciary Committee's subcommittee on the Constitution, announced Thursday a list of witnesses scheduled to testify in the hearing he will convene on reforming the broken judicial confirmation process. The hearing, Judicial Nominations, Filibusters, and the Constitution: When a majority is denied its right to consent, will be held in 226 Dirksen on Tuesday, May 6, 2003 at 2:30 p.m.

The witnesses scheduled to testify are Sens. Zell Miller (D-Ga.), Chuck Schumer (D-NY), and Arlen Specter (R-Pa.), as well as constitutional scholars Bruce Fein, Fein & Fein; Dean Douglas W. Kmiec, Catholic University School of Law; Professor Steven G. Calabresi, Northwestern School of Law; and Professor John C. Eastman, Chapman Law School.

"These witnesses, with their vast constitutional knowledge and confirmation process expertise, will provide a broad range of insight and ideas into how best to reform the judicial confirmation process. We hope to identify not only the flaws in the current system, but how they can best be addressed," Sen. Cornyn said. "The hearing will provide a forum for all sides to raise important concerns and suggestions with the intent of creating a fair and reasonable process of confirming judicial nominees."

The hearing comes two years after President Bush announced his first class of nominees to the federal courts of appeals, including Texas Supreme Court Justice Priscilla Owen, whose nomination is being filibustered by a partisan minority of the Senate. Five of the 11 nominees have still not had a vote by the full Senate.

"It's encouraging that Sen. Schumer, my colleague on the subcommittee, has acknowledged that the system is broken and has offered a proposal of his own. Our hearing will review his, and many other proposals," Chairman Cornyn added.

Sen. Cornyn chairs the subcommittee on the Constitution, Civil Rights & Property Rights, and is the only former judge on the committee. He also serves on the Armed Services, Environment and Public Works, and Budget Committees. He served previously as Texas Attorney General, Texas Supreme Court Justice, and Bexar County District Judge.

-See below for biographies of the witnesses-

Bruce Fein, Fein & Fein

Bruce Fein is a nationally acclaimed expert on constitutional law. He has more than 25 years of experience in legal fields ranging from

antitrust to communications to national security law. He is former Associate Deputy Attorney General in the Department of Justice and former General Counsel of the Federal Communications Commission. Both parties in Congress have repeatedly summoned Mr. Fein to testify on various constitutional subjects. According to National Law Journal, he is one of the seven most quoted attorneys in the nation. He regularly appears on national radio and television, including National Public Radio, Face the Nation, C-Span and MSNBC.

\*\*\*

Douglas W. Kmiec, Catholic University School of Law

One of the nation's leading experts in constitutional law, Douglas W. Kmiec previously held the Caruso Family Chair in Constitutional Law at Pepperdine University School of Law. Prior to that post, he taught constitutional law at the University of Notre Dame for nearly two decades. Professor Kmiec has previously served as Assistant Attorney General for the Office of Legal Counsel in the U.S. Department of Justice.

Dean Kmiec has authored or co-authored numerous books and articles on constitutional issues and the role of the U.S. Supreme Court. These include books co-authored with distinguished legal historian Stephen B. Presser - The American Constitutional Order, Individual Rights and the American Constitution, and The History, Structure and Philosophy of the American Constitution.

\*\*\*

Steven G. Calabresi, Northwestern School of Law

Professor Calabresi is a member of the faculty of the Northwestern University School of Law and is a graduate of the Yale Law School and of Yale College. He served as a Law Clerk to Justice Antonin Scalia of the United States Supreme Court. From 1985 to 1990, he served in the Reagan and Bush Administrations working both in the White House and before that in the U.S. Department of Justice. Since joining the Northwestern Faculty in 1990, Professor Calabresi has participated in constitutional reform conferences with Eastern European officials.

\*\*\*

John C. Eastman, Chapman School of Law

John Eastman is a Professor of Law at the Chapman University School of Law, specializing in Constitutional Law and Legal History. He is also the Director of the Center for Constitutional Jurisprudence, a public interest law firm affiliated with the Claremont Institute for the Study of Statesmanship and Political Philosophy. Prior to joining the Chapman law faculty, Dr. Eastman served as a law clerk to the Honorable Clarence Thomas, Associate Justice, Supreme Court of the United States.

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This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

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**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/1/2003 1:58:54 PM  
**Subject:** what room is the 2:00 in?

---

**From:** Miranda, Manuel \(\Frist\) <Manuel\_Miranda@frist.senate.gov>  
**To:** <Grubbs, Wendy J.>;<Kavanaugh, Brett M.>  
**Sent:** 5/1/2003 2:54:54 PM  
**Subject:** Principal's

I am leaving it to you to invite your principal's. Is that OK?

---

**From:** Bartolomucci, H. Christopher  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Francisco, Noel J.>; <Kavanaugh, Brett M.>; <Sampson, Kyle>; <Newstead, Jennifer G.>; <Powell, Benjamin A.>; <Ullyot, Theodore W.>; <Brosnahan, Jennifer R.>  
**Sent:** 5/1/2003 3:05:50 PM  
**Subject:** Judicial Confirmation

The quotation below from Sen. Schumer, taken from an AP story from today, is exactly right. The emerging test for judicial confirmation is, if you get at least one D vote in committee, you get confirmed; if not, you get filibustered.

"If we don't get nine votes against them in the Judiciary Committee, it will be a difficult thing to hold it up on the floor of the Senate," said Schumer, who sits on the Senate Judiciary Committee. "That's our rule of thumb."

---

**From:** Comisac, RenaJohnson \ (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
**To:** Jamie.E.Brown@usdoj.gov <Jamie.E.Brown@usdoj.gov>; Nancy.Scottfinan@usdoj.gov  
<Nancy.Scottfinan@usdoj.gov>; Brian.A.Benczkowski@usdoj.gov  
<Brian.A.Benczkowski@usdoj.gov>; Brian.A.Benczkowski@usdoj.gov <Grubbs, Wendy  
J.>; Brian.A.Benczkowski@usdoj.gov <Kavanaugh, Brett M.>  
**Sent:** 5/1/2003 3:06:21 PM  
**Subject:** FW: Notice of Nominations Hearing and Tentative Witness List  
**Attachments:** NotmAY72003-nom.wpd; Tentative Agenda - May 7 hearing.rtf

-----Original Message-----

**From:** Butterfield, Jane (Judiciary)

**Sent:** Wednesday, April 30, 2003 4:25 PM

**To:** Sebold, Linda (Secretary); Dean, Ken (Secretary); Hauck, David (SAA); Klutts, Chad (Secretary); Miller Reporting (milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian (Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary); Turner, Roslyne (Judiciary); Pomerance, Lilah (Schumer); Carle, David (Leahy); Fleek, Susanne (Leahy); Gordon, Robert (Edwards); Jones, Stephanie (Edwards); Lackey, Miles (Edwards); Payne-Funk, Matt (Leahy); Skocki, Stan (DeWine); Abegg, John (McConnell); Cobb, Susan (Hatch); Janzen, Stormie (Sessions); Knight, Patricia (Hatch); Maier, Elizabeth (Kyl); Nuebel, Kathy (Grassley); Thomas Swanton (thomas\_swanton@specter.senate.gov); Frank Brown (frank\_brown@specter.senate.gov); Glazewski, Tim (Kyl); Larry Kosten (larry\_kosten@specter.senate.gov); Mark Heilbrun (mark\_heilbrun@specter.senate.gov); Singh Seema (seema\_singh@specter.senate.gov); Sonia Acosta (sonia\_acosta@kohl.senate.gov); Morcombe, Cecilia (Judiciary); Marmion, Preble (Judiciary); Mohle, Heinz (Judiciary); Tapia, Margarita (Judiciary); Bradley, Ellen (L. Graham); Cernok, Jill (Kyl); Cricks, Alison; Farr, MaryBeth (Chambliss); Gumerson, Katie (RPC); Hale, Carrie (DeWine); Higgins, Meghan (Cornyn); Jafari, Beth (Cornyn); Jodi Lindley (jodi\_lindley@craig.senate.gov); Montoya, Ruth (Hatch); Shimp, Leah (Grassley); Trevor Miller (trevor\_miller@feingold.senate.gov); Anderson, Kathy (Durbin); Arlene Branca (arlene\_branca@kohl.senate.gov); Bar, Alexis (Edwards); Dowd, John (Leahy); Hart Hazard (hart\_hazard@biden.senate.gov); Hawkins, Julia (Feinstein); Magarik, Tamar (Feinstein); Mary Murphy (mary\_murphy@feingold.senate.gov); McDonald, Kevin (Leahy); Molly Buford (molly\_buford@biden.senate.gov); Nicholas, Elizabeth (Edwards); Schumer Scheduling (Scheduling@schumer.senate.gov); Tom Wyler (tom\_wyler@feingold.senate.gov); Judiciary, Schumer2 (Judiciary); Bauerly, Cynthia (Judiciary); Berman, Jeff (Judiciary); Flood, James (Judiciary); Judiciary, Schumer1 (Judiciary); Terrell, Louisa (Judiciary); Judiciary, Biden1 (Judiciary); Lee, Marcia (Judiciary); MacBride, Neil (Judiciary); Meyer, Jonathan (Judiciary); Robinson, Tonya (Judiciary); Rosen, Eric (Judiciary); Zubrensky, Michael (Judiciary); Kang, Chris (Judiciary); Keam, Mark (Judiciary); Longley, Michael (Judiciary); Zogby, Joseph (Judiciary); White, Kirsten (Judiciary); Busansky, Alex (Judiciary); Judiciary, Feingold1 (Judiciary); Khera, Farhana (Judiciary); Schiff, Bob (Judiciary); Strickland, LaVita (Judiciary); Hantman, David (Judiciary); Hughes, Dempsey (Judiciary); Judiciary, Feinstein1 (Judiciary); Judiciary, Feinstein2 (Judiciary); Knapp, Jason (Feinstein); Lamberti, Matthew (Judiciary); Oscherwitz, Tom (Judiciary); Toone, Robert (Judiciary); Flug, James (Judiciary); Johnson, Olati (Judiciary); Judiciary, Kennedy1 (Judiciary); Judiciary, Kennedy2 (Judiciary); Judiciary, Kennedy3 (Judiciary); Judiciary, Kennedy4 (Judiciary); Kaguyutan, Janice (Judiciary); Olavarria, Esther (Judiciary); Phillips, Richard (Judiciary); Sessoms, Julia (Judiciary); Schwantes, Jonathan (Judiciary); Arends, Ross (Judiciary); Bloom, Seth (Judiciary); Judiciary, Kohl1 (Judiciary); Miller, Jeffrey (Judiciary); Nonna, Caroline (Judiciary); Reder, Elizabeth (Judiciary); Winski, John (Judiciary); Arfa, Rachel (Judiciary); Berry, Jessica (Judiciary); Cohen, Bruce (Judiciary); Davies, Susan (Judiciary); Demaine, Linda (Judiciary); DeOreo, Mary (Judiciary); Dettelbach, Steven (Judiciary); Fine, Daniel (Judiciary); Graves, Lisa (Judiciary); Greenfeld, Helaine (Judiciary); Huebner, Ben (Judiciary); Katzman, Julie (Judiciary); Klepper, Leesa (Judiciary); Lafayette, Ed (Judiciary); Lucius, Kristine (Judiciary); Lynch, Tim (Judiciary); Magner, Tara (Judiciary); McCormack, Blythe (Judiciary); McKennerney, Christina (Judiciary); Neises, Eric (Judiciary); Pagano, Edward (Judiciary); Parry, Liz (Judiciary); Toomajian, Phil (Judiciary); Smith, William (Judiciary); Barnes, Cindy (Judiciary); Judiciary, Sessions1 (Judiciary); Judiciary, Sessions2 (Judiciary); Pai, Ajit (Judiciary); Sander, Andrea (Judiciary); Poindexter, Martha Scott (Chambliss); Gillies, John (Chambliss); McLean, Camila (Chambliss); Ho, James (Judiciary); Brooke Roberts; Taylor, Steve (Judiciary); Blackwell, Robin (Judiciary); Fortier, Evelyn (Judiciary); Jones, Bill (Judiciary); Judiciary, DeWine1 (Judiciary); Judiciary, DeWine2 (Judiciary); Judiciary, DeWine3 (Judiciary); Levitas, Peter (Judiciary); Galyean, James (L. Graham); Reed, Matt (Judiciary); Groover, Chad (Judiciary); Judiciary, Grassley1 (Judiciary); Judiciary, Grassley2 (Judiciary); Judiciary, Grassley4 (Judiciary); Lari, Rita (Judiciary); Augustine, Rene (Judiciary); Best, David (Judiciary); Bloemendal, Katherine (Judiciary); Bunker, Matt (Judiciary); Caramanica, Jessica (Judiciary); Castle, William (Judiciary); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary); Delrahim, Makan (Judiciary); Eskelsen, Jon (Judiciary); Friedrich, Dabney (Judiciary); Green, Tanya (Judiciary); Greissing, John (Judiciary); Haywood, Amy (Judiciary); Higginbotham, Ryan (Judiciary); Johnson, Jacob (Judiciary); LeBon, Cherylyn (Judiciary); Lehman, Ted (Judiciary); Lundell, Jason (Judiciary); O'Connor, Reed (Judiciary); O'Scannlain, Kevin (Judiciary); Prior, Swen (Judiciary); Seidel, Rebecca (Judiciary); Snell, BethAnn (Judiciary); Soliemanzadeh, Payam (Judiciary); Stahl, Katie

(Judiciary); Volkov, Michael (Judiciary); Wagner, Jennifer (Judiciary); Matal, Joe (Judiciary); Higgins, Stephen (Judiciary); Judiciary, kylintern1 (Judiciary); Judiciary, kylintern2 (Judiciary); Letourneau, Matthew (Judiciary); Judiciary, VictoriaS (Judiciary); Judiciary, AnnaG (Judiciary); Judiciary, JonF (Judiciary); Judiciary, MargueriteM (Judiciary); Judiciary, MattG (Judiciary); Judiciary, SheilaB (Judiciary); Millette, Martin (Judiciary); Artim, Bruce (Judiciary); Campbell, Chris (Judiciary); Carlson, Mark (Judiciary); DeLoatche, Patricia (Judiciary); Kim, Harold (Judiciary); Judiciary, TylerH (Judiciary); Judiciary, BarrH (Judiciary); Judiciary, DanT (Judiciary); Judiciary, EricJ (Judiciary); Judiciary, IsaacH (Judiciary); Judiciary, JeremyJ (Judiciary); Judiciary, JeremyN (Judiciary); Judiciary, KristenW (Judiciary); Judiciary, NicoleO (Judiciary)

**Subject:** Notice of Nominations Hearing and Tentative Witness List

**Importance:** High

April 30, 2003

## **NOTICE OF FULL COMMITTEE HEARING**

The Senate Committee on the Judiciary will hold a hearing on **Wednesday, May 7, 2003**, at **9:30 a.m.** in Room **226** of the **Senate Dirksen Building**, on **“Judicial Nominations.”**

Senator Hatch will preside.

By order of the Chairman



90104rdrheada )33 **Tentative Agenda**

**Senate Judiciary Committee Hearing on Judicial Nominations**

**Wednes**

**insrsid5844890 day, May 7, 2003, at 9:30 a.m.**

**Dirksen 226**

**Panel I**

**par**

[senators]

**Panel II**

**Consuelo Maria Callahan** to be United States Circuit Judge  
for the Ninth Circuit

**Michael Chertoff** to be United States Circuit Judge for the Third Circuit  
930687

**Panel III**

**L. Scott Coogler** to7695 be United States District Judge  
for the Northern District of Alabama

ght

April 30, 2003

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By order of the Chairman

**From:** Comisac, RenaJohnson (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>; Nancy.Scottfinan@usdoj.gov [ UNKNOWN ] <Nancy.Scottfinan@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] <Brian.A.Benczkowski@usdoj.gov>; Jamie.E.Brown@usdoj.gov [ UNKNOWN ] <Jamie.E.Brown@usdoj.gov>  
**Sent:** 5/1/2003 11:08:23 AM  
**Subject:** : FW: Notice of Nominations Hearing and Tentative Witness List  
**Attachments:** P\_L9U2G003\_WHO.TXT\_1.html; P\_L9U2G003\_WHO.TXT\_2.rtf; P\_L9U2G003\_WHO.TXT\_3.wpd

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> ( "Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 1-MAY-2003 15:08:23.00

SUBJECT:: FW: Notice of Nominations Hearing and Tentative Witness List

TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Nancy.Scottfinan@usdoj.gov ( Nancy.Scottfinan@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brian.A.Benczkowski@usdoj.gov ( Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

TO:Jamie.E.Brown@usdoj.gov ( Jamie.E.Brown@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

-----Original Message-----

From: Butterfield, Jane (Judiciary)

Sent: Wednesday, April 30, 2003 4:25 PM

To: Sebold, Linda (Secretary); Dean, Ken (Secretary); Hauck, David (SAA); Klutts, Chad (Secretary); Miller Reporting (milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian (Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary); Turner, Roslyne (Judiciary); Pomerance, Lilah (Schumer); Carle, David (Leahy); Fleek, Susanne (Leahy); Gordon, Robert (Edwards); Jones, Stephanie (Edwards); Lackey, Miles (Edwards); Payne-Funk, Matt (Leahy); Skocki, Stan (DeWine); Abegg, John (McConnell); Cobb, Susan (Hatch); Janzen, Stormie (Sessions); Knight, Patricia (Hatch); Maier, Elizabeth (Kyl); Nuebel, Kathy (Grassley); Thomas Swanton (thomas\_swanton@specter.senate.gov); Frank Brown (frank\_brown@specter.senate.gov); Glazewski, Tim (Kyl); Larry Kosten (larry\_kosten@specter.senate.gov); Mark Heilbrun (mark\_heilbrun@specter.senate.gov); Singh Seema (seema\_singh@specter.senate.gov); Sonia Acosta (sonia\_acosta@kohl.senate.gov); Morcombe, Cecilia (Judiciary); Marmion, Preble (Judiciary); Mohle, Heinz (Judiciary); Tapia, Margarita (Judiciary); Bradley, Ellen (L. Graham); Cernok, Jill (Kyl); Cricks, Alison; Farr, MaryBeth (Chambliss); Gumerson, Katie (RPC); Hale, Carrie (DeWine); Higgins, Meaghan (Cornyn); Jafari, Beth (Cornyn); Jodi Lindley (jodi\_lindley@craig.senate.gov); Montoya, Ruth (Hatch); Shimp, Leah (Grassley); Trevor Miller (trevor\_miller@feingold.senate.gov); Anderson, Kathy (Durbin); Arlene Branca (arlene\_branca@kohl.senate.gov); Bar, Alexis (Edwards); Dowd, John (Leahy); Hart Hazard (hart\_hazard@biden.senate.gov); Hawkins, Julia (Feinstein); Magarik, Tamar (Feinstein); Mary Murphy (mary\_murphy@feingold.senate.gov); McDonald, Kevin (Leahy); Molly Buford (molly\_buford@biden.senate.gov); Nicholas, Elizabeth (Edwards); Schumer Scheduling (Scheduling@schumer.senate.gov); Tom Wyler (tom\_wyler@feingold.senate.gov); Judiciary, Schumer2 (Judiciary); Bauerly, Cynthia (Judiciary); Berman, Jeff (Judiciary); Flood, James

REV\_00116279

(Judiciary); Judiciary, Schumer1 (Judiciary); Terrell, Louisa  
(Judiciary); Judiciary, Biden1 (Judiciary); Lee, Marcia (Judiciary);  
MacBride, Neil (Judiciary); Meyer, Jonathan (Judiciary); Robinson, Tonya  
(Judiciary); Rosen, Eric (Judiciary); Zubrensky, Michael (Judiciary);  
Kang, Chris (Judiciary); Keam, Mark (Judiciary); Longley, Michael  
(Judiciary); Zogby, Joseph (Judiciary); White, Kirsten (Judiciary);  
Busansky, Alex (Judiciary); Judiciary, Feingold1 (Judiciary); Khera,  
Farhana (Judiciary); Schiff, Bob (Judiciary); Strickland, LaVita  
(Judiciary); Hantman, David (Judiciary); Hughes, Dempsey (Judiciary);  
Judiciary, Feinstein1 (Judiciary); Judiciary, Feinstein2 (Judiciary);  
Knapp, Jason (Feinstein); Lamberti, Matthew (Judiciary); Oscherwitz, Tom  
(Judiciary); Toone, Robert (Judiciary); Flug, James (Judiciary);  
Johnson, Olati (Judiciary); Judiciary, Kennedy1 (Judiciary); Judiciary,  
Kennedy2 (Judiciary); Judiciary, Kennedy3 (Judiciary); Judiciary,  
Kennedy4 (Judiciary); Kaguyutan, Janice (Judiciary); Olavarria, Esther  
(Judiciary); Phillips, Richard (Judiciary); Sessoms, Julia (Judiciary);  
Schwantes, Jonathan (Judiciary); Arends, Ross (Judiciary); Bloom, Seth  
(Judiciary); Judiciary, Kohl1 (Judiciary); Miller, Jeffrey (Judiciary);  
Nonna, Caroline (Judiciary); Reder, Elizabeth (Judiciary); Winski, John  
(Judiciary); Arfa, Rachel (Judiciary); Berry, Jessica (Judiciary);  
Cohen, Bruce (Judiciary); Davies, Susan (Judiciary); Demaine, Linda  
(Judiciary); DeOreo, Mary (Judiciary); Dettelbach, Steven (Judiciary);  
Fine, Daniel (Judiciary); Graves, Lisa (Judiciary); Greenfeld, Helaine  
(Judiciary); Huebner, Ben (Judiciary); Katzman, Julie (Judiciary);  
Klepper, Leesa (Judiciary); Lafayette, Ed (Judiciary); Lucius, Kristine  
(Judiciary); Lynch, Tim (Judiciary); Magner, Tara (Judiciary);  
McCormack, Blythe (Judiciary); McKennerney, Christina (Judiciary);  
Neises, Eric (Judiciary); Pagano, Edward (Judiciary); Parry, Liz  
(Judiciary); Toomajian, Phil (Judiciary); Smith, William (Judiciary);  
Barnes, Cindy (Judiciary); Judiciary, Sessions1 (Judiciary); Judiciary,  
Sessions2 (Judiciary); Pai, Ajit (Judiciary); Sander, Andrea  
(Judiciary); Poindexter, Martha Scott (Chambliss); Gillies, John  
(Chambliss); McLean, Camila (Chambliss); Ho, James (Judiciary); Brooke  
Roberts; Taylor, Steve (Judiciary); Blackwell, Robin (Judiciary);  
Fortier, Evelyn (Judiciary); Jones, Bill (Judiciary); Judiciary, DeWine1  
(Judiciary); Judiciary, DeWine2 (Judiciary); Judiciary, DeWine3  
(Judiciary); Levitas, Peter (Judiciary); Galyean, James (L. Graham);  
Reed, Matt (Judiciary); Groover, Chad (Judiciary); Judiciary, Grassley1  
(Judiciary); Judiciary, Grassley2 (Judiciary); Judiciary, Grassley4  
(Judiciary); Lari, Rita (Judiciary); Augustine, Rene (Judiciary); Best,  
David (Judiciary); Bloemendal, Katherine (Judiciary); Bunker, Matt  
(Judiciary); Caramanica, Jessica (Judiciary); Castle, William  
(Judiciary); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary);  
Delrahim, Makan (Judiciary); Eskelsen, Jon (Judiciary); Friedrich,  
Dabney (Judiciary); Green, Tanya (Judiciary); Greissing, John  
(Judiciary); Haywood, Amy (Judiciary); Higginbotham, Ryan (Judiciary);  
Johnson, Jacob (Judiciary); LeBon, Cherylyn (Judiciary); Lehman, Ted  
(Judiciary); Lundell, Jason (Judiciary); O'Connor, Reed (Judiciary);  
O'Scannlain, Kevin (Judiciary); Prior, Swen (Judiciary); Seidel, Rebecca  
(Judiciary); Snell, BethAnn (Judiciary); Soliemanzadeh, Payam  
(Judiciary); Stahl, Katie (Judiciary); Volkov, Michael (Judiciary);  
Wagner, Jennifer (Judiciary); Matal, Joe (Judiciary); Higgins, Stephen  
(Judiciary); Judiciary, kylintern1 (Judiciary); Judiciary, kylintern2  
(Judiciary); Letourneau, Matthew (Judiciary); Judiciary, VictoriaS  
(Judiciary); Judiciary, AnnaG (Judiciary); Judiciary, JonF (Judiciary);  
Judiciary, MargueriteM (Judiciary); Judiciary, MattG (Judiciary);  
Judiciary, SheilaB (Judiciary); Millette, Martin (Judiciary); Artim,  
Bruce (Judiciary); Campbell, Chris (Judiciary); Carlson, Mark  
(Judiciary); DeLoatche, Patricia (Judiciary); Kim, Harold (Judiciary);  
Judiciary, TylerH (Judiciary); Judiciary, BarrH (Judiciary); Judiciary,  
DanT (Judiciary); Judiciary, EricJ (Judiciary); Judiciary, IsaacH  
(Judiciary); Judiciary, JeremyJ (Judiciary); Judiciary, JeremyN  
(Judiciary); Judiciary, KristenW (Judiciary); Judiciary, NicoleO  
(Judiciary)

Subject: Notice of Nominations Hearing and Tentative Witness List  
Importance: High

April 30, 2003

NOTICE OF FULL COMMITTEE HEARING

The Senate Committee on the Judiciary will hold a hearing on Wednesday, May 7, 2003, at 9:30 a.m. in Room 226 of the Senate Dirksen Building, on "Judicial Nominations."

Senator Hatch will preside.

By order of the Chairman

- att1.htm - Tentative Agenda - May 7 hearing.rtf - NotmAY72003-nom.wpd

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_L9U2G003\_WHO.TXT\_1>

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_L9U2G003\_WHO.TXT\_2>

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_L9U2G003\_WHO.TXT\_3>

-----Original Message-----

**From:** Butterfield, Jane (Judiciary)

**Sent:** Wednesday, April 30, 2003 4:25 PM

**To:** Sebold, Linda (Secretary); Dean, Ken (Secretary); Hauck, David (SAA); Klutts, Chad (Secretary); Miller Reporting (milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian (Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary); Tu rner, Roslyne (Judiciary); Pomerance, Lilah (Schumer); Carle, David (Leahy); Fleek, Susanne (Leahy); Gordon, Robert (Edwards); Jones, Stephanie (Edwards); Lackey, Miles (Edwards); Payne-Funk, Matt (Leahy); Skocki, Stan (DeWine); Abegg, John (McConnell); Cobb, Susan (Hatch); Janzen, Stormie (Sessions); Knight, Patricia (Hatch); Maier, Elizabeth (Kyl); Nuebel, Kathy (Grassley); Thomas Swanton (thomas\_swanton@specter.senate.gov); Frank Brown (frank\_brown@specter.senate.gov); Glazewski, Tim (Kyl); Larry Kosten (larry\_kosten@specter.senate.gov); Mark Heilbrun (mark\_heilbrun@specter.senate.gov); Singh Seema (seema\_singh@specter.senate.gov); Sonia Acosta (sonia\_acosta@kohl.senate.gov); Morcombe, Cecilia (Judiciary); Marmion, Preble (Judiciary); Mohle, Heinz (Judiciary); Tapia, Margarita (Judiciary); Bradley, Ellen (L. Graham); Cernok, Jill (Kyl); Cricks, Alison; Farr, MaryBeth (Chambliss); Gumerson, Katie (RPC); Hale, Carrie (DeWine); Higgins, Meaghan (Cornyn); Jafari, Beth (Cornyn); Jodi Lindley (jodi\_lindley@craig.senate.gov); Montoya, Ruth (Hatch); Shimp, Leah (Grassley); Trevor Miller (trevor\_miller@feingold.senate.gov); Anderson, Kathy (Durbin); Arlene Branca (arlene\_branca@kohl.senate.gov); Bar, Alexis (Edwards); Dowd, John (Leahy); Hart Hazard (hart\_hazard@biden.senate.gov); Hawkins, Julia (Feinstein); Magarik, Tamar (Feinstein); Mary Murphy (mary\_murphy@feingold.senate.gov); McDonald, Kevin (Leahy); Molly Buford (molly\_buford@biden.senate.gov); Nicholas, Elizabeth (Edwards); Schumer Scheduling (Scheduling@schumer.senate.gov); Tom Wyler (tom\_wyler@feingold.senate.gov); Judiciary, Schumer2 (Judiciary); Bauerly, Cynthia (Judiciary); Berman, Jeff (Judiciary); Flood, James (Judiciary); Judiciary, Schumer1 (Judiciary); Terrell, Louisa (Judiciary); Judiciary, Biden1 (Judiciary); Lee, Marcia (Judiciary); MacBride, Neil (Judiciary); Meyer, Jonathan (Judiciary); Robinson, Tonya (Judiciary); Rosen, Eric (Judiciary); Zubrensky, Michael (Judiciary); Kang, Chris (Judiciary); Keam, Mark (Judiciary); Longley, Michael (Judiciary); Zogby, Joseph (Judiciary); White, Kirsten (Judiciary); Busansky, Alex (Judiciary); Judiciary, Feingold1 (Judiciary); Khera, Farhana (Judiciary); Schiff, Bob (Judiciary); Strickland, LaVita (Judiciary); Hantman, David (Judiciary); Hughes, Dempsey (Judiciary); Judiciary, Feinstein1 (Judiciary); Judiciary, Feinstein2 (Judiciary); Knapp, Jason (Feinstein); Lamberti, Matthew (Judiciary); Oscherwitz, Tom (Judiciary); Toone, Robert (Judiciary); Flug, James (Judiciary); Johnson, Olati (Judiciary); Judiciary, Kennedy1 (Judiciary); Judiciary, Kennedy2 (Judiciary); Judiciary, Kennedy3 (Judiciary); Judiciary, Kennedy4 (Judiciary); Kaguyutan, Janice (Judiciary); Olavarria, Esther (Judiciary); Phillips, Richard (Judiciary); Sessoms, Julia (Judiciary); Schwantes, Jonathan (Judiciary); Arends, Ross (Judiciary); Bloom, Seth (Judiciary); Judiciary, Kohl1 (Judiciary); Miller, Jeffrey (Judiciary); Nonna, Caroline (Judiciary); Reder, Elizabeth (Judiciary); Winski, John (Judiciary); Arfa, Rachel (Judiciary); Berry, Jessica (Judiciary); Cohen, Bruce (Judiciary); Davies, Susan (Judiciary); Demaine, Linda (Judiciary); DeOreo, Mary (Judiciary); Dettelbach, Steven (Judiciary); Fine, Daniel (Judiciary); Graves, Lisa (Judiciary); Greenfeld, Helaine (Judiciary); Huebner, Ben (Judiciary); Katzman, Julie (Judiciary); Klepper, Leesa (Judiciary); Lafayette, Ed (Judiciary); Lucius, Kristine (Judiciary); Lynch, Tim (Judiciary); Magner, Tara (Judiciary); McCormack, Blythe (Judiciary); McKenney, Christina (Judiciary); Neises, Eric (Judiciary); Pagano, Edward (Judiciary); Parry, Liz (Judiciary); Toomajian, Phil (Judiciary); Smith, William (Judiciary); Barnes, Cindy (Judiciary); Judiciary, Sessions1 (Judiciary); Judiciary, Sessions2 (Judiciary); Pai, Ajit (Judiciary); Sander, Andrea (Judiciary); Poindexter, Martha Scott (Chambliss); Gillies, John (Chambliss); McLean, Camila (Chambliss); Ho, James (Judiciary); Brooke Roberts; Taylor, Steve (Judiciary); Blackwell, Robin (Judiciary); Fortier, Evelyn (Judiciary); Jones, Bill (Judiciary); Judiciary, DeWine1 (Judiciary); Judiciary, DeWine2 (Judiciary); Judiciary, DeWine3 (Judiciary); Levitas, Peter (Judiciary); Galyean, James (L. Graham); Reed, Matt (Judiciary); Groover, Chad (Judiciary); Judiciary, Grassley1 (Judiciary); Judiciary, Grassley2 (Judiciary); Judiciary, Grassley4 (Judiciary); Lari, Rita (Judiciary); Augustine, Rene (Judiciary); Best, David (Judiciary); Bloemendal, Katherine (Judiciary); Bunker, Matt (Judiciary); Caramanica, Jessica (Judiciary); Castle, William (Judiciary); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary); Delrahim, Makan (Judiciary); Eskelsen, Jon (Judiciary); Friedrich, Dabney (Judiciary); Green, Tanya (Judiciary); Greissing, John (Judiciary); Haywood, Amy (Judiciary); Higginbotham, Ryan (Judiciary); Johnson, Jacob (Judiciary); LeBon, Cherylyn (Judiciary); Lehman, Ted (Judiciary); Lundell, Jason (Judiciary); O'Connor, Reed (Judiciary); O'Scannlain, Kevin (Judiciary); Prior, Swen (Judiciary); Seidel, Rebecca (Judiciary); Snell, BethAnn (Judiciary); Solimanzadeh, Payam (Judiciary); Stahl, Katie (Judiciary); Volkov, Michael (Judiciary); Wagner, Jennifer (Judiciary); Matal, Joe (Judiciary); Higgins, Stephen (Judiciary); Judiciary, kylintern1 (Judiciary); Judiciary, kylintern2 (Judiciary); Letourneau, Matthew (Judiciary); Judiciary, VictoriaS (Judiciary); Judiciary, AnnaG (Judiciary); Judiciary, JonF (Judiciary); Judiciary, MargueriteM (Judiciary); Judiciary, MattG (Judiciary); Judiciary, SheilaB (Judiciary); Millette, Martin (Judiciary); Artim, Bruce (Judiciary); Campbell, Chris (Judiciary); Carlson, Mark (Judiciary); DeLoatche, Patricia (Judiciary); Kim, Harold (Judiciary); Judiciary, TylerH (Judiciary); Judiciary, BarrH (Judiciary); Judiciary, DanT (Judiciary); Judiciary, EricJ (Judiciary); Judiciary, IsaacH (Judiciary); Judiciary, JeremyJ (Judiciary); Judiciary, JeremyN (Judiciary); Judiciary, KristenW

(Judiciary); Judiciary, NicoleO (Judiciary)

**Subject:** Notice of Nominations Hearing and Tentative Witness List

**Importance:** High

;

April 30, 2003

### **NOTICE OF FULL COMMITTEE HEARING**

& nbsp; The Senate Committee on the Judiciary will hold a hearing on >**Wednes day, May 7, 2003**, at **9:30 a.m.** in Room **226** of the **Senate Dirksen Building**, on **“Judicial Nominations.”**< /font>

< /span>

Senator Hatch will preside.

< /span>

By order of the Chairman

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pntxta )sid6647812 33Tentative Agenda28

Senate Judiciary Committee 613914 Hearing on Judicial Nominations

Wednes

insrsid5844890 day, May 7rsid6647812 , 2003, at s289:30 a.m.

Dirksen 22612

Panel I47812

par

[senators]

Panel I278 I

Consuelo Maria Callahannrsid11930687 to be United States Circuit Judge

for the Ninthd2172887 Circuit

Michael Chertoff to be United States Circuit Judge for the Third Circuit17113

930687

Panel I

bll

L. Scott Coogler317113 to7695 be United States District Judge

for the Northern rsid3427695 District of Alabama

13

ght



April 30, 2003

**NOTICE OF FULL COMMITTEE HEARING**

The Senate Committee on the Judiciary will hold a hearing on **Wednesday, May 7, 2003**, at **9:30 a.m.** in Room **226** of the **Senate Dirksen Building**, on **"Judicial Nominations."**

Senator Hatch will preside.

By order of the Chairman

---

**From:** Comisac, RenaJohnson \ (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
**To:** Jamie.E.Brown@usdoj.gov <Jamie.E.Brown@usdoj.gov>; Nancy.Scottfinan@usdoj.gov  
<Nancy.Scottfinan@usdoj.gov>; Brian.A.Benczkowski@usdoj.gov  
<Brian.A.Benczkowski@usdoj.gov>; Brian.A.Benczkowski@usdoj.gov <Grubbs, Wendy  
J.>; Brian.A.Benczkowski@usdoj.gov <Kavanaugh, Brett M.>  
**Sent:** 5/1/2003 3:43:55 PM  
**Subject:** FW: Notice of Nominations Hearing and Tentative Witness List  
**Attachments:** Notice-May 8.rtf; Tentative Agenda - May 8 hearing.rtf

-----Original Message-----

**From:** Butterfield, Jane (Judiciary)

**Sent:** Thursday, May 01, 2003 3:34 PM

**To:** Sebold, Linda (Secretary); Dean, Ken (Secretary); Hauck, David (SAA); Klutts, Chad (Secretary); Miller Reporting (milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian (Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary); Turner, Roslyne (Judiciary); Pomerance, Lilah (Schumer); Carle, David (Leahy); Fleek, Susanne (Leahy); Gordon, Robert (Edwards); Jones, Stephanie (Edwards); Lackey, Miles (Edwards); Payne-Funk, Matt (Leahy); Skocki, Stan (DeWine); Abegg, John (McConnell); Cobb, Susan (Hatch); Janzen, Stormie (Sessions); Knight, Patricia (Hatch); Maier, Elizabeth (Kyl); Nuebel, Kathy (Grassley); Thomas Swanton (thomas\_swanton@specter.senate.gov); Frank Brown (frank\_brown@specter.senate.gov); Glazewski, Tim (Kyl); Larry Kosten (larry\_kosten@specter.senate.gov); Mark Heilbrun (mark\_heilbrun@specter.senate.gov); Singh Seema (seema\_singh@specter.senate.gov); Sonia Acosta (sonia\_acosta@kohl.senate.gov); Morcombe, Cecilia (Judiciary); Marmion, Preble (Judiciary); Mohle, Heinz (Judiciary); Tapia, Margarita (Judiciary); Bradley, Ellen (L. Graham); Cernok, Jill (Kyl); Cricks, Alison; Farr, MaryBeth (Chambliss); Gumerson, Katie (RPC); Hale, Carrie (DeWine); Higgins, Meghan (Cornyn); Jafari, Beth (Cornyn); Jodi Lindley (jodi\_lindley@craig.senate.gov); Montoya, Ruth (Hatch); Shimp, Leah (Grassley); Trevor Miller (trevor\_miller@feingold.senate.gov); Anderson, Kathy (Durbin); Arlene Branca (arlene\_branca@kohl.senate.gov); Bar, Alexis (Edwards); Dowd, John (Leahy); Hart Hazard (hart\_hazard@biden.senate.gov); Hawkins, Julia (Feinstein); Magarik, Tamar (Feinstein); Mary Murphy (mary\_murphy@feingold.senate.gov); McDonald, Kevin (Leahy); Molly Buford (molly\_buford@biden.senate.gov); Nicholas, Elizabeth (Edwards); Schumer Scheduling (Scheduling@schumer.senate.gov); Tom Wyler (tom\_wyler@feingold.senate.gov); Judiciary, Schumer2 (Judiciary); Bauerly, Cynthia (Judiciary); Berman, Jeff (Judiciary); Flood, James (Judiciary); Judiciary, Schumer1 (Judiciary); Terrell, Louisa (Judiciary); Judiciary, Biden1 (Judiciary); Lee, Marcia (Judiciary); MacBride, Neil (Judiciary); Meyer, Jonathan (Judiciary); Robinson, Tonya (Judiciary); Rosen, Eric (Judiciary); Zubrensky, Michael (Judiciary); Kang, Chris (Judiciary); Keam, Mark (Judiciary); Longley, Michael (Judiciary); Zogby, Joseph (Judiciary); White, Kirsten (Judiciary); Busansky, Alex (Judiciary); Judiciary, Feingold1 (Judiciary); Khera, Farhana (Judiciary); Schiff, Bob (Judiciary); Strickland, LaVita (Judiciary); Hantman, David (Judiciary); Hughes, Dempsey (Judiciary); Judiciary, Feinstein1 (Judiciary); Judiciary, Feinstein2 (Judiciary); Knapp, Jason (Feinstein); Lamberti, Matthew (Judiciary); Oscherwitz, Tom (Judiciary); Toone, Robert (Judiciary); Flug, James (Judiciary); Johnson, Olati (Judiciary); Judiciary, Kennedy1 (Judiciary); Judiciary, Kennedy2 (Judiciary); Judiciary, Kennedy3 (Judiciary); Judiciary, Kennedy4 (Judiciary); Kaguyutan, Janice (Judiciary); Olavarria, Esther (Judiciary); Phillips, Richard (Judiciary); Sessoms, Julia (Judiciary); Schwantes, Jonathan (Judiciary); Arends, Ross (Judiciary); Bloom, Seth (Judiciary); Judiciary, Kohl1 (Judiciary); Miller, Jeffrey (Judiciary); Nonna, Caroline (Judiciary); Reder, Elizabeth (Judiciary); Winski, John (Judiciary); Arfa, Rachel (Judiciary); Berry, Jessica (Judiciary); Cohen, Bruce (Judiciary); Davies, Susan (Judiciary); Demaine, Linda (Judiciary); DeOreo, Mary (Judiciary); Dettelbach, Steven (Judiciary); Fine, Daniel (Judiciary); Graves, Lisa (Judiciary); Greenfeld, Helaine (Judiciary); Huebner, Ben (Judiciary); Katzman, Julie (Judiciary); Klepper, Leesa (Judiciary); Lafayette, Ed (Judiciary); Lucius, Kristine (Judiciary); Lynch, Tim (Judiciary); Magner, Tara (Judiciary); McCormack, Blythe (Judiciary); McKennerney, Christina (Judiciary); Neises, Eric (Judiciary); Pagano, Edward (Judiciary); Parry, Liz (Judiciary); Toomajian, Phil (Judiciary); Smith, William (Judiciary); Barnes, Cindy (Judiciary); Judiciary, Sessions1 (Judiciary); Judiciary, Sessions2 (Judiciary); Pai, Ajit (Judiciary); Sander, Andrea (Judiciary); Poindexter, Martha Scott (Chambliss); Gillies, John (Chambliss); McLean, Camila (Chambliss); Ho, James (Judiciary); Brooke Roberts; Taylor, Steve (Judiciary); Blackwell, Robin (Judiciary); Fortier, Evelyn (Judiciary); Jones, Bill (Judiciary); Judiciary, DeWine1 (Judiciary); Judiciary, DeWine2 (Judiciary); Judiciary, DeWine3 (Judiciary); Levitas, Peter (Judiciary); Galyean, James (L. Graham); Reed, Matt (Judiciary); Groover, Chad (Judiciary); Judiciary, Grassley1 (Judiciary); Judiciary, Grassley2 (Judiciary); Judiciary, Grassley4 (Judiciary); Lari, Rita (Judiciary); Augustine, Rene (Judiciary); Best, David (Judiciary); Bloemendal, Katherine (Judiciary); Bunker, Matt (Judiciary); Caramanica, Jessica (Judiciary); Castle, William (Judiciary); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary); Delrahim, Makan (Judiciary); Eskelsen, Jon (Judiciary); Friedrich, Dabney (Judiciary); Green, Tanya (Judiciary); Greissing, John (Judiciary); Haywood, Amy (Judiciary); Higginbotham, Ryan (Judiciary); Johnson, Jacob (Judiciary); LeBon, Cherylyn (Judiciary); Lehman, Ted (Judiciary); Lundell, Jason (Judiciary); O'Connor, Reed (Judiciary); O'Scannlain, Kevin (Judiciary); Prior, Swen (Judiciary); Seidel, Rebecca (Judiciary); Snell, BethAnn (Judiciary); Soliemanzadeh, Payam (Judiciary); Stahl, Katie

(Judiciary); Volkov, Michael (Judiciary); Wagner, Jennifer (Judiciary); Matal, Joe (Judiciary); Higgins, Stephen (Judiciary); Judiciary, kylintern1 (Judiciary); Judiciary, kylintern2 (Judiciary); Letourneau, Matthew (Judiciary); Judiciary, VictoriaS (Judiciary); Judiciary, AnnaG (Judiciary); Judiciary, JonF (Judiciary); Judiciary, MargueriteM (Judiciary); Judiciary, MattG (Judiciary); Judiciary, SheilaB (Judiciary); Millette, Martin (Judiciary); Artim, Bruce (Judiciary); Campbell, Chris (Judiciary); Carlson, Mark (Judiciary); DeLoatche, Patricia (Judiciary); Kim, Harold (Judiciary); Judiciary, TylerH (Judiciary); Judiciary, BarrH (Judiciary); Judiciary, DanT (Judiciary); Judiciary, EricJ (Judiciary); Judiciary, IsaacH (Judiciary); Judiciary, JeremyJ (Judiciary); Judiciary, JeremyN (Judiciary); Judiciary, KristenW (Judiciary); Judiciary, NicoleO (Judiciary)

**Subject:** Notice of Nominations Hearing and Tentative Witness List

May 1, 2003

## **NOTICE OF HEARING**

The Senate Committee on the Judiciary will hold a hearing on Thursday, May 8, 2003, at  
2:00 p.m. in Room **226** of the **Senate Dirksen Building**, on **ADepartment of Justice**  
**Nominations.**@

By order of the Chairman

ang

May 1, 2003

### **NOTICE OF HEARING**

The Senate Committee on the Judiciary will hold a hearing on Thursday, May 8, 2003, at 249174 :00 p.m. in Room **226** of the **Senate Dirksen Building**, on **ADepartment of Justice Nominations.**@

By order of the Chairman

90104iewscale114ndent720ngfe1033**Tentative Agenda**

**Senate Judiciary Committee Hearing  
on Department of Justice Nominations**

**par Thursday, May 8, 2003, at 2:00 p.m.  
Dirksen 226**

**srsid6647812Panel I**

[senators]

**Panel II**

**insrsid7941717 Robert D. McCallum** to be Associate Attorney General,  
United States Department of Justice

**Peter D. Keisler** to be Assistant Attorney General,  
Civil Division, United States Department of Justice

**From:** Comisac, RenaJohnson (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>; Nancy.Scottfinan@usdoj.gov [ UNKNOWN ] <Nancy.Scottfinan@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] <Brian.A.Benczkowski@usdoj.gov>; Jamie.E.Brown@usdoj.gov [ UNKNOWN ] <Jamie.E.Brown@usdoj.gov>  
**Sent:** 5/1/2003 11:45:13 AM  
**Subject:** : FW: Notice of Nominations Hearing and Tentative Witness List  
**Attachments:** P\_3FW2G003\_WHO.TXT\_1.html; P\_3FW2G003\_WHO.TXT\_2.rtf; P\_3FW2G003\_WHO.TXT\_3.rtf

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> ( "Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 1-MAY-2003 15:45:13.00

SUBJECT:: FW: Notice of Nominations Hearing and Tentative Witness List

TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Nancy.Scottfinan@usdoj.gov ( Nancy.Scottfinan@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brian.A.Benczkowski@usdoj.gov ( Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

TO:Jamie.E.Brown@usdoj.gov ( Jamie.E.Brown@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

-----Original Message-----

From: Butterfield, Jane (Judiciary)

Sent: Thursday, May 01, 2003 3:34 PM

To: Sebold, Linda (Secretary); Dean, Ken (Secretary); Hauck, David (SAA); Klutts, Chad (Secretary); Miller Reporting (milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian (Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary); Turner, Roslyne (Judiciary); Pomerance, Lilah (Schumer); Carle, David (Leahy); Fleek, Susanne (Leahy); Gordon, Robert (Edwards); Jones, Stephanie (Edwards); Lackey, Miles (Edwards); Payne-Funk, Matt (Leahy); Skocki, Stan (DeWine); Abegg, John (McConnell); Cobb, Susan (Hatch); Janzen, Stormie (Sessions); Knight, Patricia (Hatch); Maier, Elizabeth (Kyl); Nuebel, Kathy (Grassley); Thomas Swanton (thomas\_swanton@specter.senate.gov); Frank Brown (frank\_brown@specter.senate.gov); Glazewski, Tim (Kyl); Larry Kosten (larry\_kosten@specter.senate.gov); Mark Heilbrun (mark\_heilbrun@specter.senate.gov); Singh Seema (seema\_singh@specter.senate.gov); Sonia Acosta (sonia\_acosta@kohl.senate.gov); Morcombe, Cecilia (Judiciary); Marmion, Preble (Judiciary); Mohle, Heinz (Judiciary); Tapia, Margarita (Judiciary); Bradley, Ellen (L. Graham); Cernok, Jill (Kyl); Cricks, Alison; Farr, MaryBeth (Chambliss); Gumerson, Katie (RPC); Hale, Carrie (DeWine); Higgins, Meaghan (Cornyn); Jafari, Beth (Cornyn); Jodi Lindley (jodi\_lindley@craig.senate.gov); Montoya, Ruth (Hatch); Shimp, Leah (Grassley); Trevor Miller (trevor\_miller@feingold.senate.gov); Anderson, Kathy (Durbin); Arlene Branca (arlene\_branca@kohl.senate.gov); Bar, Alexis (Edwards); Dowd, John (Leahy); Hart Hazard (hart\_hazard@biden.senate.gov); Hawkins, Julia (Feinstein); Magarik, Tamar (Feinstein); Mary Murphy (mary\_murphy@feingold.senate.gov); McDonald, Kevin (Leahy); Molly Buford (molly\_buford@biden.senate.gov); Nicholas, Elizabeth (Edwards); Schumer Scheduling (Scheduling@schumer.senate.gov); Tom Wyler (tom\_wyler@feingold.senate.gov); Judiciary, Schumer2 (Judiciary); Bauerly, Cynthia (Judiciary); Berman, Jeff (Judiciary); Flood, James

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(Judiciary); Judiciary, Schumer1 (Judiciary); Terrell, Louisa  
(Judiciary); Judiciary, Biden1 (Judiciary); Lee, Marcia (Judiciary);  
MacBride, Neil (Judiciary); Meyer, Jonathan (Judiciary); Robinson, Tonya  
(Judiciary); Rosen, Eric (Judiciary); Zubrensky, Michael (Judiciary);  
Kang, Chris (Judiciary); Keam, Mark (Judiciary); Longley, Michael  
(Judiciary); Zogby, Joseph (Judiciary); White, Kirsten (Judiciary);  
Busansky, Alex (Judiciary); Judiciary, Feingold1 (Judiciary); Khera,  
Farhana (Judiciary); Schiff, Bob (Judiciary); Strickland, LaVita  
(Judiciary); Hantman, David (Judiciary); Hughes, Dempsey (Judiciary);  
Judiciary, Feinstein1 (Judiciary); Judiciary, Feinstein2 (Judiciary);  
Knapp, Jason (Feinstein); Lamberti, Matthew (Judiciary); Oscherwitz, Tom  
(Judiciary); Toone, Robert (Judiciary); Flug, James (Judiciary);  
Johnson, Olati (Judiciary); Judiciary, Kennedy1 (Judiciary); Judiciary,  
Kennedy2 (Judiciary); Judiciary, Kennedy3 (Judiciary); Judiciary,  
Kennedy4 (Judiciary); Kaguyutan, Janice (Judiciary); Olavarria, Esther  
(Judiciary); Phillips, Richard (Judiciary); Sessoms, Julia (Judiciary);  
Schwantes, Jonathan (Judiciary); Arends, Ross (Judiciary); Bloom, Seth  
(Judiciary); Judiciary, Kohl1 (Judiciary); Miller, Jeffrey (Judiciary);  
Nonna, Caroline (Judiciary); Reder, Elizabeth (Judiciary); Winski, John  
(Judiciary); Arfa, Rachel (Judiciary); Berry, Jessica (Judiciary);  
Cohen, Bruce (Judiciary); Davies, Susan (Judiciary); Demaine, Linda  
(Judiciary); DeOreo, Mary (Judiciary); Dettelbach, Steven (Judiciary);  
Fine, Daniel (Judiciary); Graves, Lisa (Judiciary); Greenfeld, Helaine  
(Judiciary); Huebner, Ben (Judiciary); Katzman, Julie (Judiciary);  
Klepper, Leesa (Judiciary); Lafayette, Ed (Judiciary); Lucius, Kristine  
(Judiciary); Lynch, Tim (Judiciary); Magner, Tara (Judiciary);  
McCormack, Blythe (Judiciary); McKennerney, Christina (Judiciary);  
Neises, Eric (Judiciary); Pagano, Edward (Judiciary); Parry, Liz  
(Judiciary); Toomajian, Phil (Judiciary); Smith, William (Judiciary);  
Barnes, Cindy (Judiciary); Judiciary, Sessions1 (Judiciary); Judiciary,  
Sessions2 (Judiciary); Pai, Ajit (Judiciary); Sander, Andrea  
(Judiciary); Poindexter, Martha Scott (Chambliss); Gillies, John  
(Chambliss); McLean, Camila (Chambliss); Ho, James (Judiciary); Brooke  
Roberts; Taylor, Steve (Judiciary); Blackwell, Robin (Judiciary);  
Fortier, Evelyn (Judiciary); Jones, Bill (Judiciary); Judiciary, DeWine1  
(Judiciary); Judiciary, DeWine2 (Judiciary); Judiciary, DeWine3  
(Judiciary); Levitas, Peter (Judiciary); Galyean, James (L. Graham);  
Reed, Matt (Judiciary); Groover, Chad (Judiciary); Judiciary, Grassley1  
(Judiciary); Judiciary, Grassley2 (Judiciary); Judiciary, Grassley4  
(Judiciary); Lari, Rita (Judiciary); Augustine, Rene (Judiciary); Best,  
David (Judiciary); Bloemendal, Katherine (Judiciary); Bunker, Matt  
(Judiciary); Caramanica, Jessica (Judiciary); Castle, William  
(Judiciary); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary);  
Delrahim, Makan (Judiciary); Eskelsen, Jon (Judiciary); Friedrich,  
Dabney (Judiciary); Green, Tanya (Judiciary); Greissing, John  
(Judiciary); Haywood, Amy (Judiciary); Higginbotham, Ryan (Judiciary);  
Johnson, Jacob (Judiciary); LeBon, Cherylyn (Judiciary); Lehman, Ted  
(Judiciary); Lundell, Jason (Judiciary); O'Connor, Reed (Judiciary);  
O'Scannlain, Kevin (Judiciary); Prior, Swen (Judiciary); Seidel, Rebecca  
(Judiciary); Snell, BethAnn (Judiciary); Soliemanzadeh, Payam  
(Judiciary); Stahl, Katie (Judiciary); Volkov, Michael (Judiciary);  
Wagner, Jennifer (Judiciary); Matal, Joe (Judiciary); Higgins, Stephen  
(Judiciary); Judiciary, kylintern1 (Judiciary); Judiciary, kylintern2  
(Judiciary); Letourneau, Matthew (Judiciary); Judiciary, VictoriaS  
(Judiciary); Judiciary, AnnaG (Judiciary); Judiciary, JonF (Judiciary);  
Judiciary, MargueriteM (Judiciary); Judiciary, MattG (Judiciary);  
Judiciary, SheilaB (Judiciary); Millette, Martin (Judiciary); Artim,  
Bruce (Judiciary); Campbell, Chris (Judiciary); Carlson, Mark  
(Judiciary); DeLoatche, Patricia (Judiciary); Kim, Harold (Judiciary);  
Judiciary, TylerH (Judiciary); Judiciary, BarrH (Judiciary); Judiciary,  
DanT (Judiciary); Judiciary, EricJ (Judiciary); Judiciary, IsaacH  
(Judiciary); Judiciary, JeremyJ (Judiciary); Judiciary, JeremyN  
(Judiciary); Judiciary, KristenW (Judiciary); Judiciary, NicoleO  
(Judiciary)

Subject: Notice of Nominations Hearing and Tentative Witness List

May 1, 2003

NOTICE OF HEARING

The Senate Committee on the Judiciary will hold a hearing on Thursday, May 8, 2003, at 2:00 p.m. in Room 226 of the Senate Dirksen Building, on ADepartment of Justice Nominations.@

By order of the Chairman

- att1.htm - Notice-May 8.rtf - Tentative Agenda - May 8 hearing.rtf

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_3FW2G003\_WHO.TXT\_1>

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_3FW2G003\_WHO.TXT\_2>

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_3FW2G003\_WHO.TXT\_3>



-----Original Message-----

**From:** Butterfield, Jane (Judiciary)

**Sent:** Thursday, May 01, 2003 3:34 PM

**To:** Sebold, Linda (Secretary); Dean, Ken (Secretary); Hauck, David (SAA); Klutts, Chad (Secretary); Miller Reporting (milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian (Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary); Tu rner, Roslyne (Judiciary); Pomerance, Lilah (Schumer); Carle, David (Leahy); Fleek, Susanne (Leahy); Gordon, Robert (Edwards); Jones, Stephanie (Edwards); Lackey, Miles (Edwards); Payne-Funk, Matt (Leahy); Skocki, Stan (DeWine); Abegg, John (McConnell); Cobb, Susan (Hatch); Janzen, Stormie (Sessions); Knight, Patricia (Hatch); Maier, Elizabeth (Kyl); Nuebel, Kathy (Grassley); Thomas Swanton (thomas\_swanton@specter.senate.gov); Frank Brown (frank\_brown@specter.senate.gov); Glazewski, Tim (Kyl); Larry Kosten (larry\_kosten@specter.senate.gov); Mark Heilbrun (mark\_heilbrun@specter.senate.gov); Singh Seema (seema\_singh@specter.senate.gov); Sonia Acosta (sonia\_acosta@kohl.senate.gov); Morcombe, Cecilia (Judiciary); Marmion, Preble (Judiciary); Mohle, Heinz (Judiciary); Tapia, Margarita (Judiciary); Bradley, Ellen (L. Graham); Cernok, Jill (Kyl); Cricks, Alison; Farr, MaryBeth (Chambliss); Gumerson, Katie (RPC); Hale, Carrie (DeWine); Higgins, Meaghan (Cornyn); Jafari, Beth (Cornyn); Jodi Lindley (jodi\_lindley@craig.senate.gov); Montoya, Ruth (Hatch); Shimp, Leah (Grassley); Trevor Miller (trevor\_miller@feingold.senate.gov); Anderson, Kathy (Durbin); Arlene Branca (arlene\_branca@kohl.senate.gov); Bar, Alexis (Edwards); Dowd, John (Leahy); Hart Hazard (hart\_hazard@biden.senate.gov); Hawkins, Julia (Feinstein); Magarik, Tamar (Feinstein); Mary Murphy (mary\_murphy@feingold.senate.gov); McDonald, Kevin (Leahy); Molly Buford (molly\_buford@biden.senate.gov); Nicholas, Elizabeth (Edwards); Schumer Scheduling (Scheduling@schumer.senate.gov); Tom Wyler (tom\_wyler@feingold.senate.gov); Judiciary, Schumer2 (Judiciary); Bauerly, Cynthia (Judiciary); Berman, Jeff (Judiciary); Flood, James (Judiciary); Judiciary, Schumer1 (Judiciary); Terrell, Louisa (Judiciary); Judiciary, Biden1 (Judiciary); Lee, Marcia (Judiciary); MacBride, Neil (Judiciary); Meyer, Jonathan (Judiciary); Robinson, Tonya (Judiciary); Rosen, Eric (Judiciary); Zubrensky, Michael (Judiciary); Kang, Chris (Judiciary); Keam, Mark (Judiciary); Longley, Michael (Judiciary); Zogby, Joseph (Judiciary); White, Kirsten (Judiciary); Busansky, Alex (Judiciary); Judiciary, Feingold1 (Judiciary); Khera, Farhana (Judiciary); Schiff, Bob (Judiciary); Strickland, LaVita (Judiciary); Hantman, David (Judiciary); Hughes, Dempsey (Judiciary); Judiciary, Feinstein1 (Judiciary); Judiciary, Feinstein2 (Judiciary); Knapp, Jason (Feinstein); Lamberti, Matthew (Judiciary); Oscherwitz, Tom (Judiciary); Toone, Robert (Judiciary); Flug, James (Judiciary); Johnson, Olati (Judiciary); Judiciary, Kennedy1 (Judiciary); Judiciary, Kennedy2 (Judiciary); Judiciary, Kennedy3 (Judiciary); Judiciary, Kennedy4 (Judiciary); Kaguyutan, Janice (Judiciary); Olavarria, Esther (Judiciary); Phillips, Richard (Judiciary); Sessoms, Julia (Judiciary); Schwantes, Jonathan (Judiciary); Arends, Ross (Judiciary); Bloom, Seth (Judiciary); Judiciary, Kohl1 (Judiciary); Miller, Jeffrey (Judiciary); Nonna, Caroline (Judiciary); Reder, Elizabeth (Judiciary); Winski, John (Judiciary); Arfa, Rachel (Judiciary); Berry, Jessica (Judiciary); Cohen, Bruce (Judiciary); Davies, Susan (Judiciary); Demaine, Linda (Judiciary); DeOreo, Mary (Judiciary); Dettelbach, Steven (Judiciary); Fine, Daniel (Judiciary); Graves, Lisa (Judiciary); Greenfeld, Helaine (Judiciary); Huebner, Ben (Judiciary); Katzman, Julie (Judiciary); Klepper, Leesa (Judiciary); Lafayette, Ed (Judiciary); Lucius, Kristine (Judiciary); Lynch, Tim (Judiciary); Magner, Tara (Judiciary); McCormack, Blythe (Judiciary); McKenney, Christina (Judiciary); Neises, Eric (Judiciary); Pagano, Edward (Judiciary); Parry, Liz (Judiciary); Toomajian, Phil (Judiciary); Smith, William (Judiciary); Barnes, Cindy (Judiciary); Judiciary, Sessions1 (Judiciary); Judiciary, Sessions2 (Judiciary); Pai, Ajit (Judiciary); Sander, Andrea (Judiciary); Poindexter, Martha Scott (Chambliss); Gillies, John (Chambliss); McLean, Camila (Chambliss); Ho, James (Judiciary); Brooke Roberts; Taylor, Steve (Judiciary); Blackwell, Robin (Judiciary); Fortier, Evelyn (Judiciary); Jones, Bill (Judiciary); Judiciary, DeWine1 (Judiciary); Judiciary, DeWine2 (Judiciary); Judiciary, DeWine3 (Judiciary); Levitas, Peter (Judiciary); Galyean, James (L. Graham); Reed, Matt (Judiciary); Groover, Chad (Judiciary); Judiciary, Grassley1 (Judiciary); Judiciary, Grassley2 (Judiciary); Judiciary, Grassley4 (Judiciary); Lari, Rita (Judiciary); Augustine, Rene (Judiciary); Best, David (Judiciary); Bloemendal, Katherine (Judiciary); Bunker, Matt (Judiciary); Caramanica, Jessica (Judiciary); Castle, William (Judiciary); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary); Delrahim, Makan (Judiciary); Eskelsen, Jon (Judiciary); Friedrich, Dabney (Judiciary); Green, Tanya (Judiciary); Greissing, John (Judiciary); Haywood, Amy (Judiciary); Higginbotham, Ryan (Judiciary); Johnson, Jacob (Judiciary); LeBon, Cherylyn (Judiciary); Lehman, Ted (Judiciary); Lundell, Jason (Judiciary); O'Connor, Reed (Judiciary); O'Scannlain, Kevin (Judiciary); Prior, Swen (Judiciary); Seidel, Rebecca (Judiciary); Snell, BethAnn (Judiciary); Solimanzadeh, Payam (Judiciary); Stahl, Katie (Judiciary); Volkov, Michael (Judiciary); Wagner, Jennifer (Judiciary); Matal, Joe (Judiciary); Higgins, Stephen (Judiciary); Judiciary, kylintern1 (Judiciary); Judiciary, kylintern2 (Judiciary); Letourneau, Matthew (Judiciary); Judiciary, VictoriaS (Judiciary); Judiciary, AnnaG (Judiciary); Judiciary, JonF (Judiciary); Judiciary, MargueriteM (Judiciary); Judiciary, MattG (Judiciary); Judiciary, SheilaB (Judiciary); Millette, Martin (Judiciary); Artim, Bruce (Judiciary); Campbell, Chris (Judiciary); Carlson, Mark (Judiciary); DeLoatche, Patricia (Judiciary); Kim, Harold (Judiciary); Judiciary, TylerH (Judiciary); Judiciary, BarrH (Judiciary); Judiciary, DanT (Judiciary); Judiciary, EricJ (Judiciary); Judiciary, IsaacH (Judiciary); Judiciary, JeremyJ (Judiciary); Judiciary, JeremyN (Judiciary); Judiciary, KristenW

(Judiciary); Judiciary, NicoleO (Judiciary)

**Subject:** Notice of Nominations Hearing and Tentative Witness List

&nb sp;

May 1, 2003

;                      &nbsp; **NOTICE OF HEARING**

The Senate Committee on the Judiciary will hold a hearing on Thursd ay, May 8, 2003, at  
2:00 p.m. in Room **226** of the **Senate Dirksen Building**, on **ADepartment of Justice**  
**Nominations.**@

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&nbsp;                      &n bsp;                      &nb sp;                      &nbs p; By order of the Chairman

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May 174 , 2003

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### **NOTICE OF HEARING**

649174

The Senate Committee on the Judiciary will hold a hearing on  
Thursday13649174 , May 8, 2003, at

insrsid15032258 **249174 :00 .m.** in Room **226**srsid13649174 of the **Senate**  
**Dirksen Building, on A Department of Justice Nominations.**@

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pntxta )sid6647812 ngfe1033Tentative Agenda

Senate Judiciary Committee 41717 Hearing  
on Department of Justice Nominations

par Thursday, id9317113 May 82 , 2003, at d7941717 2:00 p.m.  
Dirksen 22612

srsid6647812Panel I

[senators]

Panel I278 I

insrsid7941717 Robert D. McCallum to be 7941717 Associate Attorney General,  
United States Department of Justice

Peter D. Keisler to be  
fs28Assistant Attorney General,  
Civil Division, United States Department of Justice

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**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/1/2003 3:49:51 PM  
**Subject:**

who did we nominate today?

---

**From:** Gumerson, Katie \RPC\ <Katie\_Gumerson@RPC.Senate.Gov>  
**To:** Alex Dahl \E-mail\ <IMCEACCMail-Alex+20Dahl+20at+20Judiciary@routing.senate.gov>; Barbara Ledeen \E-mail\ <barbara\_ledeen@src.senate.gov>; Brett Kavanaugh \E-mail\ <brett\_kavanaugh@who.eop.gov>; Brown, Jamie E \E-mail\ <jamie.e.brown@usdoj.gov>; Delrahim, Makan \Judiciary\ <Makan\_Delrahim@Judiciary.senate.gov>; Gary Andres \E-mail\ <gary.andres@duktogroup.com>; Heather Wingate \E-mail\ <heather\_wingate@who.eop.gov>; Jason Lundell \E-mail\ <IMCEACCMail-Jason+20Lundell+20at+20Judiciary@routing.senate.gov>; John Abegg \E-mail\ <IMCEACCMail-John+20Abegg+20at+20McConnell-DC@routing.senate.gov>; <Kirk, Matthew>; Matt Letourneau <mattthew\_letourneau@Judiciary.senate.gov>; Miranda, Manuel \Frist\ <Manuel\_Miranda@frist.senate.gov>; Pat. O'Brien@usdoj.gov \E-mail\ <Pat.O'Brien@usdoj.gov>; Rena Johnson \E-mail\ <IMCEACCMail-Rena+20Johnson+20at+20Judiciary@routing.senate.gov>; Stephen Higgins \E-mail\ <IMCEACCMail-Stephen+20Higgins+20at+20Judiciary@routing.senate.gov>  
**Sent:** 5/1/2003 4:55:19 PM  
**Subject:** From Natl Journal's Hotline 5/1

Maybe We Should Rock The Boat After All

Washington Post's Dewar reports, "Faced with deepening political strife" over Bush's jud. nominees, sens. from both parties on 4/30 called for "overhaul of the nomination and confirmation process but offered conflicting solutions" -- "signaling that reform will not come easily." The first came from the Senate's "10 freshmen" -- nine GOPers and one Dem -- "who, in a letter to party leaders, urged an unspecified 'bipartisan solution that will protect the integrity and independence of our nation's courts, ensure fairness for judicial nominees and leave the bitterness of the past behind us.'"

Another came from Jud. Cmte member Sen. Chuck Schumer (D-NY), a "sharp critic of many of Bush's most conservative nominees." A letter to Bush from Schumer "proposed the creation of bipartisan nominating commissions in all states and judicial circuits to propose one candidate for each vacancy, who would then be nominated by the president and confirmed by the Senate."

Writes Dewar: "While the freshmen made no specific proposals," Sen. John Cornyn (R-TX), "who joined with" Sen. Mark Pryor (D-AR) "to organize their effort, said he would like the Senate to shield judicial nominations from filibusters." While it is "unusual for freshmen to take such step in their first few months in office," the 10 "suggested in their letter that they are uniquely qualified as newcomers to suggest judicial process changes because they were not part of struggles that contributed to the current strife." Bush had "made a similar proposal" in '02 but "got nowhere, in part because" sens. are "reluctant to tamper with a power they may want to use someday."

Sen. Zell Miller (D-GA) "has proposed a process under which the 60-vote requirement would be reduced gradually to a simple majority," while Sen. Arlen Specter (R-PA) "has proposed a series of deadlines for everything up to a final vote by the Senate, leaving open the option of a filibuster." Specter: "I think there is cause to preclude a filibuster, but I don't think you can get there in one bite" (5/1).

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<[http://nationaljournal.com/img/pubs/hot\\_img/blank5.gif](http://nationaljournal.com/img/pubs/hot_img/blank5.gif)>

Owen Fight

Sen. Kay Bailey Hutchison (R-TX) "and a gaggle" of TX female attys, including one Dem, held a presser on 4/30 "praising" the record of TX Supreme Court Justice Priscilla Owen. Hutchison: "I'm really stunned at how hard it has been to get this totally qualified woman confirmed ... She is one of the finest people I have ever known." Hutchison "said she is furious" of what she called Dems' "mistreatment" of Owen, and "vowed to use her leadership position" as GOP conf. vice chair "to push for a rule change that would disallow filibustering" jud. nominees.

The message "did not appear to sway" any female Dems, "many of whom" -- including Sens. Patty Murray (D-WA), Maria Cantwell (D-WA), Barbara Mikulski (D-MD) and Debbie Stabenow (D-MI), on 4/30 "spoke out against Owen on the Senate floor" (Masterson, Houston Chronicle, 4/30). But Dems are also "working hard to prove that they do not oppose all of Bush's nominees by moving for a vote" on jud. nominee Edward Prado -- but the Senate "rebuffed" the effort on 4/29. Senate Min. Leader Tom Daschle (D-SD): "We may disagree on the Owen nomination, but there is no reason we should not pass those nominees for which there is no disagreement."

Frist "filed for cloture" on Owen's nod on 4/29, "meaning the Senate will vote" on 5/1 "whether to end debate" (Duran, Roll Call, 5/1).

FNC's Hume: "On Capitol Hill, it seems like there are harsh words almost every time when one of President Bush's judicial nominees are coming up for action" ("Special Report," 4/30).

FNC's Rosen: "Republicans may be more frustrated with their own Senate leader, Bill Frist, who some say is not making Democrats feel enough pain for their blockage of Bush nominees" ("Special Report," 4/30).

Sen. Trent Lott (R-MS), on Dem filibustering: "Surely in the past when I was majority leader, we did, you know, scrutinize Clinton's

nominees, some of them were delayed in committee, some delayed on the floor. But never once, never once, did we kill one by a filibuster. I don't think we can let this stand. And we have got to stop the filibuster of Estrada and Owen" ("Hannity & Colmes," FNC, 4/30).

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<[http://nationaljournal.com/img/pubs/hot\\_img/blank5.gif](http://nationaljournal.com/img/pubs/hot_img/blank5.gif)>

Finally, A Few Soft Pitches

Bush is "expected to nominate" ex-TX Supreme Court Justice Xavier Rodriguez and State District Judge Frank Montalvo to fed'l judgeships on 5/1. He also will appoint to fill vacancies on the TX fed'l bench TX Appeals Court Justice Lee Yeakel, visiting District Judge Kathleen Cardone and US Magistrate Judge Marcia Crone. All are "noncontroversial candidates" recommended by Cornyn and Hutchison (Martin, San Antonio Express-News, 5/1).

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<[http://nationaljournal.com/img/pubs/hot\\_img/blank5.gif](http://nationaljournal.com/img/pubs/hot_img/blank5.gif)>

Get Stabenow

Detroit News' Weeks writes, the 6th US Circuit Court of Appeals, with "four of five vacancies ... supposed to be filled" by MI judges, "has more vacancies than any other federal appeals court." Bush "long ago nominated the four. But, alas, they have been twisting in the wind because of the same kind of bitter partisan gamesmanship that sidelined" MIans nominated by ex-Pres. Bush and ex-Pres. Clinton. The MI Four "have not even received a hearing in the GOP-ruled" Senate Jud. Cmte because Sens. Carl Levin (D-MI) and Debbie Stabenow (D-MI) "essentially have blackballed them. The committee has this quaint tradition of not taking up a nominee if a senator from the nominee's home state, regardless of party, objects by withholding return of 'blue slips' on them." Advises Weeks: "Chuck the tradition. One senator should not be able to prevent a vote by 99 others."

Weeks Writes: "I visit the subject today because" the MI Legal Foundation, "currently housed at the conservative" Mackinac Center for Public Policy, "began running radio ads ... attacking" Stabenow for "playing politics" with the nods, similar to earlier ads by Mackinac, attacking both Stabenow and Levin. MI Legal has raised \$100K "for ads on the issue." Writes Weeks: "Why now single out just Stabenow? Because she is the next" MI sen. "up for re-election -- in three years" -- and GOPers "want to turn up the heat in areas where they think she is more vulnerable. They also figure she's more likely to cave than Levin -- and that he would go along with any compromise acceptable to her" (5/1).

From the 60-second radio ad, produced by MPGH:

President Bush has nominated four respected judges from Michigan to fill vacancies on the 6th Circuit Court of Appeals. Each judge has received high marks from the American Bar Association. But Senator Debbie Stabenow ... won't let her Senate colleagues hold a hearing on Michigan's judges. If Stabenow keeps playing politics, Michigan could lose its voice on the second-highest court in the land. That's right Michigan's positions ... could end up being filled by judges from Kentucky or Tennessee, and that would be a travesty of justice for Michigan.

<[http://nationaljournal.com/img/pubs/hot\\_img/blank1.gif](http://nationaljournal.com/img/pubs/hot_img/blank1.gif)>

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Katie Gumerson  
Deputy Staff Director  
Republican Policy Committee  
United States Senate  
347 Russell  
Washington, D.C. 20510  
202.224.2946

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**From:** Kavanaugh, Brett M.  
**To:** <Lefkowitz, Jay P.>  
**Sent:** 5/1/2003 5:06:20 PM  
**Subject:**

kyl-cornyn -- think we should be supportive -- will talk to Diana



---

**From:** Caramanica, Jessica \(\Judiciary\) <Jessica\_Caramanica@Judiciary.senate.gov>  
**To:** Caramanica, Jessica \(\Judiciary\) <Jessica\_Caramanica@Judiciary.senate.gov>; Jamie.E.Brown@usdoj.gov  
<Jamie.E.Brown@usdoj.gov>; viet.dinh@usdoj.gov  
<viet.dinh@usdoj.gov>; brian.a.benczkowski@usdoj.gov  
<brian.a.benczkowski@usdoj.gov>; brian.a.benczkowski@usdoj.gov <Grubbs, Wendy  
J.>; adam.charnes@usdoj.gov <adam.charnes@usdoj.gov>; adam.charnes@usdoj.gov  
<Kavanaugh, Brett M.>; adam.charnes@usdoj.gov <Snee, Ashley>; Monica.goodling@usdoj.gov  
<Monica.goodling@usdoj.gov>; Galyean, James \(\L. Graham\) <James\_Galyean@lgraham.senate.gov>; Vogel, Alex \(\Frist\) <Alex\_Vogel@frist.senate.gov>; Abegg, John \(\McConnell\) <John\_Abegg@mcconnell.senate.gov>; Smith, William \(\Judiciary\) <William\_Smith@Judiciary.senate.gov>; Ho, James \(\Judiciary\) <James\_Ho@Judiciary.senate.gov>; Duffield, Steven \(\RPC\) <Steven\_Duffield@rpc.senate.gov>; Gumerson, Katie \(\RPC\) <Katie\_Gumerson@rpc.senate.gov>; Miranda, Manuel \(\Frist\) <Manuel\_Miranda@frist.senate.gov>; Ledeen, Barbara \(\Republican-Conf\) <Barbara\_Ledeen@src.senate.gov>; Comisac, RenaJohnson \(\Judiciary\) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>; Delrahim, Makan \(\Judiciary\) <Makan\_Delrahim@Judiciary.senate.gov>; Dahl, Alex \(\Judiciary\) <Alex\_Dahl@Judiciary.senate.gov>  
**Sent:** 5/1/2003 5:15:11 PM  
**Subject:** Meeting Friday at 10:30 a.m.

On Friday at 10:30 a.m., there will be a meeting in Makan's office (SD-145) to discuss judicial nominations. Hope you can make it.

CONFIDENTIALITY NOTE:

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**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/2/2003 1:18:55 AM  
**Subject:** : OpinionJournal - On the Editorial Page - May 2, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME: 2-MAY-2003 05:18:55.00  
SUBJECT:: OpinionJournal - On the Editorial Page - May 2, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003444>

The Saudi pullout is one of the first benefits of Iraq's liberation.  
12:01 a.m. EDT

Wonder Land BY DANIEL HENNINGER  
<http://www.opinionjournal.com/columnists/dhenninger/?id=110003443>

Americans are almost unanimous: Public schools are awful.  
12:01 a.m. EDT

Extra BY ABRAHAM D. SOAFER  
<http://www.opinionjournal.com/extra/?id=110003437>

The "road map" won't lead to peace if it bypasses the causes of war.  
12:01 a.m. EDT

On the Taste Page

<http://opinionjournal.com/taste/>

Ivy League thongs, online porn and cockfighting.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Little Big Board  
The NYSE could use a jolt of capitalism.  
May 02 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105182941774239000,00.html%3Fmod%3Dopinion>

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Out of Arabia  
The Saudi pullout is one of the first benefits of Iraq's liberation.  
May 02 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105183122582631000,00.html%3Fmod%3Dopinion>

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Mr. Corzine's Chemical Attack  
Fight terrorism. Ban chlorine.  
May 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105183168590159500,00.html%3Fmod%3Dopinion>

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Commentary

Sickness in the System  
Not since Tiananmen has Beijing faced such a crisis.  
By IAN JOHNSON  
May 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105183155568229300,00.html%3Fmod%3Dopinion>

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Federal Cronkite Commission?  
Uncle Walter doesn't always know how it is.  
By JONATHAN A. KNEE  
May 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105184214114762700,00.html%3Fmod%3Dopinion>

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Wonder Land

Numbers on Public Schools  
Tell me again why charter schools and school choice are bad ideas.  
May 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105183223287636700,00.html%3Fmod%3Dopinion>

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The Americas

A Brave Reformer  
Over 1,000 federal police and judicial employees have been fired.  
By M. DELAL BAER  
May 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105184403362065200,00.html%3Fmod%3Dopinion>

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International

The Tip of the Iceberg  
It is time to expose the ties between Saddam and his European defenders.  
From The Wall Street Journal Europe  
May 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105182543916393800,00.html%3Fmod%3Dopinion>

~~~~~

Congo's War, the U.N.'s Shame  
The U.N. must strengthen its mandate and its manpower in Congo.  
By CYNTHIA SCHARF  
From The Wall Street Journal Europe  
May 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105182386611581900,00.html%3Fmod%3Dopinion>

~~~~~

Settling In for a Long War With SARS  
Some local victories show that this war is theoretically winnable.  
By HUGO RESTALL  
From The Wall Street Journal Europe  
May 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105182610499332000,00.html%3Fmod%3Dopinion>

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**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>;<Snee, Ashley>  
**Sent:** 5/2/2003 7:23:09 AM  
**Subject:**

Doesn't look like yesterday's nominations made it on to the WH web site news page: <http://www.whitehouse.gov/news/> Any reason why not?

---

**From:** Snee, Ashley  
**To:** <Leitch, David G.>;<Kavanaugh, Brett M.>  
**Sent:** 5/2/2003 7:32:44 AM  
**Subject:** RE:

I'll check it out.

-----Original Message-----

**From:** Leitch, David G.  
**Sent:** Friday, May 02, 2003 7:23 AM  
**To:** Kavanaugh, Brett M.; Snee, Ashley  
**Subject:**

Doesn't look like yesterday's nominations made it on to the WH web site news page: <http://www.whitehouse.gov/news/> Any reason why not?

---

**From:** Vestewig, Lauren J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/2/2003 8:12:47 AM  
**Subject:** RE: Meeting re. Kyl-Cornyn

It's the only one that jay is a part of.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Friday, May 02, 2003 8:10 AM  
**To:** Vestewig, Lauren J.; Kavanaugh, Brett M.  
**Subject:** Re: Meeting re. Kyl-Cornyn

This is only tort reform mtg today, correct.

.

----- Original Message -----

From: Lauren J. Vestewig/OPD/EOP@Exchange  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/01/2003 10:04:16 AM  
Subject: RE: Meeting re. Kyl-Cornyn

Cesar, Courtney and Ado

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, May 01, 2003 9:56 AM  
To: Vestewig, Lauren J.  
Subject: Re: Meeting re. Kyl-Cornyn

who from VP's office?

From: Lauren J. Vestewig/OPD/EOP@Exchange on 05/01/2003 09:20:26 AM  
Record Type: Record

To: Diana L. Schacht/OPD/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Emily Winland/OPD/EOP@EOP  
Subject: Meeting re. Kyl-Cornyn

The VP's office is coming to meet with Jay re. K-C tomorrow at 3:45. Can you join?

REV\_00116358

---

**From:** Nelson, Carolyn  
**To:** <Sampson, Kyle>;<Kavanaugh, Brett M.>  
**Sent:** 5/2/2003 8:47:25 AM  
**Subject:** Mossman

Exec. Clerk reports that the Senate is not in session today. They will send up Mossman before noon on Monday.



---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>;<Grubbs, Wendy J.>  
**Sent:** 5/2/2003 9:53:04 AM  
**Subject:** FW: Meeting Friday at 10:30 a.m.

you guys going?

-----Original Message-----

**From:** Caramanica, Jessica (Judiciary) [mailto:Jessica\_Caramanica@Judiciary.senate.gov]

**Sent:** Thursday, May 01, 2003 5:15 PM

**To:** Caramanica, Jessica (Judiciary); Jamie.E.Brown@usdoj.gov; viet.dinh@usdoj.gov; brian.a.benczkowski@usdoj.gov; Grubbs, Wendy J.; adam.charnes@usdoj.gov; Kavanaugh, Brett M.; Snee, Ashley; Monica.goodling@usdoj.gov; Galyean, James (L. Graham); Vogel, Alex (Frist); Abegg, John (McConnell); Smith, William (Judiciary); Ho, James (Judiciary); Duffield, Steven (RPC); Gumerson, Katie (RPC); Miranda, Manuel (Frist); Ledeen, Barbara (Republican-Conf); Comisac, RenaJohnson (Judiciary); Delrahim, Makan (Judiciary); Dahl, Alex (Judiciary)

**Subject:** Meeting Friday at 10:30 a.m.

On Friday at 10:30 a.m., there will be a meeting in Makan's office (SD-145) to discuss judicial nominations. Hope you can make it.

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---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**CC:** <Grubbs, Wendy J.>  
**Sent:** 5/2/2003 9:54:03 AM  
**Subject:** Re: FW: Meeting Friday at 10:30 a.m.

I am. Getting car at 10:10 from West basement.

From: Ashley Snee/WHO/EOP@Exchange on 05/02/2003 09:53:04 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Wendy J. Grubbs/WHO/EOP@Exchange

cc:

Subject: FW: Meeting Friday at 10:30 a.m.

you guys going?

-----Original Message-----

**From:** Caramanica, Jessica (Judiciary) [[mailto:Jessica\\_Caramanica@Judiciary.senate.gov](mailto:Jessica_Caramanica@Judiciary.senate.gov)]

**Sent:** Thursday, May 01, 2003 5:15 PM

**To:** Caramanica, Jessica (Judiciary); Jamie.E.Brown@usdoj.gov; viet.dinh@usdoj.gov; brian.a.benczkowski@usdoj.gov; Grubbs, Wendy J.; adam.charnes@usdoj.gov; Kavanaugh, Brett M.; Snee, Ashley; Monica.goodling@usdoj.gov; Galyean, James (L. Graham); Vogel, Alex (Frist); Abegg, John (McConnell); Smith, William (Judiciary); Ho, James (Judiciary); Duffield, Steven (RPC); Gumerson, Katie (RPC); Miranda, Manuel (Frist); Ledeen, Barbara (Republican-Conf); Comisac, RenaJohnson (Judiciary); Delrahim, Makan (Judiciary); Dahl, Alex (Judiciary)

**Subject:** Meeting Friday at 10:30 a.m.

On Friday at 10:30 a.m., there will be a meeting in Makan's office (SD-145) to discuss judicial nominations. Hope you can make it.

REV\_00116377

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---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>;<Snee, Ashley>  
**Sent:** 5/2/2003 10:02:46 AM  
**Subject:** Re: Meeting Friday at 10:30 a.m.

I will be there also.

-----Original Message-----

From: Kavanaugh, Brett M.  
To: Snee, Ashley  
CC: Grubbs, Wendy J.  
Sent: Fri May 02 09:54:03 2003  
Subject: Re: FW: Meeting Friday at 10:30 a.m.

I am. Getting car at 10:10 from West basement.

From: Ashley Snee/WHO/EOP@Exchange on 05/02/2003 09:53:04 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Wendy J. Grubbs/WHO/EOP@Exchange  
cc:  
Subject: FW: Meeting Friday at 10:30 a.m.

you guys going?

-----Original Message-----

From: Caramanica, Jessica (Judiciary) [[mailto:Jessica\\_Caramanica@Judiciary.senate.gov](mailto:Jessica_Caramanica@Judiciary.senate.gov)]  
Sent: Thursday, May 01, 2003 5:15 PM

To: Caramanica, Jessica (Judiciary); Jamie.E.Brown@usdoj.gov; viet.dinh@usdoj.gov; brian.a.benczkowski@usdoj.gov; Grubbs, Wendy J.; adam.charnes@usdoj.gov; Kavanaugh, Brett M.; Snee, Ashley; Monica.goodling@usdoj.gov; Galyean, James (L. Graham); Vogel, Alex (Frist); Abegg, John (McConnell); Smith, William (Judiciary); Ho, James (Judiciary); Duffield, Steven (RPC); Gumerson, Katie (RPC); Miranda, Mammel (Frist); Ledeen, Barbara (Republican-Conf); Comisac, RenaJohnson (Judiciary); Delrahim, Makan (Judiciary); Dahl, Alex (Judiciary)

Subject: Meeting Friday at 10:30 a.m.

On Friday at 10:30 a.m., there will be a meeting in Makan's office (SD-145) to discuss judicial nominations. Hope you can make it.

REV\_00116380

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---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/2/2003 10:36:39 AM  
**Subject:** I want to give you a heads up on a phone call so you can talk to Judge at your 11:30.

Machtesuma Esparza called for Judge. Leonard says Judge shouldn't talk to him until you talk the Judge. Is this is the case, or should I have the Judge return the call?

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/2/2003 10:39:51 AM  
**Subject:** You're down for a 4:30 with ARG and Ted re: 4th Cir.

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>;<Grubbs, Wendy J.>  
**Sent:** 5/2/2003 10:51:48 AM  
**Subject:** FW: AP - GOP Frustrated by Dem Filibusters May Sue

-----Original Message-----

**From:** Bravo, Brian  
**Sent:** Friday, May 02, 2003 10:48 AM  
**Subject:** AP - GOP Frustrated by Dem Filibusters May Sue

## **GOP Frustrated by Dem Filibusters May Sue**

By *JESSE J. HOLLAND, Associated Press Writer*

WASHINGTON - Stymied now on two of President Bush's judicial nominees, Republicans are considering an attempt to change Senate rules or suing to ban judicial filibusters, even against long odds.

"It certainly could be taken to court," Senate Majority Leader Bill Frist, R-Tenn., said after Democrats on Thursday successfully blocked Texas Judge Priscilla Owen from getting a federal appeals court seat.

The discussions reflect frustration among majority Republicans that Democrats have been able to sidestep Bush's popularity and undermine one of his platforms: putting more conservatives in key judgeships.

Bush called the Owen filibuster "shameful" and "unfair to this good woman and unfaithful to the Senate's own obligations."

"The Senate has a constitutional responsibility to exercise its advice and consent function and hold up or down votes on all judicial nominees within a reasonable time after nomination," he said in a statement.

Democrats are filibustering two nominees — Owen and Hispanic lawyer Miguel Estrada — and have promised more if divisive Bush nominees come to the Senate floor. It takes 60 votes to break a filibuster and Democrats showed Thursday with a 52-44 vote that they had a solid enough bloc to keep Owen off the bench. They say they will win again on Monday when Republicans try for the fifth time to force Estrada through.

"History will look kindly on us for doing so," said Sen. Charles Schumer, D-N.Y., "because never has a president of the United States been more ideological in his selection of judges."

The White House, GOP senators and advocates aides have been saying for months that they think filibustering judicial nominees is unconstitutional, but to test that theory someone would have to sue.

Republicans admit that they've thought about it. "One option that has been floated is the idea of a lawsuit," said Sen. John Cornyn, R-Texas on Wednesday.

Frist said he didn't know whether a lawsuit would be the right way to go.

"I can't predict whether that will be done or not, but ultimately I think the United States Senate will decide for itself" how to solve the problem, he told reporters.

Some observers say resorting to a lawsuit to ban filibusters would be futile.

"Even the thought that the courts would get involved in Senate business is mind-boggling," said Sheldon Goldman, a political science professor at the University of Massachusetts at Amherst who studies the federal appellate nomination process. "If this isn't a separation of powers issue, what is?"

Cornyn, a former Texas judge himself, agreed. "Another branch of the government — the judiciary — cannot come in and tell Congress how it must function."

Frist and other Republicans are also looking at changing the Senate rules to eliminate filibusters of judicial nominees.

Cornyn's Senate Judiciary subcommittee plans a whole hearing next week called "Judicial Nominations, Filibusters, and the Constitution: When a majority is denied its right to consent" to explore the issue and plans to change the nomination process.

"If filibusters are going to be made part of the judicial nominee process, I think you will see increasing discussion over whether the rules should be changed," Frist said.

The fact that the GOP's November takeover of the Senate has not made it any easier for Bush's appellate nominees to get confirmed only stokes Republican fury.

Democrats last year voted down Owen and Mississippi Judge Charles Pickering in committee and didn't hold



hearings for others. The U.S. Appeals Courts are some of the most important courts in America, one step below the Supreme Court and deciding most of the nation's law.

Senate Judiciary Chairman Orrin Hatch, R-Utah — who is on the front line of the judicial battles — finally boiled over a Wednesday hearing. Schumer was strongly questioning appellate nominee John Roberts at his second hearing for his nomination for the U.S. Court of Appeals for the District of Columbia, when Hatch finally tired of the questions.

"Some I totally disagree with," Hatch said. "Some I think are dumb ... questions, between you and me. I am not kidding you. I mean, as much as I love and respect you, I just think that's true."

---

**From:** CN=Colleen M. Carroll/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/2/2003 11:52:35 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen M. Carroll ( CN=Colleen M. Carroll/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-MAY-2003 15:52:35.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,  
Are these statistics talking about the same thing -- the same court?

The U.S. Courts of Appeals are nearly 15% vacant, with 24 vacancies out of 167 authorized seats.

Regional appeals courts have a 14 percent vacancy rate.  
I know there was some confusion last time about which courts this statistic referred to, and I want to get it right. Let me know. Thanks.  
Colleen

---

**From:** Bartolomucci, H. Christopher  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Brosnahan, Jennifer R.>; <Francisco, Noel J.>; <Kavanaugh, Brett M.>; <Newstead, Jennifer G.>; <Powell, Benjamin A.>; <Sampson, Kyle>; <Ulyot, Theodore W.>  
**Sent:** 5/2/2003 11:58:56 AM  
**Subject:** Prado Quip

From an AP story:

Prado, 55, was confirmed by the Senate on Thursday to fill a vacancy on the 5th U.S. Circuit Court of Appeals, based in New Orleans. The vote was 97-0. Three Senators did not vote.

"I want to know who the three were who had more important things to do than vote for me," quipped Prado, a colorful jurist nominated for the position by President Bush in February.

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/2/2003 12:16:30 PM  
**Subject:** Do you handle North American Development Bank Issues? ARG is asking.

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>  
**Sent:** 5/2/2003 1:13:04 PM  
**Subject:** Re: Do you handle North American Development Bank Issues? ARG is asking.

never have before

From: Carolyn Nelson/WHO/EOP@Exchange on 05/02/2003 12:16:30 PM

Record Type: Record

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

cc:

Subject: Do you handle North American Development Bank Issues? ARG is asking.

---

**From:** CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ]  
**To:** Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>  
**Sent:** 5/2/2003 1:41:57 PM  
**Subject:** : MATERIALS RECEIVED  
**Attachments:** P\_UVF4G003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-MAY-2003 17:41:57.00  
SUBJECT:: MATERIALS RECEIVED  
TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

----- Forwarded by H. Christopher Bartolomucci/WHO/EOP on  
05/02/2003 05:41 PM -----

"Prior, Swen (Judiciary)" <Swen\_Prior@Judiciary.senate.gov>  
05/02/2003 05:39:01 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: MATERIALS RECEIVED

MATERIALS RECEIVED: Friday, May 02, 2003

#### Nominations

1. Gretchen C.F. Shappert of North Carolina, to be United States Attorney for the Western District of North Carolina.
- 1.
2. Earl Leroy Yeakel III, of Texas, to be United States District Judge for the Western District of Texas
3. Dana Makoto Sabraw, of California, to be United States District Judge for the Southern District of California
4. Xavier Rodriguez, of Texas, to be United States District Judge for the Western District of Texas

5. R. David Proctor, of Alabama, to be United States District Judge for the Northern District of Alabama
6. Frank Montalvo, of Texas, to be United States District Judge for the Western District of Texas
7. John A. Houston, of California, to be United States District Judge for the Southern District of California
8. William Q. Hayes, of California, to be United States District Judge for the Southern District of California
9. Dale S. Fischer, of California, to be United States District Judge for the Central District of California
10. Marcia A. Crone, of Texas, to be United States District Judge for the Eastern District of Texas
11. James I. Cohn, of Florida, to be United States District Judge for the Southern District of Florida
12. Kathleen Cardone, of Texas, to be United States District Judge for the Western District of Texas
13. Larry Alan Burns, of California, to be United States District Judge for the Southern District of California
14. Roger T. Benitez, of California, to be United States District Judge for the Southern District of California
15. D. Michael Fisher, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Swen Prior

Nominations Clerk

Senate Judiciary Committee

(202) 224-5225

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- att1.htm

Message Sent

To:

---

Christopher <nathan.sales@usdoj.gov>  
"Wikner, Brian (Judiciary)" <Brian\_Wikner@Judiciary.senate.gov>  
"Arfa, Rachel (Judiciary)" <Rachel\_Arfa@Judiciary.senate.gov>

REV\_00116423

"Caramanica, Jessica (Judiciary)" <Jessica\_Caramanica@Judiciary.senate.gov>  
"Carroll, Kurt (Judiciary)" <Kurt\_Carroll@Judiciary.senate.gov>  
"Cohen, Bruce (Judiciary)" <Bruce\_Cohen@Judiciary.senate.gov>  
"Comisac, RenaJohnson (Judiciary)"  
<Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
"Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov>  
"Codevilla, David (Judiciary)" <David\_Codevilla@Judiciary.senate.gov>  
"Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov>  
"DeOreo, Mary (Judiciary)" <Mary\_DeOreo@Judiciary.senate.gov>  
"Klepper, Leesa (Judiciary)" <Leesa\_Klepper@Judiciary.senate.gov>  
"Graves, Lisa (Judiciary)" <Lisa\_Graves@Judiciary.senate.gov>  
"Greenfeld, Helaine (Judiciary)" <Helaine\_Greenfeld@Judiciary.senate.gov>  
"Haywood, Amy (Judiciary)" <Amy\_Haywood@Judiciary.senate.gov>  
"Lucius, Kristine (Judiciary)" <Kristine\_Lucius@Judiciary.senate.gov>  
"Lundell, Jason (Judiciary)" <Jason\_Lundell@Judiciary.senate.gov>  
nancy scott-finan <nancy.scottfinan@usdoj.gov>  
"Prior, Swen (Judiciary)" <Swen\_Prior@Judiciary.senate.gov>  
"Snell, BethAnn (Judiciary)" <BethAnn\_Snell@Judiciary.senate.gov>  
"Stahl, Katie (Judiciary)" <Katie\_Stahl@Judiciary.senate.gov>  
"Tapia, Margarita (Judiciary)" <Margarita\_Tapia@Judiciary.senate.gov>  
"Toomajian, Phil (Judiciary)" <Phil\_Toomajian@Judiciary.senate.gov>  
H. Christopher Bartolomucci/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_UVF4G003\_WHO.TXT\_1>



**Nominati ons**

---

1. Gretchen C.F. Shappert of North Carolina, to be United States Attorney for the Western District of North Carolina.
- 1.
2. &  
Earl Leroy Yeakel III, of Texas, to be United States District Judge for the Western District of Texas
3. Dana Makoto Sabraw, of California, to be United States District Judge for the Southern District of California
4. Xavier Rodriguez, of <  
font  
size=3 color=black face="Times New Roman">Texas, to be United States District Judge for the Western District of Texas
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size=3 color=black face="Times New Roman">Alabama, to be United States District Judge for the Northern District of Alabama
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size=3 color=black face="Times New Roman">California, to be United States District Judge for the Southern District of California
9. Dale S. Fischer, of California, to be United States District Judge for the Central District of California
10. Marcia A. Crone, of Texas, to be United States District Judge for the Eastern District of Texas
11. James I. Cohn, of Florida, to be United States District Judge for the Southern District of Florida
12. Kathleen Cardone, of <  
font  
size=3 color=black face="Times New Roman">Texas, to be United States District Judge for the Western District of Texas

13. Larry Alan Burns, of <  
font

size=3 color=black face="Times New Roman">California, to be United States District Judge  
for the Southern District of California

14. Roger T. Benitez, of <  
font

size=3 color=black face="Times New Roman">California, to be United States District Judge  
for the Southern District of California

15. D. Michael Fisher, of  
Pennsylvania, to be United States Circuit Judge  
for the Third Circuit.

Swen Prior  
Nominations Clerk  
Senate Judiciary Committee  
(202) 224-5225

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---

**From:** Orr, Christopher J.  
**To:** <Snee, Ashley>;<Kavanaugh, Brett M.>  
**Sent:** 5/2/2003 3:27:39 PM  
**Subject:**

Are we doing an "Ask the White House" with the Judge on Friday?

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/2/2003 4:33:03 PM  
**Subject:** will you have talking points tonight?

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/2/2003 4:33:26 PM  
**Subject:** Are you still coming over?

---

**From:** Nelson, Carolyn  
**To:** <Gonzales, Alberto R.>;<Brosnahan, Jennifer R.>;<Kavanaugh, Brett M.>;<Leitch, David G.>  
**CC:** <Montiel, Charlotte L.>  
**Sent:** 5/2/2003 5:47:00 PM  
**Subject:** Campaign finance conference call tomorrow

Participants:

Judge Gonzales  
David Leitch  
Brett Kavanaugh  
Jenny Brosnahan  
Paul Clement  
Shannen Coffin  
Jim Gilligan

Saturday, May 3, 2003  
4:15pm  
Dial-in: 202-395-6392  
Conference Code: 879970

---

**From:** Nelson, Carolyn  
**To:** <Orr, Christopher J.>;<Kavanaugh, Brett M.>;<Snee, Ashley>  
**Sent:** 5/2/2003 6:17:52 PM  
**Subject:** Website interview with Judge Gonzales

Monday, 5/5 @ 1:45 PM

---

**From:** Gonzales, Alberto R.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/2/2003 6:22:58 PM  
**Subject:** Re: May 9th event

Ok



---

**From:** Gonzales, Alberto R.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/2/2003 6:23:56 PM  
**Subject:** Re: Owen

Brother!

---

**From:** Gonzales, Alberto R.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/3/2003 11:31:32 AM  
**Subject:** Re: Wittes/Leon Holmes

What is your take on the decision?

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/3/2003 9:46:01 AM  
**Subject:** : White House Global Messenger - 5/05/03  
**Attachments:** P\_CAN4G003\_WHO.TXT\_1.doc

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CREATION DATE/TIME: 3-MAY-2003 13:46:01.00  
SUBJECT:: White House Global Messenger - 5/05/03  
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
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(See attached file: GM 5-05-03 FINAL.doc)

THE GLOBAL MESSENGER  
Monday, May 5, 2003

\*\*\*\*\*KEY POINTS FROM THE PRESIDENT'S WEEKLY RADIO ADDRESS\*\*\*\*\*

\*All Australians can be justly proud of the superb performance of Australia's air, naval and Special Forces in Operation Iraqi Freedom. America is deeply grateful for their important contributions.

\*Prime Minister Howard has been a strong ally in the war on terror, and Australian forces have played an important role in the liberation of Iraq. Australian Special Forces entered Iraq with their American and British counterparts at the very beginning of Operation Iraqi Freedom.

\*The Australian military helped to secure sites in western Iraq that could have been used to launch scud missiles. And they disrupted Iraqi troop movements and command posts, paving the way for Army and Marine units making their way to Baghdad.

\*Australia FA-18 fighters carried out deep bombing runs in Iraq. The Australian Navy worked with British forces to take control of the Faw Peninsula. Australian Navy divers cleared mines in the port of Umm Qasr, opening sea lanes to deliver humanitarian assistance. And Australian transport planes delivered emergency supplies and equipment for Iraqi hospitals.

\*All told, about 2,000 Australian service members contributed to the destruction of Saddam Hussein's regime and the liberation of the Iraqi people.

\*Our coalition still has much work to do in Iraq. The transition from dictatorship to democracy is hard, and

REV\_00116525

will take time -- but it is worth every effort. Our coalition will stay until our work is done, then we will leave -- and we will leave behind a free Iraq.

\*\*\*\*\*U.S. SUNDAY SHOWS\*\*\*\*\*

All Times Eastern Daylight. Subject to Change

NBC- Secretary of State Powell  
CBS- Secretary of State Powell  
ABC- Secretary of State Powell  
FOX- Secretary of Defense Rumsfeld  
CNN- Secretary of Defense Rumsfeld

\*\*\*\*\*EXAMPLES OF AUSTRALIAN HUMANITARIAN  
AID FOR IRAQ\*\*\*\*\*

Australia's commitment to humanitarian aid and reconstruction in Iraq now stands at more than US \$63 million, including 100,000 tons of Australian wheat.

\*Australia is funding UN agencies and NGOs for quick response to humanitarian needs such as shortages of drinking water and lack of essential medical supplies.

\*Australia is sending an experienced team of agricultural and food security advisers to work with senior Iraqi agriculture officials.

\*Australian specialists in humanitarian planning and coordination are serving in the Office of Reconstruction and Humanitarian Affairs (ORHA).

\*\*\*\*\*KEY QUOTE\*\*\*\*\*

"We have no better friend than Australia. And this keeps intact a long line of military cooperation with the United States and Australia in the defense of freedom around the world. And it was extremely important...in contributing to the victory in Iraq."

-- National Security Advisor Rice, interview with Australian journalists, 4/29/03

THE WHITE HOUSE  
Office of Global Communications  
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\*\*\*\*\*

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The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.

- GM 5-05-03 FINAL.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_CAN4G003\_WHO.TXT\_1>

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# THE GLOBAL MESSENGER

Monday, May 5, 2003



## **U.S. SUNDAY SHOWS**

*Subject to Change*

**NBC-** Secretary of State Powell  
**CBS-** Secretary of State Powell  
**ABC-** Secretary of State Powell  
**FOX-** Secretary of Defense Rumsfeld  
**CNN-** Secretary of Defense Rumsfeld

## **EXAMPLES OF AUSTRALIAN HUMANITARIAN AID FOR IRAQ**

- Australia's commitment to humanitarian aid and reconstruction in Iraq now stands at more than US\$63 million, including 100,000 tons of Australian wheat.
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## **KEY QUOTE**

"We have no better friend than Australia. And this keeps intact a long line of military cooperation with the United States and Australia in the defense of freedom around the world. And it was extremely important...in contributing to the victory in Iraq."

-- National Security Advisor Rice, interview with Australian journalists, 4/29/03

## **KEY POINTS FROM THE PRESIDENT'S WEEKLY RADIO ADDRESS**

- All Australians can be justly proud of the superb performance of Australia's air, naval and Special Forces in Operation Iraqi Freedom. America is deeply grateful for their important contributions.
- Prime Minister Howard has been a strong ally in the war on terror, and Australian forces have played an important role in the liberation of Iraq. Australian Special Forces entered Iraq with their American and British counterparts at the very beginning of Operation Iraqi Freedom.
- The Australian military helped to secure sites in western Iraq that could have been used to launch scud missiles. And they disrupted Iraqi troop movements and command posts, paving the way for Army and Marine units making their way to Baghdad.
- Australia FA-18 fighters carried out deep bombing runs in Iraq. The Australian Navy worked with British forces to take control of the Faw Peninsula. Australian Navy divers cleared mines in the port of Umm Qasr, opening sea lanes to deliver humanitarian assistance. And Australian transport planes delivered emergency supplies and equipment for Iraqi hospitals.
- All told, about 2,000 Australian service members contributed to the destruction of Saddam Hussein's regime and the liberation of the Iraqi people.
- Our coalition still has much work to do in Iraq. The transition from dictatorship to democracy is hard, and will take time -- but it is worth every effort. Our coalition will stay until our work is done, then we will leave -- and we will leave behind a free Iraq.

**THE WHITE HOUSE**  
**Office of Global Communications**

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**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>  
**Sent:** 5/3/2003 3:34:15 PM  
**Subject:** Re: Meeting w/ Frist et. al

correct

From: Carolyn Nelson/WHO/EOP@Exchange on 05/03/2003 03:30:27 PM

Record Type: Record

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

cc:

Subject: Meeting w/ Frist et. al

11:00 am on Tues., right?

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Grubbs, Wendy J.>; <Snee, Ashley>; <Mamo, Jeanie S.>; <Abney, Allen K.>  
**Sent:** 5/4/2003 4:08:22 PM  
**Subject:** Richmond Times Dispatch editorial (positive) on Claude Allen

## GOOD PICK

In nominating **Claude Allen** to a seat on the Fourth Circuit Court of Appeals, President Bush has made an excellent choice. Allen very well could win approval for the wrong reason - he is black and the composition of the Fourth Circuit has been criticized as insufficiently diverse - but merits the appointment on the strength of his qualifications.

Democrats already are combing through Allen's record for material with which to paint him as an extremist - he supports home schooling and abstinence education, he once worked for (gasp) Jesse Helms. But Allen is no ideologue; as Virginia's Secretary of Health and Human Resources, he sought to expand the FAMIS program that offers subsidized health insurance to lower-middle-income families, and defended the effort against criticism from this newspaper.

From Washington law-firm work in the early 1990s, Allen has risen quickly through the Virginia Attorney General's office under Jim Gilmore and the state health secretariat to (currently) deputy secretary at the federal Department of Health and Human Services. An official with the Bush administration says Allen has been considered as a possible Cabinet Secretary. That background of legal expertise leavened with an understanding of the privation that besets those in need - combined with Allen's intelligence and strong grounding in traditional values - should make him a worthy addition to the court.



**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>; Jeanie S. Mamo/WHO/EOP@EOP [ WHO ] <Jeanie S. Mamo>; Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>; Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>; Nicolle Devenish/WHO/EOP@EOP [ WHO ] <Nicolle Devenish>; Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 5/4/2003 1:39:26 PM  
**Subject:** : Atlanta Journal-Constitution editorial re judicial politics in South

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 4-MAY-2003 17:39:26.00

SUBJECT:: Atlanta Journal-Constitution editorial re judicial politics in South

TO: Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

TO: Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Nicolle Devenish ( CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

HEADLINE: OUR OPINION: Democrats use wrong route to win South

BODY:

U.S. Sen. John Kerry (D-Mass.) brought his presidential aspirations to the South last week, promising in Alabama that he will make the national party competitive here once again.

Make competitive, he neglected to mention, a party that has positioned itself in opposition to the war in Iraq and anything other than token tax cuts, and as Democrats reminded the nation once again about the elevation of conservatives to the federal bench. While the White House may appeal to some as inside work with no heavy lifting, getting there through the South toting this party's agenda will be a task requiring Herculean labor.

Just this week, for example, Kerry's Democratic colleagues --- Georgia's Zell Miller excepted --- began to filibuster the nomination of Texas Supreme Court Justice Priscilla Owen to the New Orleans-based 5th U.S. Circuit Court of Appeals.

Kerry and other Democrats are already filibustering the nomination of Miguel Estrada to the District of Columbia Circuit Court of Appeals --- the first time simultaneous filibusters against judicial nominees have occurred in the U.S. Senate.

Both Owen and Estrada are superbly qualified in every respect. Yet on Owen, those who complain that a "glass ceiling" exists for women of achievement are busily constructing one to keep her in her place. And those who complain that the federal bench lacks "diversity" find Estrada to be too much diversity for their taste. He is considered to be a conservative, and the interest groups that drive the Democratic Party nationally fear Owen is, too, at least on their abortion litmus test.

The fear with Owen and Estrada is that one or both will be nominated to the U.S. Supreme Court should a vacancy occur. Senate Democrats are determined to keep off the Circuit Court bench any perceived conservative who has the credentials to serve on the U.S. Supreme Court.

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Kerry, then, and the legions of presidential soundalikes who campaign with him, have to come to a region where conservatism is the mainstream to explain how reducing federal taxes is bad and cheating exemplary women and minorities of the fair hearing they have earned before the U. S. Senate because they might be conservative is good.

"I can help you wage a fight down here and rebuild this party for the long run," Kerry said in Birmingham. Republicans have carried Alabama in all but three presidential elections in the past 50 years. Jimmy Carter in 1976 was the last Democrat to carry the state. George W. Bush carried every Southern state in 2000, including Tennessee, his Democratic opponent's home state. Al Gore Jr. thought so little of his Southern prospects that he actively campaigned in just three states --- Tennessee, Florida and West Virginia.

Some Democrats, said Kerry, were "surprised" that he visited Alabama.

No surprise that he visited. The real surprise is the party baggage he hauled.

Opposition to tax cuts is comprehensible. Politicians loathe interruptions in the flow of spendable revenues. Opposition to the war is, too. Too confrontational. Angers adversaries. Provokes understandable aggression, for which we bear unexpurgated sin.

While some positions are understandable, not so their party-line opposition to Owen and Estrada. Owen, the new filibusteree, drew the American Bar Association's highest rating. She is a cum laude graduate of the Baylor University Law School who scored the top grade in Texas on the bar exam. She practiced 17 years before becoming a judge and has been widely praised for her integrity and ability. Liberal groups say, unconvincingly except when they are talking to each other and Senate Democrats, that she is anti-abortion and pro-business.

Being a neighborly people, Southerners of course welcome Kerry to visit the region and to indulge himself in its hospitality. But the senator should not indulge himself into believing that a party that opposes tax cuts and filibusters nominees such as Owen and Estrada has the slightest chance of carrying this region.

Jim Wooten is associate editorial page editor. His column appears Sundays, Tuesdays and Fridays.

---

**From:** Mamo, Jeanie S.  
**To:** <Kavanaugh, Brett M.>;<Snee, Ashley>  
**Sent:** 5/4/2003 5:56:06 PM  
**Subject:** Mobile Register (5/4/03) re: Pryor's point is precedent

## **Pryor's point is precedent**

### EDITORIAL

*Mobile (AL) Register*

05/04/03

THE LATEST attacks against the judicial nomination of Alabama Attorney General Bill Pryor are supremely unfair, for supremely simple reasons.

When dealing with issues before federal courts, a state attorney general has two obligations: First, be an advocate for the laws passed by his own state's legislature. Second, respect U.S. Supreme Court precedent.

With regard to the controversy over a "friend of the court" brief that Mr. Pryor filed in defense of a Texas law against sodomy, the Alabama AG acted in accordance with both obligations.

First, Alabama has an anti-sodomy law much like that of Texas, so Alabama's law effectively would be voided if the Supreme Court invalidated the Texas statute. Second, Mr. Pryor's brief asks only that existing Supreme Court precedent be upheld. And until that precedent is overturned, he is duty-bound to abide by it.

The controlling precedent comes from a 1986 case known as *Bowers vs. Hardwick*. According to that decision, a Georgia anti-sodo my law was held to be allowable under the Constitution.

Justice Byron White wrote that if Georgia's law were thrown out, "It would be difficult, except by fiat, to limit the claimed right to homosexual conduct while leaving exposed to prosecution adultery, incest, and other sexual crimes even though they are committed in the home. We are unwilling to start down that road."

The only difference in Mr. Pryor's brief is that he listed some of the "other sexual crimes" to which Justice White referred: "prostitution, adultery, necrophilia, bestiality, possession of child pornography, and even incest and pedophilia (if the child should credibly claim to be 'willing')."

It may well be an unfair intrusion on privacy to outlaw consensual homosexual acts. But that which is unfair is not always unconstitutional. Bill Pryor's argument is an accurate assertion of where constitutional law stands at this very moment. It no more disqualifies him from confirmation as a federal judge than does a base hit (rather than a home run) dis qualify Hank Aaron from the Hall of Fame.

---

**From:** CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/4/2003 1:59:16 PM  
**Subject:** : Huntsville (AL) Times (5/4/03) EDITORIAL re: Pryor's preacher

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CREATOR: Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 4-MAY-2003 17:59:16.00  
SUBJECT:: Huntsville (AL) Times (5/4/03) EDITORIAL re: Pryor's preacher  
TO: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Pryor's preaching  
Editorial  
Huntsville (AL) Times  
05/04/03

Huntsville Times  
Churches promote faith; courtrooms promote justice

Attorney General Bill Pryor usually has been what few Alabama politicians seem to know how to be: principled. Though unabashedly a conservative Republican, Pryor has usually been more nonpartisan than partisan. More than once, he has ignored the prevailing political winds to do what he thought was right. Trying to reform the state's sentencing system is a prime example. One what he thought was right again. But this time Pryor has gotten it wrong.

In a "friend of the court" brief filed almost three months ago regarding the Texas sodomy case before the U.S. Supreme Court, Pryor compared homosexual acts to "prostitution, adultery, necrophilia, bestiality, possession of child pornography and even incest and pedophilia." This is the same case, of course, that Pennsylvania Sen. Rick Santorum, another conservative Republican, made some similarly troubling remarks about.

The problem here is neither that Pryor has a certain point of view that others may not share, nor that he expressed it. In the United States, we all have a right to think and speak freely.

The problem is that as the attorney general of Alabama - and President Bush's nominee to the 11th Circuit Court of Appeals - Pryor did not separate his personal moral views from his public role as a promoter of justice.

Bill Pryor has championed causes that many Republicans and not a few Democrats would have probably walked away from: such as the removal of the interracial marriage ban from the state constitution and the recruitment of mentors for underprivileged children, to mention a few. Alabama has benefited from having him as attorney general, and would probably benefit if he decided to seek an even higher elected office one day.

Perhaps the nation would too, but not if Pryor plans to use a judicial appointment as a opportunity to give his moral points of view the heft of the law's brief seems to be part of a trend to infuse public policy and the law with a morality of an unabashedly religious strain.

Until God (or whoever or whatever it is you do or do not worship) decides

to clarify the myriad matters of faith that have caused us to separate into different churches, temples, mosques, sects and beliefs, it would be best for those who believe to enjoy their beliefs in a way that allows others to enjoy theirs - or to enjoy not having any beliefs at all. Churches are supposed to promote faith, and courtrooms, justice. If Pryor is confirmed to the 11th Circuit, he would do well to honor this distinction.

---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/5/2003 1:36:44 AM  
**Subject:** : OpinionJournal - On the Editorial Page - May 5, 2003

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CREATION DATE/TIME: 5-MAY-2003 05:36:44.00  
SUBJECT:: OpinionJournal - On the Editorial Page - May 5, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
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From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY DENNIS MILLER  
<http://www.opinionjournal.com/editorial/?id=110003453>

Meet Norman Mailer, Third Cousin of the Rational Op-Ed.  
12:01 a.m. EDT

Thinking Things Over BY ROBERT L. BARTLEY  
<http://www.opinionjournal.com/columnists/rbartley/?id=110003452>

Compulsive "borking" is a symptom of the left's sickness.  
12:01 a.m. EDT

Outside the Box BY PETE DU PONT  
<http://www.opinionjournal.com/columnists/pdupont/?id=110003445>

America's public schools: Still risky after all these years.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Cutting Up the Tax Cut  
Have Republicans noticed the rising unemployment rate?  
May 05 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105209717421709100,00.html%3Fmod%3Dopinion>

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The March of Folly  
The Supreme Court fails to shoot down campaign-finance reform.  
May 05 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB10520973599789000,00.html%3Fmod%3Dopinion>

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The Tip of the Iceberg  
Bush and Blair shouldn't be timid about outing Saddam's suppliers.  
May 05 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105209755877>

087700,00.html%3Fmod%3Dopinion

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## Commentary

### Cartography of Peace

The Israelis and Palestinians have a map: Now they must travel the road.

By TERJE ROED-LARSEN

May 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105209929861887300,00.html%3Fmod%3Dopinion>

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### 'Why Are We in Iraq?'

Norman Mailer sees the world in black and white, except when it comes to good and evil.

By DENNIS MILLER

May 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105209810820444900,00.html%3Fmod%3Dopinion>

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## Rule of Law

### Class Warfare

Why MasterCard and Visa agreed to a \$3 billion settlement.

By GEORGE L. PRIEST

May 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105209857284607400,00.html%3Fmod%3Dopinion>

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## Thinking Things Over

### 'Gaffes' and Personal Destruction

Borking is reaching an epidemic level.

By ROBERT L. BARTLEY

May 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105210111548437400,00.html%3Fmod%3Dopinion>

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## International

### Another Wall Cracks

First Iraqis were freed from Saddam. Now things are looking up in divided Cyprus.

From The Wall Street Journal Europe

May 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105208358644402600,00.html%3Fmod%3Dopinion>

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### Create a Democracy Without Qualifiers

Just as there was not going to be a second Vietnam in Iraq, there isn't going to be a second Iran either.

By AMIR TAHERI

From The Wall Street Journal Europe  
May 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10520844582547300,00.html%3Fmod%3Dopinion>

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Vivendi Unplugs Its Media Strategy  
Messier's vision for the media company of the future is being thrown out,  
lock, stock and barrel.  
By BRIAN M. CARNEY  
From The Wall Street Journal Europe  
May 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105208584929641900,00.html%3Fmod%3Dopinion>

~~~~~

Deadlock in Burma  
A year after Burma's opposition leader was released from house arrest, the  
country's political process is still at a standstill.  
By LARRY JAGAN  
From The Asian Wall Street Journal  
May 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105208615520476500,00.html%3Fmod%3Dopinion>

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to respond to each job opportunity. It's free, so register today at  
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<http://www.careerjournal.com/marketplace/resumedatabase/index.html>

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---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Katherine M. Walters/WHO/EOP@EOP [ WHO ] <Katherine M. Walters>  
**Sent:** 5/5/2003 7:10:22 AM  
**Subject:** : Re: Haley Barbour Young Professionals DC event June 9 - Spread the Word!  
**Attachments:** P\_6YA5G003\_WHO.TXT\_1.html; P\_6YA5G003\_WHO.TXT\_2.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 11:10:22.00  
SUBJECT:: Re: Haley Barbour Young Professionals DC event June 9 - Spread the Word!  
TO:Katherine M. Walters ( CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Is it fundraiser?

Katherine M. Walters  
05/05/2003 11:05:36 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Haley Barbour Young Professionals DC event June 9 - Spread the Word!

Is it ok for Ken to attend a reception for Haley Barbour on May 7th at the Washington Court Hotel? They just want him to drop by, not speak. Nothing with his name on it.

Brett M. Kavanaugh  
04/17/2003 11:06:51 AM  
Record Type: Record

To: Ken Mehlman/WHO/EOP@EOP, Katherine M. Walters/WHO/EOP@EOP  
cc:  
Subject: Haley Barbour Young Professionals DC event June 9 - Spread the Word!

Fine for people here to attend this, but no one at WH should forward this fundraiser invite to others. Please let folks in OPA and OSI know.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
04/17/2003 11:05 AM -----

Kirk Blalock <kblalock@fierce-isakowitz.com>  
04/17/2003 10:52:03 AM  
Please respond to kblalock@fierce-isakowitz.com  
Record Type: Record

To: Kirk Blalock <kblalock@fierce-isakowitz.com>

REV\_00116564

cc:  
Subject: Haley Barbour Young Professionals DC event June 9 - Spread the Word!

- att1.htm  
- 060903 YP4HB.doc

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_6YA5G003\_WHO.TXT\_1>

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_6YA5G003\_WHO.TXT\_2>





**SAVE THE DATE: MONDAY, JUNE 9, 2003**

For a Fundraising Reception  
Honoring

**HALEY BARBOUR**

Candidate for Governor of Mississippi, 2003

*~Hosted by Friends of Mississippi  
and Young Professionals for Haley Barbour~*

Monday, June 9, 2003  
6:00 to 8:00pm

101 Constitution Avenue, NW - Rooftop\*  
Washington, DC

\$50 per person/\$100 couple  
\$1,000 Host (raise or contribute)

Hosts must RSVP by May 1, 2003 to be listed on the invitation.

For more information and to RSVP, please contact:

Brandon Winfrey

or

Anne Gavin

**PRA 6**

**PRA 6**

Contributions payable to Barbour for Governor  
P.O. Box 1499  
Yazoo City, MS 39194

\*If inclement weather, event will be held in the offices of  
Van Scoyoc & Associates, Suite 600 West

Paid for by Barbour for Governor, P.O. Box 1499, Yazoo City, MS 39194.

There is no statutory limit on the amount an individual or a PAC may contribute to Barbour for Governor. There is a limit of \$1,000 on corporate contributions to Barbour for Governor. Contributions are not deductible for federal income tax purposes. Barbour for Governor is required to report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of \$200 in a calendar year.

**REV\_00116567**

---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>;<Gonzales, Alberto R.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ulyot, Theodore W.>  
**Sent:** 5/5/2003 7:32:52 AM  
**Subject:**

Apparently, Sen. Hatch's actual language is a bit too salty for the NY Times:

Meanwhile, in the Judiciary Committee, Orrin Hatch, the chairman, accused Senator Charles Schumer of asking "stupid" questions.

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>;<Kavanaugh, Brett M.>  
**Sent:** 5/5/2003 8:10:08 AM  
**Subject:** Re: talking points

What are you talking about?

.

----- Original Message -----

From: Carolyn Nelson/WHO/EOP@Exchange

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

Cc:

Date: 05/05/2003 08:05:44 AM

Subject: talking points

Do you have some for the Judge for his speech?

---

**From:** Cooper, Jean  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/5/2003 8:24:42 AM  
**Subject:** RE: Peter Coneway letter

Sorry...I was out on Friday. I'll let him know. I think that he must have lost it but he probably will only want to know your response. I'll get back to you.

Thanks!

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Thursday, May 01, 2003 8:19 PM  
**To:** Cooper, Jean  
**Subject:** Re: Peter Coneway letter

I apparently gave my only copy back to Steve and you. I know what I said on it if that is the question. Apologies about this.

---

**From:** Kavanaugh, Brett M.  
**To:** <Cooper, Jean>;<Kavanaugh, Brett M.>  
**Sent:** 5/5/2003 8:29:40 AM  
**Subject:** Re: Peter Coneway letter

The letter correctly stated that Steve may contribute.

.

----- Original Message -----

From: Jean Cooper/OPD/EOP@Exchange

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

Cc:

Date: 05/05/2003 08:24:42 AM

Subject: RE: Peter Coneway letter

Sorry...I was out on Friday. I'll let him know. I think that he must have lost it but he probably will only want to know your response. I'll get back to you.

Thanks!

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Thursday, May 01, 2003 8:19 PM

To: Cooper, Jean

Subject: Re: Peter Coneway letter

I apparently gave my only copy back to Steve and you. I know what I said on it if that is the question. Apologies about this.



---

**From:** Cooper, Jean  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/5/2003 8:33:06 AM  
**Subject:** RE: Peter Coneway letter

That's great, I'll let him know!

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, May 05, 2003 8:30 AM  
**To:** Cooper, Jean; Kavanaugh, Brett M.  
**Subject:** Re: Peter Coneway letter

The letter correctly stated that Steve may contribute.

.

----- Original Message -----

From: Jean Cooper/OPD/EOP@Exchange  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/05/2003 08:24:42 AM  
Subject: RE: Peter Coneway letter

Sorry...I was out on Friday. I'll let him know. I think that he must have lost it but he probably will only want to know your response. I'll get back to you.

Thanks!

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, May 01, 2003 8:19 PM  
To: Cooper, Jean  
Subject: Re: Peter Coneway letter

I apparently gave my only copy back to Steve and you. I know what I said on it if that is the question. Apologies about this.

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/5/2003 9:11:50 AM  
**Subject:** : FW: Feinstein Letter to Bush on Nominations  
**Attachments:** P\_HOI5G003\_WHO.TXT\_1.wpd

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 13:11:50.00  
SUBJECT:: FW: Feinstein Letter to Bush on Nominations  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;  
-----Original Message-----  
From: Hantman, David (Judiciary)  
[mailto:David\_Hantman@Judiciary.senate.gov]  
Sent: Monday, May 05, 2003 1:09 PM  
To: Grubbs, Wendy J.; Jamie.E.Brown@usdoj.gov  
Subject: Feinstein Letter to Bush on Nominations

Mailed, faxed, and now e-mailed for your reading pleasure.

;  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_HOI5G003\_WHO.TXT\_1>

May 5, 2003

The Honorable George Bush  
President of the United States of America  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear Mr. President:

I believe the process for judicial nominations is going in the wrong direction. The debate between the Senate and the Executive Branch over judicial candidates has become polarized and increasingly bitter.

Clearly, each side must be willing to compromise. Accordingly, I would like to make some recommendations for your consideration. I believe a model of bipartisan cooperation on judges already exists in the State of California.

At the beginning of your Administration, to resolve several years of acrimony over nominees in California, we jointly agreed to establish bipartisan committees to select district court judges. As you know, we created four committees in the State, one for each judicial district. Each committee has six members evenly divided between Republicans and Democrats. A nominee only can get approved with the support of the majority of the committee. For each vacancy, the committee forwards three to five candidates to the White House, and you, of course, have the final decision over which of these candidates is chosen.

Since the judicial selection committees took effect in the Spring 2001, they have filled these vacancies with high quality judges. As of today, eight California judges nominated by the committees have obtained swift Senate confirmation. On average, the nominees have obtained confirmation within 114 days of being nominated. In contrast, California district court nominees in the 106<sup>th</sup> Congress took an average of 223 days to get confirmed (three of the nominees never even managed to get a hearing).

The California system yields good results quickly. On Thursday, May 1<sup>st</sup>, you announced nominees for five district judgeships in the Southern District of California and one for the Central District of California. Congress created all six of these judgeships on November 2, 2002. Now, just six months later, we have six nominees before the Senate that earned unanimous approval before their respective state selection committees. The Committees accomplished these selections so quickly that candidates are being appointed to positions that will not even officially exist until July 15, 2003.

I propose extending this successful California model nationally.

- Each State would have an evenly divided Bipartisan Committee to recommend District and Circuit Court judges to the President
- The White House would choose nominees from this list of recommended names, but could request as many candidates as desired. In California, for example, the Selection Committee provides three to five names for each district court vacancy.
- The Senate would have six months from the President's announcement of a nomination to hold a hearing on the nominee. Subsequent to the hearing, the Senate would have to hold an up-or-down vote in Committee or on the Floor within three months.
- Concurrent with these changes, the Senate would agree to allow nominees to go forward without secret holds or public filibusters.

We have a limited window of opportunity before the current impasse over judges spirals out of control. I urge you to consider this proposal and help us find common ground. California's experience has shown how bipartisan cooperation can lead to the efficient selection of the highest caliber nominees. Thank you for your consideration.

Sincerely,

---

**From:** Kavanaugh, Brett M.  
**To:** <Grubbs, Wendy J.>  
**Sent:** 5/5/2003 10:08:12 AM  
**Subject:** Re: The judiciary website stinks, so help me, please:

You got it.

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/05/2003 10:06:00 AM

Record Type: Record

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

cc:

Subject: The judiciary website stinks, so help me, please:

Since I arrived, we have confirmed the following circuit court nominees:

Tymkovich

Bybee

Sutton

Prado

Then, by weeks end: Cook and Roberts.

Anyone else from Jan 1st to my arrival mid Feb?

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/5/2003 10:13:09 AM  
**Subject:** : RE: status list

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 14:13:09.00  
SUBJECT:: RE: status list  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Ok, when you do please forward.

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Monday, May 05, 2003 2:12 PM  
To: Grubbs, Wendy J.  
Subject: RE: status list

yes, but need to update that one given last week.

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/05/2003 02:11:59 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: status list

Excellent. Does this exist for district seats as well?

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Monday, May 05, 2003 2:02 PM  
To: Grubbs, Wendy J.  
Subject: status list

May 1, 2003

COURT OF APPEALS NOMINEES IN 108TH CONGRESS (25)

Confirmed (4)

Ed Prado (5th Texas)  
Jeff Sutton (6th Ohio)  
Jay Bybee (9th Nevada)  
Tim Tymkovich (10th Colorado)

On Executive Calendar (3)

Miguel Estrada (DC)  
Priscilla Owen (5th Texas)  
Deborah Cook (6th Ohio)

In Judiciary Committee (17)

John Roberts (DC)  
Richard Wesley (2nd New York)

Michael Chertoff (3rd New Jersey)  
Michael Fisher (3rd Pennsylvania)  
Terry Boyle (4th North Carolina)  
Claude Allen (4th Virginia)  
Allyson Duncan (4th North Carolina)  
Charles Pickering (5th Mississippi)  
David McKeague (6th Michigan)  
Susan Neilson (6th Michigan)  
Richard Griffin (6th Michigan)  
Henry Saad (6th Michigan)  
Steve Colloton (8th Iowa)  
Carlos Bea (9th California)  
Consuelo Callahan (9th California)  
Carolyn Kuhl (9th California)  
Bill Pryor (11th Alabama)

Announced Intent to Nominate (1)

Jay Waldman (3rd Pennsylvania)

ANNOUNCED FUTURE RETIREMENTS OR CURRENT VACNCIES WITHOUT NOMINEES (5)

CADC, CADC, CA4, CA8, and CA9

CIRCUIT NOMINEES CONFIRMED IN 107TH CONGRESS (17)

Jeffrey Howard (1st NH)  
Barrington Parker (2nd NY)  
Reena Raggi (2nd NY)  
Brooks Smith (3rd PA)  
Roger Gregory (4th VA)  
Dennis Shedd (4th SC)  
Edith Brown Clement (5th LA)  
Julia Gibbons (6th TN)  
John Rogers (6th KY)  
Michael Melloy (8th IA)  
William Riley (8th NE)  
Lavenski Smith (8th ARK)  
Richard Clifton (9th HI)  
Harris Hartz (10th NM)  
Michael McConnell (10th UT)  
Terrence O,Brien (10th WY)  
Sharon Prost (Fed)

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/5/2003 6:17:23 AM  
**Subject:** : Re: The judiciary website stinks, so help me, please:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 10:17:23.00  
SUBJECT:: Re: The judiciary website stinks, so help me, please:  
TO: Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

You got it.

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/05/2003 10:06:00 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: The judiciary website stinks, so help me, please:

Since I arrived, we have confirmed the following circuit court nominees:

Tymkovich

Bybee

Sutton

Prado

;

Then, by weeks end: Cook and Roberts.

;

Anyone else from Jan 1st to my arrival mid Feb?



**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** scastillo@rnchq.org @ inet [ UNKNOWN ] <scastillo@rnchq.org @  
inet>;john\_abegg@mcconnell.senate.gov @ inet [ UNKNOWN ]  
<john\_abegg@mcconnell.senate.gov @ inet>;bob\_stevenson@frist.senate.gov @ inet [ UNKNOWN ] <bob\_stevenson@frist.senate.gov @ inet>;bill\_wichterman@frist.senate.gov @ inet [ UNKNOWN ] <bill\_wichterman@frist.senate.gov @ inet> [ PRA 6 ] UNKNOWN ]  
[ PRA 6 ] UNKNOWN ]  
[ PRA 6 ] makan\_delrahim@judiciary.senate.gov @ inet [ UNKNOWN ]  
<makan\_delrahim@judiciary.senate.gov @ inet>;margarita\_tapia@judiciary.senate.gov @ inet [ UNKNOWN ] <margarita\_tapia@judiciary.senate.gov @ inet>;alafferty@traditionalvalues.org @ inet [ UNKNOWN ] <alafferty@traditionalvalues.org @ inet>;steven\_duffield@rpc.senate.gov @ inet [ UNKNOWN ] <steven\_duffield@rpc.senate.gov @ inet>;rena\_johnson\_comisac@judiciary.senate.gov @ inet [ UNKNOWN ] <rena\_johnson\_comisac@judiciary.senate.gov @ inet>;katie\_gumerson@rpc.senate.gov @ inet [ UNKNOWN ] <katie\_gumerson@rpc.senate.gov @ inet>;paul\_jacobson@frist.senate.gov @ inet [ UNKNOWN ] <paul\_jacobson@frist.senate.gov @ inet>;alex\_vogel@frist.senate.gov @ inet [ UNKNOWN ] <alex\_vogel@frist.senate.gov @ inet>;elizabeth\_keys@src.senate.gov @ inet [ UNKNOWN ] <elizabeth\_keys@src.senate.gov @ inet>;don\_stewart@cornyn.senate.gov @ inet [ UNKNOWN ] <don\_stewart@cornyn.senate.gov @ inet>;krdaly@aol.com @ inet [ UNKNOWN ] <krdaly@aol.com @ inet>;stephen\_higgins@judiciary.senate.gov @ inet [ UNKNOWN ] <stephen\_higgins@judiciary.senate.gov @ inet>;alex\_dahl@judiciary.senate.gov @ inet [ UNKNOWN ] <alex\_dahl@judiciary.senate.gov @ inet>;srushton@cagw.org @ inet [ UNKNOWN ] <srushton@cagw.org @ inet>;barbara\_ledeen@src.senate.gov @ inet [ UNKNOWN ] <barbara\_ledeen@src.senate.gov @ inet>;manuel\_miranda@frist.senate.gov @ inet [ UNKNOWN ] <manuel\_miranda@frist.senate.gov @ inet>  
**Sent:** 5/5/2003 6:42:21 AM  
**Subject:** : Atlanta Journal-Constitution editorial re politics of judicial confirmation process in South

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 5-MAY-2003 10:42:21.00

SUBJECT:: Atlanta Journal-Constitution editorial re politics of judicial confirmation process in South

TO: scastillo@rnchq.org @ inet ( scastillo@rnchq.org @ inet [ UNKNOWN ] )

READ: UNKNOWN

TO: john\_abegg@mcconnell.senate.gov @ inet ( john\_abegg@mcconnell.senate.gov @ inet [ UNKNOWN ] )

READ: UNKNOWN

TO: bob\_stevenson@frist.senate.gov @ inet ( bob\_stevenson@frist.senate.gov @ inet [ UNKNOWN ] )

READ: UNKNOWN

TO: bill\_wichterman@frist.senate.gov @ inet ( bill\_wichterman@frist.senate.gov @ inet [ UNKNOWN ] )

READ: UNKNOWN

TO: [ PRA 6 ] [ PRA 6 ] UNKNOWN ] )

READ: UNKNOWN

TO: [ PRA 6 ] UNKNOWN ] )

READ: UNKNOWN

TO: makan\_delrahim@judiciary.senate.gov @ inet ( makan\_delrahim@judiciary.senate.gov @ inet [ UNKNOWN ] )

READ: UNKNOWN

TO: margarita\_tapia@judiciary.senate.gov @ inet ( margarita\_tapia@judiciary.senate.gov @ inet [ UNKNOWN ] )

READ: UNKNOWN

TO: alafferty@traditionalvalues.org @ inet ( alafferty@traditionalvalues.org @ inet [ UNKNOWN ] )

READ: UNKNOWN

TO: steven\_duffield@rpc.senate.gov @ inet ( steven\_duffield@rpc.senate.gov @ inet [ UNKNOWN ] )

REV\_00116604

] )  
READ:UNKNOWN  
TO:rena\_johnson\_comisac@judiciary.senate.gov @ inet ( rena\_johnson\_comisac@judiciary.senate.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:katie\_gumerson@rpc.senate.gov @ inet ( katie\_gumerson@rpc.senate.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:paul\_jacobson@frist.senate.gov @ inet ( paul\_jacobson@frist.senate.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:alex\_vogel@frist.senate.gov @ inet ( alex\_vogel@frist.senate.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:elizabeth\_keys@src.senate.gov @ inet ( elizabeth\_keys@src.senate.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:don\_stewart@cornyn.senate.gov @ inet ( don\_stewart@cornyn.senate.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:krdaly@aol.com @ inet ( krdaly@aol.com @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:stephen\_higgins@judiciary.senate.gov @ inet ( stephen\_higgins@judiciary.senate.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:alex\_dahl@judiciary.senate.gov @ inet ( alex\_dahl@judiciary.senate.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:srushton@cagw.org @ inet ( srushton@cagw.org @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:barbara\_ledeen@src.senate.gov @ inet ( barbara\_ledeen@src.senate.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:manuel\_miranda@frist.senate.gov @ inet ( manuel\_miranda@frist.senate.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

OUR OPINION: Democrats use wrong route to win South

BODY:

U.S. Sen. John Kerry (D-Mass.) brought his presidential aspirations to the South last week, promising in Alabama that he will make the national party competitive here once again.

Make competitive, he neglected to mention, a party that has positioned itself in opposition to the war in Iraq and anything other than token tax cuts, and as Democrats reminded the nation once again about the elevation of conservatives to the federal bench. While the White House may appeal to some as inside work with no heavy lifting, getting there through the South toting this party's agenda will be a task requiring Herculean labor.

Just this week, for example, Kerry's Democratic colleagues --- Georgia's Zell Miller excepted --- began to filibuster the nomination of Texas Supreme Court Justice Priscilla Owen to the New Orleans-based 5th U.S. Circuit Court of Appeals.

Kerry and other Democrats are already filibustering the nomination of Miguel Estrada to the District of Columbia Circuit Court of Appeals --- the first time simultaneous filibusters against judicial nominees have occurred in the U.S. Senate.

Both Owen and Estrada are superbly qualified in every respect. Yet on Owen, those who complain that a "glass ceiling" exists for women of

REV\_00116605

achievement are busily constructing one to keep her in her place. And those who complain that the federal bench lacks "diversity" find Estrada to be too much diversity for their taste. He is considered to be a conservative, and the interest groups that drive the Democratic Party nationally fear Owen is, too, at least on their abortion litmus test.

The fear with Owen and Estrada is that one or both will be nominated to the U.S. Supreme Court should a vacancy occur. Senate Democrats are determined to keep off the Circuit Court bench any perceived conservative who has the credentials to serve on the U.S. Supreme Court.

Kerry, then, and the legions of presidential soundalikes who campaign with him, have to come to a region where conservatism is the mainstream to explain how reducing federal taxes is bad and cheating exemplary women and minorities of the fair hearing they have earned before the U. S. Senate because they might be conservative is good.

"I can help you wage a fight down here and rebuild this party for the long run," Kerry said in Birmingham. Republicans have carried Alabama in all but three presidential elections in the past 50 years. Jimmy Carter in 1976 was the last Democrat to carry the state. George W. Bush carried every Southern state in 2000, including Tennessee, his Democratic opponent's home state. Al Gore Jr. thought so little of his Southern prospects that he actively campaigned in just three states --- Tennessee, Florida and West Virginia.

Some Democrats, said Kerry, were "surprised" that he visited Alabama.

No surprise that he visited. The real surprise is the party baggage he hauled.

Opposition to tax cuts is comprehensible. Politicians loathe interruptions in the flow of spendable revenues. Opposition to the war is, too. Too confrontational. Angers adversaries. Provokes understandable aggression, for which we bear unexpurgated sin.

While some positions are understandable, not so their party-line opposition to Owen and Estrada. Owen, the new filibusteree, drew the American Bar Association's highest rating. She is a cum laude graduate of the Baylor University Law School who scored the top grade in Texas on the bar exam. She practiced 17 years before becoming a judge and has been widely praised for her integrity and ability. Liberal groups say, unconvincingly except when they are talking to each other and Senate Democrats, that she is anti-abortion and pro-business.

Being a neighborly people, Southerners of course welcome Kerry to visit the region and to indulge himself in its hospitality. But the senator should not indulge himself into believing that a party that opposes tax cuts and filibusters nominees such as Owen and Estrada has the slightest chance of carrying this region.

Jim Wooten is associate editorial page editor. His column appears Sundays, Tuesdays and Fridays.

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/5/2003 10:55:38 AM  
**Subject:** RE: The judiciary website stinks, so help me, please:

Which two of the may 9th class, that is?

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, May 05, 2003 10:08 AM  
**To:** Grubbs, Wendy J.  
**Subject:** Re: The judiciary website stinks, so help me, please:

You got it.

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/05/2003 10:06:00 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: The judiciary website stinks, so help me, please:

Since I arrived, we have confirmed the following circuit court nominees:  
Tymkovich  
Bybee  
Sutton  
Prado

Then, by weeks end: Cook and Roberts.

Anyone else from Jan 1st to my arrival mid Feb?

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/5/2003 10:55:09 AM  
**Subject:** RE: The judiciary website stinks, so help me, please:

Which two were done last year?

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, May 05, 2003 10:08 AM  
**To:** Grubbs, Wendy J.  
**Subject:** Re: The judiciary website stinks, so help me, please:

You got it.

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/05/2003 10:06:00 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: The judiciary website stinks, so help me, please:

Since I arrived, we have confirmed the following circuit court nominees:  
Tymkovich  
Bybee  
Sutton  
Prado

Then, by weeks end: Cook and Roberts.

Anyone else from Jan 1st to my arrival mid Feb?

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/5/2003 11:10:40 AM  
**Subject:** Did the judge reach Specter yet?

---

**From:** CN=Colleen M. Carroll/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/5/2003 7:10:38 AM  
**Subject:** : Re: more  
**Attachments:** P\_VYA5G003\_WHO.TXT\_1.pdf

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen M. Carroll ( CN=Colleen M. Carroll/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 11:10:38.00  
SUBJECT:: Re: more  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I think you see it during staffing -- Anne Campbell takes care of that if you have any questions about the process.

Brett M. Kavanaugh  
05/05/2003 11:09:08 AM  
Record Type: Record

To: Colleen M. Carroll/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: more

Thanks. Do we see it before it goes into staffing?

Colleen M. Carroll  
05/05/2003 11:08:36 AM  
Record Type: Record

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

Brett,  
I received these quotes after I had turned in my draft to Mike on Friday evening.  
Might be able to incorporate them later, if necessary.  
The draft should get into staffing soon, I hope.  
Colleen

Brett M. Kavanaugh  
05/02/2003 07:51:40 PM  
Record Type: Record

REV\_00116610

To: Colleen M. Carroll/WHO/EOP@EOP  
cc:  
Subject: more

This letter also has a good quote from Leahy.

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_VYA5G003\_WHO.TXT\_1>



## THE WHITE HOUSE

WASHINGTON

February 24, 2003

Dear Senator Schumer:

Based on your public comments yesterday, I am concerned that you may have inaccurate and incomplete information about Miguel Estrada's qualifications and about the historical practice with respect to judicial confirmations. Therefore, I write to respectfully reiterate and explain our conclusion that you and certain other Senators are applying an unfair double standard -- indeed, a series of unfair double standards -- to Miguel Estrada.

*First*, your request for confidential attorney-client memoranda Mr. Estrada wrote in the Office of Solicitor General seeks information that, based on our review, has not been demanded from past nominees to the federal courts of appeals. We are informed that the Senate has not requested memoranda such as these for *any* of the 67 appeals court nominees since 1977 who had previously worked in the Justice Department -- including the seven nominees who had previously worked in the Solicitor General's office. Nor have such memoranda been demanded from nominees in similar attorney-client situations: The Senate has not demanded confidential memoranda written by judicial nominees who had served as Senate lawyers, such as memoranda written by Stephen Breyer as a Senate counsel before Justice Breyer was confirmed to the First Circuit in 1980. Nor has the Senate demanded confidential memoranda written by judicial nominees who had served as law clerks to Supreme Court Justices or other federal or state judges. Nor has the Senate demanded confidential memoranda written by judicial nominees who had worked for private clients.

The very few isolated examples you have cited were not nominees for federal appeals courts. Moreover, those situations involved Executive Branch accommodations of targeted requests for particular documents about specific issues that were primarily related to allegations of malfeasance or misconduct in a federal office. We respectfully do not believe these examples support your request. Our conclusion about the general lack of support and precedent for your position is buttressed by the fact that every living former Solicitor General (four Democrats and three Republicans) has strongly opposed your request and stated that it would sacrifice and compromise the ability of the Justice Department to effectively represent the United States in court. In short, the traditional practice of the Senate and the Executive Branch with respect to federal appeals court nominations stands in contrast to your request here and supports our conclusion that an unfair double standard is being applied to Miguel Estrada. (Also, contrary to your suggestion yesterday, please note that no one in the Executive Branch has reviewed these memoranda since President Bush took office in January 2001.)

*Second*, you suggested that "no judicial nominee that I'm aware of, for such a high court, has ever had so little of a record." I respectfully disagree. Miguel Estrada has been a very accomplished lawyer, trying cases before federal juries, briefing and arguing numerous appeals before federal and state appeals courts, and arguing 15 cases before the Supreme Court, among his other significant work. His record and breadth of experience exceeds that of many judicial nominees, which is no doubt why the American Bar Association -- which you have labeled the

“gold standard” -- *unanimously* rated him “well-qualified.” In noting yesterday that Mr. Estrada’s career had been devoted to “arguing for a client,” you appeared to imply that only those with prior judicial service (or perhaps “a lot of [law review] articles”) may serve on the federal appeals courts. But five of the eight judges currently serving on the D.C. Circuit had no prior judicial service at the time of their appointments. Indeed, Supreme Court Justices Rehnquist, White, and Powell -- to name three of the most recent -- had not served as judges before being confirmed to the Supreme Court. And like Mr. Estrada, two appointees of President Clinton to the D.C. Circuit (Judge David Tatel and Judge Merrick Garland) had similarly spent their careers “arguing for a client,” but were nonetheless confirmed.

As the Chief Justice noted in his 2001 Year-End Report, moreover, “[t]he federal Judiciary has traditionally drawn from a wide diversity of professional backgrounds.” The Chief Justice cited Justice Louis Brandeis, Justice John Harlan, Justice Byron White, Judge Thurgood Marshall (as nominee to the Second Circuit), Judge Learned Hand, and Judge John Minor Wisdom as just a few examples of great judges who had spent virtually their entire careers “arguing for a client” before becoming Supreme Court Justices or federal appeals court judges. As these examples show, had the “arguing for a client” standard been applied in the past, it would have deprived the American people of many of our most notable appellate judges. Based on our understanding, this standard has *not* been applied in the past. This further explains why we have concluded that an unfair double standard is being applied to Miguel Estrada.

*Third*, you stated that “when you went to those hearings, Mr. Estrada answered no questions.” The record demonstrates otherwise. Mr. Estrada answered more than 100 questions at his hearing (and another 25 in follow-up written answers). He explained in some detail his approach to judging on many issues, and did so appropriately without providing his personal views on specific legal or policy questions that could come before him – which is how previous judicial nominees of Presidents of both parties have appropriately answered questions. Indeed, at his hearing, Mr. Estrada was asked and answered more questions, and did so more fully, than did President Clinton’s appointees to this same court. Judge David Tatel was asked a total of three questions at his hearing. Judges Judith Rogers and Merrick Garland were each asked fewer than 20 questions. The three appointees of President Clinton – combined – thus answered fewer than half the number of questions at their hearings that Mr. Estrada answered at his hearing. What is more, like Mr. Estrada, both Judge Rogers and Judge Garland declined to give their personal views on disputed legal and policy questions at the hearing. Judge Rogers refused to give her views when asked about the notion of an evolving Constitution. And Mr. Garland did not answer questions about his personal views on the death penalty, stating that he would follow precedent. In short, we believe that your criticism of Mr. Estrada’s answers at his hearing reveals that another unfair double standard is being applied to Mr. Estrada.

*Fourth*, you stated that the Founding Fathers “came to the conclusion that the Senate ought to ask a whole lot of questions” of judicial nominees. We respect the Senate’s constitutional role in the confirmation process, and we agree that the Senate should make an informed judgment consistent with its traditional role and practices. But your characterization of the Senate’s role with respect to judicial nominations is not consistent with our reading of historical or traditional practice. Alexander Hamilton explained that the purpose of Senate confirmation is to prevent appointment of “unfit characters from State prejudice, from family

connection, from personal attachment, or from a view to popularity.” *The Federalist* 76. The Framers anticipated that the Senate’s approval would not often be refused unless there were “special and strong reasons for the refusal.” *Id.* Moreover, the Senate did not hold hearings on judicial nominees for much of American history, and the hearings for lower-court nominees in modern times traditionally have not included the examination of personal views that you have advocated. (My letter of February 12, 2003, to Senators Daschle and Leahy contains more detail on this point.) Indeed, just a few years ago, Senator Biden made clear, consistent with the traditional practice, that he would vote to confirm an appeals court judge if he were convinced that the nominee would follow precedent and otherwise was of high ability and integrity.

In short, it appears that you are seeking to change the Senate’s traditional standard for assessing judicial nominees. We respect your right to advocate a change, but we do not believe that the standard you seek to apply is consistent with the Framers’ vision, the traditional Senate practice, or the Senate’s treatment of President Clinton’s nominees. Rather, we believe a new standard is being devised and applied to Miguel Estrada.

*Fifth*, you stated yesterday that a “filibuster” is not an appropriate term to describe what has been occurring in the Senate. We respectfully disagree. Democrat Senators have objected to unanimous consent motions to schedule a vote, and they have indicated that they will continue to do so. That tactic is historically and commonly known as a filibuster, and is a dramatic escalation of the tactics used to oppose judicial nominees. Indeed, in 1998, Senator Leahy stated: “I have stated over and over again on this floor that I would refuse to put an anonymous hold on any judge; that *I would object and fight against any filibuster on a judge*, whether it is somebody I opposed or supported; that I felt the Senate should do its duty. If we don’t like somebody the President nominates, vote him or her down. But don’t hold them in this anonymous unconscionable limbo, because in doing that, the minority of Senators really shame all Senators.” 144 Cong. Rec. S6522 (June 18, 1998). In our judgment, the tactics now being employed again show that Miguel Estrada is receiving differential treatment.

\* \* \*

As I have said before, I appreciate and respect the Senate’s constitutional role in the confirmation process. You have expressed concern that you do not know enough about Mr. Estrada’s views, but you have not submitted any follow-up questions to him. We respectfully submit that the Senate has ample information and has had more than enough time to consider questions about the qualifications and suitability of a nominee submitted more than 21 months ago. Most important, we believe that a majority of Senators have now concluded that they possess sufficient information on Mr. Estrada and would vote to confirm him. We believe it is past time for the Senate to vote on this nominee, and we urge your support.

Sincerely,

/s/

Alberto R. Gonzales  
Counsel to the President

Copy:           The Honorable Bill Frist  
                  The Honorable Thomas A. Daschle  
                  The Honorable Orrin Hatch  
                  The Honorable Patrick Leahy

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>;<Orr, Christopher J.>;<Snee, Ashley>  
**Sent:** 5/5/2003 11:34:36 AM  
**Subject:** FW: Website interview with Judge Gonzales

All-

Can we bump this to 1:15? Thanks!

-----Original Message-----

**From:** Nelson, Carolyn  
**Sent:** Friday, May 02, 2003 6:18 PM  
**To:** Orr, Christopher J.; Kavanaugh, Brett M.; Snee, Ashley  
**Subject:** Website interview with Judge Gonzales

Monday, 5/5 @ 1:45 PM

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Paul Perkins/WHO/EOP@EOP [ WHO ] <Paul Perkins>  
**CC:** Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>  
**Sent:** 5/5/2003 7:52:01 AM  
**Subject:** : I can get on conservative call at 5:00; please send me numbers

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 11:52:01.00  
SUBJECT:: I can get on conservative call at 5:00; please send me numbers  
TO:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Snee, Ashley  
**To:** <Orr, Christopher J.>;<Nelson, Carolyn>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 5/5/2003 11:53:48 AM  
**Subject:** RE: FW: Website interview with Judge Gonzales

I'm in

-----Original Message-----

**From:** Orr, Christopher J.  
**Sent:** Monday, May 05, 2003 11:49 AM  
**To:** Nelson, Carolyn  
**Cc:** Kavanaugh, Brett M.; Snee, Ashley  
**Subject:** Re: FW: Website interview with Judge Gonzales

the film crew can do it, if you call can do it.

From: Carolyn Nelson/WHO/EOP@Exchange on 05/05/2003 11:34:36 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Christopher J. Orr/WHO/EOP@EOP, Ashley Snee/WHO/EOP@Exchange  
cc:  
Subject: FW: Website interview with Judge Gonzales

All-

Can we bump this to 1:15? Thanks!

-----Original Message-----

**From:** Nelson, Carolyn  
**Sent:** Friday, May 02, 2003 6:18 PM  
**To:** Orr, Christopher J.; Kavanaugh, Brett M.; Snee, Ashley  
**Subject:** Website interview with Judge Gonzales

Monday, 5/5 @ 1:45 PM

REV\_00116628

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/5/2003 7:56:59 AM  
**Subject:** : 1:10

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 11:56:59.00  
SUBJECT:: 1:10  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Will you come over at 1:10 to chat about the taping w/ Snee?



---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/5/2003 8:19:17 AM  
**Subject:** : Hispanics

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 12:19:17.00  
SUBJECT:: Hispanics  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Wednesday morning we will have a group of Hispanic Pastors in from 9  
-10:30.

Do you want to come do a judges portion for 10 minutes?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>  
**Sent:** 5/5/2003 8:29:37 AM  
**Subject:** : Invites

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 12:29:37.00  
SUBJECT:: Invites  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

How are invites for Friday coming?

---

**From:** Kavanaugh, Brett M.  
**To:** <Figg, Kara G.>  
**Sent:** 5/5/2003 12:29:12 PM  
**Subject:** backup

Judge will talk further to Karl/Joe about backup location for Friday. He was not happy about 450 idea, but Message Meeting obviously is not place to sort that detail out.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kara G. Figg/WHO/EOP@Exchange@EOP [ WHO ] <Kara G. Figg>  
**Sent:** 5/5/2003 8:31:31 AM  
**Subject:** : backup

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 12:31:31.00  
SUBJECT:: backup  
TO:Kara G. Figg ( CN=Kara G. Figg/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Judge will talk further to Karl/Joe about backup location for Friday. He was not happy about 450 idea, but Message Meeting obviously is not place to sort that detail out.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/5/2003 8:32:37 AM  
**Subject:** : impt

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 12:32:37.00  
SUBJECT:: impt  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

important that judge talk to karl/joe about backup location asap. i think  
he should enlist karl first and then talk to joe.

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/5/2003 12:35:55 PM  
**Subject:** RE: impt

It's on his calendar. I won't let him leave w/o talking to them.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, May 05, 2003 12:31 PM  
**To:** Nelson, Carolyn  
**Subject:** impt

important that judge talk to karl/joe about backup location asap. i think he should enlist karl first and then talk to joe.

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/5/2003 9:06:29 AM  
**Subject:** : do you maintain a list of cir ct noms with

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 13:06:29.00  
SUBJECT:: do you maintain a list of cir ct noms with  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

their status?

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/5/2003 1:07:08 PM  
**Subject:** do you maintain a list of circuit norms with

their status?



---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/5/2003 1:12:29 PM  
**Subject:** FW: Feinstein Letter to Bush on Nominations  
**Attachments:** Bush.letteronjudges.wpd

-----Original Message-----

**From:** Hantman, David (Judiciary) [mailto:David\_Hantman@Judiciary.senate.gov]  
**Sent:** Monday, May 05, 2003 1:09 PM  
**To:** Grubbs, Wendy J.; Jamie.E.Brown@usdoj.gov  
**Subject:** Feinstein Letter to Bush on Nominations

Mailed, faxed, and now e-mailed for your reading pleasure.

May 5, 2003

The Honorable George Bush  
President of the United States of America  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear Mr. President:

I believe the process for judicial nominations is going in the wrong direction. The debate between the Senate and the Executive Branch over judicial candidates has become polarized and increasingly bitter.

Clearly, each side must be willing to compromise. Accordingly, I would like to make some recommendations for your consideration. I believe a model of bipartisan cooperation on judges already exists in the State of California.

At the beginning of your Administration, to resolve several years of acrimony over nominees in California, we jointly agreed to establish bipartisan committees to select district court judges. As you know, we created four committees in the State, one for each judicial district. Each committee has six members evenly divided between Republicans and Democrats. A nominee only can get approved with the support of the majority of the committee. For each vacancy, the committee forwards three to five candidates to the White House, and you, of course, have the final decision over which of these candidates is chosen.

Since the judicial selection committees took effect in the Spring 2001, they have filled these vacancies with high quality judges. As of today, eight California judges nominated by the committees have obtained swift Senate confirmation. On average, the nominees have obtained confirmation within 114 days of being nominated. In contrast, California district court nominees in the 106<sup>th</sup> Congress took an average of 223 days to get confirmed (three of the nominees never even managed to get a hearing).

The California system yields good results quickly. On Thursday, May 1<sup>st</sup>, you announced nominees for five district judgeships in the Southern District of California and one for the Central District of California. Congress created all six of these judgeships on November 2, 2002. Now, just six months later, we have six nominees before the Senate that earned unanimous approval before their respective state selection committees. The Committees accomplished these selections so quickly that candidates are being appointed to positions that will not even officially exist until July 15, 2003.

I propose extending this successful California model nationally.

- Each State would have an evenly divided Bipartisan Committee to recommend District and Circuit Court judges to the President
- The White House would choose nominees from this list of recommended names, but could request as many candidates as desired. In California, for example, the Selection Committee provides three to five names for each district court vacancy.
- The Senate would have six months from the President's announcement of a nomination to hold a hearing on the nominee. Subsequent to the hearing, the Senate would have to hold an up-or-down vote in Committee or on the Floor within three months.
- Concurrent with these changes, the Senate would agree to allow nominees to go forward without secret holds or public filibusters.

We have a limited window of opportunity before the current impasse over judges spirals out of control. I urge you to consider this proposal and help us find common ground. California's experience has shown how bipartisan cooperation can lead to the efficient selection of the highest caliber nominees. Thank you for your consideration.

Sincerely,

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/5/2003 1:15:41 PM  
**Subject:** FW: Circuit court judges confirmed since Jan. 1, 2003

do you have a list or doc with this information or do I need to create one? Thanks.

-----Original Message-----

**From:** Hobbs, David W.  
**Sent:** Monday, May 05, 2003 1:12 PM  
**To:** Grubbs, Wendy J.  
**Subject:** RE: Circuit court judges confirmed since Jan. 1, 2003

just to be prepared when the President asks, especially as we get closer to the friday event. Don't need that much but:

how many circuit court openings were/are there? with names and circuits

how many district judge opening were there and how many nominees have we sent up/confirmed?

-----Original Message-----

**From:** Grubbs, Wendy J.  
**Sent:** Monday, May 05, 2003 1:03 PM  
**To:** Hobbs, David W.  
**Subject:** RE: Circuit court judges confirmed since Jan. 1, 2003

sure....what is this for? I can give you a ton of info....we just sent up a huge number of judges so a lot are pending now.

-----Original Message-----

**From:** Hobbs, David W.  
**Sent:** Monday, May 05, 2003 12:54 PM  
**To:** Grubbs, Wendy J.  
**Subject:** RE: Circuit court judges confirmed since Jan. 1, 2003

First names and circuit also please.

-----Original Message-----

**From:** Grubbs, Wendy J.  
**Sent:** Monday, May 05, 2003 12:20 PM  
**To:** Hobbs, David W.; Ojakli, Ziad ; Pelletier, Eric C.  
**Subject:** Circuit court judges confirmed since Jan. 1, 2003

Tymkovich  
Bybee  
Sutton  
Prado

Today:  
Cook  
By week's end:  
Roberts

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>  
**Sent:** 5/5/2003 1:15:49 PM  
**Subject:** Fw: Feinstein Letter to Bush on Nominations  
**Attachments:** Bush.letteronjudges.wpd

Can you print.

.

----- Original Message -----

From: Wendy J. Grubbs/WHO/EOP@Exchange

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

Cc:

Date: 05/05/2003 01:12:29 PM

Subject: FW: Feinstein Letter to Bush on Nominations

-----Original Message-----

From: Hantman, David (Judiciary) [[mailto:David\\_Hantman@Judiciary.senate.gov](mailto:David_Hantman@Judiciary.senate.gov)]

Sent: Monday, May 05, 2003 1:09 PM

To: Grubbs, Wendy J.; [Jamie.E.Brown@usdoj.gov](mailto:Jamie.E.Brown@usdoj.gov)

Subject: Feinstein Letter to Bush on Nominations

Mailed, faxed, and now e-mailed for your reading pleasure.

May 5, 2003

The Honorable George Bush  
President of the United States of America  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear Mr. President:

I believe the process for judicial nominations is going in the wrong direction. The debate between the Senate and the Executive Branch over judicial candidates has become polarized and increasingly bitter.

Clearly, each side must be willing to compromise. Accordingly, I would like to make some recommendations for your consideration. I believe a model of bipartisan cooperation on judges already exists in the State of California.

At the beginning of your Administration, to resolve several years of acrimony over nominees in California, we jointly agreed to establish bipartisan committees to select district court judges. As you know, we created four committees in the State, one for each judicial district. Each committee has six members evenly divided between Republicans and Democrats. A nominee only can get approved with the support of the majority of the committee. For each vacancy, the committee forwards three to five candidates to the White House, and you, of course, have the final decision over which of these candidates is chosen.

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The California system yields good results quickly. On Thursday, May 1<sup>st</sup>, you announced nominees for five district judgeships in the Southern District of California and one for the Central District of California. Congress created all six of these judgeships on November 2, 2002. Now, just six months later, we have six nominees before the Senate that earned unanimous approval before their respective state selection committees. The Committees accomplished these selections so quickly that candidates are being appointed to positions that will not even officially exist until July 15, 2003.

I propose extending this successful California model nationally.

- Each State would have an evenly divided Bipartisan Committee to recommend District and Circuit Court judges to the President
- The White House would choose nominees from this list of recommended names, but could request as many candidates as desired. In California, for example, the Selection Committee provides three to five names for each district court vacancy.
- The Senate would have six months from the President's announcement of a nomination to hold a hearing on the nominee. Subsequent to the hearing, the Senate would have to hold an up-or-down vote in Committee or on the Floor within three months.
- Concurrent with these changes, the Senate would agree to allow nominees to go forward without secret holds or public filibusters.

We have a limited window of opportunity before the current impasse over judges spirals out of control. I urge you to consider this proposal and help us find common ground. California's experience has shown how bipartisan cooperation can lead to the efficient selection of the highest caliber nominees. Thank you for your consideration.

Sincerely,

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/5/2003 9:16:43 AM  
**Subject:** : Fw: Feinstein Letter to Bush on Nominations  
**Attachments:** P\_34J5G003\_WHO.TXT\_1.wpd

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 13:16:43.00  
SUBJECT:: Fw: Feinstein Letter to Bush on Nominations  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can you print.

.

----- Original Message -----  
From:Wendy J. Grubbs/WHO/EOP@Exchange  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/05/2003 01:12:29 PM  
Subject: FW: Feinstein Letter to Bush on Nominations

;  
-----Original Message-----  
From: Hantman, David (Judiciary)  
[mailto:David\_Hantman@Judiciary.senate.gov]  
Sent: Monday, May 05, 2003 1:09 PM  
To: Grubbs, Wendy J.; Jamie.E.Brown@usdoj.gov  
Subject: Feinstein Letter to Bush on Nominations

Mailed, faxed, and now e-mailed for your reading pleasure.

;  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_34J5G003\_WHO.TXT\_1>



May 5, 2003

The Honorable George Bush  
President of the United States of America  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear Mr. President:

I believe the process for judicial nominations is going in the wrong direction. The debate between the Senate and the Executive Branch over judicial candidates has become polarized and increasingly bitter.

Clearly, each side must be willing to compromise. Accordingly, I would like to make some recommendations for your consideration. I believe a model of bipartisan cooperation on judges already exists in the State of California.

At the beginning of your Administration, to resolve several years of acrimony over nominees in California, we jointly agreed to establish bipartisan committees to select district court judges. As you know, we created four committees in the State, one for each judicial district. Each committee has six members evenly divided between Republicans and Democrats. A nominee only can get approved with the support of the majority of the committee. For each vacancy, the committee forwards three to five candidates to the White House, and you, of course, have the final decision over which of these candidates is chosen.

Since the judicial selection committees took effect in the Spring 2001, they have filled these vacancies with high quality judges. As of today, eight California judges nominated by the committees have obtained swift Senate confirmation. On average, the nominees have obtained confirmation within 114 days of being nominated. In contrast, California district court nominees in the 106<sup>th</sup> Congress took an average of 223 days to get confirmed (three of the nominees never even managed to get a hearing).

The California system yields good results quickly. On Thursday, May 1<sup>st</sup>, you announced nominees for five district judgeships in the Southern District of California and one for the Central District of California. Congress created all six of these judgeships on November 2, 2002. Now, just six months later, we have six nominees before the Senate that earned unanimous approval before their respective state selection committees. The Committees accomplished these selections so quickly that candidates are being appointed to positions that will not even officially exist until July 15, 2003.

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- The Senate would have six months from the President's announcement of a nomination to hold a hearing on the nominee. Subsequent to the hearing, the Senate would have to hold an up-or-down vote in Committee or on the Floor within three months.
- Concurrent with these changes, the Senate would agree to allow nominees to go forward without secret holds or public filibusters.

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Sincerely,

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/5/2003 9:19:38 AM  
**Subject:** : Re: Circuit court judges confirmed since Jan. 1, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 13:19:38.00  
SUBJECT:: Re: Circuit court judges confirmed since Jan. 1, 2003  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I have all this.

.

----- Original Message -----  
From:Wendy J. Grubbs/WHO/EOP@Exchange  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/05/2003 01:15:41 PM  
Subject: FW: Circuit court judges confirmed since Jan. 1, 2003

do you have a list or doc with this information or do I need to create one? Thanks.

-----Original Message-----  
From: Hobbs, David W.  
Sent: Monday, May 05, 2003 1:12 PM  
To: Grubbs, Wendy J.  
Subject: RE: Circuit court judges confirmed since Jan. 1, 2003

just to be prepared when the President asks, especially as we get closer to the friday event. Don't need that much but:

;  
how many circuit court openings were/are there? with names and circuits  
how many district judge opening were there and how many nominees have we sent up/confirmed?  
;

-----Original Message-----  
From: Grubbs, Wendy J.  
Sent: Monday, May 05, 2003 1:03 PM  
To: Hobbs, David W.  
Subject: RE: Circuit court judges confirmed since Jan. 1, 2003

sure....what is this for? I can give you a ton of info....we just sent up a huge number of judges so a lot are pending now.

-----Original Message-----  
From: Hobbs, David W.  
Sent: Monday, May 05, 2003 12:54 PM  
To: Grubbs, Wendy J.  
Subject: RE: Circuit court judges confirmed since Jan. 1, 2003

First names and circuit also please.  
;  
;

-----Original Message-----

From: Grubbs, Wendy J.

Sent: Monday, May 05, 2003 12:20 PM

To: Hobbs, David W.; Ojakli, Ziad ; Pelletier, Eric C.

Subject: Circuit court judges confirmed since Jan. 1, 2003

Tymkovich

Bybee

Sutton

Prado

;

Today:

Cook

By week's end:

Roberts

---

**From:** CN=Paul Perkins/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/5/2003 9:41:56 AM  
**Subject:** : Re: I can get on conservative call at 5:00; please send me numbers

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 13:41:56.00  
SUBJECT:: Re: I can get on conservative call at 5:00; please send me numbers  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

877-453-9325, PW: 96429

Brett M. Kavanaugh  
05/05/2003 11:51:28 AM  
Record Type: Record

To: Paul Perkins/WHO/EOP@EOP  
cc: Tim Goeglein/WHO/EOP@EOP  
Subject: I can get on conservative call at 5:00; please send me numbers

---

**From:** CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** paul perkins/who/eop@eop [ WHO ] <paul perkins>  
**Sent:** 5/5/2003 9:56:09 AM  
**Subject:** : Re: I can get on conservative call at 5:00; please send me numbers

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 13:56:09.00  
SUBJECT:: Re: I can get on conservative call at 5:00; please send me numbers  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:paul perkins ( CN=paul perkins/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

B

Very good.

Paul will send details presently.  
tsg

Brett M. Kavanaugh  
05/05/2003 11:51:28 AM  
Record Type: Record

To: Paul Perkins/WHO/EOP@EOP  
cc: Tim Goeglein/WHO/EOP@EOP  
Subject: I can get on conservative call at 5:00; please send me numbers

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/5/2003 2:11:59 PM  
**Subject:** RE: status list

Excellent. Does this exist for district seats as well?

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, May 05, 2003 2:02 PM  
**To:** Grubbs, Wendy J.  
**Subject:** status list

**May 1, 2003**

## **COURT OF APPEALS NOMINEES IN 108TH CONGRESS (25)**

### **Confirmed (4)**

Ed Prado (5th Texas)  
Jeff Sutton (6th Ohio)  
Jay Bybee (9th Nevada)  
Tim Tymkovich (10th Colorado)

### **On Executive Calendar (3)**

Miguel Estrada (DC)  
Priscilla Owen (5th Texas)  
Deborah Cook (6th Ohio)

### **In Judiciary Committee (17)**

John Roberts (DC)  
Richard Wesley (2nd New York)  
Michael Chertoff (3rd New Jersey)  
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Jay Waldman (3rd Pennsylvania)

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CADC, CADC, CA4, CA8, and CA9

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Reena Raggi (2nd NY)  
Brooks Smith (3rd PA)  
Roger Gregory (4th VA)  
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Richard Clifton (9th HI)  
Harris Hartz (10th NM)  
Michael McConnell (10th UT)  
Terrence O'Brien (10th WY)  
Sharon Prost (Fed)



---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/5/2003 10:11:19 AM  
**Subject:** : RE: status list

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 14:11:19.00  
SUBJECT:: RE: status list  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Excellent. Does this exist for district seats as well?

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Monday, May 05, 2003 2:02 PM  
To: Grubbs, Wendy J.  
Subject: status list

May 1, 2003

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Michael McConnell (10th UT)  
Terrence O'Brien (10th WY)  
Sharon Prost (Fed)

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/5/2003 2:13:26 PM  
**Subject:** RE: when will he know about Sen. Pryor? Also, if he cannot come, can we get other D Senators to come?

His COS called be back, finally. Not too hip on coming down. We can try Zell and Ben Nelson. Just seems odd. What about Feinstein and Feingold...back to the group that is vocal on fixing the problem?

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, May 05, 2003 12:43 PM  
**To:** Grubbs, Wendy J.  
**Subject:** when will he know about Sen. Pryor? Also, if he cannot come, can we get other D Senators to come?

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/5/2003 2:13:47 PM  
**Subject:** RE: status list

Ok, when you do please forward.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, May 05, 2003 2:12 PM  
**To:** Grubbs, Wendy J.  
**Subject:** RE: status list

yes, but need to update that one given last week.

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/05/2003 02:11:59 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: status list

Excellent. Does this exist for district seats as well?

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, May 05, 2003 2:02 PM  
**To:** Grubbs, Wendy J.  
**Subject:** status list

**May 1, 2003**

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Sharon Prost (Fed)

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>  
**Sent:** 5/5/2003 10:17:12 AM  
**Subject:** : RE: impt

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 14:17:12.00  
SUBJECT:: RE: impt  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

and . . .

From: Carolyn Nelson/WHO/EOP@Exchange on 05/05/2003 02:05:41 PM  
Record Type: Record

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

Fyi, he just chatted w/ Karl.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Monday, May 05, 2003 12:31 PM  
To: Nelson, Carolyn  
Subject: impt

important that judge talk to karl/joe about backup location asap. i think  
he should enlist karl first and then talk to joe.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/5/2003 10:17:10 AM  
**Subject:** : status list

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 14:17:10.00  
SUBJECT:: status list  
TO: Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

May 1, 2003

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/5/2003 10:17:12 AM  
**Subject:** : RE: status list

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 14:17:12.00  
SUBJECT:: RE: status list  
TO: Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

yes, but need to update that one given last week.

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/05/2003 02:11:59 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: status list

Excellent. Does this exist for district seats as well?

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Monday, May 05, 2003 2:02 PM  
To: Grubbs, Wendy J.  
Subject: status list

May 1, 2003

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Richard Clifton (9th HI)  
Harris Hartz (10th NM)  
Michael McConnell (10th UT)  
Terrence O,Brien (10th WY)  
Sharon Prost (Fed)

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Christopher J. Orr/WHO/EOP@EOP [ WHO ] <Christopher J. Orr>  
**Sent:** 5/5/2003 11:09:56 AM  
**Subject:** : on-line chat

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 15:09:56.00  
SUBJECT:: on-line chat  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

How about 5-5:30 on Thursday.; He has to go to an award ceremony at 6pm - so we would have to do before. What do you think?; Orr - How is the traffic at that time?

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/5/2003 3:26:21 PM  
**Subject:** Meeting

5/6/03 @ 11:00 am

Topic: Kyle/Cornyn proposal on attorneys fees and tort reform

Attendees: Sec. Card, Josh Bolten

In Sec. Card's Office

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/5/2003 7:11:24 PM  
**Subject:** Re: Should the judge

Do you want to compile list for the judge? Also, what about giving feinstein a heads up that the letter is coming....

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alicia W. Davis/WHO/EOP@EOP [ WHO ] <Alicia W. Davis>  
**Sent:** 5/5/2003 7:52:55 PM  
**Subject:** : politics and eggs

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 23:52:55.00  
SUBJECT:: politics and eggs  
TO:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

were there questions about this? looks fine as described. Assume it is  
not a fundraiser?

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/5/2003 4:07:29 PM  
**Subject:** : White House Global Messenger - 5/06/03  
**Attachments:** P\_2T56G003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 5-MAY-2003 20:07:29.00  
SUBJECT:: White House Global Messenger - 5/06/03  
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(See attached file: GM 5-06-03 FINAL.doc)

THE GLOBAL MESSENGER  
Tuesday, May 6, 2003

\*\*\*\*\*KEY POINTS\*\*\*\*\*

\*Major combat operations in Iraq have ended. Our coalition is now engaged in securing and reconstructing that country. The United States and our allies have prevailed, and because of this our nation and the Middle East are more secure, a tyrant has fallen and Iraq is now free.

\*Difficult work lies ahead in Iraq:  
-Bringing order and security to parts that remain dangerous;  
-Bringing to justice the leaders of and those who are loyal to the old regime;  
-Locating hidden chemical and biological weapons  
-Rebuilding Iraq's infrastructure after 30 years of devastation;  
-Standing by the Iraqi people as they establish a government of, by and for the Iraqi people.

\*Saddam Hussein is no more. The terrorists can no longer find a source of funding or weapons of mass destruction from the Saddam Hussein regime, because that regime is gone forever.

\*America has a tradition of spreading liberty throughout the world. Our country is committed to freedom in Afghanistan, in Iraq, and in a peaceful Palestine. We make this commitment because it is the right thing to do and because the advance of freedom is the surest strategy to undermine the appeal of terror in the world.

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Daylight. Subject to Change

REV\_00116727

12:30 pm White House Briefing

3:10 pm President Bush signs the U.S.-Singapore Free Trade Agreement

\*\*\*\*\*WORLD PRESS FREEDOM DAY\*\*\*\*\*

World Press Freedom Day is marked worldwide each year on May 3 to shed light on violations of the right to freedom of expression and to recognize journalists who face death or prison to gather news.

Freedom House is a non-profit, non-partisan organization advocating democracy and freedom around the world, and according to their report: "Press freedom suffered notable worldwide deterioration in 2002....Among the most serious developments were major setbacks for press freedom in Russia, Ukraine, and Venezuela."

The United States is committed to freedom of the press and to the protection of those who have dedicated their lives to journalism.

\*\*\*\*\*IRAQ EDUCATION SYSTEM UPDATE\*\*\*\*\*

\*After a six-week closure, one of the first primary schools in Baghdad reopened on April 29. Approximately 30 percent of the 1,300 students enrolled returned. Attendance is expected to increase rapidly as word spreads the school is open.

\*America is sending to Iraq school kits to support 1 million Iraqi schoolchildren and 28,000 teachers. The kits include basic supplies such as, pencils, notebooks, chalkboards, and crayons.

\*\*\*\*\*KEY QUOTES\*\*\*\*\*

"For 20 months, this nation has been at war against people who hate freedom, and they hate America because of what we stand for. And we are winning that war against terror."  
President Bush, in remarks, 5/5/03

"As stability is gained throughout [Iraq] and that security is obtained, and as the various ministries come back up online, more and more other sorts of organizations will come in...and in due course, General Franks and his colleagues will turn it over to the Iraqi people when they stand up a government, and at that point the U.S. presence will be in the form of a United States ambassador and a mission, just as it is in cases all over the world."  
Secretary Powell, NBC's Meet the Press, 5/4/03

THE WHITE HOUSE  
Office of Global Communications

For more information log on to  
<http://www.whitehouse.gov/ogc>



\*\*\*\*\*

You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.

- GM 5-06-03 FINAL.doc

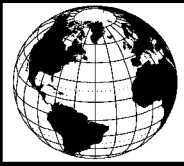
ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_2T56G003\_WHO.TXT\_1>



# THE GLOBAL MESSENGER

Tuesday, May 6, 2003



## **TODAY'S SCHEDULE**

*All Times Eastern Daylight. Subject to Change*

- 12:30 pm White House Briefing
- 3:10 pm President Bush signs the U.S. -  
Singapore Free Trade Agreement

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## **KEY QUOTES**

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**President Bush, in remarks, 5/5/03**

"As stability is gained throughout [Iraq] and that security is obtained, and as the various ministries come back up online, more and more other sorts of organizations will come in...and in due course, General Franks and his colleagues will turn it over to the Iraqi people when they stand up a government, and at that point the U.S. presence will be in the form of a United States ambassador and a mission, just as it is in cases all over the world."

**Secretary Powell, NBC's *Meet the Press*, 5/4/03**

## **KEY POINTS**

- Major combat operations in Iraq have ended. Our coalition is now engaged in securing and reconstructing that country. The United States and our allies have prevailed, and because of this our nation and the Middle East are more secure, a tyrant has fallen and Iraq is now free.
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  - Locating hidden chemical and biological weapons;
  - Rebuilding Iraq's infrastructure after 30 years of devastation;
  - Standing by the Iraqi people as they establish a government of, by and for the Iraqi people.
- Saddam Hussein is no more. The terrorists can no longer find a source of funding or weapons of mass destruction from the Saddam Hussein regime, because that regime is gone forever.
- America has a tradition of spreading liberty throughout the world. Our country is committed to freedom in Afghanistan, in Iraq, and in a peaceful Palestine. We make this commitment because it is the right thing to do and because the advance of freedom is the surest strategy to undermine the appeal of terror in the world.

## **IRAQ EDUCATION SYSTEM UPDATE**

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**THE WHITE HOUSE**

**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00116730

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**Sent:** 5/5/2003 4:39:36 PM  
**Subject:** : Re:  
**Attachments:** P\_F766G003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 5-MAY-2003 20:39:36.00

SUBJECT:: Re:

TO: "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)"  
<Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_F766G003\_WHO.TXT\_1>

**May 5, 2003**

**COURT OF APPEALS NOMINEES IN 108<sup>TH</sup> CONGRESS (25)**

**Confirmed (5)**

Ed Prado (5<sup>th</sup> Texas)  
Jeff Sutton (6<sup>th</sup> Ohio)  
Jay Bybee (9th Nevada)  
Tim Tymkovich (10th Colorado)  
Deborah Cook (6th Ohio)

**On Executive Calendar (2)**

Miguel Estrada (DC)  
Priscilla Owen (5th Texas)

**In Judiciary Committee (17)**

John Roberts (DC)  
Richard Wesley (2nd New York)  
Michael Chertoff (3rd New Jersey)  
Michael Fisher (3<sup>rd</sup> Pennsylvania)  
Terry Boyle (4th North Carolina)  
Claude Allen (4<sup>th</sup> Virginia)  
Allyson Duncan (4<sup>th</sup> North Carolina)  
Charles Pickering (5th Mississippi)  
David McKeague (6th Michigan)  
Susan Neilson (6th Michigan)  
Richard Griffin (6th Michigan)  
Henry Saad (6th Michigan)  
Steve Colloton (8th Iowa)  
Carlos Bea (9<sup>th</sup> California)  
Consuelo Callahan (9th California)  
Carolyn Kuhl (9th California)  
Bill Pryor (11<sup>th</sup> Alabama)

**Announced Intent to Nominate (1)**

Jay Waldman (3<sup>rd</sup> Pennsylvania)

**ANNOUNCED FUTURE RETIREMENTS OR CURRENT VACANCIES WITHOUT  
NOMINEES (5)**

CADC, CADC, CA4, CA8, and CA9

**CIRCUIT NOMINEES CONFIRMED IN 107<sup>TH</sup> CONGRESS (17)**

Jeffrey Howard (1<sup>st</sup> NH)  
Barrington Parker (2<sup>nd</sup> NY)  
Reena Raggi (2<sup>nd</sup> NY)  
Brooks Smith (3<sup>rd</sup> PA)  
Roger Gregory (4<sup>th</sup> VA)  
Dennis Shedd (4<sup>th</sup> SC)  
Edith Brown Clement (5<sup>th</sup> LA)  
Julia Gibbons (6<sup>th</sup> TN)  
John Rogers (6<sup>th</sup> KY)  
Michael Melloy (8<sup>th</sup> IA)  
William Riley (8<sup>th</sup> NE)  
Lavenski Smith (8<sup>th</sup> ARK)  
Richard Clifton (9<sup>th</sup> HI)  
Harris Hartz (10<sup>th</sup> NM)  
Michael McConnell (10<sup>th</sup> UT)  
Terrence O'Brien (10<sup>th</sup> WY)  
Sharon Prost (Fed)

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/5/2003 4:41:44 PM  
**Subject:** : RE:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 5-MAY-2003 20:41:44.00

SUBJECT:: RE:

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

thanks

-----Original Message-----

From: Brett\_M.\_Kavanaugh@who.eop.gov

[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]

Sent: Monday, May 05, 2003 8:39 PM

To: Miranda, Manuel (Frist)

Subject: Re:

(See attached file: judges status of circuit nominees 5 5 03.doc)

---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>;<Gonzales, Alberto R.>  
**Sent:** 5/5/2003 9:37:53 PM  
**Subject:** Fw:

Here's a report on Janice Brown produced by a Stanford student group.

-----Original Message-----

From: PRA 6  
To: Leitch, David G.  
Sent: Mon May 05 20:53:03 2003  
Subject:

<http://www.goldsteinhowe.com/blog/files/BrownReport.pdf>

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>  
**Sent:** 5/5/2003 5:44:07 PM  
**Subject:** : question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-MAY-2003 21:44:07.00  
SUBJECT:: question  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Did you clerk for White or Stevens?



---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ulyot, Theodore W.>;<Addington, David S.>  
**Sent:** 5/6/2003 12:50:51 AM  
**Subject:** Las Vegas Review-Journal editorial

## **EDITORIAL: Filibuster two-fer**

### **Senate Democrats kick judicial obstruction up a notch**

The decision three months ago by Senate Democrats to filibuster the nomination of Miguel Estrada for a seat on the U.S. Court of Appeals for the District of Columbia was a first. Never before had a filibuster been launched to prevent the confirmation of federal appeals court or district court nominee. On Tuesday, the Democrats made it a two-fer ... pledging to also filibuster Texas Supreme Court Justice Priscilla Owen's selection to an opening on the 5th Circuit.

Senate Minority Leader Tom Daschle, D-S.D., defended the repeated use of this heretofore unprecedented stalling tactic: "In her interpretation in the law on case after case, she has made the decisions that her own views are superior, her own views are the ones that have greater weight than the law itself."

Really? Why, then, does the American Bar Association's committee on judicial nominees -- certainly no conservative bastion -- consider Justice Owen "well qualified" for the federal bench?

Sen. Daschle's charge is nonsense, of course, ginned up by the hyper left-wing groups to whom the Democratic Party has sold its soul.

consider an appeals court judge who was confirmed this week: former Ohio solicitor general Jeffrey S. Sutton. Mr. Sutton was approved Tuesday for a vacancy on the 6th Circuit by a 52-41 margin -- fewer affirmative votes, it should be noted, than either Mr. Estrada or Ms. Owen would get should the Democrats' tactics be thwarted. Opponents focused on several cases Mr. Sutton successfully argued before the U.S. Supreme Court which placed limits on the ability of individuals to bring lawsuits, based on federal statutes, against state governments.

In other words, he's considered an out-of-the-mainstream ideologue by some advocacy groups because he has defended constitutional principles before the nation's highest court ... and won.

**Beltway Democrats, led by Sen. Daschle and Nevada's Harry Reid, are playing with fire, here. The party suffered an unprecedented humiliation in last November's election, to a large degree because President Bush blamed Democratic obstructionism for a rash of judicial vacancies. With few judges available to hear cases, for countless litigants, justice has been delayed.**

**Sen. John Cornyn, who served with Justice Owen for three years on the Texas Supreme Court, plans to convene hearings next week on the judicial crisis titled "Judicial nominations, filibusters and the Constitution: When a majority is denied its right to consent." The hearings will examine why five of the 11 people Mr. Bush has nominated to federal appeals courts since**

**May 2001 have never received a vote.**

**The hearings may spur much-needed reforms of the nomination process. Or the Democrats could render the hearings moot by living up to their sworn duties under the Constitution, and allowing all of Mr. Bush's judicial nominations to receive up or down votes without further delay.**

---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/6/2003 1:16:14 AM  
**Subject:** : OpinionJournal - On the Editorial Page - May 6, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME: 6-MAY-2003 05:16:14.00  
SUBJECT:: OpinionJournal - On the Editorial Page - May 6, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY ROBERT L. POLLOCK  
<http://www.opinionjournal.com/editorial/?id=110003458>

Lunch with Ahmed Chalabi, an Iraqi leader with a clear vision.  
12:01 a.m. EDT

The Western Front BY BRENDAN MINITER  
<http://www.opinionjournal.com/columnists/bminiter/?id=110003455>

The battle of Iraq pays dividends in the war on terror.  
12:01 a.m. EDT

Extra BY JOHN CORNYN  
<http://www.opinionjournal.com/extra/?id=110003456>

The judicial confirmation process is broken. Today we consider how to fix it.  
12:01 a.m. EDT

Leisure & Arts BY BENJAMIN IVRY  
<http://www.opinionjournal.com/la/?id=110003457>

Will the French let 17,000 year-old cave paintings be damaged?

12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

A Mayor Breakthrough  
Some D.C. Democrats come out for education vouchers.  
May 06 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105217961245747800,00.html%3Fmod%3Dopinion>

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Fidel's Die-Hards  
Danny Glover is a big fan of the Cuban dictator.  
May 06 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105218003538477100,00.html%3Fmod%3Dopinion>

~~~~~

A Cure for Cancer Bureaucracy  
The FDA finally heeds patients and political leadership.  
May 06 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105218024194234300,00.html%3Fmod%3Dopinion>

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#### Commentary

Hillary Goes to War  
New York's junior senator has her eye on 2008.  
By FRED BARNES  
May 06 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105217863336884400,00.html%3Fmod%3Dopinion>

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Politics for Lunch  
Ahmed Chalabi understands what comes next for Iraq.  
By ROBERT POLLOCK  
May 06 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105217902695420000,00.html%3Fmod%3Dopinion>

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The Tax Cut Up in Smoke?  
It's time to put the federal tobacco lawsuit to rest.  
By STEPHEN J. ENTIN  
May 06 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10521793459450600,00.html%3Fmod%3Dopinion>

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#### Global View

The Resilience of Corporate America  
American businesses may survive Sarbanes-Oxley and other Enron fallout.  
By GEORGE MELLOAN  
May 06 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105218187383634300,00.html%3Fmod%3Dopinion>

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#### Leisure & Arts

Music  
Blending Chinese Pop With the Blues  
"The Edge of Heaven," by Gary Lucas.  
By JIM FUSILLI  
May 06 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105218485110222500,00.html%3Fmod%3Dopinion>

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The Gallery  
Not Just Teddy Roosevelt With a Paintbrush  
Frederic Remington: The Color of Night at the National Gallery of Art  
through July 13.  
By ANN E. BERMAN  
May 06 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105218508152973300,00.html%3Fmod%3Dopinion>

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Prehistoric Images Threatened by Fungi  
Will the French let 17,000 year-old cave paintings be damaged?  
By BENJAMIN IVRY  
May 06 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105218385797837500,00.html%3Fmod%3Dopinion>

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Books  
At the Top of Their Game  
"Masters of Doom"  
By DEAN TAKAHASHI  
May 06 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB1052182789799000,00.html%3Fmod%3Dopinion>

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Time Off  
Diversions  
Ambassadors of Progress: American Women Photographers in Paris, 1900-1901  
May 06 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105218542316286300,00.html%3Fmod%3Dopinion>

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International

The Graying of Europe  
Europe's graying population waits and waits for meaningful pension reform.  
From The Wall Street Journal Europe  
May 06 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105216674065256800,00.html%3Fmod%3Dopinion>

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Mugabe in the Spotlight  
Is there any hope for beleaguered Zimbabwe?  
From The Wall Street Journal Europe  
May 06 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105217131756483100,00.html%3Fmod%3Dopinion>

~~~~~

The U.S. Can't Do It Alone in Iraq  
A few useful lessons from experience in Kosovo.

By BERNARD KOUCHNER  
From The Wall Street Journal Europe  
May 06 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105217165290694300,00.html%3Fmod%3Dopinion>

~~~~~

Yankee, Go Home  
The dickering over a tax cut plan could do more damage to U.S. economic interests in Asia than the terrorists.  
From The Asian Wall Street Journal  
May 06 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105216623279970600,00.html%3Fmod%3Dopinion>

~~~~~

China's Health Care Disaster  
If observers become obsessed with the politics of the SARS cover-up, they will lose sight of the underlying causes of China's health-care system train wreck.  
By DAVID M. LAMPTON  
From The Asian Wall Street Journal  
May 06 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105216519491029900,00.html%3Fmod%3Dopinion>

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<http://www.wsj.com/cgi-bin/wsjgate?source=jopinem&URI=http%3A//www.wsj.com/59standard>

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 5/6/2003 6:30:26 AM  
**Subject:** : what time is hearing? and where?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-MAY-2003 10:30:26.00  
SUBJECT:: what time is hearing? and where?  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 5/6/2003 8:50:01 AM  
**Subject:** : important: please email me Hayworth introduced bill in House last week on attorneys fees and excise taxes

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-MAY-2003 12:50:01.00  
SUBJECT:: important: please email me Hayworth introduced bill in House last week on attorneys fees and excise taxes  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####



---

**From:** CN=Jose Mallea/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>  
**Sent:** 5/6/2003 5:11:16 AM  
**Subject:** : FW: Citizen of the Year 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Jose Mallea ( CN=Jose Mallea/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 6-MAY-2003 09:11:16.00  
SUBJECT:: FW: Citizen of the Year 2003  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Wanted to know if it was OK for Sec. Card to accept the below mentioned award. They've included a draft of their letter. I don't think we ever got the original letter.

Thanks,

Jose

-----Original Message-----  
From: Lea Callaway [mailto:lcallaway@boyscouts-ncac.org]  
Sent: Tuesday, May 06, 2003 9:09 AM  
To: Mallea, Jose; Lea Callaway  
Subject: RE: Citizen of the Year 2003

Jose,

Good morning, I have the video tapes you requested.

Additionally, our Executive Director, Ron Carroll, has made a donation to the Scouts endowment fund in honor of Sec Card. A letter was mailed in April regarding the donation. I have taken the liberty of cutting and pasting the letter below. The letter will better explain the recognition.

Question: It is possible for Mr Carroll to present the award to Sec Card in person? perhaps and excellent photo opportunity. Location to be determined as best for your schedule. (Sec Card's office is ideal)

Jose, many thanks for all of your time and support of the Scouting program!

lc

Dear @Salutation~:

An integral part of the National Capital Area Council's program to expand its endowment trust fund to ensure its future financial stability is the James E. West Fellowship Award. Named after the first Chief Scout Executive of the Boy Scouts of America, the award is a

REV\_00116790

national recognition for those who contribute \$1,000 or more in cash or securities to the local council endowment fund.

Our Scout Executive, Ron Carroll, has made a \$1,000 donation to the National Capital Area Council Endowment fund in your honor.

As a James E. West Fellowship Award recipient you will be recognized with a personalized engraved brick, 8-by-10-inch certificate, distinctive lapel pin/charm, and an embroidered square knot.

We would like to formally present these items to you at The Alice S. Marriott Patio & The Robert & Dee Leggett Endowment Garden, Re-Dedication and Donor Recognition event. The event is April 26, 2003, 10:00am-11:00am at the Marriott Scout Service Center. Your personalized engraved brick will remain on permanent display in our endowment garden.

Simply put thank you for your support of the Scouting program.

Sincerely,

---

**From:** CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**BCC:** kmccullough@georgewbush.com @ inet ( kmccullough@georgewbush.com @ inet [ UNKNOWN ] )  
**Sent:** 5/6/2003 9:34:02 AM  
**Subject:** : Atlanta Journal Constitution (5/6/03) EDITORIAL re: Right-wing zealot is unfit to judge (Pryor)

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-MAY-2003 13:34:02.00  
SUBJECT:: Atlanta Journal Constitution (5/6/03) EDITORIAL re: Right-wing zealot is unfit to judge (Pryor)  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:kmccullough@georgewbush.com @ inet ( kmccullough@georgewbush.com @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

#### OUR VIEW

Right-wing zealot is unfit to judge

ATLANTA JOURNAL-CONSTITUTION

May 6, 2003

Alabama Attorney General Bill Pryor favors posting the Ten Commandments in the courtroom, opposes abortion, even for rape victims, and filed the only state brief in opposition to the federal Violence Against Women Act. President Bush wants him on the appellate court that oversees the rights of Georgians.

If Bush had combed the country for the perfect Christian Right extremist, he couldn't have found a more perfect candidate. Pryor has been nominated for the Atlanta-based 11th U.S. Circuit Court of Appeals, which hears federal appeals from Georgia, Alabama and Florida.

A popular speaker at Christian Coalition events, Pryor is best remembered for standing on the steps of the Alabama Capitol at a rally in support of state Supreme Court Justice Roy Moore's display of the Ten Commandments in his courtroom.

Pryor used the occasion to rail against the Roe v. Wade decision.

"I will never forget," he said, "the day seven members of our highest court ripped the Constitution and ripped out the life of millions of unborn children."

Among other extreme positions Pryor has argued was the legitimacy of Alabama prison guards' handcuffing state prisoners to hitching posts in the summer heat. But the U.S. Supreme Court ruled the practice is cruel and unusual, dismissing Pryor's argument that the prison guards should be given legal immunity. Senate Republicans have tried to depict opposition to Pryor and a handful of other Bush nominations as a broad refusal to let the president fill judicial vacancies. In truth, though, the Senate has already confirmed 120 Bush nominees.

With the exception of Miguel Estrada, those few nominees being blocked by Senate Democrats do not deserve to be confirmed. Pryor's nomination, for

example, is an affront to the basic premise that a candidate for the federal bench must exhibit respect for established constitutional principles and individual liberties. Pryor may be a good lawyer and a faithful Republican, but his lifelong extremism disqualifies him for a federal judgeship.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>  
**Sent:** 5/6/2003 9:43:32 AM  
**Subject:** : Re: Hispanics

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-MAY-2003 13:43:32.00  
SUBJECT:: Re: Hispanics  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I can do. Will check with judge. Carrie will call you.

.

----- Original Message -----  
From:Matthew E. Smith/WHO/EOP  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/05/2003 12:18:44 PM  
Subject: Hispanics

Wednesday morning we will have a group of Hispanic Pastors in from 9  
-10:30.

Do you want to come do a judges portion for 10 minutes?

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/6/2003 9:47:21 AM  
**Subject:** call me re: schumer letter

---

**From:** M.Edward.Whelan@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/6/2003 10:38:24 AM  
**Subject:** : Re: Lardner suit

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"M.Edward.Whelan@usdoj.gov" <M.Edward.Whelan@usdoj.gov> (  
"M.Edward.Whelan@usdoj.gov" <M.Edward.Whelan@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 6-MAY-2003 14:38:24.00  
SUBJECT:: Re: Lardner suit  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : Re: Lardner suit  
Was Read By : M.Edward.Whelan@usdoj.gov  
On : Tue, 6 May 2003 14:29:13 -0400

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Erin E. Healy/WHO/EOP@EOP [ WHO ] <Erin E. Healy>  
**Sent:** 5/6/2003 6:44:20 AM  
**Subject:** : Re: judicial event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-MAY-2003 10:44:20.00  
SUBJECT:: Re: judicial event  
TO:Erin E. Healy ( CN=Erin E. Healy/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

about double that.

Erin E. Healy  
05/06/2003 10:41:11 AM  
Record Type: Record

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

i worried about the weather on friday. want to prepare you for the ugly  
450 venue. what's your audience size? unfortunately that room only holds  
134.



---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/6/2003 6:52:59 AM  
**Subject:** : Wednesday

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-MAY-2003 10:52:59.00  
SUBJECT:: Wednesday  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Did you get my note about the Hispanic Pastors tomorrow morning?

Any consideration that maybe the Judge would come by and then you could stay for questions?

thanks.

---

**From:** CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/6/2003 6:55:35 AM  
**Subject:** : please call Phil Perry

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 6-MAY-2003 10:55:35.00

SUBJECT:: please call Phil Perry

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

re: Mass Tort Litigation issue

;

55044

395-2170

---

**From:** Montiel, Charlotte L.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/6/2003 10:55:52 AM  
**Subject:** please call Phil Perry

re: Mass Tort Litigation issue

55044  
395-2170

---

**From:** Mamo, Jeanie S.  
**To:** <Kavanaugh, Brett M.>; <Snee, Ashley>  
**Sent:** 5/6/2003 12:07:41 PM  
**Subject:** Tampa Tribune (5/6/03) EDITORIAL re: Schumer's Latest Bit of Trickery (Judicial nomination process)

# Schumer's Latest Bit Of Trickery

EDITORIAL

*Tampa Tribune*

Published: May 6, 2003

New York's Sen. Charles Schumer, a particularly odious character, has suggested to President Bush that the Senate and president give up their constitutionally prescribed roles in the selection of federal judges.

Seizing on the president's description of the judicial nomination and confirmation process as "broken," Schumer would turn to nominating commissions to ensure "a true balance" is achieved on the bench.

Each commission would be made up of an equal number of Democrats and Republicans chosen by the president and the Senate leader of the opposition party. The commissions would recommend one candidate whom the president would nominate and the Senate would confirm.

Well, setting aside the inconvenient fact that the Constitution requires the executive to select and nominate federal judges, commissions made up of men and women chosen for partisan reasons would not take the politics out of the judicial selection process, nor would they guarantee "true balance," whatever that is.

Balance, whether pertaining to judicial philosophy or ideology or gender or race, is in theory achieved through periodic changes in the executive branch.

But even if we were to treat Schumer's proposal as not objectionable because we could amend the Constitution, the defining question must be whether it would result in a better court. And the answer is no.

Consider Florida. Judicial nominating commissions here were created to take the politics out of the selection process, but that cannot be done. As a result, no one is responsible.

At least under the present system of choosing federal judges, the politics are out front. We know where the president stands. We know where senators like Schumer stand. With committees, the political agendas would be hidden, and nobody would be responsible.

That Schumer would dispatch his constitutional role comes as no surprise. He is, after all, an architect of the Senate's "filibuster" policy, preventing a final vote on two Bush candidates and in effect requiring a supermajority for confirmation.

That the Democrats are using the filibuster (even though they continue to conduct other business) to keep Miguel Estrada and Priscilla Owen off the bench has led some commentators to suggest the

president fill those seats and other judicial vacancies with appointments during the next congressional recess.

Better still, the president should take his case to the people and point out who the Senate Democrats' ``mainstream" candidates are - intensely nontraditional eccentrics who would delete ``God" from the Pledge of Allegiance and approve the horror of partial-birth abortion.

Bush should pound home the message that he won't have democracy thwarted. He should force a true filibuster. Let the Democrats be responsible for bringing the Senate to a standstill, and then let us see who folds.

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>  
**Sent:** 5/6/2003 12:16:21 PM  
**Subject:** let me know when judge comes back

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/6/2003 8:17:44 AM  
**Subject:** : let me know when judge comes back

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-MAY-2003 12:17:44.00  
SUBJECT:: let me know when judge comes back  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/6/2003 8:22:30 AM  
**Subject:** : RE: let me know when judge comes back

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 6-MAY-2003 12:22:30.00  
SUBJECT:: RE: let me know when judge comes back  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

He's back

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, May 06, 2003 12:16 PM  
To: Nelson, Carolyn  
Subject: let me know when judge comes back



---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/6/2003 12:22:44 PM  
**Subject:**  
**Attachments:** judges feinstein letter 5 6 03 #2.pdf

Note that this is still in process of being faxed.

THE WHITE HOUSE

WASHINGTON

May 6, 2003

Dear Senator Feinstein:

On behalf of President Bush, I write in response to your letter of May 5.

You propose that the President and the opposite political party select in equal numbers members of citizen judicial nominating commissions in each State who would then select nominees for each judicial vacancy. The President would be required to nominate one of the individuals selected by the commission and the Senate required to vote up or down on that nominee. You propose this as a permanent change to the constitutional scheme for appointment of federal judges.

We appreciate and share your stated belief that the judicial confirmation process is "going in the wrong direction" and is potentially "spiral[ing] out of control." But as explained more fully in my attached letter to Senator Schumer in response to his similar proposal, we respectfully believe that this proposal is inconsistent with the Constitution, with the history and traditions of the Nation's federal judicial appointments process, and with the soundest approach for appointment of highly qualified federal judges, as the Founders determined. Rather, as President Bush and many other Senators of both parties have stated in the past, the solution to the broken judicial confirmation process is for the Senate to exercise its constitutional responsibility to vote up or down on judicial nominees within a reasonable time after nomination, no matter who is President or which party controls the Senate. We thus agree with your statement of September 16, 1999 in which you stated: "A nominee is entitled to a vote. Vote them up; vote them down." As you said on October 4, 1999, moreover, the Senate's "institutional integrity requires an up-or-down vote."

We very much appreciate your open-minded approach to the President's judicial nominees and what I know is your sincere desire to fix this process on a permanent and bipartisan basis. Thank you very much for your letter, and please do not hesitate to contact me at any time about the judicial appointments process.

Sincerely,



Alberto R. Gonzales  
Counsel to the President

The Honorable Dianne Feinstein  
United States Senate  
Washington, DC 20510

Copy: The Honorable Bill Frist  
The Honorable Thomas Daschle  
The Honorable Orrin Hatch  
The Honorable Patrick Leahy  
The Honorable John Cornyn  
The Honorable Russ Feingold

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/6/2003 12:22:53 PM  
**Subject:** RE: let me know when judge comes back

He's back

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, May 06, 2003 12:16 PM  
**To:** Nelson, Carolyn  
**Subject:** let me know when judge comes back

---

**From:** Orr, Christopher J.  
**To:** <Kavanaugh, Brett M.>;<Snee, Ashley>  
**Sent:** 5/6/2003 1:16:58 PM  
**Subject:**

How do you spell Ron "Klein's" last name?

Al Gore's Counsel.....

---

**From:** CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/6/2003 9:17:52 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-MAY-2003 13:17:52.00  
SUBJECT::  
TO: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

How do you spell Ron "Klein's" last name?

Al Gore's Counsel.....

---

**From:** CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/6/2003 9:23:05 AM  
**Subject:** : For your review

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-MAY-2003 13:23:05.00  
SUBJECT:: For your review  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This letter is a request for Secretary Card to sign a GOTV letter. Can you review?

May 6,  
2003

Xxx  
Xxx  
Xxx

Dear xxx,

It was a great honor to serve my neighbors as State Representative from 1978-1984. I know the needs of the 5th Norfolk District and believe the best person to represent you is Republican candidate Matt Sisk.

There is a divide on Beacon Hill about how to solve the current fiscal crisis facing the Commonwealth. Governor Romney and his allies believe that state government must be reformed to eliminate waste and mismanagement. This strategy would rid our government of the patronage positions that represent millions of taxpayer dollars in our budget each year.

Matt Sisk is a native of Braintree who has been an active member of his community. He currently serves on the Blue Hills Regional School Committee and is a member of the Braintree Town Meeting. Matt will be a key ally to Governor Romney and is committed to finding creative solutions to solve our budget crisis.

As a young man, I campaigned hard to serve the people I cared about. There is another young man working hard to earn your vote. Please consider a vote for Matt Sisk on May 13th.

Sincerely,

Andrew H. Card,  
Jr.

Paid for by the Massachusetts Republican Party

REV\_00116849

---

**From:** CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/6/2003 9:26:22 AM  
**Subject:** : Spartanburg (SC) Herald-Tribune EDITORIAL re: Senate Democrats prepare to delay more judicial nominees

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 6-MAY-2003 13:26:22.00

SUBJECT:: Spartanburg (SC) Herald-Tribune EDITORIAL re: Senate Democrats prepare to delay more judicial nominees

TO: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Posted on May 05, 2003

Senate Democrats prepare to delay more Bush judicial nominees  
Spartanburg (SC) Herald-Tribune  
EDITORIAL

Senate Democrats have launched another filibuster to make sure that a second Bush nominee never gets a vote by the full body.

Democrats have already held up the nomination of Miguel Estrada to a federal appeals court for months using a filibuster. Now they are using the same tactic against the nomination of Texas Supreme Court Justice Priscilla Owen to the 5th U.S. Circuit Court of Appeals.

Democrats don't have the votes necessary to defeat the nominations in an open vote, so they are trying to make sure the votes are never taken. They do so by filibustering, by continuing to debate the topic whenever it comes up, refusing to allow a vote to be taken. It takes 60 votes in the Senate to close debate and force a vote.

So what the Democrats are doing is using the rules to prevent the full Senate from carrying out its constitutional duty to vote on the president's judicial nominees.

Why? Why do Senate Democrats refuse to let their body carry out its duty?

Because they say Bush's nominees are too conservative for them. They say that Estrada is a stealth conservative because they have been unable to prove his ideology. They accuse Owen of being anti-abortion and pro-business.

Of course, the fact of the matter is that the Constitution gives the president the ability to appoint judges. The people vote for the president they want and the ideology they want used to select judges. As a check on that authority, the Senate is empowered to give advice and consent to the president, to confirm or reject his nominees.

If a vote of the full Senate were allowed, both Estrada and Owen would be confirmed.

So, in order to enforce their ideological blockade, Senate Democrats have short-circuited the constitutional process. They say they may also filibuster other nominees.

Sen. Charles Schumer, D-N.Y., announced: "History will look kindly on us for doing so."



He is wrong. History will record that Democrats tried to assume a power they didn't have, that they tried to negate the effect of the democratic process, that they refused to allow a president elected by the people to exercise the power granted to him by the Constitution and that they corrupted their own body by refusing to allow it to fulfill its constitutional duty -- all because they insisted on pushing an ideology rejected by the voters.

---

**From:** Mamo, Jeanie S.  
**To:** <Kavanaugh, Brett M.>;<Snee, Ashley>  
**Sent:** 5/6/2003 1:32:26 PM  
**Subject:** Atlanta Journal Constitution (5/6/03) EDITORIAL re: Right-wing zealot is unfit to judge (Pryor)

#### OUR VIEW

## Right-wing zealot is unfit to judge

ATLANTA JOURNAL-CONSTITUTION

May 6, 2003

Alabama Attorney General Bill Pryor favors posting the Ten Commandments in the courtroom, opposes abortion, even for rape victims, and filed the only state brief in opposition to the federal Violence Against Women Act.

President Bush wants him on the appellate court that oversees the rights of Georgians.

If Bush had combed the country for the perfect Christian Right extremist, he couldn't have found a more perfect candidate. Pryor has been nominated for the Atlanta-based 11th U.S. Circuit Court of Appeals, which hears federal appeals from Georgia, Alabama and Florida.

A popular speaker at Christian Coalition events, Pryor is best remembered for standing on the steps of the Alabama Capitol at a rally in support of state Supreme Court Justice Roy Moore's display of the Ten Commandments in his courtroom.

Pryor used the occasion to rail against the Roe v. Wade decision.

"I will never forget," he said, "the day seven members of our highest court ripped the Constitution and ripped out the life of millions of unborn children."

Among other extreme positions Pryor has argued was the legitimacy of Alabama prison guards' handcuffing state prisoners to hitching posts in the summer heat. But the U.S. Supreme Court ruled the practice is cruel and unusual, dismissing Pryor's argument that the prison guards should be given legal immunity. Senate Republicans have tried to depict opposition to Pryor and a handful of other Bush nominations as a broad refusal to let the president fill judicial vacancies. In truth, though, the Senate has already confirmed 120 Bush nominees.

With the exception of Miguel Estrada, those few nominees being blocked by Senate Democrats do not deserve to be confirmed. Pryor's nomination, for example, is an affront to the basic premise that a candidate for the federal bench must exhibit respect for established constitutional principles and individual liberties.

Pryor may be a good lawyer and a faithful Republican, but his lifelong extremism disqualifies him for a federal judgeship.

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/6/2003 2:03:40 PM  
**Subject:** : FW:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 6-MAY-2003 18:03:40.00  
SUBJECT:: FW:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

When do you want to do this?

-----Original Message-----

From: david.greene@baltsun.com [mailto:david.greene@baltsun.com]  
Sent: Tuesday, May 06, 2003 4:30 PM  
To: Snee, Ashley  
Subject: RE:

that would be fantastic. tomorrow after 11am or anytime thursday works for me. let me know. thanks much, Ashley!

David

---

**From:** Sampson, Kyle  
**To:** <Gonzales, Alberto R.>;<Leitch, David G.>;<Kavanaugh, Brett M.>;<Bartolomucci, H. Christopher>;<Ulyot, Theodore W.>;<Newstead, Jennifer G.>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Brosnahan, Jennifer R.>  
**Sent:** 5/6/2003 2:29:57 PM  
**Subject:** Leif Reid

Las Vegas Sun

Monday, May 5, 2003

## Ensign puts Reid's son on judge list

By Benjamin Grove

WASHINGTON -- In an intriguing political move, Sen. John Ensign, R-Nev., included Leif Reid, the son of Sen. Harry Reid, D-Nev., on a short list of recommendations for President Bush to consider for a federal judge post.

A judge will be needed to fill the spot of U.S. District Judge David Hagen of Reno, who will assume senior status, and fewer duties, later this year.

As the senator of the president's party, Ensign last week forwarded the names of four potential judicial nominees to the White House. Bush will nominate one to the Senate, which confirms federal nominees. Ensign has not released the names of the other three recommendations.

Reid and Ensign declined comment. The two senators had said that they had an agreement that Ensign would recommend three judicial candidates and allow Reid to recommend the fourth. The Senate has confirmed Ensign's first three recommendations.

But Reid had nothing to do with his son making Ensign's short list, although Reid is honored that Ensign would nominate him, Reid spokeswoman Tessa Hafen said.

"This was entirely Senator Ensign's decision," Hafen said.

Hafen said Reid approved of all four of Ensign's recommendations.

Reid and Ensign are friends, although their political views on most issues contrast sharply. The two have sided with their respective parties in recent, bitterly partisan Senate battles over federal judicial nominees.

Ensign's move raised eyebrows in political circles in Nevada. But there haven't been open complaints about it by Republicans, said Nevada Republican Party director Joe Brezny. Still Republicans seized on the Ensign recommendation to take a jab at Reid for adamantly opposing several of Bush's GOP nominees.

Leif Reid "should be given the same consideration as Miguel Estrada," the embattled nominee whose nomination is stalled, Brezny said. "We need to be consistent in how we look at these candidates."

In a carefully worded statement, Rep. Jim Gibbons, R-Nev., who is considering whether to challenge Reid for his Senate seat, said, "Clearly, Sen. Ensign believes that (Leif Reid) is prepared to take a lifetime appointment to the federal bench. As all future nominees are considered, I hope that the highly skilled, well qualified nominees currently before the Senate may be approved in a timely manner, without the unprecedented filibusters that continue to stonewall the advice and consent process."

Leif Reid was not available for comment. Reid, 35, is a 1995 Stanford law school graduate and works as a lawyer in the Reno office of Lionel Sawyer & Collins. The firm is the largest in Nevada and also employs Sen. Reid's three other sons, Rory, Josh and Key. Leif Reid focuses on commercial, energy, utilities and administrative law.

It's not the first time a senator's son has been considered for a federal post. In 2001 the Senate confirmed former Sen. Strom Thurmond's son as U.S. attorney in South Carolina. Last year the Senate approved David Bunning, who was recommended by his father Sen. Jim Bunning, R-Ky., to be a federal judge.

There's nothing improper about one lawmaker nominating the son of another lawmaker, said Georgetown University law professor David Cole, a federal courts expert.

"There's no nepotism bar or anything like that," Cole said. "You apply the same standards that you would to any other nominee."

---

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/6/2003 10:32:20 AM  
**Subject:** : Leif Reid

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-MAY-2003 14:32:20.00  
SUBJECT:: Leif Reid  
TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Las Vegas Sun  
Monday, May 5, 2003

Ensign puts Reid, s son on judge list  
By Benjamin Grove

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A judge will be needed to fill the spot of U.S. District Judge David Hagen of Reno, who will assume senior status, and fewer duties, later this year.

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Tessa Hafen said.

&This was entirely Senator Ensign,s decision,8 Hafen said.

Hafen said Reid approved of all four of Ensign,s recommendations.

Reid and Ensign are friends, although their political views on most issues contrast sharply. The two have sided with their respective parties in recent, bitterly partisan Senate battles over federal judicial nominees.

Ensign,s move raised eyebrows in political circles in Nevada. But there haven,t been open complaints about it by Republicans, said Nevada Republican Party director Joe Brezny. Still Republicans seized on the Ensign recommendation to take a jab at Reid for adamantly opposing several of Bush,s GOP nominees.

Leif Reid &should be given the same consideration as Miguel Estrada,8 the embattled nominee whose nomination is stalled, Brezny said. &We need to be consistent in how we look at these candidates.8

In a carefully worded statement, Rep. Jim Gibbons, R-Nev., who is considering whether to challenge Reid for his Senate seat, said, &Clearly, Sen. Ensign believes that (Leif Reid) is prepared to take a lifetime appointment to the federal bench. As all future nominees are considered, I hope that the highly skilled, well qualified nominees currently before the Senate may be approved in a timely manner, without the unprecedented filibusters that continue to stonewall the advice and consent process.8

Leif Reid was not available for comment. Reid, 35, is a 1995 Stanford law school graduate and works as a lawyer in the Reno office of Lionel Sawyer & Collins. The firm is the largest in Nevada and also employs Sen. Reid,s three other sons, Rory, Josh and Key. Leif Reid focuses on commercial, energy, utilities and administrative law.

It,s not the first time a senator,s son has been considered for a federal post. In 2001 the Senate confirmed former Sen. Strom Thurmond,s son as U.S. attorney in South Carolina. Last year the Senate approved David Bunning, who was recommended by his father Sen. Jim Bunning, R-Ky., to be a federal judge.

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&There,s no nepotism bar or anything like that,8 Cole said. &You apply the same standards that you would to any other nominee.8



---

**From:** Sampson, Kyle  
**To:** <Gonzales, Alberto R.>;<Leitch, David G.>;<Kavanaugh, Brett M.>;<Bartolomucci, H. Christopher>;<Ulyot, Theodore W.>;<Newstead, Jennifer G.>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Brosnahan, Jennifer R.>  
**Sent:** 5/6/2003 2:37:28 PM  
**Subject:** More Leif Reid

The Las Vegas Review-Journal

Saturday, May 3, 2003

## Ensign nominates son of Harry Reid as judge

By STEVE TETREAULT

STEPHENS WASHINGTON BUREAU

WASHINGTON -- Sen. John Ensign, R-Nev., has recommended that President Bush consider crossing party lines and bestow a federal judgeship on the son of a good friend, Sen. Harry Reid, D-Nev.

In a move political and legal observers describe as highly unusual, Reno attorney Leif Reid was put forward to the White House this week as one of four possibilities to replace U.S. District Court Judge David Hagen, who is taking senior status later this year.

Ensign interviewed Leif Reid, a registered Democrat, and concluded he is "eminently qualified" for the federal bench, Ensign spokesman Jack Finn said.

Leif Reid, 35, is a Stanford Law School graduate who was admitted to the Nevada Bar seven years ago.

Ensign did not disclose the names of the other three persons forwarded for Bush's consideration. Ensign declined to be interviewed.

Harry Reid also had no comment. His spokeswoman, Tessa Hafen, said Reid played no role in engineering a recommendation for Leif Reid, one of his five children who are playing an increasingly

visible role in Nevada law and politics.

“My understanding is that Ensign chose the four names, and Reid didn’t have a problem with any of them,” Hafen said.

Shortly after Ensign became a senator in 2001, he and Reid disclosed an arrangement where Ensign would recommend three judicial nominees and then Reid would be allowed to choose the fourth. Since then, U.S. District judges James Mahan and Larry Hicks, and 9th U.S. Circuit Court Judge Jay Bybee have been confirmed on Ensign’s recommendations.

That would appear to put the current vacancy in Reid’s court. But his chief of staff, Susan McCue, said, “That is absolutely not the case. When it came to Leif, that was entirely John Ensign.”

Other sources in the congressional delegation said the senators largely put the judge deal aside as they developed a working relationship.

It is not unheard of for senators to help their children achieve high appointments, experts said. Then- Sen. Strom Thurmond, R-S.C., in 2001 arranged the nomination of his 28--year old son Strom Jr. to be U.S. attorney in South Carolina. Sen. Jim Bunning, R-Ky., promoted his son David for a federal judgeship.

Carl Tobias, a professor at the William S. Boyd School of Law in Las Vegas, said he could name several federal judges who were appointed in their mid-30s, including Michael Luttig of the 4th U.S. Circuit Court of Appeals.

“It’s unusual that someone with that level of experience might be appointed, but not unprecedented,” Tobias said.

What makes this case stand out is that Ensign has recommended a Democrat, said Eric Herzik, acting dean of the College of Arts and Sciences at University of Nevada Reno.

“It’s not uncommon for politically connected sons to be

recommended, but it's very unusual to be recommended by a senator from the opposition party," Herzik said.

White House officials had no immediate comment Friday. From bashing Bush over the Yucca Mountain Project to engineering filibusters of his judicial nominees, Harry Reid, the Senate's No. 2 Democratic leader, has been a thorn for the president.

While it would seem unlikely Bush would embrace the son of one of his congressional adversaries, observers said nothing should be ruled out.

"It might depend on what Bush thinks he could get, and there are a lot of things he'd like to get from Reid," one analyst said."District court nominees are not considered as precious as appeals court nominees. They can be used politically and are sometimes."

Since September 1999, Leif Reid has been an associate at Lionel, Sawyer and Collins, which also employs his brothers, Key, Rory and Josh, as attorneys. He received a Stanford law degree in 1995 and was admitted to the Nevada Bar a year later. Leif Reid clerked for Procter Hug Jr., chief judge of the 9th U.S. Circuit Court of Appeals, and was a prosecutor under U.S. Attorney Kathryn Landreth, who was a Harry Reid appointee.

Harry Reid inadvertently disclosed the news during a breakfast Thursday with Ensign and visiting Nevadans. Within hours, word spread through political and legal circles in the state.

Attorneys contacted Friday declined to speak on the record, but their initial reaction focused on Leif Reid's experience.

"He has no qualifications whatsoever to be a federal district judge, but he's a man of character," said one assistant U.S. attorney who worked with Leif Reid in Las Vegas. "He's a very nice guy."

The assistant U.S. attorney, who asked not to be identified, knows of only one case Leif Reid tried during his time with the Las Vegas office: “a simple bank robbery.” Reid lacks legal skills and should not have been hired as a federal prosecutor, his former colleague said.

“A lot of people felt his old man pulled a lot of strings for him,” the source said.

But Landreth and her first assistant, Howard Zlotnick, said Leif Reid won the job on “outstanding credentials.”

“Whenever a politically connected offspring gets something, it’s often seen as the good-old-boy network, which is sometimes true but also unfair to the success of the child,” UNR analyst Herzik said.

“He may very well be deserving.”

Review-Journal writer Carri Geer Thevenot and Adam Ashton of the Stephens Washington Bureau contributed to this story.

----- Forwarded by Kyle Sampson/WHO/EOP on 05/06/2003 02:37 PM -----

Kyle Sampson

05/06/2003 02:31:46 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Leif Reid

Las Vegas Sun

Monday, May 5, 2003

## **Ensign puts Reid’s son on judge list**

By Benjamin Grove

WASHINGTON -- In an intriguing political move, Sen. John Ensign, R-Nev., included Leif Reid, the son of Sen. Harry Reid, D-Nev., on a short list of recommendations for President Bush to consider for a federal judge post.

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the embattled nominee whose nomination is stalled, Brezny said. “We need to be consistent in how we look at these candidates.”

In a carefully worded statement, Rep. Jim Gibbons, R-Nev., who is considering whether to challenge Reid for his Senate seat, said, “Clearly, Sen. Ensign believes that (Leif Reid) is prepared to take a lifetime appointment to the federal bench. As all future nominees are considered, I hope that the highly skilled, well qualified nominees currently before the Senate may be approved in a timely manner, without the unprecedented filibusters that continue to stonewall the advice and consent process.”

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“There’s no nepotism bar or anything like that,” Cole said. “You apply the same standards that you would to any other nominee.”

Message Sent To:

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Alberto R. Gonzales/WHO/EOP@Exchange@EOP

David G. Leitch/WHO/EOP@Exchange@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

Theodore W. Ulyot/WHO/EOP@EOP

Jennifer G. Newstead/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Benjamin A. Powell/WHO/EOP@EOP

Jennifer R. Brosnahan/WHO/EOP@EOP

---

**From:** Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/6/2003 10:53:50 AM  
**Subject:** : Re: Tomorrow 11am

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 6-MAY-2003 14:53:50.00

SUBJECT:: Re: Tomorrow 11am

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Don't have it here, sorry. Will you be here tomorrow morning?

-----

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



---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**Sent:** 5/6/2003 2:55:52 PM  
**Subject:**

We need to make sure judge's letter to schumer is part of any story about schumers proposal. Schumer is testifying now and we want to make sure reporters have our response. Lots of reporters here in hearing room. Thx.

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>  
**Sent:** 5/6/2003 3:41:52 PM  
**Subject:** Do you have fax confirmation sheet for schumer's. Office. What number was used. What time did it go through.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/6/2003 11:42:34 AM  
**Subject:** : Do you have fax confirmation sheet for schumer's. Office. What number was used. What time did it go through.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-MAY-2003 15:42:34.00  
SUBJECT:: Do you have fax confirmation sheet for schumer's. Office. What number was used.  
What time did it go through.  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
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**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/6/2003 11:45:29 AM  
**Subject:** : RE: Do you have fax confirmation sheet for schumer's. Office. What number was used. What time did it go through.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 6-MAY-2003 15:45:29.00  
SUBJECT:: RE: Do you have fax confirmation sheet for schumer's. Office. What number was used. What time did it go through.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes. Faxed to 228-3027, which is the number in the directory. The connection ID on the confirmation says SCHUNMER. 11:54 AM. Want me to fax it to you?

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Tuesday, May 06, 2003 3:42 PM  
To: Nelson, Carolyn  
Subject: Do you have fax confirmation sheet for schumer's. Office. What number was used. What time did it go through.

.

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/6/2003 3:46:08 PM  
**Subject:** RE: Do you have fax confirmation sheet for schumer's. Office. What number was used. What time did it go through.

Yes. Faxed to 228-3027, which is the number in the directory. The connection ID on the confirmation says SCHUNMER.  
11:54 AM. Want me to fax it to you?

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, May 06, 2003 3:42 PM  
**To:** Nelson, Carolyn  
**Subject:** Do you have fax confirmation sheet for schumer's. Office. What number was used. What time did it go through.

---

**From:** Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/6/2003 11:47:25 AM  
**Subject:** : Re: Tomorrow 11am

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 6-MAY-2003 15:47:25.00

SUBJECT:: Re: Tomorrow 11am

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Either send them to me for copying or bring 60 copies or so.

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

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>;<Kavanaugh, Brett M.>  
**Sent:** 5/6/2003 3:49:20 PM  
**Subject:** Re: Do you have fax confirmation sheet for schumer's. Office. What number was used. What time did it go through.

Nope that is perfect.

.

----- Original Message -----

From: Carolyn Nelson/WHO/EOP@Exchange

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

Cc:

Date: 05/06/2003 03:46:08 PM

Subject: RE: Do you have fax confirmation sheet for schumer's. Office. What number was used. What time did it go through.

Yes. Faxed to 228-3027, which is the number in the directory. The connection ID on the confirmation says SCHUNMER. 11:54 AM. Want me to fax it to you?

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Sent: Tuesday, May 06, 2003 3:42 PM

To: Nelson, Carolyn

Subject: Do you have fax confirmation sheet for schumer's. Office. What number was used. What time did it go through.

.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Carolyn Nelson/WHO/EOP@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/6/2003 11:50:00 AM  
**Subject:** : Re: Do you have fax confirmation sheet for schumer's. Office. What number was used. What time did it go through.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-MAY-2003 15:50:00.00  
SUBJECT:: Re: Do you have fax confirmation sheet for schumer's. Office. What number was used. What time did it go through.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Nope that is perfect.

.

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To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
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From: Kavanaugh, Brett M.  
Sent: Tuesday, May 06, 2003 3:42 PM  
To: Nelson, Carolyn  
Subject: Do you have fax confirmation sheet for schumer's. Office.  
What number was used. What time did it go through.

.



---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/6/2003 12:55:50 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 6-MAY-2003 16:55:50.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

any thought on that asbestos related invitation I gave you yesterday?

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/6/2003 4:56:20 PM  
**Subject:**

any thought on that asbestos related invitation I gave you yesterday?

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**From:** Bartolomucci, H. Christopher  
**To:** <Gonzales, Alberto R.>; <Kavanaugh, Brett M.>  
**Sent:** 5/6/2003 5:09:32 PM  
**Subject:** Article re Carmen Minora and the Federal Circuit  
**Attachments:** ~~DLNK0.URL; ~~DLNK1.URL

Scranton Times Tribune

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## Skipped once, judge still in line for federal post

By Borys Krawczeniuk TRIBUNE STAFF WRITER

05/06/2003

President Bush's choice of state Attorney General Mike Fisher and another man for two federal appeals court judgeships last week ended Lackawanna County Court Judge Carmen Minora's hopes for one of the posts.

REV\_00116926

Judge Minora lost out on an appointment to the U.S. Third Circuit Court of Appeals on April 28 when Mr. Bush nominated Mr. Fisher, 58, and U.S. District Court Judge Jay C. Waldman, 58, who was counsel to former Gov. Dick Thornburgh, a Republican like Mr. Fisher.

But U.S. Sen. Arlen Specter, R-Philadelphia, said he's trying to get Judge Minora a spot on the U.S. Court of Appeals for the Federal Circuit.

"There is consideration for him (Judge Minora) for the federal circuit in Washington," Mr. Specter said Monday.

Judge Minora, 50, of Scranton, said he's flattered by the consideration. He declined to comment further.

Unlike other circuit courts of appeals, the Federal Circuit Court, created in 1982, does not cover a geographical area. Rather, it handles specific types of appeals, including cases involving patents, U.S. Customs, federal contracts, international trade and certain administrative decisions made by the secretaries of agriculture and commerce.

The Third Circuit hears appeals of criminal, civil and bankruptcy cases that originate in U.S. District Courts in Pennsylvania, New Jersey, Delaware and the Virgin Islands.

Because of political infighting between Republicans and Democrats, the confirmation of presidential nominees to federal judgeships has slowed to a crawl over the last decade. So Mr. Specter said he could not say when an announcement might be made.

There's also no current vacancy on the Federal Circuit Court. Mr. Specter, the third-ranking Republican on the Senate Judiciary Committee, said he is trying to talk judges on the court into taking senior status.

Senior status is the judicial form of retirement. It means a judge no longer works full time but can be called on to hear cases when needed.

Unlike Pennsylvania judges, who may also take senior status, federal judges are not required to retire at a certain age.

They may take senior status at their full final salary beginning at age 65 if they have been federal judges for 15 years, according to the United States Courts Web site. The experience required decreases on a sliding scale to 10 years at age 70.

It appears only one judge on the Federal Circuit Court, Judge Pauline Newman, currently meets that criteria, although five others appear to be within three years of meeting it.

A spokeswoman for Judge Newman said she "is not contemplating senior status at this time."

Karen Redmond, a spokeswoman for the Administrative Office of U.S. Courts, said it's possible a judge could simply quit a court for other reasons. Circuit Court judges earn \$164,000 a year, far less than many lawyers can earn in private practice, she said.

Mr. Specter called Judge Minora "a very able man" and said he was "a good prospect" for the Third Circuit Court of Appeals, Mr. Specter said.

Presidents formally nominate federal judges at all levels, but, traditionally, only nominations for the U.S. Supreme Court and federal Circuit Courts of Appeal originate in the White House. U.S. District Court nominees come from the United States senators in respective states.

Judge Minora was earlier a candidate for one of the two seats on the U.S. District Court in Pennsylvania's 33-county middle district, which includes Northeastern Pennsylvania. But others got those judgeships, primarily because the district already had three judges from Luzerne and Lackawanna counties.

After that, Mr. Specter started trying to get Judge Minora the Third Circuit post. He has significant influence in the appointment of judges because of his position on the Judiciary Committee.

Senior Circuit Court Judge Max Rosenn of Wilkes-Barre, who served on the Third Circuit Court and is still active at age 93, remains the only middle district resident to serve on a higher court, Senior District Court Judge William Nealon said.

[InternetShortcut]

URL=<http://www.zwire.com/site/news.cfm?brd=2185>

[InternetShortcut]

URL=[http://www.zwire.com/site/news.cfm?brd=2185&Nav\\_Sec=49649](http://www.zwire.com/site/news.cfm?brd=2185&Nav_Sec=49649)

---

**From:** CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/6/2003 1:11:28 PM  
**Subject:** : Article re Carmen Minora and the Federal Circuit

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 6-MAY-2003 17:11:28.00

SUBJECT:: Article re Carmen Minora and the Federal Circuit

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Scranton Times Tribune

home : news : content

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By Borys Krawczeniuk TRIBUNE STAFF WRITER  
05/06/2003

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Judge Minora lost out on an appointment to the U.S. Third Circuit Court of Appeals on April 28 when Mr. Bush nominated Mr. Fisher, 58, and U.S. District Court Judge Jay C. Waldman, 58, who was counsel to former Gov.

Dick Thornburgh, a Republican like Mr. Fisher.

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"There is consideration for him (Judge Minora) for the federal circuit in Washington," Mr. Specter said Monday.

Judge Minora, 50, of Scranton, said he's flattered by the consideration. He declined to comment further.

Unlike other circuit courts of appeals, the Federal Circuit Court, created in 1982, does not cover a geographical area. Rather, it handles specific types of appeals, including cases involving patents, U.S. Customs, federal contracts, international trade and certain administrative decisions made by the secretaries of agriculture and commerce.

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---

**From:** CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/6/2003 1:38:31 PM  
**Subject:** : For your review

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-MAY-2003 17:38:31.00  
SUBJECT:: For your review  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

----- Forwarded by Alicia W. Davis/WHO/EOP on 05/06/2003  
05:37 PM -----

Alicia W. Davis  
05/06/2003 01:22:32 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: For your review

This letter is a request for Secretary Card to sign a GOTV letter. Can  
you review?

May 6,  
2003

Xxx  
Xxx  
Xxx

Dear xxx,

It was a great honor to serve my neighbors as State Representative from  
1978-1984. I know the needs of the 5th Norfolk District and believe the  
best person to  
represent you is Republican candidate Matt Sisk.

There is a divide on Beacon Hill about how to solve the current fiscal  
crisis facing the Commonwealth. Governor Romney and his allies believe  
that  
state government must be reformed to eliminate waste and mismanagement.  
This strategy would rid our government of the patronage positions that  
represent millions of taxpayer dollars in our budget each year.

Matt Sisk is a native of Braintree who has been an active member of his  
community. He currently serves on the Blue Hills Regional School  
Committee  
and is a member of the Braintree Town Meeting. Matt will be a key ally to  
Governor Romney and is committed to finding creative solutions to solve  
our  
budget crisis.

As a young man, I campaigned hard to serve the people I cared about.  
There  
is another young man working hard to earn your vote. Please consider a  
vote

for Matt Sisk on May 13th.

Sincerely,

Andrew H. Card,  
Jr.

Paid for by the Massachusetts Republican Party

---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/7/2003 1:23:15 AM  
**Subject:** : OpinionJournal - On the Editorial Page - May 7, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME: 7-MAY-2003 05:23:15.00  
SUBJECT:: OpinionJournal - On the Editorial Page - May 7, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY VINCENT J. CANNATO  
<http://www.opinionjournal.com/editorial/?id=110003460>

Will a Big Apple convention be a GOP mistake?

12:01 a.m. EDT

Scene & Heard BY COLLIN LEVEY  
<http://www.opinionjournal.com/columnists/clevey/?id=110003461>

Hooters goes to court to protect its intellectual property.  
12:01 a.m. EDT

Leisure & Arts BY QUENTIN LETTS  
<http://www.opinionjournal.com/la/?id=110003462>

Wimbledon ejects bowing to royals.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Debt Limit Follies  
Congress is about to put us through one of its periodic farces.  
May 07 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105227076171517000,00.html%3Fmod%3Dopinion>

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The Non-Pillage of Baghdad  
It turns out the looted museum story was overblown.  
May 07 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105227103458460900,00.html%3Fmod%3Dopinion>

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Europe's Cheeseheads  
The idea that "parmesan" cheese can only come from Parma is so much  
Bologna.  
May 07 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105227133711723600,00.html%3Fmod%3Dopinion>

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#### Commentary

Blame Pataki

Will a Big Apple convention be a GOP mistake?

By VINCENT J. CANNATO

May 07 2003

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From Lepanto to Baghdad

The war in Iraq will likely play well in the next Spanish election.

By RAMON PEREZ-MAURA

May 07 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105227358029795300,00.html%3Fmod%3Dopinion>

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Lecons Sans Frontieres

A French politician who favored war speaks out.

By BERNARD KOUCHNER

May 07 2003

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#### Business World

Wall Street to Self: All Is Forgiven!

If there was fraud why didn't Eliot Spitzer prosecute?

By HOLMAN W. JENKINS

May 07 2003

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#### Leisure & Arts

Music

With Some Help From the Devil

"Paganini After a Dream" by Regina Carter.

By MARTIN JOHNSON

May 07 2003

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The Gallery

Etruria on the Schuylkill

"Worlds Intertwined: Etruscans, Greeks, and Romans" at the University of Pennsylvania.

By MATTHEW GUREWITSCH

May 07 2003

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Wimbledon Ejects Bowing to Royals  
The tennis-minded Duke of Kent did not demur.  
By QUENTIN LETTS  
May 07 2003

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Books  
Where Those Paychecks Come From  
"The Company"  
By DANIEL AKST  
May 07 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10522765657532700,00.html%3Fmod%3Dopinion>

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Time Off  
Diversions  
Ambassadors of Progress: American Women Photographers in Paris, 1900-1901;  
The Myths of St. Petersburg: Impressions of the City From the Hillwood  
Collection.  
May 07 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105218542316286300,00.html%3Fmod%3Dopinion>

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International

Italy's Trial  
Italy's magistrates are often more politicized than the politicians.  
From The Wall Street Journal Europe  
May 07 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105225993943530000,00.html%3Fmod%3Dopinion>

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The EBRD's Uzbek Burden  
The West's interest in Uzbekistan has not improved the Uzbek government.  
By GEOFFREY T. SMITH  
From The Wall Street Journal Europe  
May 07 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105225831018042600,00.html%3Fmod%3Dopinion>

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Selling the Atlantic  
The Atlanticists must respond to every one of Chirac's gambits.  
By MICHAEL GONZALEZ  
From The Wall Street Journal Europe  
May 07 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105225718966740700,00.html%3Fmod%3Dopinion>

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Let Taiwan Into the WHO  
Taiwan shouldn't have to wait while Beijing ponders whether to give permission.  
From The Asian Wall Street Journal  
May 07 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105226239524164700,00.html%3Fmod%3Dopinion>

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Beijing's Naval Threat  
China's naval buildup is intended to strengthen its military option toward Taiwan.  
By RICHARD D. FISHER, JR.  
From The Asian Wall Street Journal  
May 07 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105225632766970300,00.html%3Fmod%3Dopinion>

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Chinese Mercantilism  
"Internationalizing China" describes how reformist leaders broke the constrictions of China's economic life.  
By JONATHAN MIRSKY  
From The Asian Wall Street Journal  
May 07 2003

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**From:** CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 6:17:15 AM  
**Subject:** : FW:  
**Attachments:** P\_WHX7G003\_WHO.TXT\_1.htm

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 10:17:15.00  
SUBJECT:: FW:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

----- Forwarded by H. Christopher Bartolomucci/WHO/EOP on  
05/07/2003 10:09 AM -----

Leon Holmes <LHolmes@ggtb.com>  
05/07/2003 09:49:09 AM  
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP, "Kristi Remington (E-mail)"  
<Kristi.L.Remington@usdoj.gov>, "Mark Chenoweth (E-mail)"  
<mark.chenoweth@usdoj.gov>, "Nancy Scott-finan (E-mail)"  
<nancy.scottfinan@usdoj.gov>  
cc:  
Subject: FW:

-----Original Message-----  
From: Leon Holmes  
Sent: Tuesday, May 06, 2003 8:39 PM  
To: Leon Holmes  
Subject:

U.S. SENATOR PATRICK LEAHY

CONTACT: Office of Senator Leahy, 202-224-4242

VERMONT

---

Holmes Nomination Fact Sheet  
May 1, 2003

Historical Facts About The Holmes Vote In The Senate Judiciary Committee  
Today ???

Q: When is the last time a district court nomination has  
been reported by the Judiciary Committee with anything but a favorable  
recommendation?

A: The Judiciary Committee???s vote today to report the J. Leon  
Holmes nomination (for a district court judgeship, Eastern District of  
Arkansas) without recommendation is the first time the committee has sent



a district court nomination to the floor OTHER THAN WITH A FAVORABLE RECOMMENDATION since 1951.

And the ONLY precedent in recent decades when the committee skipped the vote on the merits of a judicial nomination altogether and went immediately to a motion to report without recommendation, as the committee did today, was with the nomination of Charles Winberry, District Court for the Eastern District of North Carolina, in 1980.

The two cases in 1951 were Cornelius Harrington and Joseph Drucker, both district court nominees for the Northern District of Illinois. Both were reported with negative recommendations on 10/8/1951, and both subsequently were rejected by the Senate. The committee voted in closed session so the vote tally of the committee is not available for those votes. The Senate floor vote was a ???division vote,??? so there is no record of how each senator voted.

+++++

Previous district court nominations in recent decades in which motions to report without recommendation were defeated ???

Jeff Sessions, nominated to the U.S. District Court for the Southern District of Alabama; motion to report favorably defeated and motion to report without recommendation also defeated (9-9) on May 1986 (thereby defeated in committee)

Charles Winberry, Eastern District of North Carolina; motion to report without recommendation defeated in committee in March 1980 (6-9)

+++++

This procedure (reporting without a favorable recommendation) also has only been rarely tried even in the cases of Circuit and Supreme Court nominations. It was used in these cases, after motions to favorably report were defeated ???

Daniel Manion, 7th Circuit, reported without recommendation in 1986

Susan Liebeler, Federal Circuit, reported without recommendation in 1988

Clarence Thomas, Supreme Court, reported without recommendation in 1991

Robert Bork, Supreme Court, reported with a negative recommendation in 1987

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_WHX7G003\_WHO.TXT\_1>

-----Original Message-----

**From:** Leon Holmes

**Sent:** Tuesday, May 06, 2003 8:39 PM

**To:** Leon Holmes

**Subject:**

## U.S. SENATOR PATRICK LEAHY

**CONTACT: Office of Senator Leahy, 202-224-4242**

**VERMONT**

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Susan Liebeler, Federal Circuit, reported without recommendation in 1988

Clarence Thomas, Supreme Court, reported without recommendation in 1991

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---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 6:24:41 AM  
**Subject:** : RE: can we meet at 4:00 today to go over Friday activities and coordinate. Thanks.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 10:24:41.00  
SUBJECT:: RE: can we meet at 4:00 today to go over Friday activities and coordinate.  
Thanks.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

sure

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, May 07, 2003 10:23 AM  
To: Smith, Matthew E.; Grubbs, Wendy J.; Goeglein, Tim; Snee, Ashley  
Cc: Perkins, Paul  
Subject: can we meet at 4:00 today to go over Friday activities and coordinate. Thanks.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>;Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>;Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>;Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>  
**CC:** Paul Perkins/WHO/EOP@EOP [ WHO ] <Paul Perkins>  
**Sent:** 5/7/2003 6:24:01 AM  
**Subject:** : can we meet at 4:00 today to go over Friday activities and coordinate. Thanks.

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 7-MAY-2003 10:24:01.00

SUBJECT:: can we meet at 4:00 today to go over Friday activities and coordinate. Thanks.

TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/7/2003 6:29:15 AM  
**Subject:** : I am jumping in your car to go to Senate

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 10:29:15.00  
SUBJECT:: I am jumping in your car to go to Senate  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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**From:** CN=Paul Perkins/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 7:43:46 AM  
**Subject:** : Re: can we meet at 4:00 today to go over Friday activities and coordinate. Thanks.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 11:43:46.00  
SUBJECT:: Re: can we meet at 4:00 today to go over Friday activities and coordinate.  
Thanks.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Tim will be there. Just in your office?  
Thanks,  
Paul.

Brett M. Kavanaugh  
05/07/2003 10:23:31 AM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP, Wendy J.  
Grubbs/WHO/EOP@Exchange@EOP, Tim Goeglein/WHO/EOP@EOP, Ashley  
Snee/WHO/EOP@Exchange@EOP  
cc: Paul Perkins/WHO/EOP@EOP  
Subject: can we meet at 4:00 today to go over Friday activities and  
coordinate. Thanks.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Carolyn Nelson/WHO/EOP@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/7/2003 8:37:55 AM  
**Subject:** : Re: briefing paper example

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 12:37:55.00  
SUBJECT:: Re: briefing paper example  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes. Send me draft. Thanks!!!

.

----- Original Message -----  
From:Carolyn Nelson/WHO/EOP@Exchange  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/07/2003 12:32:31 PM  
Subject: briefing paper example

Do you want me to do this? I'm more than happy to do it.



**From:** CN=Kenneth Bernard/OU=WHO/O=EOP [ WHO ]  
**To:** Margaret M. Spellings/OPD/EOP@Exchange [ OPD ] <Margaret M. Spellings>  
**CC:** kevin warsh/opd/eop@eop [ OPD ] <kevin warsh>;tevi troy/who/eop@exchange [ WHO ] <tevi troy>;kristen silverberg/who/eop@exchange [ WHO ] <kristen silverberg>;matthew scully/who/eop@eop [ WHO ] <matthew scully>;diana l. schacht/opd/eop@eop [ OPD ] <diana l. schacht>;kyle sampson/who/eop@eop [ WHO ] <kyle sampson>;brian reardon/opd/eop@eop [ OPD ] <brian reardon>;brian peterman/who/eop@eop [ WHO ] <brian peterman>;sean b. o'hollaren/who/eop@exchange [ WHO ] <sean b. o'hollaren>;noam m. neusner/who/eop@eop [ WHO ] <noam m. neusner>;edward mcnally/who/eop@eop [ WHO ] <edward mcnally>;robert marsh/who/eop@exchange [ WHO ] <robert marsh>;ginger g. loper/who/eop@exchange [ WHO ] <ginger g. loper>;paul b. kurtz/nsc/eop@eop [ NSC ] <paul b. kurtz>;lindsey c. kozberg/who/eop@eop [ WHO ] <lindsey c. kozberg>;james m. kelly/who/eop@eop [ WHO ] <james m. kelly>;joel kaplan/who/eop@exchange [ UNKNOWN ] <joel kaplan>;wendy j. grubbs/who/eop@exchange [ WHO ] <wendy j. grubbs>;tim goeglein/who/eop@eop [ WHO ] <tim goeglein>;kelley gannon/who/eop@eop [ WHO ] <kelley gannon>;catherine s. fenton/who/eop@exchange [ WHO ] <catherine s. fenton>;nanette everson/who/eop@eop [ WHO ] <nanette everson>;elizabeth s. dougherty/opd/eop@eop [ OPD ] <elizabeth s. dougherty>;amy jensen/who/eop@exchange [ WHO ] <amy jensen>;rebecca contreras/who/eop@eop [ WHO ] <rebecca contreras>;ronald i. christie/opd/eop@eop [ OPD ] <ronald i. christie>;jonathan w. burks/who/eop@exchange [ WHO ] <jonathan w. burks>;katja bullock/who/eop@eop [ WHO ] <katja bullock>;jennifer r. brosnahan/who/eop@eop [ WHO ] <jennifer r. brosnahan>;rebecca a. beynon/who/eop@eop [ WHO ] <rebecca a. beynon>;brian r. besanceney/who/eop@eop [ WHO ] <brian r. besanceney>;william d. badger/opd/eop@eop [ OPD ] <william d. badger>;michael allen/who/eop@eop [ WHO ] <michael allen>;peter h. wehner/who/eop@eop [ WHO ] <peter h. wehner>;ziad ojakli/who/eop@exchange [ UNKNOWN ] <ziad ojakli>;ken mehlman/who/eop@eop [ WHO ] <ken mehlman>;scott mcclellan/who/eop@exchange [ WHO ] <scott mcclellan>;jay p. lefkowitz/opd/eop@exchange [ OPD ] <jay p. lefkowitz>;gregory j. jenkins/who/eop@eop [ WHO ] <gregory j. jenkins>;edward ingles/who/eop@eop [ WHO ] <edward ingles>;keith hennessey/opd/eop@exchange [ OPD ] <keith hennessey>;gary r. edson/nsc/eop@eop [ NSC ] <gary r. edson>;ruben s. barrales/who/eop@eop [ WHO ] <ruben s. barrales>;charles s. abbot/who/eop@exchange [ WHO ] <charles s. abbot>;karl c. rove/who/eop@exchange [ WHO ] <karl c. rove>;harriet miers/who/eop@exchange [ WHO ] <harriet miers>;joseph w. hagin/who/eop@exchange [ UNKNOWN ] <joseph w. hagin>;michael j. gerson/who/eop@exchange [ WHO ] <michael j. gerson>;lawrence a. fleischer/who/eop@exchange [ WHO ] <lawrence a. fleischer>;john m. bridgeland/opd/eop@eop [ OPD ] <john m. bridgeland>;barbara a. barclay/who/eop@exchange [ WHO ] <barbara a. barclay>;carolyn e. cleveland/who/eop@exchange [ WHO ] <carolyn e. cleveland>;kara g. figg/who/eop@exchange [ WHO ] <kara g. figg>;jose mallea/who/eop@exchange [ WHO ] <jose mallea>;allison l. riepenhoff/who/eop@exchange [ WHO ] <allison l. riepenhoff>;ashley estes/who/eop@exchange [ WHO ] <ashley estes>;caroline boeckel/opd/eop@eop [ OPD ] <caroline boeckel>;sue h. gerdelman/opd/eop@eop [ OPD ] <sue h. gerdelman>;lauren k. allgood/opd/eop@exchange [ OPD ] <lauren k. allgood>;carol j. thompson/opd/eop@eop [ OPD ] <carol j. thompson>;emily winland/opd/eop@eop [ OPD ] <emily winland>;layton skelly/opd/eop@eop [ OPD ] <layton skelly>;garry malphrus/opd/eop@eop [ OPD ] <garry malphrus>;troy justesen/opd/eop@eop [ OPD ] <troy justesen>;lauren j. vestewig/opd/eop@exchange [ OPD ] <lauren j. vestewig>;james connaughton/ceq/eop@eop [ CEQ ] <james connaughton>;theodore w. ullyot/who/eop@eop [ WHO ] <theodore w. ullyot>;karin b. torgerson/who/eop@exchange [ WHO ] <karin b. torgerson>;scott n. sforza/who/eop@eop [ WHO ] <scott n. sforza>;matthew a. schlapp/who/eop@eop [ WHO ] <matthew a. schlapp>;desiree t. sayle/who/eop@eop [ WHO ] <desiree t. sayle>;liza wright/who/eop@eop [ WHO ] <liza wright>;benjamin a. powell/who/eop@eop [ WHO ] <benjamin a. powell>;eric c. pelletier/who/eop@exchange [ WHO ] <eric c. pelletier>;jennifer g. newstead/who/eop@eop [ WHO ] <jennifer g. newstead>;edmund c. moy/who/eop@eop [ WHO ] <edmund c. moy>;robert c. mcnally/opd/eop@eop [ OPD ] <robert c. mcnally>;heidi m. smith/who/eop@eop [ WHO ] <heidi m. smith>;elan liang/who/eop@exchange [ WHO ] <elan liang>;david kuo/who/eop@eop [ WHO ] <david kuo>;matthew kirk/who/eop@exchange [ WHO ] <matthew kirk>;brett m. kavanaugh/who/eop@eop [ WHO ] <brett m. kavanaugh>;david higbee/who/eop@eop [ WHO ] <david higbee>;adam b. goldman/who/eop@eop [ WHO ] <adam b. goldman>;alan gilbert/opd/eop@eop [ OPD ] <alan gilbert>;noel j. francisco/who/eop@eop [ WHO ] <noel j. francisco>;richard falkenrath/who/eop@exchange [ WHO ] <richard falkenrath>;david dunn/opd/eop@eop [ OPD ] <david dunn>;nicolle devenish/who/eop@eop [ WHO ] <nicolle devenish>;christopher c. cox/who/eop@exchange [ WHO ] <christopher c. cox>;alicia p.

clark/who/eop@eop [ WHO ] <alicia p. clark>;kirsten chadwick/who/eop@exchange [ UNKNOWN ] <kirsten chadwick>;christine m. burgeson/who/eop@exchange [ WHO ] <christine m. burgeson>;claire buchan/who/eop@exchange [ UNKNOWN ] <claire buchan>;charles p. blahous/opd/eop@eop [ OPD ] <charles p. blahous>;todd w. beyer/who/eop@eop [ WHO ] <todd w. beyer>;h. christopher bartolomucci/who/eop@eop [ WHO ] <h. christopher bartolomucci>;jackie arends/who/eop@eop [ WHO ] <jackie arends>;lezlee j. westine/who/eop@eop [ WHO ] <lezlee j. westine>;jim towey/who/eop@eop [ WHO ] <jim towey>;brian d. montgomery/who/eop@exchange [ WHO ] <brian d. montgomery>;john p. mcconnell/who/eop@eop [ WHO ] <john p. mcconnell>;david g. leitch/who/eop@exchange [ WHO ] <david g. leitch>;daniel keniry/who/eop@exchange [ UNKNOWN ] <daniel keniry>;barry s. jackson/who/eop@eop [ WHO ] <barry s. jackson>;israel hernandez/who/eop@exchange [ WHO ] <israel hernandez>;tucker a. eskew/who/eop@eop [ WHO ] <tucker a. eskew>;suzy defrancis/who/eop@exchange [ WHO ] <suzy defrancis>;andrea g. ball/who/eop@exchange [ WHO ] <andrea g. ball>;clay johnson iii/who/eop@exchange [ WHO ] <clay johnson iii>;dina powell/who/eop@exchange [ WHO ] <dina powell>;david w. hobbs/who/eop@exchange [ WHO ] <david w. hobbs>;alberto r. gonzales/who/eop@exchange [ WHO ] <alberto r. gonzales>;stephen friedman/opd/eop@exchange [ OPD ] <stephen friedman>;andrew h. card/who/eop@exchange [ WHO ] <andrew h. card>;daniel j. bartlett/who/eop@exchange [ WHO ] <daniel j. bartlett>;debra d. bird/who/eop@exchange [ WHO ] <debra d. bird>;jared b. weinstein/who/eop@exchange [ WHO ] <jared b. weinstein>;tim reynolds/who/eop@exchange [ WHO ] <tim reynolds>;ross m. kyle/who/eop@exchange [ WHO ] <ross m. kyle>;melissa s. bennett/who/eop@exchange [ WHO ] <melissa s. bennett>;blake gottesman/who/eop@exchange [ WHO ] <blake gottesman>;marty p. smith/opd/eop@eop [ OPD ] <marty p. smith>;daniel d. heath/opd/eop@eop [ OPD ] <daniel d. heath>;jean cooper/opd/eop@exchange [ OPD ] <jean cooper>;joseph f. o'Neill/opd/eop@eop [ OPD ] <joseph f. o'Neill>;christina c. wilson/opd/eop@eop [ OPD ] <christina c. wilson>;jess sharp/opd/eop@eop [ OPD ] <jess sharp>;holly a. kuzmich/opd/eop@eop [ OPD ] <holly a. kuzmich>;philo d. hall/opd/eop@eop [ OPD ] <philo d. hall>;eleanor l. gillmor/opd/eop@exchange [ OPD ] <eleanor l. gillmor>;joshua b. bolten/who/eop@exchange [ WHO ] <joshua b. bolten>

**Sent:** 5/7/2003 8:42:46 AM  
**Subject:** : RE: COS staff

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kenneth Bernard ( CN=Kenneth Bernard/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 12:42:46.00  
SUBJECT:: RE: COS staff  
TO:Margaret M. Spellings ( CN=Margaret M. Spellings/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ:UNKNOWN  
CC:kevin warsh ( CN=kevin warsh/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:tevi troy ( CN=tevi troy/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
CC:kristen silverberg ( CN=kristen silverberg/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
CC:matthew scully ( CN=matthew scully/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:diana l. schacht ( CN=diana l. schacht/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:kyle sampson ( CN=kyle sampson/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:brian reardon ( CN=brian reardon/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:brian peterman ( CN=brian peterman/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:sean b. o'hollaren ( CN=sean b. o'hollaren/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
CC:noam m. neusner ( CN=noam m. neusner/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:edward mcNally ( CN=edward mcNally/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:robert marsh ( CN=robert marsh/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
CC:ginger g. loper ( CN=ginger g. loper/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN

CC:paul b. kurtz ( CN=paul b. kurtz/OU=nsc/O=eop@eop [ NSC ] )  
READ:UNKNOWN  
CC:lindsey c. kozberg ( CN=lindsey c. kozberg/OU=who/O=eop@eop [ WHO ] )  
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CC:james m. kelly ( CN=james m. kelly/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:joel kaplan ( CN=joel kaplan/OU=who/O=eop@exchange [ UNKNOWN ] )  
READ:UNKNOWN  
CC:wendy j. grubbs ( CN=wendy j. grubbs/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
CC:tim goeglein ( CN=tim goeglein/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:kelly gannon ( CN=kelly gannon/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:catherine s. fenton ( CN=catherine s. fenton/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
CC:nanette everson ( CN=nanette everson/OU=who/O=eop@eop [ WHO ] )  
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CC:elizabeth s. dougherty ( CN=elizabeth s. dougherty/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:amy jensen ( CN=amy jensen/OU=who/O=eop@exchange [ WHO ] )  
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CC:rebecca contreras ( CN=rebecca contreras/OU=who/O=eop@eop [ WHO ] )  
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CC:ronald i. christie ( CN=ronald i. christie/OU=opd/O=eop@eop [ OPD ] )  
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CC:jonathan w. burks ( CN=jonathan w. burks/OU=who/O=eop@exchange [ WHO ] )  
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CC:katja bullock ( CN=katja bullock/OU=who/O=eop@eop [ WHO ] )  
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CC:jennifer r. brosnahan ( CN=jennifer r. brosnahan/OU=who/O=eop@eop [ WHO ] )  
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CC:rebecca a. beynon ( CN=rebecca a. beynon/OU=who/O=eop@eop [ WHO ] )  
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CC:gary r. edson ( CN=gary r. edson/OU=nsc/O=eop@eop [ NSC ] )  
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CC:ruben s. barrales ( CN=ruben s. barrales/OU=who/O=eop@eop [ WHO ] )  
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CC:charles s. abbot ( CN=charles s. abbot/OU=who/O=eop@exchange [ WHO ] )  
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CC:karl c. rove ( CN=karl c. rove/OU=who/O=eop@exchange [ WHO ] )  
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CC:harriet miers ( CN=harriet miers/OU=who/O=eop@exchange [ WHO ] )  
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CC:joseph w. hagin ( CN=joseph w. hagin/OU=who/O=eop@exchange [ UNKNOWN ] )  
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CC:michael j. gerson ( CN=michael j. gerson/OU=who/O=eop@exchange [ WHO ] )  
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CC:john m. bridgeland ( CN=john m. bridgeland/OU=opd/O=eop@eop [ OPD ] )  
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CC:barbara a. barclay ( CN=barbara a. barclay/OU=who/O=eop@exchange [ WHO ] )  
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CC:carolyn e. cleveland ( CN=carolyn e. cleveland/OU=who/O=eop@exchange [ WHO ] )  
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CC:lauren k. allgood ( CN=lauren k. allgood/OU=opd/O=eop@exchange [ OPD ] )  
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READ:UNKNOWN  
CC:emily winland ( CN=emily winland/OU=opd/O=eop@eop [ OPD ] )  
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CC:garry malphrus ( CN=garry malphrus/OU=opd/O=eop@eop [ OPD ] )  
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CC:lauren j. vestewig ( CN=lauren j. vestewig/OU=opd/O=eop@exchange [ OPD ] )  
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CC:james connaughton ( CN=james connaughton/OU=ceq/O=eop@eop [ CEQ ] )  
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CC:theodore w. ullyot ( CN=theodore w. ullyot/OU=who/O=eop@eop [ WHO ] )  
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CC:karin b. torgerson ( CN=karin b. torgerson/OU=who/O=eop@exchange [ WHO ] )  
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CC:matthew a. schlapp ( CN=matthew a. schlapp/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:desiree t. sayle ( CN=desiree t. sayle/OU=who/O=eop@eop [ WHO ] )  
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CC:liza wright ( CN=liza wright/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:benjamin a. powell ( CN=benjamin a. powell/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:eric c. pelletier ( CN=eric c. pelletier/OU=who/O=eop@exchange [ WHO ] )  
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CC:jennifer g. newstead ( CN=jennifer g. newstead/OU=who/O=eop@eop [ WHO ] )  
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CC:heidi m. smith ( CN=heidi m. smith/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:elan liang ( CN=elan liang/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
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READ:UNKNOWN  
CC:matthew kirk ( CN=matthew kirk/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN

CC:brett m. kavanaugh ( CN=brett m. kavanaugh/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:david higbee ( CN=david higbee/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:adam b. goldman ( CN=adam b. goldman/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:alan gilbert ( CN=alan gilbert/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:noel j. francisco ( CN=noel j. francisco/OU=who/O=eop@eop [ WHO ] )  
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CC:richard falkenrath ( CN=richard falkenrath/OU=who/O=eop@exchange [ WHO ] )  
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CC:nicolle devenish ( CN=nicolle devenish/OU=who/O=eop@eop [ WHO ] )  
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CC:christopher c. cox ( CN=christopher c. cox/OU=who/O=eop@exchange [ WHO ] )  
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CC:alicia p. clark ( CN=alicia p. clark/OU=who/O=eop@eop [ WHO ] )  
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CC:jackie arends ( CN=jackie arends/OU=who/O=eop@eop [ WHO ] )  
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CC:john p. mcconnell ( CN=john p. mcconnell/OU=who/O=eop@eop [ WHO ] )  
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CC:david w. hobbs ( CN=david w. hobbs/OU=who/O=eop@exchange [ WHO ] )  
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CC:alberto r. gonzales ( CN=alberto r. gonzales/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
CC:stephen friedman ( CN=stephen friedman/OU=opd/O=eop@exchange [ OPD ] )  
READ:UNKNOWN  
CC:andrew h. card ( CN=andrew h. card/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN

CC:daniel j. bartlett ( CN=daniel j. bartlett/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
CC:debra d. bird ( CN=debra d. bird/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
CC:jared b. weinstein ( CN=jared b. weinstein/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
CC:tim reynolds ( CN=tim reynolds/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
CC:ross m. kyle ( CN=ross m. kyle/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
CC:melissa s. bennett ( CN=melissa s. bennett/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
CC:blake gottesman ( CN=blake gottesman/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
CC:marty p. smith ( CN=marty p. smith/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:daniel d. heath ( CN=daniel d. heath/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:jean cooper ( CN=jean cooper/OU=opd/O=eop@exchange [ OPD ] )  
READ:UNKNOWN  
CC:joseph f. o'Neill ( CN=joseph f. o'Neill/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:christina c. wilson ( CN=christina c. wilson/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:jess sharp ( CN=jess sharp/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:holly a. kuzmich ( CN=holly a. kuzmich/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:philo d. hall ( CN=philo d. hall/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:eleanor l. gillmor ( CN=eleanor l. gillmor/OU=opd/O=eop@exchange [ OPD ] )  
READ:UNKNOWN  
CC:joshua b. bolten ( CN=joshua b. bolten/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

And you probably know that "Smallpox Bob" Kadlec, from the Biodefense Directorate at HSC, is now TDY in Iraq interviewing former bioweapons scientists. --Ken

From: Margaret M. Spellings/OPD/EOP@Exchange on 05/07/2003 12:36:51 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: RE: COS staff

Thanks, Josh and all the best to Kristen. We in DPC are contributing to the cause by offering up Reuben Jeffery to the Iraq reconstruction effort. His;Washington D.C. portfolio will be handled by Terrell Halaska and his New York issues will be managed by Jay Lefkowitz in his absence. See you at 5:30. Margaret;

-----Original Message-----

From: Bolten, Joshua B.  
Sent: Wednesday, May 07, 2003 11:57 AM  
To: Connaughton, James; Gillmor, Eleanor L.; Vestewig, Lauren J.; Hall, Philo D.; Justesen, Troy; Kuzmich, Holly A.; Malphrus, Garry; Sharp, Jess; Skelly, Layton; Wilson, Christina C.; Winland, Emily; O'Neill, Joseph F.; Thompson, Carol J.; Cooper, Jean; Allgood, Lauren K.; Heath, Daniel D.; Gerdelman, Sue H.; Smith, Marty P.; Boeckel, Caroline; Gottesman, Blake; Estes, Ashley; Bennett, Melissa S.; Riepenhoff, Allison L.; Kyle, Ross M.; Mallea, Jose; Reynolds, Tim; Figg, Kara G.; Weinstein, Jared B.;

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Cleveland, Carolyn E.; Bird, Debra D.; Barclay, Barbara A.; Bartlett, Daniel J.; Bolten, Joshua B.; Bridgeland, John M.; Card, Andrew H.; Fleischer, Lawrence A.; Friedman, Stephen; Gerson, Michael J.; Gonzales, Alberto R.; Hagin, Joseph W.; Hobbs, David W.; Miers, Harriet; Powell, Dina; Rove, Karl C.; Spellings, Margaret M.; Johnson III, Clay; Abbot, Charles S.; Ball, Andrea G.; Barrales, Ruben S.; DeFrancis, Suzy; Edson, Gary R.; Eskew, Tucker A.; Hennessey, Keith; Hernandez, Israel; Ingle, Edward; Jackson, Barry S.; Jenkins, Gregory J.; Keniry, Daniel; Lefkowitz, Jay P.; Leitch, David G.; McClellan, Scott; McConnell, John P.; Mehlman, Ken; Montgomery, Brian D.; Ojakli, Ziad; Towey, Jim; Wehner, Peter H.; Westine, Lezlee J.; Allen, Michael; Arends, Jackie; Badger, William D.; Bartolomucci, H. Christopher; Bernard, Kenneth; Besanceney, Brian R.; Beyer, Todd W.; Beynon, Rebecca A.; Blahous, Charles P.; Brosnahan, Jennifer R.; Buchan, Claire; Bullock, Katja; Burgeson, Christine M.; Burks, Jonathan W.; Chadwick, Kirsten; Christie, Ronald I.; Clark, Alicia P.; Contreras, Rebecca; Cox, Christopher C.; Jensen, Amy; Devenish, Nicolle; Dougherty, Elizabeth S.; Dunn, David; Everson, Nanette; Falkenrath, Richard; Fenton, Catherine S.; Francisco, Noel J.; Gannon, Kelley; Gilbert, Alan; Goeglein, Tim; Goldman, Adam B.; Grubbs, Wendy J.; Higbee, David; Kaplan, Joel; Kavanaugh, Brett M.; Kelly, James M.; Kirk, Matthew; Kozberg, Lindsey C.; Kuo, David; Kurtz, Paul B.; Liang, Elan; Loper, Ginger G.; Smith, Heidi M.; Marsh, Robert; McNally, Robert C.; McNally, Edward; Moy, Edmund C.; Neusner, Noam M.; Newstead, Jennifer G.; O'Hollaren, Sean B.; Pelletier, Eric C.; Peterman, Brian; Powell, Benjamin A.; Reardon, Brian; Wright, Liza; Sampson, Kyle; Sayle, Desiree T.; Schacht, Diana L.; Schlapp, Matthew A.; Scully, Matthew; Sforza, Scott N.; Silverberg, Kristen; Torgerson, Karin B.; Troy, Tevi; Ulliot, Theodore W.; Warsh, Kevin

Subject: COS staff

As many of you know, Kristen Silverberg is shipping out this week for Baghdad.; She will serve as policy advisor to the new Presidential Envoy to Iraq, Amb.; Jerry Bremer, who will be the senior Coalition official in Iraq.; We wish Kristen well in this important adventure, confident that the reconstruction operation is in good hands.

;

Filling in for Kristen during her absence will be Jeffrey Kupfer, on generous loan from the Treasury Department, where he is Deputy Chief of Staff.; Jeff will be in the same COS office space on the first floor WW, at extension;6-5773.; We're grateful to have Jeff in this role; please make him welcome.

;

There will be drinks in the Chief's office at 5:30 this afternoon, to celebrate Kristen and other departing soldiers in the armies of reconstruction.

Message Sent

To:

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Joshua B. Bolten/WHO/EOP@Exchange  
James Connaughton/CEQ/EOP@EOP  
Eleanor L. Gillmor/OPD/EOP@Exchange  
Lauren J. Vestewig/OPD/EOP@Exchange  
Philo D. Hall/OPD/EOP@EOP  
Troy Justesen/OPD/EOP@EOP  
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Jess Sharp/OPD/EOP@EOP  
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Christina C. Wilson/OPD/EOP@EOP  
Emily Winland/OPD/EOP@EOP  
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Carol J. Thompson/OPD/EOP@EOP  
Jean Cooper/OPD/EOP@Exchange  
Lauren K. Allgood/OPD/EOP@Exchange

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Daniel D. Heath/OPD/EOP@EOP  
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Marty P. Smith/OPD/EOP@EOP  
Caroline Boeckel/OPD/EOP@EOP  
Blake Gottesman/WHO/EOP@Exchange  
Ashley Estes/WHO/EOP@Exchange  
Melissa S. Bennett/WHO/EOP@Exchange  
Allison L. Riepenhoff/WHO/EOP@Exchange  
Ross M. Kyle/WHO/EOP@Exchange  
Jose Mallea/WHO/EOP@Exchange  
Tim Reynolds/WHO/EOP@Exchange  
Kara G. Figg/WHO/EOP@Exchange  
Jared B. Weinstein/WHO/EOP@Exchange  
Carolyn E. Cleveland/WHO/EOP@Exchange  
Debra D. Bird/WHO/EOP@Exchange  
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Michael J. Gerson/WHO/EOP@Exchange  
Alberto R. Gonzales/WHO/EOP@Exchange  
Joseph W. Hagin/WHO/EOP@Exchange  
David W. Hobbs/WHO/EOP@Exchange  
Harriet Miers/WHO/EOP@Exchange  
Dina Powell/WHO/EOP@Exchange  
Karl C. Rove/WHO/EOP@Exchange  
Clay Johnson III/WHO/EOP@Exchange  
Charles S. Abbot/WHO/EOP@Exchange  
Andrea G. Ball/WHO/EOP@Exchange  
Ruben S. Barrales/WHO/EOP@EOP  
Suzy DeFrancis/WHO/EOP@Exchange  
Gary R. Edson/NSC/EOP@EOP  
Tucker A. Eskew/WHO/EOP@EOP  
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Edward Ingle/WHO/EOP@EOP  
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Gregory J. Jenkins/WHO/EOP@EOP  
Daniel Keniry/WHO/EOP@Exchange  
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David G. Leitch/WHO/EOP@Exchange  
Scott McClellan/WHO/EOP@Exchange  
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Ken Mehlman/WHO/EOP@EOP  
Brian D. Montgomery/WHO/EOP@Exchange  
Ziad Ojakli/WHO/EOP@Exchange  
Jim Towey/WHO/EOP@EOP  
Peter H. Wehner/WHO/EOP@EOP  
Lezlee J. Westine/WHO/EOP@EOP  
Michael Allen/WHO/EOP@EOP  
Jackie Arends/WHO/EOP@EOP  
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H. Christopher Bartolomucci/WHO/EOP@EOP  
Kenneth Bernard/WHO/EOP@EOP  
Brian R. Besanceney/WHO/EOP@EOP  
Todd W. Beyer/WHO/EOP@EOP  
Rebecca A. Beynon/WHO/EOP@EOP  
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Claire Buchan/WHO/EOP@Exchange  
Katja Bullock/WHO/EOP@EOP  
Christine M. Burgeson/WHO/EOP@Exchange  
Jonathan W. Burks/WHO/EOP@Exchange  
Kirsten Chadwick/WHO/EOP@Exchange  
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Alicia P. Clark/WHO/EOP@EOP



Rebecca Contreras/WHO/EOP@EOP  
Christopher C. Cox/WHO/EOP@Exchange  
Amy Jensen/WHO/EOP@Exchange  
Nicolle Devenish/WHO/EOP@EOP  
Elizabeth S. Dougherty/OPD/EOP@EOP  
David Dunn/OPD/EOP@EOP  
Nanette Everson/WHO/EOP@EOP  
Richard Falkenrath/WHO/EOP@Exchange  
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Kristen Silverberg/WHO/EOP@Exchange  
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Tevi Troy/WHO/EOP@Exchange  
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Kevin Warsh/OPD/EOP@EOP

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Tevi Troy/WHO/EOP@Exchange  
Theodore W. Ulyot/WHO/EOP@EOP  
Kevin Warsh/OPD/EOP@EOP

**From:** CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Margaret M. Spellings/OPD/EOP@Exchange [ OPD ] <Margaret M. Spellings>;Kenneth Bernard/WHO/EOP@EOP [ WHO ] <Kenneth Bernard>  
**CC:** Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>;Karin B. Torgerson/WHO/EOP@Exchange [ WHO ] <Karin B. Torgerson>;Scott N. Sforza/WHO/EOP@EOP [ WHO ] <Scott N. Sforza>;Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>;Desiree T. Sayle/WHO/EOP@EOP [ WHO ] <Desiree T. Sayle>;Liza Wright/WHO/EOP@EOP [ WHO ] <Liza Wright>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Eric C. Pelletier/WHO/EOP@Exchange [ WHO ] <Eric C. Pelletier>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Edmund C. Moy/WHO/EOP@EOP [ WHO ] <Edmund C. Moy>;Robert C. McNally/OPD/EOP@EOP [ OPD ] <Robert C. McNally>;Heidi M. Smith/WHO/EOP@EOP [ WHO ] <Heidi M. Smith>;Elan Liang/WHO/EOP@Exchange [ WHO ] <Elan Liang>;David Kuo/WHO/EOP@EOP [ WHO ] <David Kuo>;Matthew Kirk/WHO/EOP@Exchange [ WHO ] <Matthew Kirk>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;David Higbee/WHO/EOP@EOP [ WHO ] <David Higbee>;Adam B. Goldman/WHO/EOP@EOP [ WHO ] <Adam B. Goldman>;Alan Gilbert/OPD/EOP@EOP [ OPD ] <Alan Gilbert>;Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>;Richard Falkenrath/WHO/EOP@Exchange [ WHO ] <Richard Falkenrath>;David Dunn/OPD/EOP@EOP [ OPD ] <David Dunn>;Nicolle Devenish/WHO/EOP@EOP [ WHO ] <Nicolle Devenish>;Christopher C. Cox/WHO/EOP@Exchange [ WHO ] <Christopher C. Cox>;Alicia P. Clark/WHO/EOP@EOP [ WHO ] <Alicia P. Clark>;Kirsten Chadwick/WHO/EOP@Exchange [ UNKNOWN ] <Kirsten Chadwick>;Christine M. Burgeson/WHO/EOP@Exchange [ WHO ] <Christine M. Burgeson>;Claire Buchan/WHO/EOP@Exchange [ UNKNOWN ] <Claire Buchan>;Charles P. Blahous/OPD/EOP@EOP [ OPD ] <Charles P. Blahous>;Todd W. Beyer/WHO/EOP@EOP [ WHO ] <Todd W. Beyer>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Jackie Arends/WHO/EOP@EOP [ WHO ] <Jackie Arends>;Lezlee J. Westine/WHO/EOP@EOP [ WHO ] <Lezlee J. Westine>;Jim Towey/WHO/EOP@EOP [ WHO ] <Jim Towey>;Ken Mehlman/WHO/EOP@EOP [ WHO ] <Ken Mehlman>;Scott McClellan/WHO/EOP@Exchange [ WHO ] <Scott McClellan>;Jay P. Lefkowitz/OPD/EOP@Exchange [ OPD ] <Jay P. Lefkowitz>;Gregory J. Jenkins/WHO/EOP@EOP [ WHO ] <Gregory J. Jenkins>;Edward Ingle/WHO/EOP@EOP [ WHO ] <Edward Ingle>;Keith Hennessey/OPD/EOP@Exchange [ OPD ] <Keith Hennessey>;Gary R. Edson/NSC/EOP@EOP [ NSC ] <Gary R. Edson>;Ruben S. Barrales/WHO/EOP@EOP [ WHO ] <Ruben S. Barrales>;Charles S. Abbot/WHO/EOP@Exchange [ WHO ] <Charles S. Abbot>;Karl C. Rove/WHO/EOP@Exchange [ WHO ] <Karl C. Rove>;Harriet Miers/WHO/EOP@Exchange [ WHO ] <Harriet Miers>;Joseph W Hagin/WHO/EOP@Exchange [ UNKNOWN ] <Joseph W Hagin>;Michael J. Gerson/WHO/EOP@Exchange [ WHO ] <Michael J. Gerson>;Lawrence A. Fleischer/WHO/EOP@Exchange [ WHO ] <Lawrence A. Fleischer>;John M. Bridgeland/OPD/EOP@EOP [ OPD ] <John M. Bridgeland>;Barbara A. Barclay/WHO/EOP@Exchange [ WHO ] <Barbara A. Barclay>;Carolyn E. Cleveland/WHO/EOP@Exchange [ WHO ] <Carolyn E. Cleveland>;Kara G. Figg/WHO/EOP@Exchange [ WHO ] <Kara G. Figg>;Jose Mallea/WHO/EOP@Exchange [ WHO ] <Jose Mallea>;Allison L. Riepenhoff/WHO/EOP@Exchange [ WHO ] <Allison L. Riepenhoff>;Ashley Estes/WHO/EOP@Exchange [ WHO ] <Ashley Estes>;Caroline Boeckel/OPD/EOP@EOP [ OPD ] <Caroline Boeckel>;Sue H. Gerdelman/OPD/EOP@EOP [ OPD ] <Sue H. Gerdelman>;Lauren K. Allgood/OPD/EOP@Exchange [ OPD ] <Lauren K. Allgood>;Carol J. Thompson/OPD/EOP@EOP [ OPD ] <Carol J. Thompson>;Emily Winland/OPD/EOP@EOP [ OPD ] <Emily Winland>;Layton Skelly/OPD/EOP@EOP [ OPD ] <Layton Skelly>;Garry Malphrus/OPD/EOP@EOP [ OPD ] <Garry Malphrus>;Troy Justesen/OPD/EOP@EOP [ OPD ] <Troy Justesen>;Lauren J. Vestewig/OPD/EOP@Exchange [ OPD ] <Lauren J. Vestewig>;James Connaughton/CEQ/EOP@EOP [ CEQ ] <James Connaughton>;Kevin Warsh/OPD/EOP@EOP [ OPD ] <Kevin Warsh>;Tevi Troy/WHO/EOP@Exchange [ WHO ] <Tevi Troy>;Kristen Silverberg/WHO/EOP@Exchange [ WHO ] <Kristen Silverberg>;Matthew Scully/WHO/EOP@EOP [ WHO ] <Matthew Scully>;Diana L. Schacht/OPD/EOP@EOP [ OPD ] <Diana L. Schacht>;Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Brian Reardon/OPD/EOP@EOP [ OPD ] <Brian Reardon>;Brian Peterman/WHO/EOP@EOP [ WHO ] <Brian Peterman>;Sean B. O'Hollaren/WHO/EOP@Exchange [ WHO ] <Sean B. O'Hollaren>;Noam M. Neusner/WHO/EOP@EOP [ WHO ] <Noam M. Neusner>;Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>;Robert Marsh/WHO/EOP@Exchange [ WHO ] <Robert Marsh>;Ginger G. Loper/WHO/EOP@Exchange [ WHO ] <Ginger G. Loper>;Paul B. Kurtz/NSC/EOP@EOP [ NSC ] <Paul B. Kurtz>;Lindsey C. Kozberg/WHO/EOP@EOP [ WHO ] <Lindsey C. Kozberg>;James M. Kelly/WHO/EOP@EOP [

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**Sent:** 5/7/2003 8:49:50 AM

**Subject:** : RE: COS staff

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 7-MAY-2003 12:49:50.00

SUBJECT:: RE: COS staff

TO:Margaret M. Spellings ( CN=Margaret M. Spellings/OU=OPD/O=EOP@Exchange [ OPD ] )

READ:UNKNOWN

TO:Kenneth Bernard ( CN=Kenneth Bernard/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

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CC:Melissa S. Bennett ( CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Blake Gottesman ( CN=Blake Gottesman/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Marty P. Smith ( CN=Marty P. Smith/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Daniel D. Heath ( CN=Daniel D. Heath/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Jean Cooper ( CN=Jean Cooper/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ:UNKNOWN  
CC:Joseph F. O'Neill ( CN=Joseph F. O'Neill/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Christina C. Wilson ( CN=Christina C. Wilson/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Jess Sharp ( CN=Jess Sharp/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Holly A. Kuzmich ( CN=Holly A. Kuzmich/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Philo D. Hall ( CN=Philo D. Hall/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Eleanor L. Gillmor ( CN=Eleanor L. Gillmor/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ:UNKNOWN  
CC:Joshua B. Bolten ( CN=Joshua B. Bolten/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

As long as we're still on the subject, Ali Tulbah from Cabinet Affairs (detailed from DOD) is tentatively scheduled to depart next week for Baghdad where he'll be assigned to Larry Dirita's office.

-----Original Message-----

From: Bernard, Kenneth  
Sent: Wednesday, May 07, 2003 12:44 PM  
To: Spellings, Margaret M.  
Cc: Bolten, Joshua B.; Connaughton, James; Gillmor, Eleanor L.; Vestewig, Lauren J.; Hall, Philo D.; Justesen, Troy; Kuzmich, Holly A.; Malphrus, Garry; Sharp, Jess; Skelly, Layton; Wilson, Christina C.; Winland, Emily; O'Neill, Joseph F.; Thompson, Carol J.; Cooper, Jean; Allgood, Lauren K.; Heath, Daniel D.; Gerdelman, Sue H.; Smith, Marty P.; Boeckel, Caroline; Gottesman, Blake; Estes, Ashley; Bennett, Melissa S.; Riepenhoff, Allison L.; Kyle, Ross M.; Mallea, Jose; Reynolds, Tim; Figg, Kara G.; Weinstein, Jared B.; Cleveland, Carolyn E.; Bird, Debra D.; Barclay, Barbara A.; Bartlett, Daniel J.; Bridgeland, John M.; Card, Andrew H.; Fleischer, Lawrence A.; Friedman, Stephen; Gerson, Michael J.; Gonzales, Alberto R.; Hagin, Joseph W.; Hobbs, David W.; Miers, Harriet; Powell, Dina; Rove, Karl C.; Johnson III, Clay; Abbot, Charles S.; Ball, Andrea G.; Barrales, Ruben S.; DeFrancis, Suzy; Edson, Gary R.; Eskew, Tucker A.; Hennessey, Keith; Hernandez, Israel; Ingle, Edward; Jackson,



Barry S.; Jenkins, Gregory J.; Keniry, Daniel ; Lefkowitz, Jay P.; Leitch, David G.; McClellan, Scott ; McConnell, John P.; Mehlman, Ken; Montgomery, Brian D.; Ojakli, Ziad ; Towey, Jim; Wehner, Peter H.; Westine, Lezlee J.; Allen, Michael; Arends, Jackie; Badger, William D.; Bartolomucci, H. Christopher; Besanceney, Brian R.; Beyer, Todd W.; Beynon, Rebecca A.; Blahous, Charles P.; Brosnahan, Jennifer R.; Buchan, Claire ; Bullock, Katja; Burgeson, Christine M.; Burks, Jonathan W.; Chadwick, Kirsten; Christie, Ronald I.; Clark, Alicia P.; Contreras, Rebecca; Cox, Christopher C.; Jensen, Amy; Devenish, Nicolle; Dougherty, Elizabeth S.; Dunn, David; Everson, Nanette; Falkenrath, Richard; Fenton, Catherine S.; Francisco, Noel J.; Gannon, Kelley; Gilbert, Alan; Goeglein, Tim; Goldman, Adam B.; Grubbs, Wendy J.; Higbee, David; Kaplan, Joel; Kavanaugh, Brett M.; Kelly, James M.; Kirk, Matthew ; Kozberg, Lindsey C.; Kuo, David; Kurtz, Paul B.; Liang, Elan; Loper, Ginger G.; Smith, Heidi M.; Marsh, Robert ; McNally, Robert C.; McNally, Edward; Moy, Edmund C.; Neusner, Noam M.; Newstead, Jennifer G.; O'Hollaren, Sean B.; Pelletier, Eric C.; Peterman, Brian; Powell, Benjamin A.; Reardon, Brian; Wright, Liza; Sampson, Kyle; Sayle, Desiree T.; Schacht, Diana L.; Schlapp, Matthew A.; Scully, Matthew; Sforza, Scott N.; Silverberg, Kristen; Torgerson, Karin B.; Troy, Tevi; Ulliot, Theodore W.; Warsh, Kevin  
Subject: RE: COS staff

And you probably know that "Smallpox Bob" Kadlec, from the Biodefense Directorate at HSC, is now TDY in Iraq interviewing former bioweapons scientists. --Ken

From: Margaret M. Spellings/OPD/EOP@Exchange on 05/07/2003 12:36:51 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: RE: COS staff

Thanks, Josh and all the best to Kristen. We in DPC are contributing to the cause by offering up Reuben Jeffery to the Iraq reconstruction effort. His Washington D.C. portfolio will be handled by Terrell Halaska and his New York issues will be managed by Jay Lefkowitz in his absence. See you at 5:30. Margaret

-----Original Message-----

From: Bolten, Joshua B.  
Sent: Wednesday, May 07, 2003 11:57 AM  
To: Connaughton, James; Gillmor, Eleanor L.; Vestewig, Lauren J.; Hall, Philo D.; Justesen, Troy; Kuzmich, Holly A.; Malphrus, Garry; Sharp, Jess; Skelly, Layton; Wilson, Christina C.; Winland, Emily; O'Neill, Joseph F.; Thompson, Carol J.; Cooper, Jean; Allgood, Lauren K.; Heath, Daniel D.; Gerdelman, Sue H.; Smith, Marty P.; Boeckel, Caroline; Gottesman, Blake; Estes, Ashley; Bennett, Melissa S.; Riepenhoff, Allison L.; Kyle, Ross M.; Mallea, Jose; Reynolds, Tim; Figg, Kara G.; Weinstein, Jared B.; Cleveland, Carolyn E.; Bird, Debra D.; Barclay, Barbara A.; Bartlett, Daniel J.; Bolten, Joshua B.; Bridgeland, John M.; Card, Andrew H.; Fleischer, Lawrence A.; Friedman, Stephen; Gerson, Michael J.; Gonzales, Alberto R.; Hagin, Joseph W.; Hobbs, David W.; Miers, Harriet; Powell, Dina; Rove, Karl C.; Spellings, Margaret M.; Johnson III, Clay ; Abbot, Charles S.; Ball, Andrea G.; Barrales, Ruben S.; DeFrancis, Suzy; Edson, Gary R.; Eskew, Tucker A.; Hennessey, Keith; Hernandez, Israel; Ingle, Edward; Jackson, Barry S.; Jenkins, Gregory J.; Keniry, Daniel ; Lefkowitz, Jay P.; Leitch, David G.; McClellan, Scott ; McConnell, John P.; Mehlman, Ken; Montgomery, Brian D.; Ojakli, Ziad ; Towey, Jim; Wehner, Peter H.; Westine, Lezlee J.; Allen, Michael; Arends, Jackie; Badger, William D.; Bartolomucci, H. Christopher; Bernard, Kenneth; Besanceney, Brian R.; Beyer, Todd W.; Beynon, Rebecca A.; Blahous, Charles P.; Brosnahan, Jennifer R.; Buchan, Claire ; Bullock, Katja; Burgeson,

REV\_00116974

Christine M.; Burks, Jonathan W.; Chadwick, Kirsten; Christie, Ronald I.; Clark, Alicia P.; Contreras, Rebecca; Cox, Christopher C.; Jensen, Amy; Devenish, Nicolle; Dougherty, Elizabeth S.; Dunn, David; Everson, Nanette; Falkenrath, Richard; Fenton, Catherine S.; Francisco, Noel J.; Gannon, Kelley; Gilbert, Alan; Goeglein, Tim; Goldman, Adam B.; Grubbs, Wendy J.; Higbee, David; Kaplan, Joel; Kavanaugh, Brett M.; Kelly, James M.; Kirk, Matthew ; Kozberg, Lindsey C.; Kuo, David; Kurtz, Paul B.; Liang, Elan; Loper, Ginger G.; Smith, Heidi M.; Marsh, Robert ; McNally, Robert C.; McNally, Edward; Moy, Edmund C.; Neusner, Noam M.; Newstead, Jennifer G.; O'Hollaren, Sean B.; Pelletier, Eric C.; Peterman, Brian; Powell, Benjamin A.; Reardon, Brian; Wright, Liza; Sampson, Kyle; Sayle, Desiree T.; Schacht, Diana L.; Schlapp, Matthew A.; Scully, Matthew; Sforza, Scott N.; Silverberg, Kristen; Torgerson, Karin B.; Troy, Tevi; Ulliot, Theodore W.; Warsh, Kevin  
Subject: COS staff

As many of you know, Kristen Silverberg is shipping out this week for Baghdad. She will serve as policy advisor to the new Presidential Envoy to Iraq, Amb. Jerry Bremer, who will be the senior Coalition official in Iraq. We wish Kristen well in this important adventure, confident that the reconstruction operation is in good hands.

Filling in for Kristen during her absence will be Jeffrey Kupfer, on generous loan from the Treasury Department, where he is Deputy Chief of Staff. Jeff will be in the same COS office space on the first floor WW, at extension 6-5773. We're grateful to have Jeff in this role; please make him welcome.

There will be drinks in the Chief's office at 5:30 this afternoon, to celebrate Kristen and other departing soldiers in the armies of reconstruction.

Message Sent

To:

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Joshua B. Bolten/WHO/EOP@Exchange  
James Connaughton/CEQ/EOP@EOP  
Eleanor L. Gillmor/OPD/EOP@Exchange  
Lauren J. Vestewig/OPD/EOP@Exchange  
Philo D. Hall/OPD/EOP@EOP  
Troy Justesen/OPD/EOP@EOP  
Holly A. Kuzmich/OPD/EOP@EOP  
Garry Malphrus/OPD/EOP@EOP  
Jess Sharp/OPD/EOP@EOP  
Layton Skelly/OPD/EOP@EOP  
Christina C. Wilson/OPD/EOP@EOP  
Emily Winland/OPD/EOP@EOP  
Joseph F. O'Neill/OPD/EOP@EOP  
Carol J. Thompson/OPD/EOP@EOP  
Jean Cooper/OPD/EOP@Exchange  
Lauren K. Allgood/OPD/EOP@Exchange  
Daniel D. Heath/OPD/EOP@EOP  
Sue H. Gerdelman/OPD/EOP@EOP  
Marty P. Smith/OPD/EOP@EOP  
Caroline Boeckel/OPD/EOP@EOP  
Blake Gottesman/WHO/EOP@Exchange  
Ashley Estes/WHO/EOP@Exchange  
Melissa S. Bennett/WHO/EOP@Exchange  
Allison L. Riepenhoff/WHO/EOP@Exchange  
Ross M. Kyle/WHO/EOP@Exchange  
Jose Mallea/WHO/EOP@Exchange  
Tim Reynolds/WHO/EOP@Exchange  
Kara G. Figg/WHO/EOP@Exchange  
Jared B. Weinstein/WHO/EOP@Exchange  
Carolyn E. Cleveland/WHO/EOP@Exchange

Debra D. Bird/WHO/EOP@Exchange  
Barbara A. Barclay/WHO/EOP@Exchange  
Daniel J. Bartlett/WHO/EOP@Exchange  
John M. Bridgeland/OPD/EOP@EOP  
Andrew H. Card/WHO/EOP@Exchange  
Lawrence A. Fleischer/WHO/EOP@Exchange  
Stephen Friedman/OPD/EOP@Exchange  
Michael J. Gerson/WHO/EOP@Exchange  
Alberto R. Gonzales/WHO/EOP@Exchange  
Joseph W Hagin/WHO/EOP@Exchange  
David W. Hobbs/WHO/EOP@Exchange  
Harriet Miers/WHO/EOP@Exchange  
Dina Powell/WHO/EOP@Exchange  
Karl C. Rove/WHO/EOP@Exchange  
Clay Johnson III/WHO/EOP@Exchange  
Charles S. Abbot/WHO/EOP@Exchange  
Andrea G. Ball/WHO/EOP@Exchange  
Ruben S. Barrales/WHO/EOP@EOP  
Suzy DeFrancis/WHO/EOP@Exchange  
Gary R. Edson/NSC/EOP@EOP  
Tucker A. Eskew/WHO/EOP@EOP  
Keith Hennessey/OPD/EOP@Exchange  
Israel Hernandez/WHO/EOP@Exchange  
Edward Ingle/WHO/EOP@EOP  
Barry S. Jackson/WHO/EOP@EOP  
Gregory J. Jenkins/WHO/EOP@EOP  
Daniel Keniry/WHO/EOP@Exchange  
Jay P. Lefkowitz/OPD/EOP@Exchange  
David G. Leitch/WHO/EOP@Exchange  
Scott McClellan/WHO/EOP@Exchange  
John P. McConnell/WHO/EOP@EOP  
Ken Mehlman/WHO/EOP@EOP  
Brian D. Montgomery/WHO/EOP@Exchange  
Ziad Ojakli/WHO/EOP@Exchange  
Jim Towey/WHO/EOP@EOP  
Peter H. Wehner/WHO/EOP@EOP  
Lezlee J. Westine/WHO/EOP@EOP  
Michael Allen/WHO/EOP@EOP  
Jackie Arends/WHO/EOP@EOP  
William D. Badger/OPD/EOP@EOP  
H. Christopher Bartolomucci/WHO/EOP@EOP  
Kenneth Bernard/WHO/EOP@EOP  
Brian R. Besanceney/WHO/EOP@EOP  
Todd W. Beyer/WHO/EOP@EOP  
Rebecca A. Beynon/WHO/EOP@EOP  
Charles P. Blahous/OPD/EOP@EOP  
Jennifer R. Brosnahan/WHO/EOP@EOP  
Claire Buchan/WHO/EOP@Exchange  
Katja Bullock/WHO/EOP@EOP  
Christine M. Burgeson/WHO/EOP@Exchange  
Jonathan W. Burks/WHO/EOP@Exchange  
Kirsten Chadwick/WHO/EOP@Exchange  
Ronald I. Christie/OPD/EOP@EOP  
Alicia P. Clark/WHO/EOP@EOP  
Rebecca Contreras/WHO/EOP@EOP  
Christopher C. Cox/WHO/EOP@Exchange  
Amy Jensen/WHO/EOP@Exchange  
Nicolle Devenish/WHO/EOP@EOP  
Elizabeth S. Dougherty/OPD/EOP@EOP  
David Dunn/OPD/EOP@EOP  
Nanette Everson/WHO/EOP@EOP  
Richard Falkenrath/WHO/EOP@Exchange  
Catherine S. Fenton/WHO/EOP@Exchange  
Noel J. Francisco/WHO/EOP@EOP  
Kelley Gannon/WHO/EOP@EOP  
Alan Gilbert/OPD/EOP@EOP  
Tim Goeglein/WHO/EOP@EOP  
Adam B. Goldman/WHO/EOP@EOP

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 5:19:35 AM  
**Subject:** : FW: PET

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 09:19:35.00  
SUBJECT:: FW: PET  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can you go?

-----Original Message-----

From: Reid, Margaret A.  
Sent: Wednesday, May 07, 2003 9:17 AM  
To: Nelson, Carolyn  
Subject: PET

can someone from your office come to the meeting? i can't guarantee he  
will ask any questions.....however he did yesterday and no one could  
answer.  
thanks!!! i know it's painful!

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/7/2003 9:20:08 AM  
**Subject:** FW: PET

Can you go?

-----Original Message-----

**From:** Reid, Margaret A.  
**Sent:** Wednesday, May 07, 2003 9:17 AM  
**To:** Nelson, Carolyn  
**Subject:** PET

can someone from your office come to the meeting? i can't guarantee he will ask any questions.....however he did yesterday and no one could answer.

thanks!!! i know it's painful!

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>  
**Sent:** 5/7/2003 5:29:23 AM  
**Subject:** : Re: FW: PET

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 09:29:23.00  
SUBJECT:: Re: FW: PET  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

no

From: Carolyn Nelson/WHO/EOP@Exchange on 05/07/2003 09:20:08 AM  
Record Type: Record

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

Can you go?

-----Original Message-----

From: Reid, Margaret A.  
Sent: Wednesday, May 07, 2003 9:17 AM  
To: Nelson, Carolyn  
Subject: PET

can someone from your office come to the meeting? i can't guarantee he  
will ask any questions.....however he did yesterday and no one could  
answer.  
thanks!!! i know it's painful!

David Higbee/WHO/EOP@EOP  
Joel Kaplan/WHO/EOP@Exchange  
Brett M. Kavanaugh/WHO/EOP@EOP  
James M. Kelly/WHO/EOP@EOP  
Matthew Kirk/WHO/EOP@Exchange  
Lindsey C. Kozberg/WHO/EOP@EOP  
David Kuo/WHO/EOP@EOP  
Paul B. Kurtz/NSC/EOP@EOP  
Elan Liang/WHO/EOP@Exchange  
Ginger G. Loper/WHO/EOP@Exchange  
Heidi M. Smith/WHO/EOP@EOP  
Robert Marsh/WHO/EOP@Exchange  
Robert C. McNally/OPD/EOP@EOP  
Edward McNally/WHO/EOP@EOP  
Edmund C. Moy/WHO/EOP@EOP  
Noam M. Neusner/WHO/EOP@EOP  
Jennifer G. Newstead/WHO/EOP@EOP  
Sean B. O'Hollaren/WHO/EOP@Exchange  
Eric C. Pelletier/WHO/EOP@Exchange  
Brian Peterman/WHO/EOP@EOP  
Benjamin A. Powell/WHO/EOP@EOP  
Brian Reardon/OPD/EOP@EOP  
Liza Wright/WHO/EOP@EOP  
Kyle Sampson/WHO/EOP@EOP  
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Diana L. Schacht/OPD/EOP@EOP  
Matthew A. Schlapp/WHO/EOP@EOP  
Matthew Scully/WHO/EOP@EOP  
Scott N. Sforza/WHO/EOP@EOP  
Kristen Silverberg/WHO/EOP@Exchange  
Karin B. Torgerson/WHO/EOP@Exchange  
Tevi Troy/WHO/EOP@Exchange  
Theodore W. Ulliot/WHO/EOP@EOP  
Kevin Warsh/OPD/EOP@EOP

**From:** CN=Lawrence A. Fleischer/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Margaret M. Spellings/OPD/EOP@Exchange [ OPD ] <Margaret M. Spellings>;Kenneth Bernard/WHO/EOP@EOP [ WHO ] <Kenneth Bernard>  
**CC:** Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>;Karin B. Torgerson/WHO/EOP@Exchange [ WHO ] <Karin B. Torgerson>;Scott N. Sforza/WHO/EOP@EOP [ WHO ] <Scott N. Sforza>;Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>;Desiree T. Sayle/WHO/EOP@EOP [ WHO ] <Desiree T. Sayle>;Liza Wright/WHO/EOP@EOP [ WHO ] <Liza Wright>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Eric C. Pelletier/WHO/EOP@Exchange [ WHO ] <Eric C. Pelletier>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Edmund C. Moy/WHO/EOP@EOP [ WHO ] <Edmund C. Moy>;Robert C. McNally/OPD/EOP@EOP [ OPD ] <Robert C. McNally>;Heidi M. Smith/WHO/EOP@EOP [ WHO ] <Heidi M. Smith>;Elan Liang/WHO/EOP@Exchange [ WHO ] <Elan Liang>;David Kuo/WHO/EOP@EOP [ WHO ] <David Kuo>;Matthew Kirk/WHO/EOP@Exchange [ WHO ] <Matthew Kirk>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;David Higbee/WHO/EOP@EOP [ WHO ] <David Higbee>;Adam B. Goldman/WHO/EOP@EOP [ WHO ] <Adam B. Goldman>;Alan Gilbert/OPD/EOP@EOP [ OPD ] <Alan Gilbert>;Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>;Richard Falkenrath/WHO/EOP@Exchange [ WHO ] <Richard Falkenrath>;David Dunn/OPD/EOP@EOP [ OPD ] <David Dunn>;Nicolle Devenish/WHO/EOP@EOP [ WHO ] <Nicolle Devenish>;Christopher C. Cox/WHO/EOP@Exchange [ WHO ] <Christopher C. Cox>;Alicia P. Clark/WHO/EOP@EOP [ WHO ] <Alicia P. Clark>;Kirsten Chadwick/WHO/EOP@Exchange [ UNKNOWN ] <Kirsten Chadwick>;Christine M. Burgeson/WHO/EOP@Exchange [ WHO ] <Christine M. Burgeson>;Claire Buchan/WHO/EOP@Exchange [ UNKNOWN ] <Claire Buchan>;Charles P. Blahous/OPD/EOP@EOP [ OPD ] <Charles P. Blahous>;Todd W. Beyer/WHO/EOP@EOP [ WHO ] <Todd W. Beyer>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Jackie Arends/WHO/EOP@EOP [ WHO ] <Jackie Arends>;Lezlee J. Westine/WHO/EOP@EOP [ WHO ] <Lezlee J. Westine>;Jim Towey/WHO/EOP@EOP [ WHO ] <Jim Towey>;Brian D. Montgomery/WHO/EOP@Exchange [ WHO ] <Brian D. Montgomery>;John P. McConnell/WHO/EOP@EOP [ WHO ] <John P. McConnell>;David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>;Daniel Keniry/WHO/EOP@Exchange [ UNKNOWN ] <Daniel Keniry>;Barry S. Jackson/WHO/EOP@EOP [ WHO ] <Barry S. Jackson>;Israel Hernandez/WHO/EOP@Exchange [ WHO ] <Israel Hernandez>;Tucker A. Eskew/WHO/EOP@EOP [ WHO ] <Tucker A. Eskew>;Suzy DeFrancis/WHO/EOP@Exchange [ WHO ] <Suzy DeFrancis>;Andrea G. Ball/WHO/EOP@Exchange [ WHO ] <Andrea G. Ball>;Clay Johnson III/WHO/EOP@Exchange [ WHO ] <Clay Johnson III>;Dina Powell/WHO/EOP@Exchange [ WHO ] <Dina Powell>;David W. Hobbs/WHO/EOP@Exchange [ WHO ] <David W. Hobbs>;Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>;Stephen Friedman/OPD/EOP@Exchange [ OPD ] <Stephen Friedman>;John M. Bridgeland/OPD/EOP@EOP [ OPD ] <John M. Bridgeland>;Barbara A. Barclay/WHO/EOP@Exchange [ WHO ] <Barbara A. Barclay>;Carolyn E. Cleveland/WHO/EOP@Exchange [ WHO ] <Carolyn E. Cleveland>;Kara G. Figg/WHO/EOP@Exchange [ WHO ] <Kara G. Figg>;Jose Mallea/WHO/EOP@Exchange [ WHO ] <Jose Mallea>;Allison L. Riepenhoff/WHO/EOP@Exchange [ WHO ] <Allison L. Riepenhoff>;Ashley Estes/WHO/EOP@Exchange [ WHO ] <Ashley Estes>;Caroline Boeckel/OPD/EOP@EOP [ OPD ] <Caroline Boeckel>;Sue H. Gerdelman/OPD/EOP@EOP [ OPD ] <Sue H. Gerdelman>;Lauren K. Allgood/OPD/EOP@Exchange [ OPD ] <Lauren K. Allgood>;Carol J. Thompson/OPD/EOP@EOP [ OPD ] <Carol J. Thompson>;Emily Winland/OPD/EOP@EOP [ OPD ] <Emily Winland>;Layton Skelly/OPD/EOP@EOP [ OPD ] <Layton Skelly>;Garry Malphrus/OPD/EOP@EOP [ OPD ] <Garry Malphrus>;Troy Justesen/OPD/EOP@EOP [ OPD ] <Troy Justesen>;Lauren J. Vestewig/OPD/EOP@Exchange [ OPD ] <Lauren J. Vestewig>;James Connaughton/CEQ/EOP@EOP [ CEQ ] <James Connaughton>;Kevin Warsh/OPD/EOP@EOP [ OPD ] <Kevin Warsh>;Tevi Troy/WHO/EOP@Exchange [ WHO ] <Tevi Troy>;Kristen Silverberg/WHO/EOP@Exchange [ WHO ] <Kristen Silverberg>;Matthew Scully/WHO/EOP@EOP [ WHO ] <Matthew Scully>;Diana L. Schacht/OPD/EOP@EOP [ OPD ] <Diana L. Schacht>;Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Brian Reardon/OPD/EOP@EOP [ OPD ] <Brian Reardon>;Brian Peterman/WHO/EOP@EOP [ WHO ] <Brian Peterman>;Sean B. O'Hollaren/WHO/EOP@Exchange [ WHO ] <Sean B. O'Hollaren>;Noam M. Neusner/WHO/EOP@EOP [ WHO ] <Noam M. Neusner>;Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>;Robert Marsh/WHO/EOP@Exchange [ WHO ] <Robert Marsh>;Ginger G. Loper/WHO/EOP@Exchange [ WHO ] <Ginger G. Loper>;Paul B. Kurtz/NSC/EOP@EOP [ NSC ] <Paul B. Kurtz>;Lindsey C. Kozberg/WHO/EOP@EOP [ WHO ] <Lindsey C.



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**Sent:** 5/7/2003 9:34:51 AM

**Subject:** : RE: COS staff

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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CREATION DATE/TIME: 7-MAY-2003 13:34:51.00

SUBJECT:: RE: COS staff

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READ:UNKNOWN

TO:Kenneth Bernard ( CN=Kenneth Bernard/OU=WHO/O=EOP@EOP [ WHO ] )

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CC:Melissa S. Bennett ( CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Blake Gottesman ( CN=Blake Gottesman/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Marty P. Smith ( CN=Marty P. Smith/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Daniel D. Heath ( CN=Daniel D. Heath/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Jean Cooper ( CN=Jean Cooper/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ:UNKNOWN  
CC:Joseph F. O'Neill ( CN=Joseph F. O'Neill/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Christina C. Wilson ( CN=Christina C. Wilson/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Jess Sharp ( CN=Jess Sharp/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Holly A. Kuzmich ( CN=Holly A. Kuzmich/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Philo D. Hall ( CN=Philo D. Hall/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Eleanor L. Gillmor ( CN=Eleanor L. Gillmor/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ:UNKNOWN  
CC:Joshua B. Bolten ( CN=Joshua B. Bolten/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can I offer the White House press corps to the reconstruction effort in Iraq? Any interesting in having Iraq host them for a while?

-----Original Message-----

From: Bernard, Kenneth  
Sent: Wednesday, May 07, 2003 12:44 PM  
To: Spellings, Margaret M.  
Cc: Bolten, Joshua B.; Connaughton, James; Gillmor, Eleanor L.; Vestewig, Lauren J.; Hall, Philo D.; Justesen, Troy; Kuzmich, Holly A.; Malphrus, Garry; Sharp, Jess; Skelly, Layton; Wilson, Christina C.; Winland, Emily; O'Neill, Joseph F.; Thompson, Carol J.; Cooper, Jean; Allgood, Lauren K.; Heath, Daniel D.; Gerdelman, Sue H.; Smith, Marty P.; Boeckel, Caroline; Gottesman, Blake; Estes, Ashley; Bennett, Melissa S.; Riepenhoff, Allison L.; Kyle, Ross M.; Mallea, Jose; Reynolds, Tim; Figg, Kara G.; Weinstein, Jared B.; Cleveland, Carolyn E.; Bird, Debra D.; Barclay, Barbara A.; Bartlett, Daniel J.; Bridgeland, John M.; Card, Andrew H.; Fleischer, Lawrence A.; Friedman, Stephen; Gerson, Michael J.; Gonzales, Alberto R.; Hagin, Joseph W; Hobbs, David W.; Miers, Harriet; Powell, Dina; Rove, Karl C.; Johnson III, Clay ; Abbot, Charles S.; Ball, Andrea G.; Barrales, Ruben S.; DeFrancis, Suzy; Edson, Gary R.; Eskew, Tucker A.; Hennessey, Keith; Hernandez, Israel; Ingle, Edward; Jackson, Barry S.; Jenkins, Gregory J.; Keniry, Daniel ; Lefkowitz, Jay P.; Leitch,

David G.; McClellan, Scott ; McConnell, John P.; Mehlman, Ken; Montgomery, Brian D.; Ojakli, Ziad ; Towey, Jim; Wehner, Peter H.; Westine, Lezlee J.; Allen, Michael; Arends, Jackie; Badger, William D.; Bartolomucci, H. Christopher; Besanceney, Brian R.; Beyer, Todd W.; Beynon, Rebecca A.; Blahous, Charles P.; Brosnahan, Jennifer R.; Buchan, Claire ; Bullock, Katja; Burgeson, Christine M.; Burks, Jonathan W.; Chadwick, Kirsten; Christie, Ronald I.; Clark, Alicia P.; Contreras, Rebecca; Cox, Christopher C.; Jensen, Amy; Devenish, Nicolle; Dougherty, Elizabeth S.; Dunn, David; Everson, Nanette; Falkenrath, Richard; Fenton, Catherine S.; Francisco, Noel J.; Gannon, Kelley; Gilbert, Alan; Goeglein, Tim; Goldman, Adam B.; Grubbs, Wendy J.; Higbee, David; Kaplan, Joel; Kavanaugh, Brett M.; Kelly, James M.; Kirk, Matthew ; Kozberg, Lindsey C.; Kuo, David; Kurtz, Paul B.; Liang, Elan; Loper, Ginger G.; Smith, Heidi M.; Marsh, Robert ; McNally, Robert C.; McNally, Edward; Moy, Edmund C.; Neusner, Noam M.; Newstead, Jennifer G.; O'Hollaren, Sean B.; Pelletier, Eric C.; Peterman, Brian; Powell, Benjamin A.; Reardon, Brian; Wright, Liza; Sampson, Kyle; Sayle, Desiree T.; Schacht, Diana L.; Schlapp, Matthew A.; Scully, Matthew; Sforza, Scott N.; Silverberg, Kristen; Torgerson, Karin B.; Troy, Tevi; Ulliot, Theodore W.; Warsh, Kevin  
Subject: RE: COS staff

And you probably know that "Smallpox Bob" Kadlec, from the Biodefense Directorate at HSC, is now TDY in Iraq interviewing former bioweapons scientists. --Ken

From: Margaret M. Spellings/OPD/EOP@Exchange on 05/07/2003 12:36:51 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: RE: COS staff

Thanks, Josh and all the best to Kristen. We in DPC are contributing to the cause by offering up Reuben Jeffery to the Iraq reconstruction effort. His Washington D.C. portfolio will be handled by Terrell Halaska and his New York issues will be managed by Jay Lefkowitz in his absence. See you at 5:30. Margaret

-----Original Message-----

From: Bolten, Joshua B.  
Sent: Wednesday, May 07, 2003 11:57 AM  
To: Connaughton, James; Gillmor, Eleanor L.; Vestewig, Lauren J.; Hall, Philo D.; Justesen, Troy; Kuzmich, Holly A.; Malphrus, Garry; Sharp, Jess; Skelly, Layton; Wilson, Christina C.; Winland, Emily; O'Neill, Joseph F.; Thompson, Carol J.; Cooper, Jean; Allgood, Lauren K.; Heath, Daniel D.; Gerdelman, Sue H.; Smith, Marty P.; Boeckel, Caroline; Gottesman, Blake; Estes, Ashley; Bennett, Melissa S.; Riepenhoff, Allison L.; Kyle, Ross M.; Mallea, Jose; Reynolds, Tim; Figg, Kara G.; Weinstein, Jared B.; Cleveland, Carolyn E.; Bird, Debra D.; Barclay, Barbara A.; Bartlett, Daniel J.; Bolten, Joshua B.; Bridgeland, John M.; Card, Andrew H.; Fleischer, Lawrence A.; Friedman, Stephen; Gerson, Michael J.; Gonzales, Alberto R.; Hagin, Joseph W.; Hobbs, David W.; Miers, Harriet; Powell, Dina; Rove, Karl C.; Spellings, Margaret M.; Johnson III, Clay ; Abbot, Charles S.; Ball, Andrea G.; Barrales, Ruben S.; DeFrancis, Suzy; Edson, Gary R.; Eskew, Tucker A.; Hennessey, Keith; Hernandez, Israel; Ingle, Edward; Jackson, Barry S.; Jenkins, Gregory J.; Keniry, Daniel ; Lefkowitz, Jay P.; Leitch, David G.; McClellan, Scott ; McConnell, John P.; Mehlman, Ken; Montgomery, Brian D.; Ojakli, Ziad ; Towey, Jim; Wehner, Peter H.; Westine, Lezlee J.; Allen, Michael; Arends, Jackie; Badger, William D.; Bartolomucci, H. Christopher; Bernard, Kenneth; Besanceney, Brian R.; Beyer, Todd W.; Beynon, Rebecca A.; Blahous, Charles P.; Brosnahan, Jennifer R.; Buchan, Claire ; Bullock, Katja; Burgeson, Christine M.; Burks, Jonathan W.; Chadwick, Kirsten; Christie, Ronald I.;

REV\_00117008

Clark, Alicia P.; Contreras, Rebecca; Cox, Christopher C.; Jensen, Amy;  
Devenish, Nicolle; Dougherty, Elizabeth S.; Dunn, David; Everson, Nanette;  
Falkenrath, Richard; Fenton, Catherine S.; Francisco, Noel J.; Gannon,  
Kelley; Gilbert, Alan; Goeglein, Tim; Goldman, Adam B.; Grubbs, Wendy J.;  
Higbee, David; Kaplan, Joel; Kavanaugh, Brett M.; Kelly, James M.; Kirk,  
Matthew ; Kozberg, Lindsey C.; Kuo, David; Kurtz, Paul B.; Liang, Elan;  
Loper, Ginger G.; Smith, Heidi M.; Marsh, Robert ; McNally, Robert C.;  
McNally, Edward; Moy, Edmund C.; Neusner, Noam M.; Newstead, Jennifer G.;  
O'Hollaren, Sean B.; Pelletier, Eric C.; Peterman, Brian; Powell, Benjamin  
A.; Reardon, Brian; Wright, Liza; Sampson, Kyle; Sayle, Desiree T.;  
Schacht, Diana L.; Schlapp, Matthew A.; Scully, Matthew; Sforza, Scott N.;  
Silverberg, Kristen; Torgerson, Karin B.; Troy, Tevi; Ulllyot, Theodore W.;  
Warsh, Kevin  
Subject: COS staff

As many of you know, Kristen Silverberg is shipping out this week for Baghdad. She will serve as policy advisor to the new Presidential Envoy to Iraq, Amb. Jerry Bremer, who will be the senior Coalition official in Iraq. We wish Kristen well in this important adventure, confident that the reconstruction operation is in good hands.

Filling in for Kristen during her absence will be Jeffrey Kupfer, on generous loan from the Treasury Department, where he is Deputy Chief of Staff. Jeff will be in the same COS office space on the first floor WW, at extension 6-5773. We're grateful to have Jeff in this role; please make him welcome.

There will be drinks in the Chief's office at 5:30 this afternoon, to celebrate Kristen and other departing soldiers in the armies of reconstruction.

Message Sent

To:

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Joshua B. Bolten/WHO/EOP@Exchange  
James Connaughton/CEQ/EOP@EOP  
Eleanor L. Gillmor/OPD/EOP@Exchange  
Lauren J. Vestewig/OPD/EOP@Exchange  
Philo D. Hall/OPD/EOP@EOP  
Troy Justesen/OPD/EOP@EOP  
Holly A. Kuzmich/OPD/EOP@EOP  
Garry Malphrus/OPD/EOP@EOP  
Jess Sharp/OPD/EOP@EOP  
Layton Skelly/OPD/EOP@EOP  
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Emily Winland/OPD/EOP@EOP  
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Jean Cooper/OPD/EOP@Exchange  
Lauren K. Allgood/OPD/EOP@Exchange  
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Ashley Estes/WHO/EOP@Exchange  
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Kara G. Figg/WHO/EOP@Exchange  
Jared B. Weinstein/WHO/EOP@Exchange  
Carolyn E. Cleveland/WHO/EOP@Exchange  
Debra D. Bird/WHO/EOP@Exchange

REV\_00117009

Barbara A. Barclay/WHO/EOP@Exchange  
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Andrew H. Card/WHO/EOP@Exchange  
Lawrence A. Fleischer/WHO/EOP@Exchange  
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Alberto R. Gonzales/WHO/EOP@Exchange  
Joseph W Hagin/WHO/EOP@Exchange  
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Harriet Miers/WHO/EOP@Exchange  
Dina Powell/WHO/EOP@Exchange  
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Brian D. Montgomery/WHO/EOP@Exchange  
Ziad Ojakli/WHO/EOP@Exchange  
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Claire Buchan/WHO/EOP@Exchange  
Katja Bullock/WHO/EOP@EOP  
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Rebecca Contreras/WHO/EOP@EOP  
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Amy Jensen/WHO/EOP@Exchange  
Nicolle Devenish/WHO/EOP@EOP  
Elizabeth S. Dougherty/OPD/EOP@EOP  
David Dunn/OPD/EOP@EOP  
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Richard Falkenrath/WHO/EOP@Exchange  
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Adam B. Goldman/WHO/EOP@EOP  
Wendy J. Grubbs/WHO/EOP@Exchange



Kelley Gannon/WHO/EOP@EOP  
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Brett M. Kavanaugh/WHO/EOP@EOP  
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Matthew Kirk/WHO/EOP@Exchange  
Lindsey C. Kozberg/WHO/EOP@EOP  
David Kuo/WHO/EOP@EOP  
Paul B. Kurtz/NSC/EOP@EOP  
Elan Liang/WHO/EOP@Exchange  
Ginger G. Loper/WHO/EOP@Exchange  
Heidi M. Smith/WHO/EOP@EOP  
Robert Marsh/WHO/EOP@Exchange  
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Edward McNally/WHO/EOP@EOP  
Edmund C. Moy/WHO/EOP@EOP  
Noam M. Neusner/WHO/EOP@EOP  
Jennifer G. Newstead/WHO/EOP@EOP  
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Eric C. Pelletier/WHO/EOP@Exchange  
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Brian Reardon/OPD/EOP@EOP  
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Kyle Sampson/WHO/EOP@EOP  
Desiree T. Sayle/WHO/EOP@EOP  
Diana L. Schacht/OPD/EOP@EOP  
Matthew A. Schlapp/WHO/EOP@EOP  
Matthew Scully/WHO/EOP@EOP  
Scott N. Sforza/WHO/EOP@EOP  
Kristen Silverberg/WHO/EOP@Exchange  
Karin B. Torgerson/WHO/EOP@Exchange  
Tevi Troy/WHO/EOP@Exchange  
Theodore W. Ulyot/WHO/EOP@EOP  
Kevin Warsh/OPD/EOP@EOP

**From:** CN=Lawrence A. Fleischer/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Margaret M. Spellings/OPD/EOP@Exchange [ OPD ] <Margaret M. Spellings>;Kenneth Bernard/WHO/EOP@EOP [ WHO ] <Kenneth Bernard>  
**CC:** Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>;Karin B. Torgerson/WHO/EOP@Exchange [ WHO ] <Karin B. Torgerson>;Scott N. Sforza/WHO/EOP@EOP [ WHO ] <Scott N. Sforza>;Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>;Desiree T. Sayle/WHO/EOP@EOP [ WHO ] <Desiree T. Sayle>;Liza Wright/WHO/EOP@EOP [ WHO ] <Liza Wright>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Eric C. Pelletier/WHO/EOP@Exchange [ WHO ] <Eric C. Pelletier>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Edmund C. Moy/WHO/EOP@EOP [ WHO ] <Edmund C. Moy>;Robert C. McNally/OPD/EOP@EOP [ OPD ] <Robert C. McNally>;Heidi M. Smith/WHO/EOP@EOP [ WHO ] <Heidi M. Smith>;Elan Liang/WHO/EOP@Exchange [ WHO ] <Elan Liang>;David Kuo/WHO/EOP@EOP [ WHO ] <David Kuo>;Matthew Kirk/WHO/EOP@Exchange [ WHO ] <Matthew Kirk>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;David Higbee/WHO/EOP@EOP [ WHO ] <David Higbee>;Adam B. Goldman/WHO/EOP@EOP [ WHO ] <Adam B. Goldman>;Alan Gilbert/OPD/EOP@EOP [ OPD ] <Alan Gilbert>;Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>;Richard Falkenrath/WHO/EOP@Exchange [ WHO ] <Richard Falkenrath>;David Dunn/OPD/EOP@EOP [ OPD ] <David Dunn>;Nicolle Devenish/WHO/EOP@EOP [ WHO ] <Nicolle Devenish>;Christopher C. Cox/WHO/EOP@Exchange [ WHO ] <Christopher C. Cox>;Alicia P. Clark/WHO/EOP@EOP [ WHO ] <Alicia P. Clark>;Kirsten Chadwick/WHO/EOP@Exchange [ UNKNOWN ] <Kirsten Chadwick>;Christine M. Burgeson/WHO/EOP@Exchange [ WHO ] <Christine M. Burgeson>;Claire Buchan/WHO/EOP@Exchange [ UNKNOWN ] <Claire Buchan>;Charles P. Blahous/OPD/EOP@EOP [ OPD ] <Charles P. Blahous>;Todd W. Beyer/WHO/EOP@EOP [ WHO ] <Todd W. Beyer>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Jackie Arends/WHO/EOP@EOP [ WHO ] <Jackie Arends>;Lezlee J. Westine/WHO/EOP@EOP [ WHO ] <Lezlee J. Westine>;Jim Towey/WHO/EOP@EOP [ WHO ] <Jim Towey>;Brian D. Montgomery/WHO/EOP@Exchange [ WHO ] <Brian D. Montgomery>;John P. McConnell/WHO/EOP@EOP [ WHO ] <John P. McConnell>;David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>;Daniel Keniry/WHO/EOP@Exchange [ UNKNOWN ] <Daniel Keniry>;Barry S. Jackson/WHO/EOP@EOP [ WHO ] <Barry S. Jackson>;Israel Hernandez/WHO/EOP@Exchange [ WHO ] <Israel Hernandez>;Tucker A. Eskew/WHO/EOP@EOP [ WHO ] <Tucker A. Eskew>;Suzy DeFrancis/WHO/EOP@Exchange [ WHO ] <Suzy DeFrancis>;Andrea G. Ball/WHO/EOP@Exchange [ WHO ] <Andrea G. Ball>;Clay Johnson III/WHO/EOP@Exchange [ WHO ] <Clay Johnson III>;Dina Powell/WHO/EOP@Exchange [ WHO ] <Dina Powell>;David W. Hobbs/WHO/EOP@Exchange [ WHO ] <David W. Hobbs>;Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>;Stephen Friedman/OPD/EOP@Exchange [ OPD ] <Stephen Friedman>;John M. Bridgeland/OPD/EOP@EOP [ OPD ] <John M. Bridgeland>;Barbara A. Barclay/WHO/EOP@Exchange [ WHO ] <Barbara A. Barclay>;Carolyn E. Cleveland/WHO/EOP@Exchange [ WHO ] <Carolyn E. Cleveland>;Kara G. Figg/WHO/EOP@Exchange [ WHO ] <Kara G. Figg>;Jose Mallea/WHO/EOP@Exchange [ WHO ] <Jose Mallea>;Allison L. Riepenhoff/WHO/EOP@Exchange [ WHO ] <Allison L. Riepenhoff>;Ashley Estes/WHO/EOP@Exchange [ WHO ] <Ashley Estes>;Caroline Boeckel/OPD/EOP@EOP [ OPD ] <Caroline Boeckel>;Sue H. Gerdelman/OPD/EOP@EOP [ OPD ] <Sue H. Gerdelman>;Lauren K. Allgood/OPD/EOP@Exchange [ OPD ] <Lauren K. Allgood>;Carol J. Thompson/OPD/EOP@EOP [ OPD ] <Carol J. Thompson>;Emily Winland/OPD/EOP@EOP [ OPD ] <Emily Winland>;Layton Skelly/OPD/EOP@EOP [ OPD ] <Layton Skelly>;Garry Malphrus/OPD/EOP@EOP [ OPD ] <Garry Malphrus>;Troy Justesen/OPD/EOP@EOP [ OPD ] <Troy Justesen>;Lauren J. Vestewig/OPD/EOP@Exchange [ OPD ] <Lauren J. Vestewig>;James Connaughton/CEQ/EOP@EOP [ CEQ ] <James Connaughton>;Kevin Warsh/OPD/EOP@EOP [ OPD ] <Kevin Warsh>;Tevi Troy/WHO/EOP@Exchange [ WHO ] <Tevi Troy>;Kristen Silverberg/WHO/EOP@Exchange [ WHO ] <Kristen Silverberg>;Matthew Scully/WHO/EOP@EOP [ WHO ] <Matthew Scully>;Diana L. Schacht/OPD/EOP@EOP [ OPD ] <Diana L. Schacht>;Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Brian Reardon/OPD/EOP@EOP [ OPD ] <Brian Reardon>;Brian Peterman/WHO/EOP@EOP [ WHO ] <Brian Peterman>;Sean B. O'Hollaren/WHO/EOP@Exchange [ WHO ] <Sean B. O'Hollaren>;Noam M. Neusner/WHO/EOP@EOP [ WHO ] <Noam M. Neusner>;Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>;Robert Marsh/WHO/EOP@Exchange [ WHO ] <Robert Marsh>;Ginger G. Loper/WHO/EOP@Exchange [ WHO ] <Ginger G. Loper>;Paul B. Kurtz/NSC/EOP@EOP [ NSC ] <Paul B. Kurtz>;Lindsey C. Kozberg/WHO/EOP@EOP [ WHO ] <Lindsey C.

Kozberg>;James M. Kelly/WHO/EOP@EOP [ WHO ] <James M. Kelly>;Joel Kaplan/WHO/EOP@Exchange [ UNKNOWN ] <Joel Kaplan>;Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>;Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>;Kelley Gannon/WHO/EOP@EOP [ WHO ] <Kelley Gannon>;Catherine S. Fenton/WHO/EOP@Exchange [ WHO ] <Catherine S. Fenton>;Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>;Elizabeth S. Dougherty/OPD/EOP@EOP [ OPD ] <Elizabeth S. Dougherty>;Amy Jensen/WHO/EOP@Exchange [ WHO ] <Amy Jensen>;Rebecca Contreras/WHO/EOP@EOP [ WHO ] <Rebecca Contreras>;Ronald I. Christie/OPD/EOP@EOP [ OPD ] <Ronald I. Christie>;Jonathan W. Burks/WHO/EOP@Exchange [ WHO ] <Jonathan W. Burks>;Katja Bullock/WHO/EOP@EOP [ WHO ] <Katja Bullock>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;Rebecca A. Beynon/WHO/EOP@EOP [ WHO ] <Rebecca A. Beynon>;Brian R. Besanceney/WHO/EOP@EOP [ WHO ] <Brian R. Besanceney>;William D. Badger/OPD/EOP@EOP [ OPD ] <William D. Badger>;Michael Allen/WHO/EOP@EOP [ WHO ] <Michael Allen>;Peter H. Wehner/WHO/EOP@EOP [ WHO ] <Peter H. Wehner>;Ziad Ojakli/WHO/EOP@Exchange [ UNKNOWN ] <Ziad Ojakli>;Ken Mehlman/WHO/EOP@EOP [ WHO ] <Ken Mehlman>;Scott McClellan/WHO/EOP@Exchange [ WHO ] <Scott McClellan>;Jay P. Lefkowitz/OPD/EOP@Exchange [ OPD ] <Jay P. Lefkowitz>;Gregory J. Jenkins/WHO/EOP@EOP [ WHO ] <Gregory J. Jenkins>;Edward Ingle/WHO/EOP@EOP [ WHO ] <Edward Ingle>;Keith Hennessey/OPD/EOP@Exchange [ OPD ] <Keith Hennessey>;Gary R. Edson/NSC/EOP@EOP [ NSC ] <Gary R. Edson>;Ruben S. Barrales/WHO/EOP@EOP [ WHO ] <Ruben S. Barrales>;Charles S. Abbot/WHO/EOP@Exchange [ WHO ] <Charles S. Abbot>;Karl C. Rove/WHO/EOP@Exchange [ WHO ] <Karl C. Rove>;Harriet Miers/WHO/EOP@Exchange [ WHO ] <Harriet Miers>;Joseph W Hagin/WHO/EOP@Exchange [ UNKNOWN ] <Joseph W Hagin>;Michael J. Gerson/WHO/EOP@Exchange [ WHO ] <Michael J. Gerson>;Andrew H. Card/WHO/EOP@Exchange [ WHO ] <Andrew H. Card>;Daniel J. Bartlett/WHO/EOP@Exchange [ WHO ] <Daniel J. Bartlett>;Debra D. Bird/WHO/EOP@Exchange [ WHO ] <Debra D. Bird>;Jared B. Weinstein/WHO/EOP@Exchange [ WHO ] <Jared B. Weinstein>;Tim Reynolds/WHO/EOP@Exchange [ WHO ] <Tim Reynolds>;Ross M. Kyle/WHO/EOP@Exchange [ WHO ] <Ross M. Kyle>;Melissa S. Bennett/WHO/EOP@Exchange [ WHO ] <Melissa S. Bennett>;Blake Gottesman/WHO/EOP@Exchange [ WHO ] <Blake Gottesman>;Marty P. Smith/OPD/EOP@EOP [ OPD ] <Marty P. Smith>;Daniel D. Heath/OPD/EOP@EOP [ OPD ] <Daniel D. Heath>;Jean Cooper/OPD/EOP@Exchange [ OPD ] <Jean Cooper>;Joseph F. O'Neill/OPD/EOP@EOP [ OPD ] <Joseph F. O'Neill>;Christina C. Wilson/OPD/EOP@EOP [ OPD ] <Christina C. Wilson>;Jess Sharp/OPD/EOP@EOP [ OPD ] <Jess Sharp>;Holly A. Kuzmich/OPD/EOP@EOP [ OPD ] <Holly A. Kuzmich>;Philo D. Hall/OPD/EOP@EOP [ OPD ] <Philo D. Hall>;Eleanor L. Gillmor/OPD/EOP@Exchange [ OPD ] <Eleanor L. Gillmor>;Joshua B. Bolten/WHO/EOP@Exchange [ WHO ] <Joshua B. Bolten>

**Sent:** 5/7/2003 9:35:09 AM

**Subject:** : RE: COS staff

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Lawrence A. Fleischer ( CN=Lawrence A. Fleischer/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 7-MAY-2003 13:35:09.00

SUBJECT:: RE: COS staff

TO:Margaret M. Spellings ( CN=Margaret M. Spellings/OU=OPD/O=EOP@Exchange [ OPD ] )

READ:UNKNOWN

TO:Kenneth Bernard ( CN=Kenneth Bernard/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:Karin B. Torgerson ( CN=Karin B. Torgerson/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

CC:Scott N. Sforza ( CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [ WHO ] )

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CC:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )

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CC:Desiree T. Sayle ( CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [ WHO ] )

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CC:Liza Wright ( CN=Liza Wright/OU=WHO/O=EOP@EOP [ WHO ] )

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CC:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

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CC:Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Edmund C. Moy ( CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Robert C. McNally ( CN=Robert C. McNally/OU=OPD/O=EOP@EOP [ OPD ] )  
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CC:David Kuo ( CN=David Kuo/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Matthew Kirk ( CN=Matthew Kirk/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:David Higbee ( CN=David Higbee/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Adam B. Goldman ( CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Alan Gilbert ( CN=Alan Gilbert/OU=OPD/O=EOP@EOP [ OPD ] )  
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CC:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Richard Falkenrath ( CN=Richard Falkenrath/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Christine M. Burgeson ( CN=Christine M. Burgeson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Claire Buchan ( CN=Claire Buchan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
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CC:Charles P. Blahous ( CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [ OPD ] )  
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CC:Todd W. Beyer ( CN=Todd W. Beyer/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Jackie Arends ( CN=Jackie Arends/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Lezlee J. Westine ( CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Jim Towey ( CN=Jim Towey/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Daniel Keniry ( CN=Daniel Keniry/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
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CC:Barry S. Jackson ( CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Tucker A. Eskew ( CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN

CC:Suzy DeFrancis ( CN=Suzy DeFrancis/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Andrea G. Ball ( CN=Andrea G. Ball/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Clay Johnson III ( CN=Clay Johnson III/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Dina Powell ( CN=Dina Powell/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Stephen Friedman ( CN=Stephen Friedman/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ:UNKNOWN  
CC:John M. Bridgeland ( CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Barbara A. Barclay ( CN=Barbara A. Barclay/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Carolyn E. Cleveland ( CN=Carolyn E. Cleveland/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Kara G. Figg ( CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Jose Mallea ( CN=Jose Mallea/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Allison L. Riepenhoff ( CN=Allison L. Riepenhoff/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Caroline Boeckel ( CN=Caroline Boeckel/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Sue H. Gerdelman ( CN=Sue H. Gerdelman/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Lauren K. Allgood ( CN=Lauren K. Allgood/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ:UNKNOWN  
CC:Carol J. Thompson ( CN=Carol J. Thompson/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Emily Winland ( CN=Emily Winland/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Layton Skelly ( CN=Layton Skelly/OU=OPD/O=EOP@EOP [ OPD ] )  
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CC:Garry Malphrus ( CN=Garry Malphrus/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Troy Justesen ( CN=Troy Justesen/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Lauren J. Vestewig ( CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ:UNKNOWN  
CC:James Connaughton ( CN=James Connaughton/OU=CEQ/O=EOP@EOP [ CEQ ] )  
READ:UNKNOWN  
CC:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Tevi Troy ( CN=Tevi Troy/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Matthew Scully ( CN=Matthew Scully/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )  
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CC:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Brian Reardon ( CN=Brian Reardon/OU=OPD/O=EOP@EOP [ OPD ] )  
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CC:Brian Peterman ( CN=Brian Peterman/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Sean B. O'Hollaren ( CN=Sean B. O'Hollaren/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Noam M. Neusner ( CN=Noam M. Neusner/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Robert Marsh ( CN=Robert Marsh/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Ginger G. Loper ( CN=Ginger G. Loper/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Paul B. Kurtz ( CN=Paul B. Kurtz/OU=NSC/O=EOP@EOP [ NSC ] )  
READ:UNKNOWN  
CC:Lindsey C. Kozberg ( CN=Lindsey C. Kozberg/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:James M. Kelly ( CN=James M. Kelly/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
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CC:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Kelley Gannon ( CN=Kelley Gannon/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Catherine S. Fenton ( CN=Catherine S. Fenton/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Elizabeth S. Dougherty ( CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [ OPD ] )  
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CC:Amy Jensen ( CN=Amy Jensen/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Rebecca Contreras ( CN=Rebecca Contreras/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Ronald I. Christie ( CN=Ronald I. Christie/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Jonathan W. Burks ( CN=Jonathan W. Burks/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Katja Bullock ( CN=Katja Bullock/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Rebecca A. Beynon ( CN=Rebecca A. Beynon/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Brian R. Besanceney ( CN=Brian R. Besanceney/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:William D. Badger ( CN=William D. Badger/OU=OPD/O=EOP@EOP [ OPD ] )  
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CC:Michael Allen ( CN=Michael Allen/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Peter H. Wehner ( CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Ziad Ojakli ( CN=Ziad Ojakli/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
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CC:Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Gregory J. Jenkins ( CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Keith Hennessey ( CN=Keith Hennessey/OU=OPD/O=EOP@Exchange [ OPD ] )  
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CC:Gary R. Edson ( CN=Gary R. Edson/OU=NSC/O=EOP@EOP [ NSC ] )  
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CC:Ruben S. Barrales ( CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Charles S. Abbot ( CN=Charles S. Abbot/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Karl C. Rove ( CN=Karl C. Rove/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 CC:Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@Exchange [ WHO ] )  
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 CC:Joseph W Hagin ( CN=Joseph W Hagin/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
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 CC:Ross M. Kyle ( CN=Ross M. Kyle/OU=WHO/O=EOP@Exchange [ WHO ] )  
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 CC:Marty P. Smith ( CN=Marty P. Smith/OU=OPD/O=EOP@EOP [ OPD ] )  
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 CC:Jean Cooper ( CN=Jean Cooper/OU=OPD/O=EOP@Exchange [ OPD ] )  
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 CC:Joseph F. O'Neill ( CN=Joseph F. O'Neill/OU=OPD/O=EOP@EOP [ OPD ] )  
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 CC:Christina C. Wilson ( CN=Christina C. Wilson/OU=OPD/O=EOP@EOP [ OPD ] )  
 READ:UNKNOWN  
 CC:Jess Sharp ( CN=Jess Sharp/OU=OPD/O=EOP@EOP [ OPD ] )  
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 CC:Holly A. Kuzmich ( CN=Holly A. Kuzmich/OU=OPD/O=EOP@EOP [ OPD ] )  
 READ:UNKNOWN  
 CC:Philo D. Hall ( CN=Philo D. Hall/OU=OPD/O=EOP@EOP [ OPD ] )  
 READ:UNKNOWN  
 CC:Eleanor L. Gillmor ( CN=Eleanor L. Gillmor/OU=OPD/O=EOP@Exchange [ OPD ] )  
 READ:UNKNOWN  
 CC:Joshua B. Bolten ( CN=Joshua B. Bolten/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 ##### End Original ARMS Header #####

Can I offer the White House press corps to the reconstruction effort in  
 Iraq?; Any interesting in having Iraq host them for a while?

;-----Original Message-----

From: ; Bernard, Kenneth;  
 Sent;;; Wednesday, May 07, 2003 12:44 PM  
 To:;;; Spellings, Margaret M.  
 Cc:;;; Bolten, Joshua B.; Connaughton, James; Gillmor, Eleanor L.;  
 Vestewig, Lauren J.; Hall, Philo D.; Justesen, Troy; Kuzmich, Holly A.;  
 Malphrus, Garry; Sharp, Jess; Skelly, Layton; Wilson, Christina C.;  
 Winland, Emily; O'Neill, Joseph F.; Thompson, Carol J.; Cooper, Jean;  
 Allgood, Lauren K.; Heath, Daniel D.; Gerdelman, Sue H.; Smith, Marty P.;  
 Boeckel, Caroline; Gottesman, Blake; Estes, Ashley; Bennett, Melissa S.;  
 Riepenhoff, Allison L.; Kyle, Ross M.; Mallea, Jose; Reynolds, Tim; Figg,  
 Kara G.; Weinstein, Jared B.; Cleveland, Carolyn E.; Bird, Debra D.;  
 Barclay, Barbara A.; Bartlett, Daniel J.; Bridgeland, John M.; Card,  
 Andrew H.; Fleischer, Lawrence A.; Friedman, Stephen; Gerson, Michael J.;  
 Gonzales, Alberto R.; Hagin, Joseph W; Hobbs, David W.; Miers, Harriet;  
 Powell, Dina; Rove, Karl C.; Johnson III, Clay ; Abbot, Charles S.; Ball,  
 Andrea G.; Barrales, Ruben S.; DeFrancis, Suzy; Edson, Gary R.; Eskew,  
 Tucker A.; Hennessey, Keith; Hernandez, Israel; Ingle, Edward; Jackson,  
 Barry S.; Jenkins, Gregory J.; Keniry, Daniel ; Lefkowitz, Jay P.; Leitch,

David G.; McClellan, Scott ; McConnell, John P.; Mehlman, Ken; Montgomery, Brian D.; Ojakli, Ziad ; Towey, Jim; Wehner, Peter H.; Westine, Lezlee J.; Allen, Michael; Arends, Jackie; Badger, William D.; Bartolomucci, H. Christopher; Besanceney, Brian R.; Beyer, Todd W.; Beynon, Rebecca A.; Blahous, Charles P.; Brosnahan, Jennifer R.; Buchan, Claire ; Bullock, Katja; Burgeson, Christine M.; Burks, Jonathan W.; Chadwick, Kirsten; Christie, Ronald I.; Clark, Alicia P.; Contreras, Rebecca; Cox, Christopher C.; Jensen, Amy; Devenish, Nicolle; Dougherty, Elizabeth S.; Dunn, David; Everson, Nanette; Falkenrath, Richard; Fenton, Catherine S.; Francisco, Noel J.; Gannon, Kelley; Gilbert, Alan; Goeglein, Tim; Goldman, Adam B.; Grubbs, Wendy J.; Higbee, David; Kaplan, Joel; Kavanaugh, Brett M.; Kelly, James M.; Kirk, Matthew ; Kozberg, Lindsey C.; Kuo, David; Kurtz, Paul B.; Liang, Elan; Loper, Ginger G.; Smith, Heidi M.; Marsh, Robert ; McNally, Robert C.; McNally, Edward; Moy, Edmund C.; Neusner, Noam M.; Newstead, Jennifer G.; O'Hollaren, Sean B.; Pelletier, Eric C.; Peterman, Brian; Powell, Benjamin A.; Reardon, Brian; Wright, Liza; Sampson, Kyle; Sayle, Desiree T.; Schacht, Diana L.; Schlapp, Matthew A.; Scully, Matthew; Sforza, Scott N.; Silverberg, Kristen; Torgerson, Karin B.; Troy, Tevi; Ulyot, Theodore W.; Warsh, Kevin

Subject:;;;;;; RE: COS staff

And you probably know that; "Smallpox Bob" Kadlec, from the Biodefense Directorate at HSC; is now TDY in Iraq; interviewing former bioweapons scientists.;; --Ken

From;;; Margaret M. Spellings/OPD/EOP@Exchange on 05/07/2003  
12:36:51 PM  
Record Type;;; Record

To:;;; See the distribution list at the bottom of this message  
cc:;;; Subject:;;;;;; RE: COS staff

Thanks, Josh and all the best to Kristen. We in DPC are contributing to the cause by offering up Reuben Jeffery to the Iraq reconstruction effort. His Washington D.C. portfolio will be handled by Terrell Halaska and his New York issues will be managed by Jay Lefkowitz in his absence. See you at 5:30. Margaret;

-----Original Message-----

From: Bolten, Joshua B.  
Sent: Wednesday, May 07, 2003 11:57 AM  
To: Connaughton, James; Gillmor, Eleanor L.; Vestewig, Lauren J.; Hall, Philo D.; Justesen, Troy; Kuzmich, Holly A.; Malphrus, Garry; Sharp, Jess; Skelly, Layton; Wilson, Christina C.; Winland, Emily; O'Neill, Joseph F.; Thompson, Carol J.; Cooper, Jean; Allgood, Lauren K.; Heath, Daniel D.; Gerdelman, Sue H.; Smith, Marty P.; Boeckel, Caroline; Gottesman, Blake; Estes, Ashley; Bennett, Melissa S.; Riepenhoff, Allison L.; Kyle, Ross M.; Mallea, Jose; Reynolds, Tim; Figg, Kara G.; Weinstein, Jared B.; Cleveland, Carolyn E.; Bird, Debra D.; Barclay, Barbara A.; Bartlett, Daniel J.; Bolten, Joshua B.; Bridgeland, John M.; Card, Andrew H.; Fleischer, Lawrence A.; Friedman, Stephen; Gerson, Michael J.; Gonzales, Alberto R.; Hagin, Joseph W.; Hobbs, David W.; Miers, Harriet; Powell, Dina; Rove, Karl C.; Spellings, Margaret M.; Johnson III, Clay ; Abbot, Charles S.; Ball, Andrea G.; Barrales, Ruben S.; DeFrancis, Suzy; Edson, Gary R.; Eskew, Tucker A.; Hennessey, Keith; Hernandez, Israel; Ingle, Edward; Jackson, Barry S.; Jenkins, Gregory J.; Keniry, Daniel ; Lefkowitz, Jay P.; Leitch, David G.; McClellan, Scott ; McConnell, John P.; Mehlman, Ken; Montgomery, Brian D.; Ojakli, Ziad ; Towey, Jim; Wehner, Peter H.; Westine, Lezlee J.; Allen, Michael; Arends, Jackie; Badger, William D.; Bartolomucci, H. Christopher; Bernard, Kenneth; Besanceney, Brian R.; Beyer, Todd W.; Beynon, Rebecca A.; Blahous, Charles P.; Brosnahan, Jennifer R.; Buchan, Claire ; Bullock, Katja; Burgeson,

REV\_00117018



Christine M.; Burks, Jonathan W.; Chadwick, Kirsten; Christie, Ronald I.; Clark, Alicia P.; Contreras, Rebecca; Cox, Christopher C.; Jensen, Amy; Devenish, Nicolle; Dougherty, Elizabeth S.; Dunn, David; Everson, Nanette; Falkenrath, Richard; Fenton, Catherine S.; Francisco, Noel J.; Gannon, Kelley; Gilbert, Alan; Goeglein, Tim; Goldman, Adam B.; Grubbs, Wendy J.; Higbee, David; Kaplan, Joel; Kavanaugh, Brett M.; Kelly, James M.; Kirk, Matthew ; Kozberg, Lindsey C.; Kuo, David; Kurtz, Paul B.; Liang, Elan; Loper, Ginger G.; Smith, Heidi M.; Marsh, Robert ; McNally, Robert C.; McNally, Edward; Moy, Edmund C.; Neusner, Noam M.; Newstead, Jennifer G.; O'Hollaren, Sean B.; Pelletier, Eric C.; Peterman, Brian; Powell, Benjamin A.; Reardon, Brian; Wright, Liza; Sampson, Kyle; Sayle, Desiree T.; Schacht, Diana L.; Schlapp, Matthew A.; Scully, Matthew; Sforza, Scott N.; Silverberg, Kristen; Torgerson, Karin B.; Troy, Tevi; Ulliot, Theodore W.; Warsh, Kevin

Subject: COS staff

As many of you know, Kristen Silverberg is shipping out this week for Baghdad.; She will serve as;policy advisor to the new Presidential Envoy to Iraq, Amb.;Jerry Bremer, who will be the senior Coalition official in Iraq.; We wish Kristen well in this important adventure, confident that the reconstruction operation is in good hands.

;

Filling in for Kristen during her absence will be Jeffrey Kupfer, on generous loan from the Treasury Department, where he is Deputy Chief of Staff.; Jeff will be in the same COS office space on the first floor WW, at extension;6-5773.; We're grateful to have Jeff in this role; please make him welcome.

;

There will be drinks in the Chief's office at 5:30 this afternoon, to celebrate Kristen and;other departing soldiers in the armies of reconstruction.

Message Sent

To: \_\_\_\_\_;;

Joshua B. Bolten/WHO/EOP@Exchange  
James Connaughton/CEQ/EOP@EOP  
Eleanor L. Gillmor/OPD/EOP@Exchange  
Lauren J. Vestewig/OPD/EOP@Exchange  
Philo D. Hall/OPD/EOP@EOP  
Troy Justesen/OPD/EOP@EOP  
Holly A. Kuzmich/OPD/EOP@EOP  
Garry Malphrus/OPD/EOP@EOP  
Jess Sharp/OPD/EOP@EOP  
Layton Skelly/OPD/EOP@EOP  
Christina C. Wilson/OPD/EOP@EOP  
Emily Winland/OPD/EOP@EOP  
Joseph F. O'Neill/OPD/EOP@EOP  
Carol J. Thompson/OPD/EOP@EOP  
Jean Cooper/OPD/EOP@Exchange  
Lauren K. Allgood/OPD/EOP@Exchange  
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Marty P. Smith/OPD/EOP@EOP  
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Blake Gottesman/WHO/EOP@Exchange  
Ashley Estes/WHO/EOP@Exchange  
Melissa S. Bennett/WHO/EOP@Exchange  
Allison L. Riepenhoff/WHO/EOP@Exchange  
Ross M. Kyle/WHO/EOP@Exchange  
Jose Mallea/WHO/EOP@Exchange

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Tim Reynolds/WHO/EOP@Exchange  
Kara G. Figg/WHO/EOP@Exchange  
Jared B. Weinstein/WHO/EOP@Exchange  
Carolyn E. Cleveland/WHO/EOP@Exchange  
Debra D. Bird/WHO/EOP@Exchange  
Barbara A. Barclay/WHO/EOP@Exchange  
Daniel J. Bartlett/WHO/EOP@Exchange  
John M. Bridgeland/OPD/EOP@EOP  
Andrew H. Card/WHO/EOP@Exchange  
Lawrence A. Fleischer/WHO/EOP@Exchange  
Stephen Friedman/OPD/EOP@Exchange  
Michael J. Gerson/WHO/EOP@Exchange  
Alberto R. Gonzales/WHO/EOP@Exchange  
Joseph W. Hagin/WHO/EOP@Exchange  
David W. Hobbs/WHO/EOP@Exchange  
Harriet Miers/WHO/EOP@Exchange  
Dina Powell/WHO/EOP@Exchange  
Karl C. Rove/WHO/EOP@Exchange  
Clay Johnson III/WHO/EOP@Exchange  
Charles S. Abbot/WHO/EOP@Exchange  
Andrea G. Ball/WHO/EOP@Exchange  
Ruben S. Barrales/WHO/EOP@EOP  
Suzy DeFrancis/WHO/EOP@Exchange  
Gary R. Edson/NSC/EOP@EOP  
Tucker A. Eskew/WHO/EOP@EOP  
Keith Hennessey/OPD/EOP@Exchange  
Israel Hernandez/WHO/EOP@Exchange  
Edward Ingle/WHO/EOP@EOP  
Barry S. Jackson/WHO/EOP@EOP  
Gregory J. Jenkins/WHO/EOP@EOP  
Daniel Keniry/WHO/EOP@Exchange  
Jay P. Lefkowitz/OPD/EOP@Exchange  
David G. Leitch/WHO/EOP@Exchange  
Scott McClellan/WHO/EOP@Exchange  
John P. McConnell/WHO/EOP@EOP  
Ken Mehlman/WHO/EOP@EOP  
Brian D. Montgomery/WHO/EOP@Exchange  
Ziad Ojakli/WHO/EOP@Exchange  
Jim Towey/WHO/EOP@EOP  
Peter H. Wehner/WHO/EOP@EOP  
Lezlee J. Westine/WHO/EOP@EOP  
Michael Allen/WHO/EOP@EOP  
Jackie Arends/WHO/EOP@EOP  
William D. Badger/OPD/EOP@EOP  
H. Christopher Bartolomucci/WHO/EOP@EOP  
Kenneth Bernard/WHO/EOP@EOP  
Brian R. Besanceney/WHO/EOP@EOP  
Todd W. Beyer/WHO/EOP@EOP  
Rebecca A. Beynon/WHO/EOP@EOP  
Charles P. Blahous/OPD/EOP@EOP  
Jennifer R. Brosnahan/WHO/EOP@EOP  
Claire Buchan/WHO/EOP@Exchange  
Katja Bullock/WHO/EOP@EOP  
Christine M. Burgeson/WHO/EOP@Exchange  
Jonathan W. Burks/WHO/EOP@Exchange  
Kirsten Chadwick/WHO/EOP@Exchange  
Ronald I. Christie/OPD/EOP@EOP  
Alicia P. Clark/WHO/EOP@EOP  
Rebecca Contreras/WHO/EOP@EOP  
Christopher C. Cox/WHO/EOP@Exchange  
Amy Jensen/WHO/EOP@Exchange  
Nicolle Devenish/WHO/EOP@EOP  
Elizabeth S. Dougherty/OPD/EOP@EOP  
David Dunn/OPD/EOP@EOP  
Nanette Everson/WHO/EOP@EOP  
Richard Falkenrath/WHO/EOP@Exchange  
Catherine S. Fenton/WHO/EOP@Exchange  
Noel J. Francisco/WHO/EOP@EOP

---

**From:** Kirk Blalock <kblalock@fierce-isakowitz.com>  
**To:** <Schacht, Diana L.>;<Kavanaugh, Brett M.>;<Silverberg, Kristen>;<Warsh, Kevin>  
**Sent:** 5/7/2003 9:36:41 AM  
**Subject:** Hatch Gives More Details on His Bill, Says Frist Will Schedule Floor Vote Quickly - Congress Daily AM Today

Hatch Bill To Set Asbestos Compensation Fund At \$108 Billion  
Congress Daily AM  
May 7, 2003

Senate Judiciary Chairman Hatch said he is close to ending private sector negotiations aimed at crafting a system to compensate victims of asbestos, essentially forcing unions and businesses to compromise on a \$108 billion trust fund.

The size of the fund was one of the biggest outstanding questions surrounding the negotiations, which the Judiciary Committee is overseeing.

Unions were seeking \$120 billion, while defendant companies in asbestos litigation wanted a \$90 billion fund.

Hatch said he informed both sides of his decision to establish a \$108 billion fund, adding that he hopes to introduce legislation early next week.

"I've been counting on everyone to negotiate in good faith," he said.

"If not, I've got to come up with a bill and let the chips fall where they may," Hatch said he is trying to wrap up discussions by Friday.

Appearing to settle another contentious issue, Hatch said the program likely would not contain a "backstop" mechanism to guarantee funding for victims. Organized labor had pushed for a backstop of federal funds to ensure that the trust fund would not run dry. But a backstop is not needed with a fund of that size, Hatch said.

"It's more than enough -- managed properly," he said.

Hatch suggested that each side eventually would assent to the size of the trust fund. While the figure may be higher than businesses had favored, they "can build their business plans around it, and at least there will be certainty," Hatch said.

The legislation will establish a commission and a new court structure to avoid possible constitutional violations that would occur by using the trust fund in the regular judicial system, he added. The bill will specify that payments into the fund will be tax deductible to businesses, while payments to recipients will not be taxed.

Hatch said he expected to mark up the legislation in committee shortly after its introduction, and predicted that Majority Leader Frist would quickly schedule a floor vote. The \$108 billion trust fund has "some" Democratic support, he said.

"This is a problem we can't ignore -- there will be lost union jobs and bankrupt companies -- it's a drag on the economy," he added. By  
Emily  
Heil

---

**From:** Kavanaugh, Brett M.  
**To:** <Grubbs, Wendy J.>  
**Sent:** 5/7/2003 9:39:33 AM  
**Subject:** FW: Judicial Indepence Remarks -- Friday, May 9

true or not??

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/07/2003 09:39 AM -----

From: Christal R. West/WHO/EOP@Exchange on 05/07/2003 09:31:26 AM

Record Type: Record

To: Charlotte L. Montiel/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP, Carolyn Nelson/WHO/EOP@Exchange

cc: Wendy J. Grubbs/WHO/EOP@Exchange, Eric C. Pelletier/WHO/EOP@Exchange

Subject: FW: Judicial Indepence Remarks -- Friday, May 9

fyi --

we have word that pryor, miller and nelson will not attend, so this will be all Rs...

i'm assuming we can seat them in the front row?...i'll ask jeanie for seat cards.

thanks -- please let me know if you need anything else.

cw

-----Original Message-----

**From:** West, Christal R.

**Sent:** Wednesday, May 07, 2003 9:24 AM

**To:** Holbrook, Ashley ; Jones, Alison

**Cc:** Grubbs, Wendy J.; Ojakli, Ziad ; Pelletier, Eric C.

**Subject:** Judicial Indepence Remarks -- Friday, May 9

Please extend invites to the following Senators for the President's Remarks on Judicial Independence on Friday, May 9.

**Location:** Rose Garden (seated in audience)

450 EEOB (rain site)

REV\_00117024

**Time:**

Arrive -- 10:10am NW Gate

Remarks -- 10:30am

**Senators:**

Cornyn

Sununu

Dole

Graham

Alexander

Chambliss

Coleman

Murkowski

Pryor

Talent

Frist

Hatch

McConnell

Specter

Miller

Ben Nelson

THANKS!

CW

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/7/2003 5:40:16 AM  
**Subject:** : FW: Judicial Indepence Remarks -- Friday, May 9

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 09:40:16.00  
SUBJECT:: FW: Judicial Indepence Remarks -- Friday, May 9  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

true or not??

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/07/2003 09:39 AM -----

From: Christal R. West/WHO/EOP@Exchange on 05/07/2003 09:31:26 AM  
Record Type: Record

To: Charlotte L. Montiel/WHO/EOP@Exchange, Brett M.  
Kavanaugh/WHO/EOP@EOP, Carolyn Nelson/WHO/EOP@Exchange  
cc: Wendy J. Grubbs/WHO/EOP@Exchange, Eric C.  
Pelletier/WHO/EOP@Exchange  
Subject: FW: Judicial Indepence Remarks -- Friday, May 9

fyi --  
we have word that pryor, miller and nelson will not attend, so this will  
be;all Rs...  
i'm assuming we can seat them in the front row?...i'll ask jeanie for seat  
cards.  
thanks -- please let me know if you need anything else.  
cw

-----Original Message-----

From: West, Christal R.  
Sent: Wednesday, May 07, 2003 9:24 AM  
To: Holbrook, Ashley ; Jones, Alison  
Cc: Grubbs, Wendy J.; Ojakli, Ziad ; Pelletier, Eric C.  
Subject: Judicial Indepence Remarks -- Friday, May 9

Please extend invites to the following Senators for the President's  
Remarks on Judicial Independence on Friday, May 9.

;  
Location:;;;;;;;;;;;;; Rose Garden (seated in audience)  
;;;;;;;;;;;;;450 EEOB (rain site)  
;

Time:  
;;;;;;;;;;;;; Arrive -- 10:10am NW Gate  
;;;;;;;;;;;;; Remarks -- 10:30am  
;

Senators:

Cornyn  
Sununu  
Dole  
Graham  
Alexander  
Chambliss  
Coleman  
Murkowski  
Pryor  
Talent

;  
Frist  
Hatch  
McConnell  
Specter  
Miller  
Ben Nelson  
;  
THANKS!  
CW



---

**From:** CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 9:43:51 AM  
**Subject:** : Re: joan/usa today

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 13:43:51.00  
SUBJECT:: Re: joan/usa today  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes, I'm heading back to the office and will get it to you.

.

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 5:45:20 AM  
**Subject:** : RE: Judicial Indepence Remarks -- Friday, May 9

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 09:45:20.00  
SUBJECT:: RE: Judicial Indepence Remarks -- Friday, May 9  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

True, although Miller is still possible, but he went home sick to Ga.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, May 07, 2003 9:40 AM  
To: Grubbs, Wendy J.  
Subject: FW: Judicial Indepence Remarks -- Friday, May 9

true or not??

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/07/2003 09:39 AM -----

From: Christal R. West/WHO/EOP@Exchange on 05/07/2003 09:31:26 AM  
Record Type: Record

To: Charlotte L. Montiel/WHO/EOP@Exchange, Brett M.  
Kavanaugh/WHO/EOP@EOP, Carolyn Nelson/WHO/EOP@Exchange  
cc: Wendy J. Grubbs/WHO/EOP@Exchange, Eric C.  
Pelletier/WHO/EOP@Exchange  
Subject: FW: Judicial Indepence Remarks -- Friday, May 9

fyi --

we have word that pryor, miller and nelson will not attend, so this will  
be all Rs...  
i'm assuming we can seat them in the front row?...i'll ask jeanie for seat  
cards.  
thanks -- please let me know if you need anything else.  
CW

-----Original Message-----

From: West, Christal R.  
Sent: Wednesday, May 07, 2003 9:24 AM  
To: Holbrook, Ashley ; Jones, Alison  
Cc: Grubbs, Wendy J.; Ojakli, Ziad ; Pelletier, Eric C.  
Subject: Judicial Indepence Remarks -- Friday, May 9

Please extend invites to the following Senators for the President's  
Remarks on Judicial Independence on Friday, May 9.

Location: Rose Garden (seated in audience)  
450 EEOB (rain site)

Time:  
Arrive -- 10:10am NW Gate  
Remarks -- 10:30am

Senators:  
Cornyn  
Sununu

REV\_00117029

Dole  
Graham  
Alexander  
Chambliss  
Coleman  
Murkowski  
Pryor  
Talent

Frist  
Hatch  
McConnell  
Specter  
Miller  
Ben Nelson

THANKS!  
CW

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>;Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>  
**Sent:** 5/7/2003 5:46:08 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 09:46:08.00  
SUBJECT::  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Is judges on the agenda at Norquist and Weyrich today?

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/7/2003 10:25:18 AM  
**Subject:** RE: can we meet at 4:00 today to go over Friday activities and coordinate. Thanks.

sure

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Wednesday, May 07, 2003 10:23 AM  
**To:** Smith, Matthew E.; Grubbs, Wendy J.; Goeglein, Tim; Snee, Ashley  
**Cc:** Perkins, Paul  
**Subject:** can we meet at 4:00 today to go over Friday activities and coordinate. Thanks.

---

**From:** Kavanaugh, Brett M.  
**To:** <Grubbs, Wendy J.>  
**Sent:** 5/7/2003 10:28:30 AM  
**Subject:** I am jumping in your car to go to Senate

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 6:30:20 AM  
**Subject:** : Re: I am jumping in your car to go to Senate

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 10:30:20.00  
SUBJECT:: Re: I am jumping in your car to go to Senate  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Got it

.

---

**From:** CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 6:31:30 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 10:31:30.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Sorry about hanging up on you!!;;Clearly, I was;confused as to what was going on.



---

**From:** Montiel, Charlotte L.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/7/2003 10:31:23 AM  
**Subject:**

Sorry about hanging up on you!! Clearly, I was confused as to what was going on.

**From:** CN=Lisa J. Macecevic/OU=OMB/O=EOP [ OMB ]  
**To:** James J. Jukes/OMB/EOP@EOP [ OMB ] <James J. Jukes>; Kenneth L. Schwartz/OMB /EOP@EOP [ OMB ] <Kenneth L. Schwartz>; Lauren E. Bloomquist/OMB/EOP@EOP [ OMB ] <Lauren E. Bloomquist>; Kevin Warsh/OPD/EOP@EOP [ OPD ] <Kevin Warsh>; Richard E. Green/OMB/EOP@EOP [ OMB ] <Richard E. Green>; James Boden/OMB/EOP@EOP [ OMB ] <James Boden>; Diana L. Schacht/OPD/EOP@EOP [ OPD ] <Diana L. Schacht>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 6:32:14 AM  
**Subject:** : 05/07 CongressDaily AM on Hatch Asbestos Bill - likely to be introduced next week to establish \$108 billion trust fund

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Lisa J. Macecevic ( CN=Lisa J. Macecevic/OU=OMB/O=EOP [ OMB ] )  
CREATION DATE/TIME: 7-MAY-2003 10:32:14.00  
SUBJECT:: 05/07 CongressDaily AM on Hatch Asbestos Bill - likely to be introduced next week to establish \$108 billion trust fund  
TO:James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:Kenneth L. Schwartz ( CN=Kenneth L. Schwartz/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:Lauren E. Bloomquist ( CN=Lauren E. Bloomquist/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Richard E. Green ( CN=Richard E. Green/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:James Boden ( CN=James Boden/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Hatch Bill To Set Asbestos Compensation Fund At \$108 Billion  
yyyyyySenate Judiciary Chairman Hatch said he is close to ending private sector negotiations aimed at crafting a system to compensate victims of asbestos, essentially forcing unions and businesses to compromise on a \$108 billion trust fund.  
yyyyyyThe size of the fund was one of the biggest outstanding questions surrounding the negotiations, which the Judiciary Committee is overseeing. Unions were seeking \$120 billion, while defendant companies in asbestos litigation wanted a \$90 billion fund.  
yyyyyyHatch said he informed both sides of his decision to establish a \$108 billion fund, adding that he hopes to introduce legislation early next week.  
yyyyyy"I've been counting on everyone to negotiate in good faith," he said. "If not, I've got to come up with a bill and let the chips fall where they may." Hatch said he is trying to wrap up discussions by Friday.  
yyyyyyAppearing to settle another contentious issue, Hatch said the program likely would not contain a "backstop" mechanism to guarantee funding for victims. Organized labor had pushed for a backstop of federal funds to ensure that the trust fund would not run dry. But a backstop is not needed with a fund of that size, Hatch said.  
yyyyyy"It's more than enough -- managed properly," he said.  
yyyyyyHatch suggested that each side eventually would assent to the size of the trust fund. While the figure may be higher than businesses had favored, they "can build their business plans around it, and at least there will be certainty," Hatch said.  
yyyyyyThe legislation will establish a commission and a new court structure to avoid possible constitutional violations that would occur by using the trust fund in the regular judicial system, he added. The bill will specify that payments into the fund will be tax deductible to businesses, while payments to recipients will not be taxed.

ÿÿÿÿÿHatch said he expected to mark up the legislation in committee shortly after its introduction, and predicted that Majority Leader Frist would quickly schedule a floor vote. The \$108 billion trust fund has "some" Democratic support, he said.

ÿÿÿÿÿ"This is a problem we can't ignore -- there will be lost union jobs and bankrupt companies -- it's a drag on the economy," he added. By Emily Heil

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>  
**Sent:** 5/7/2003 6:32:43 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 10:32:43.00  
SUBJECT:: Re:  
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

no problemo!

From: Charlotte L. Montiel/WHO/EOP@Exchange on 05/07/2003 10:31:23  
AM  
Record Type: Record

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

Sorry about hanging up on you!!;;Clearly, I was;confused as to what was  
going on.

---

**From:** Kavanaugh, Brett M.  
**To:** <Montiel, Charlotte L.>  
**Sent:** 5/7/2003 10:32:12 AM  
**Subject:** Re:

no problemo!

From: Charlotte L. Montiel/WHO/EOP@Exchange on 05/07/2003 10:31:23 AM

Record Type: Record

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

cc:

Subject:

Sorry about hanging up on you!! Clearly, I was confused as to what was going on.

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 5/7/2003 6:41:13 AM  
**Subject:** : Flag Burning

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 7-MAY-2003 10:41:13.00

SUBJECT:: Flag Burning

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

;Have any of you worked on the Flag Burning amendment?

;

The House Judiciary committee is having a markup on a constitutional amendment.

---

**From:** CN=McGavock D. Reed/OU=OMB/O=EOP [ OMB ]  
**To:** Rosemary.Hart@usdoj.gov @ inet [ UNKNOWN ] <Rosemary.Hart@usdoj.gov @ inet>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 11:04:49 AM  
**Subject:** : OVP's changes to the "Judges" order.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:McGavock D. Reed ( CN=McGavock D. Reed/OU=OMB/O=EOP [ OMB ] )  
CREATION DATE/TIME: 7-MAY-2003 15:04:49.00  
SUBJECT:: OVP's changes to the "Judges" order.  
TO:Rosemary.Hart@usdoj.gov @ inet ( Rosemary.Hart@usdoj.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I have just faxed to you OVP's changes to the "Judges" order. Due to a glitch, I can't e-mail them to you. Mac

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Anne E. Campbell/WHO/EOP@Exchange@EOP [ WHO ] <Anne E. Campbell>  
**Sent:** 5/7/2003 11:10:36 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 15:10:36.00  
SUBJECT:  
TO:Anne E. Campbell ( CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Judge Gonzales had some other suggestions. Can I FAX them to you?



---

**From:** CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 11:12:00 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Anne E. Campbell ( CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 15:12:00.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Sure - my fax number is 6-2973.  
Thank you.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, May 07, 2003 3:09 PM  
To: Campbell, Anne E.  
Subject:

Judge Gonzales had some other suggestions. Can I FAX them to you?

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 7:16:42 AM  
**Subject:** : Important Questions

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 11:16:42.00  
SUBJECT:: Important Questions  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

AG has not yet been invited. Are we inviting him to be a stage participant? Will he have any kind of a speaking role? Also, how is this list:

;

General Ashcroft  
Larry Thompson  
Ted Olson  
Paul Clement  
Viet Dinh  
Kristi Remington  
Robert McCallum  
Brian B.  
Adam Charnes  
Adam Ciongoli  
David Ayres  
David Israelite  
Shiela Joy

;

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Carolyn Nelson/WHO/EOP@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/7/2003 7:18:06 AM  
**Subject:** : Re: Important Questions

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 11:18:06.00  
SUBJECT:: Re: Important Questions  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

No and no

.

----- Original Message -----  
From:Carolyn Nelson/WHO/EOP@Exchange  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/07/2003 11:16:43 AM  
Subject: Important Questions

AG has not yet been invited. Are we inviting him to be a stage participant? Will he have any kind of a speaking role? Also, how is this list:

;

General Ashcroft  
Larry Thompson  
Ted Olson  
Paul Clement  
Viet Dinh  
Kristi Remington  
Robert McCallum  
Brian B.  
Adam Charnes  
Adam Ciongoli  
David Ayres  
David Israelite  
Shiela Joy

;

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/7/2003 11:35:25 AM  
**Subject:** : following ad apparently is running in Wash Times Friday  
**Attachments:** P\_F9J8G003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 7-MAY-2003 15:35:25.00

SUBJECT:: following ad apparently is running in Wash Times Friday

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

- Daschle print ad.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_F9J8G003\_WHO.TXT\_1>

# Hypocrite!



***"I find it simply baffling that a Senator would vote against even voting on a judicial nomination."***

--Senate Minority Leader Tom Daschle,  
*Congressional Record*, Oct. 5, 1999

***"Hispanic or non-Hispanic, African American or non-African American, woman or man, it is wrong not to have a vote on the Senate floor."***

--Senate Minority Leader Tom Daschle,  
*Congressional Record*, Oct. 28, 1999

**That was then. Now, Tom Daschle is preventing the full Senate from voting on not one, but two, "well-qualified"\* judicial nominees, Miguel Estrada and Priscilla Owen.**

**Mr. Daschle, you are a leader in the United States Senate.  
Act like one!**

**Call Senator Daschle today!**

**202-224-2321**

**Tell him to live by his own words.**

***VOTE ON THE JUDGES!***

Center for Individual Freedom ([www.cfif.org](http://www.cfif.org)).



\*Rating of the American Bar Association

---

**From:** CN=John D. Estes/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 8:28:54 AM  
**Subject:** : Re: Haley Barbour at RGA Reception on May 7th - YOU ARE INVITED TO ATTEND!  
**Attachments:** P\_9878G003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:John D. Estes ( CN=John D. Estes/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 12:28:54.00  
SUBJECT:: Re: Haley Barbour at RGA Reception on May 7th - YOU ARE INVITED TO ATTEND!  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Is this something that we are able to attend?

Kirk Blalock <kblalock@fierce-isakowitz.com>  
05/02/2003 03:28:59 PM  
Please respond to kblalock@fierce-isakowitz.com  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc: 'Heather Larrison' <HLarrison@RGA.ORG>, 'Kristen Blalock' <KBlalock@RGA.ORG>  
Subject: Haley Barbour at RGA Reception on May 7th - YOU ARE INVITED TO ATTEND!

You are invited to attend a Republican Governors Association Reception with special guest Haley Barbour, candidate for Mississippi Governor, on Wednesday, May 7th at the Washington Court Hotel. The reception is from 6:30 pm - 8:00 pm in the Grand Ballroom of the Hotel which is located at 525 New Jersey Avenue, NW.

Your ticket is complimentary, and the RGA Counsel has approved this invitation as proper and legal. Please let me know if you can attend.

Thanks.

- att1.htm

Message Sent

To: \_\_\_\_\_  
Alicia P. Clark/WHO/EOP@EOP  
Andrew Knapp <andrew.knapp@hhs.gov>  
Barry S. Jackson/WHO/EOP@EOP  
Brett M. Kavanaugh/WHO/EOP@EOP  
Brian Reardon/OPD/EOP@EOP  
Candida P. Wolff/OVP/EOP@EOP  
Catherine J. Martin/OVP/EOP@EOP

REV\_00117068

Daniel J. Bartlett/WHO/EOP@EOP  
Dina Powell/WHO/EOP@EOP  
Elizabeth S. Dougherty/OPD/EOP@EOP  
Israel Hernandez/WHO/EOP@EOP  
John D. Estes/WHO/EOP@EOP  
Keith Hennessey/OPD/EOP@EOP  
Ken Mehlman/WHO/EOP@EOP  
Kevin Warsh/OPD/EOP@EOP  
Kristen Silverberg/WHO/EOP@EOP  
Lezlee J. Westine/WHO/EOP@EOP  
"Matt Schlapp (matt\_schlapp@who.eop.gov)" <m\_schlapp@who.eop.gov>  
'Mike Meece' <MMeece@doc.gov>  
Rob Nichols <robert.nichols@do.treas.gov>  
Susan B. Ralston/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_9878G003\_WHO.TXT\_1>

You are invited to attend a Republican Governors Association Reception with special guest Haley Barbour, candidate for Mississippi Governor, on Wednesday, May 7<sup>th</sup> at the Washington Court Hotel. The reception is from 6:30 pm – 8:00 pm in the Grand Ballroom of the Hotel which is located at 525 New Jersey Avenue, NW.

Your ticket is complimentary, and the RGA Counsel has approved this invitation as proper and legal. Please let me know if you can attend.

Thanks.



---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>;<Kavanaugh, Brett M.>  
**Sent:** 5/7/2003 12:35:51 PM  
**Subject:** Re: briefing paper example

Yes. Send me draft. Thanks!!!

.

----- Original Message -----

From: Carolyn Nelson/WHO/EOP@Exchange

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

Cc:

Date: 05/07/2003 12:32:31 PM

Subject: briefing paper example

Do you want me to do this? I'm more than happy to do it.

Noel J. Francisco/WHO/EOP@EOP  
Kelley Gannon/WHO/EOP@EOP  
Alan Gilbert/OPD/EOP@EOP  
Tim Goeglein/WHO/EOP@EOP  
Adam B. Goldman/WHO/EOP@EOP  
Wendy J. Grubbs/WHO/EOP@Exchange  
David Higbee/WHO/EOP@EOP  
Joel Kaplan/WHO/EOP@Exchange  
Brett M. Kavanaugh/WHO/EOP@EOP  
James M. Kelly/WHO/EOP@EOP  
Matthew Kirk/WHO/EOP@Exchange  
Lindsey C. Kozberg/WHO/EOP@EOP  
David Kuo/WHO/EOP@EOP  
Paul B. Kurtz/NSC/EOP@EOP  
Elan Liang/WHO/EOP@Exchange  
Ginger G. Loper/WHO/EOP@Exchange  
Heidi M. Smith/WHO/EOP@EOP  
Robert Marsh/WHO/EOP@Exchange  
Robert C. McNally/OPD/EOP@EOP  
Edward McNally/WHO/EOP@EOP  
Edmund C. Moy/WHO/EOP@EOP  
Noam M. Neusner/WHO/EOP@EOP  
Jennifer G. Newstead/WHO/EOP@EOP  
Sean B. O'Hollaren/WHO/EOP@Exchange  
Eric C. Pelletier/WHO/EOP@Exchange  
Brian Peterman/WHO/EOP@EOP  
Benjamin A. Powell/WHO/EOP@EOP  
Brian Reardon/OPD/EOP@EOP  
Liza Wright/WHO/EOP@EOP  
Kyle Sampson/WHO/EOP@EOP  
Desiree T. Sayle/WHO/EOP@EOP  
Diana L. Schacht/OPD/EOP@EOP  
Matthew A. Schlapp/WHO/EOP@EOP  
Matthew Scully/WHO/EOP@EOP  
Scott N. Sforza/WHO/EOP@EOP  
Kristen Silverberg/WHO/EOP@Exchange  
Karin B. Torgerson/WHO/EOP@Exchange  
Tevi Troy/WHO/EOP@Exchange  
Theodore W. Ulyot/WHO/EOP@EOP  
Kevin Warsh/OPD/EOP@EOP

**From:** CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Margaret M. Spellings/OPD/EOP@Exchange [ OPD ] <Margaret M. Spellings>;Kenneth Bernard/WHO/EOP@EOP [ WHO ] <Kenneth Bernard>  
**CC:** Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>;Karin B. Torgerson/WHO/EOP@Exchange [ WHO ] <Karin B. Torgerson>;Scott N. Sforza/WHO/EOP@EOP [ WHO ] <Scott N. Sforza>;Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>;Desiree T. Sayle/WHO/EOP@EOP [ WHO ] <Desiree T. Sayle>;Liza Wright/WHO/EOP@EOP [ WHO ] <Liza Wright>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Eric C. Pelletier/WHO/EOP@Exchange [ WHO ] <Eric C. Pelletier>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Edmund C. Moy/WHO/EOP@EOP [ WHO ] <Edmund C. Moy>;Robert C. McNally/OPD/EOP@EOP [ OPD ] <Robert C. McNally>;Heidi M. Smith/WHO/EOP@EOP [ WHO ] <Heidi M. Smith>;Elan Liang/WHO/EOP@Exchange [ WHO ] <Elan Liang>;David Kuo/WHO/EOP@EOP [ WHO ] <David Kuo>;Matthew Kirk/WHO/EOP@Exchange [ WHO ] <Matthew Kirk>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;David Higbee/WHO/EOP@EOP [ WHO ] <David Higbee>;Adam B. Goldman/WHO/EOP@EOP [ WHO ] <Adam B. Goldman>;Alan Gilbert/OPD/EOP@EOP [ OPD ] <Alan Gilbert>;Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>;Richard Falkenrath/WHO/EOP@Exchange [ WHO ] <Richard Falkenrath>;David Dunn/OPD/EOP@EOP [ OPD ] <David Dunn>;Nicolle Devenish/WHO/EOP@EOP [ WHO ] <Nicolle Devenish>;Christopher C. Cox/WHO/EOP@Exchange [ WHO ] <Christopher C. Cox>;Alicia P. Clark/WHO/EOP@EOP [ WHO ] <Alicia P. Clark>;Kirsten Chadwick/WHO/EOP@Exchange [ UNKNOWN ] <Kirsten Chadwick>;Christine M. Burgeson/WHO/EOP@Exchange [ WHO ] <Christine M. Burgeson>;Claire Buchan/WHO/EOP@Exchange [ UNKNOWN ] <Claire Buchan>;Charles P. Blahous/OPD/EOP@EOP [ OPD ] <Charles P. Blahous>;Todd W. Beyer/WHO/EOP@EOP [ WHO ] <Todd W. Beyer>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Jackie Arends/WHO/EOP@EOP [ WHO ] <Jackie Arends>;Lezlee J. Westine/WHO/EOP@EOP [ WHO ] <Lezlee J. Westine>;Jim Towey/WHO/EOP@EOP [ WHO ] <Jim Towey>;Ken Mehlman/WHO/EOP@EOP [ WHO ] <Ken Mehlman>;Scott McClellan/WHO/EOP@Exchange [ WHO ] <Scott McClellan>;Jay P. Lefkowitz/OPD/EOP@Exchange [ OPD ] <Jay P. Lefkowitz>;Gregory J. Jenkins/WHO/EOP@EOP [ WHO ] <Gregory J. Jenkins>;Edward Ingle/WHO/EOP@EOP [ WHO ] <Edward Ingle>;Keith Hennessey/OPD/EOP@Exchange [ OPD ] <Keith Hennessey>;Gary R. Edson/NSC/EOP@EOP [ NSC ] <Gary R. Edson>;Ruben S. Barrales/WHO/EOP@EOP [ WHO ] <Ruben S. Barrales>;Charles S. Abbot/WHO/EOP@Exchange [ WHO ] <Charles S. Abbot>;Karl C. Rove/WHO/EOP@Exchange [ WHO ] <Karl C. Rove>;Harriet Miers/WHO/EOP@Exchange [ WHO ] <Harriet Miers>;Joseph W Hagin/WHO/EOP@Exchange [ UNKNOWN ] <Joseph W Hagin>;Michael J. Gerson/WHO/EOP@Exchange [ WHO ] <Michael J. Gerson>;Lawrence A. Fleischer/WHO/EOP@Exchange [ WHO ] <Lawrence A. Fleischer>;John M. Bridgeland/OPD/EOP@EOP [ OPD ] <John M. Bridgeland>;Barbara A. Barclay/WHO/EOP@Exchange [ WHO ] <Barbara A. Barclay>;Carolyn E. Cleveland/WHO/EOP@Exchange [ WHO ] <Carolyn E. Cleveland>;Kara G. Figg/WHO/EOP@Exchange [ WHO ] <Kara G. Figg>;Jose Mallea/WHO/EOP@Exchange [ WHO ] <Jose Mallea>;Allison L. Riepenhoff/WHO/EOP@Exchange [ WHO ] <Allison L. Riepenhoff>;Ashley Estes/WHO/EOP@Exchange [ WHO ] <Ashley Estes>;Caroline Boeckel/OPD/EOP@EOP [ OPD ] <Caroline Boeckel>;Sue H. Gerdelman/OPD/EOP@EOP [ OPD ] <Sue H. Gerdelman>;Lauren K. Allgood/OPD/EOP@Exchange [ OPD ] <Lauren K. Allgood>;Carol J. Thompson/OPD/EOP@EOP [ OPD ] <Carol J. Thompson>;Emily Winland/OPD/EOP@EOP [ OPD ] <Emily Winland>;Layton Skelly/OPD/EOP@EOP [ OPD ] <Layton Skelly>;Garry Malphrus/OPD/EOP@EOP [ OPD ] <Garry Malphrus>;Troy Justesen/OPD/EOP@EOP [ OPD ] <Troy Justesen>;Lauren J. Vestewig/OPD/EOP@Exchange [ OPD ] <Lauren J. Vestewig>;James Connaughton/CEQ/EOP@EOP [ CEQ ] <James Connaughton>;Kevin Warsh/OPD/EOP@EOP [ OPD ] <Kevin Warsh>;Tevi Troy/WHO/EOP@Exchange [ WHO ] <Tevi Troy>;Kristen Silverberg/WHO/EOP@Exchange [ WHO ] <Kristen Silverberg>;Matthew Scully/WHO/EOP@EOP [ WHO ] <Matthew Scully>;Diana L. Schacht/OPD/EOP@EOP [ OPD ] <Diana L. Schacht>;Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Brian Reardon/OPD/EOP@EOP [ OPD ] <Brian Reardon>;Brian Peterman/WHO/EOP@EOP [ WHO ] <Brian Peterman>;Sean B. O'Hollaren/WHO/EOP@Exchange [ WHO ] <Sean B. O'Hollaren>;Noam M. Neusner/WHO/EOP@EOP [ WHO ] <Noam M. Neusner>;Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>;Robert Marsh/WHO/EOP@Exchange [ WHO ] <Robert Marsh>;Ginger G. Loper/WHO/EOP@Exchange [ WHO ] <Ginger G. Loper>;Paul B. Kurtz/NSC/EOP@EOP [ NSC ] <Paul B. Kurtz>;Lindsey C. Kozberg/WHO/EOP@EOP [ WHO ] <Lindsey C. Kozberg>;James M. Kelly/WHO/EOP@EOP [

WHO ] <James M. Kelly>;Joel Kaplan/WHO/EOP@Exchange [ UNKNOWN ] <Joel Kaplan>;Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>;Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>;Kelley Gannon/WHO/EOP@EOP [ WHO ] <Kelley Gannon>;Catherine S. Fenton/WHO/EOP@Exchange [ WHO ] <Catherine S. Fenton>;Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>;Elizabeth S. Dougherty/OPD/EOP@EOP [ OPD ] <Elizabeth S. Dougherty>;Amy Jensen/WHO/EOP@Exchange [ WHO ] <Amy Jensen>;Rebecca Contreras/WHO/EOP@EOP [ WHO ] <Rebecca Contreras>;Ronald I. Christie/OPD/EOP@EOP [ OPD ] <Ronald I. Christie>;Jonathan W. Burks/WHO/EOP@Exchange [ WHO ] <Jonathan W. Burks>;Katja Bullock/WHO/EOP@EOP [ WHO ] <Katja Bullock>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;Rebecca A. Beynon/WHO/EOP@EOP [ WHO ] <Rebecca A. Beynon>;Brian R. Besanceney/WHO/EOP@EOP [ WHO ] <Brian R. Besanceney>;William D. Badger/OPD/EOP@EOP [ OPD ] <William D. Badger>;Michael Allen/WHO/EOP@EOP [ WHO ] <Michael Allen>;Peter H. Wehner/WHO/EOP@EOP [ WHO ] <Peter H. Wehner>;Ziad Ojakli/WHO/EOP@Exchange [ UNKNOWN ] <Ziad Ojakli>;John P. McConnell/WHO/EOP@EOP [ WHO ] <John P. McConnell>;David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>;Daniel Keniry/WHO/EOP@Exchange [ UNKNOWN ] <Daniel Keniry>;Barry S. Jackson/WHO/EOP@EOP [ WHO ] <Barry S. Jackson>;Israel Hernandez/WHO/EOP@Exchange [ WHO ] <Israel Hernandez>;Tucker A. Eskew/WHO/EOP@EOP [ WHO ] <Tucker A. Eskew>;Suzy DeFrancis/WHO/EOP@Exchange [ WHO ] <Suzy DeFrancis>;Andrea G. Ball/WHO/EOP@Exchange [ WHO ] <Andrea G. Ball>;Clay Johnson III/WHO/EOP@Exchange [ WHO ] <Clay Johnson III>;Dina Powell/WHO/EOP@Exchange [ WHO ] <Dina Powell>;David W. Hobbs/WHO/EOP@Exchange [ WHO ] <David W. Hobbs>;Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>;Stephen Friedman/OPD/EOP@Exchange [ OPD ] <Stephen Friedman>;Andrew H. Card/WHO/EOP@Exchange [ WHO ] <Andrew H. Card>;Daniel J. Bartlett/WHO/EOP@Exchange [ WHO ] <Daniel J. Bartlett>;Debra D. Bird/WHO/EOP@Exchange [ WHO ] <Debra D. Bird>;Jared B. Weinstein/WHO/EOP@Exchange [ WHO ] <Jared B. Weinstein>;Tim Reynolds/WHO/EOP@Exchange [ WHO ] <Tim Reynolds>;Ross M. Kyle/WHO/EOP@Exchange [ WHO ] <Ross M. Kyle>;Melissa S. Bennett/WHO/EOP@Exchange [ WHO ] <Melissa S. Bennett>;Blake Gottesman/WHO/EOP@Exchange [ WHO ] <Blake Gottesman>;Marty P. Smith/OPD/EOP@EOP [ OPD ] <Marty P. Smith>;Daniel D. Heath/OPD/EOP@EOP [ OPD ] <Daniel D. Heath>;Jean Cooper/OPD/EOP@Exchange [ OPD ] <Jean Cooper>;Joseph F. O'Neill/OPD/EOP@EOP [ OPD ] <Joseph F. O'Neill>;Christina C. Wilson/OPD/EOP@EOP [ OPD ] <Christina C. Wilson>;Jess Sharp/OPD/EOP@EOP [ OPD ] <Jess Sharp>;Holly A. Kuzmich/OPD/EOP@EOP [ OPD ] <Holly A. Kuzmich>;Philo D. Hall/OPD/EOP@EOP [ OPD ] <Philo D. Hall>;Eleanor L. Gillmor/OPD/EOP@Exchange [ OPD ] <Eleanor L. Gillmor>;Joshua B. Bolten/WHO/EOP@Exchange [ WHO ] <Joshua B. Bolten>

**Sent:** 5/7/2003 8:50:36 AM

**Subject:** : RE: COS staff

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 7-MAY-2003 12:50:36.00

SUBJECT:: RE: COS staff

TO:Margaret M. Spellings ( CN=Margaret M. Spellings/OU=OPD/O=EOP@Exchange [ OPD ] )

READ:UNKNOWN

TO:Kenneth Bernard ( CN=Kenneth Bernard/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:Theodore W. Ulliyot ( CN=Theodore W. Ulliyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:Karin B. Torgerson ( CN=Karin B. Torgerson/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

CC:Scott N. Sforza ( CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:Desiree T. Sayle ( CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:Liza Wright ( CN=Liza Wright/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

REV\_00117081

CC:Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Edmund C. Moy ( CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Robert C. McNally ( CN=Robert C. McNally/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Heidi M. Smith ( CN=Heidi M. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Elan Liang ( CN=Elan Liang/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:David Kuo ( CN=David Kuo/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Matthew Kirk ( CN=Matthew Kirk/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:David Higbee ( CN=David Higbee/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Adam B. Goldman ( CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Alan Gilbert ( CN=Alan Gilbert/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Richard Falkenrath ( CN=Richard Falkenrath/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:David Dunn ( CN=David Dunn/OU=OPD/O=EOP@EOP [ OPD ] )  
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CC:Keith Hennessey ( CN=Keith Hennessey/OU=OPD/O=EOP@Exchange [ OPD ] )  
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CC:Gary R. Edson ( CN=Gary R. Edson/OU=NSC/O=EOP@EOP [ NSC ] )  
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CC:Ruben S. Barrales ( CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Charles S. Abbot ( CN=Charles S. Abbot/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Karl C. Rove ( CN=Karl C. Rove/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Joseph W Hagin ( CN=Joseph W Hagin/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
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CC:Michael J. Gerson ( CN=Michael J. Gerson/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Lawrence A. Fleischer ( CN=Lawrence A. Fleischer/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:John M. Bridgeland ( CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [ OPD ] )  
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CC:Kara G. Figg ( CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Jose Mallea ( CN=Jose Mallea/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Allison L. Riepenhoff ( CN=Allison L. Riepenhoff/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Lauren K. Allgood ( CN=Lauren K. Allgood/OU=OPD/O=EOP@Exchange [ OPD ] )  
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CC:James Connaughton ( CN=James Connaughton/OU=CEQ/O=EOP@EOP [ CEQ ] )  
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CC:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP@EOP [ OPD ] )  
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CC:Holly A. Kuzmich ( CN=Holly A. Kuzmich/OU=OPD/O=EOP@EOP [ OPD ] )  
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READ:UNKNOWN  
CC:Eleanor L. Gillmor ( CN=Eleanor L. Gillmor/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ:UNKNOWN  
CC:Joshua B. Bolten ( CN=Joshua B. Bolten/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

As long as we're still on the subject, Ali Tulbah from Cabinet Affairs (detailed from DOD) is tentatively scheduled to depart next week for Baghdad where he'll be assigned to Larry Dirita's office.

;-----Original Message-----

From: ; Bernard, Kenneth;  
Sent:;; Wednesday, May 07, 2003 12:44 PM  
To:;;;; Spellings, Margaret M.  
Cc:;;;; Bolten, Joshua B.; Connaughton, James; Gillmor, Eleanor L.; Vestewig, Lauren J.; Hall, Philo D.; Justesen, Troy; Kuzmich, Holly A.; Malphrus, Garry; Sharp, Jess; Skelly, Layton; Wilson, Christina C.; Winland, Emily; O'Neill, Joseph F.; Thompson, Carol J.; Cooper, Jean; Allgood, Lauren K.; Heath, Daniel D.; Gerdelman, Sue H.; Smith, Marty P.; Boeckel, Caroline; Gottesman, Blake; Estes, Ashley; Bennett, Melissa S.; Riepenhoff, Allison L.; Kyle, Ross M.; Mallea, Jose; Reynolds, Tim; Figg, Kara G.; Weinstein, Jared B.; Cleveland, Carolyn E.; Bird, Debra D.; Barclay, Barbara A.; Bartlett, Daniel J.; Bridgeland, John M.; Card, Andrew H.; Fleischer, Lawrence A.; Friedman, Stephen; Gerson, Michael J.; Gonzales, Alberto R.; Hagin, Joseph W; Hobbs, David W.; Miers, Harriet; Powell, Dina; Rove, Karl C.; Johnson III, Clay ; Abbot, Charles S.; Ball, Andrea G.; Barrales, Ruben S.; DeFrancis, Suzy; Edson, Gary R.; Eskew, Tucker A.; Hennessey, Keith; Hernandez, Israel; Ingle, Edward; Jackson,



Barry S.; Jenkins, Gregory J.; Keniry, Daniel ; Lefkowitz, Jay P.; Leitch, David G.; McClellan, Scott ; McConnell, John P.; Mehlman, Ken; Montgomery, Brian D.; Ojakli, Ziad ; Towey, Jim; Wehner, Peter H.; Westine, Lezlee J.; Allen, Michael; Arends, Jackie; Badger, William D.; Bartolomucci, H. Christopher; Besanceney, Brian R.; Beyer, Todd W.; Beynon, Rebecca A.; Blahous, Charles P.; Brosnahan, Jennifer R.; Buchan, Claire ; Bullock, Katja; Burgeson, Christine M.; Burks, Jonathan W.; Chadwick, Kirsten; Christie, Ronald I.; Clark, Alicia P.; Contreras, Rebecca; Cox, Christopher C.; Jensen, Amy; Devenish, Nicolle; Dougherty, Elizabeth S.; Dunn, David; Everson, Nanette; Falkenrath, Richard; Fenton, Catherine S.; Francisco, Noel J.; Gannon, Kelley; Gilbert, Alan; Goeglein, Tim; Goldman, Adam B.; Grubbs, Wendy J.; Higbee, David; Kaplan, Joel; Kavanaugh, Brett M.; Kelly, James M.; Kirk, Matthew ; Kozberg, Lindsey C.; Kuo, David; Kurtz, Paul B.; Liang, Elan; Loper, Ginger G.; Smith, Heidi M.; Marsh, Robert ; McNally, Robert C.; McNally, Edward; Moy, Edmund C.; Neusner, Noam M.; Newstead, Jennifer G.; O'Hollaren, Sean B.; Pelletier, Eric C.; Peterman, Brian; Powell, Benjamin A.; Reardon, Brian; Wright, Liza; Sampson, Kyle; Sayle, Desiree T.; Schacht, Diana L.; Schlapp, Matthew A.; Scully, Matthew; Sforza, Scott N.; Silverberg, Kristen; Torgerson, Karin B.; Troy, Tevi; Ullyot, Theodore W.; Warsh, Kevin

Subject:;;;;;; RE: COS staff

And you probably know that; "Smallpox Bob" Kadlec, from the Biodefense Directorate at HSC,; is now TDY in Iraq; interviewing former bioweapons scientists.;; --Ken

From;;; Margaret M. Spellings/OPD/EOP@Exchange on 05/07/2003  
12:36:51 PM  
Record Type;;; Record

To:;;; See the distribution list at the bottom of this message  
cc:;;;  
Subject:;;;;;; RE: COS staff

Thanks, Josh and all the best to Kristen. We in DPC are contributing to the cause by offering up Reuben Jeffery to the Iraq reconstruction effort. His;Washington D.C. portfolio will be handled by Terrell Halaska and his New York issues will be managed by Jay Lefkowitz in his absence. See you at 5:30. Margaret;

-----Original Message-----

From: Bolten, Joshua B.  
Sent: Wednesday, May 07, 2003 11:57 AM  
To: Connaughton, James; Gillmor, Eleanor L.; Vestewig, Lauren J.; Hall, Philo D.; Justesen, Troy; Kuzmich, Holly A.; Malphrus, Garry; Sharp, Jess; Skelly, Layton; Wilson, Christina C.; Winland, Emily; O'Neill, Joseph F.; Thompson, Carol J.; Cooper, Jean; Allgood, Lauren K.; Heath, Daniel D.; Gerdelman, Sue H.; Smith, Marty P.; Boeckel, Caroline; Gottesman, Blake; Estes, Ashley; Bennett, Melissa S.; Riepenhoff, Allison L.; Kyle, Ross M.; Mallea, Jose; Reynolds, Tim; Figg, Kara G.; Weinstein, Jared B.; Cleveland, Carolyn E.; Bird, Debra D.; Barclay, Barbara A.; Bartlett, Daniel J.; Bolten, Joshua B.; Bridgeland, John M.; Card, Andrew H.; Fleischer, Lawrence A.; Friedman, Stephen; Gerson, Michael J.; Gonzales, Alberto R.; Hagin, Joseph W.; Hobbs, David W.; Miers, Harriet; Powell, Dina; Rove, Karl C.; Spellings, Margaret M.; Johnson III, Clay ; Abbot, Charles S.; Ball, Andrea G.; Barrales, Ruben S.; DeFrancis, Suzy; Edson, Gary R.; Eskew, Tucker A.; Hennessey, Keith; Hernandez, Israel; Ingle, Edward; Jackson, Barry S.; Jenkins, Gregory J.; Keniry, Daniel ; Lefkowitz, Jay P.; Leitch, David G.; McClellan, Scott ; McConnell, John P.; Mehlman, Ken; Montgomery, Brian D.; Ojakli, Ziad ; Towey, Jim; Wehner, Peter H.; Westine, Lezlee J.; Allen, Michael; Arends, Jackie; Badger, William D.; Bartolomucci, H. Christopher; Bernard, Kenneth; Besanceney, Brian R.; Beyer, Todd W.; Beynon, Rebecca A.; Blahous, Charles P.;

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Brosnahan, Jennifer R.; Buchan, Claire ; Bullock, Katja; Burgeson, Christine M.; Burks, Jonathan W.; Chadwick, Kirsten; Christie, Ronald I.; Clark, Alicia P.; Contreras, Rebecca; Cox, Christopher C.; Jensen, Amy; Devenish, Nicolle; Dougherty, Elizabeth S.; Dunn, David; Everson, Nanette; Falkenrath, Richard; Fenton, Catherine S.; Francisco, Noel J.; Gannon, Kelley; Gilbert, Alan; Goeglein, Tim; Goldman, Adam B.; Grubbs, Wendy J.; Higbee, David; Kaplan, Joel; Kavanaugh, Brett M.; Kelly, James M.; Kirk, Matthew ; Kozberg, Lindsey C.; Kuo, David; Kurtz, Paul B.; Liang, Elan; Loper, Ginger G.; Smith, Heidi M.; Marsh, Robert ; McNally, Robert C.; McNally, Edward; Moy, Edmund C.; Neusner, Noam M.; Newstead, Jennifer G.; O'Hollaren, Sean B.; Pelletier, Eric C.; Peterman, Brian; Powell, Benjamin A.; Reardon, Brian; Wright, Liza; Sampson, Kyle; Sayle, Desiree T.; Schacht, Diana L.; Schlapp, Matthew A.; Scully, Matthew; Sforza, Scott N.; Silverberg, Kristen; Torgerson, Karin B.; Troy, Tevi; Ulliot, Theodore W.; Warsh, Kevin

Subject: COS staff

As many of you know, Kristen Silverberg is shipping out this week for Baghdad.; She will serve as;policy advisor to the new Presidential Envoy to Iraq, Amb.;Jerry Bremer, who will be the senior Coalition official in Iraq.; We wish Kristen well in this important adventure, confident that the reconstruction operation is in good hands.

;  
Filling in for Kristen during her absence will be Jeffrey Kupfer, on generous loan from the Treasury Department, where he is Deputy Chief of Staff.; Jeff will be in the same COS office space on the first floor WW, at extension;6-5773.; We're grateful to have Jeff in this role; please make him welcome.

;  
There will be drinks in the Chief's office at 5:30 this afternoon, to celebrate Kristen and;other departing soldiers in the armies of reconstruction.

Message Sent

To: \_\_\_\_\_ ; ;

Joshua B. Bolten/WHO/EOP@Exchange  
James Connaughton/CEQ/EOP@EOP  
Eleanor L. Gillmor/OPD/EOP@Exchange  
Lauren J. Vestewig/OPD/EOP@Exchange  
Philo D. Hall/OPD/EOP@EOP  
Troy Justesen/OPD/EOP@EOP  
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Jose Mallea/WHO/EOP@Exchange  
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Nanette Everson/WHO/EOP@EOP  
Richard Falkenrath/WHO/EOP@Exchange  
Catherine S. Fenton/WHO/EOP@Exchange

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 8:59:31 AM  
**Subject:** : RE: briefing paper example

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 12:59:31.00  
SUBJECT:: RE: briefing paper example  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Almost done, but will you pls call me to discuss a couple of items?

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, May 07, 2003 12:36 PM  
To: Nelson, Carolyn; Kavanaugh, Brett M.  
Subject: Re: briefing paper example

Yes. Send me draft. Thanks!!!

.

----- Original Message -----

From:Carolyn Nelson/WHO/EOP@Exchange  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/07/2003 12:32:31 PM  
Subject: briefing paper example

Do you want me to do this? I'm more than happy to do it.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/7/2003 1:00:57 PM  
**Subject:** : reminder on staff sec packet; thanks

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 17:00:57.00  
SUBJECT:: reminder on staff sec packet; thanks  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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**From:** CN=Paul Perkins/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 1:03:17 PM  
**Subject:** : Talking Points

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 17:03:17.00  
SUBJECT:: Talking Points  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,  
Tim is doing a conference call tomorrow on Judges. Do you have an updated  
talking points memo?  
Thanks,  
Paul.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/7/2003 9:29:50 AM  
**Subject:** : I will be over at 145.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 13:29:50.00  
SUBJECT:: I will be over at 145.  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

.

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**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 9:32:05 AM  
**Subject:** : RE: I will be over at 145.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 13:32:05.00  
SUBJECT:: RE: I will be over at 145.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

HE has a meeting at 2, fyi.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, May 07, 2003 1:29 PM  
To: Nelson, Carolyn  
Subject: I will be over at 145.

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**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/7/2003 1:32:44 PM  
**Subject:** RE: I will be over at 145.

HE has a meeting at 2, fyi.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Wednesday, May 07, 2003 1:29 PM  
**To:** Nelson, Carolyn  
**Subject:** I will be over at 145.

David Higbee/WHO/EOP@EOP  
Joel Kaplan/WHO/EOP@Exchange  
Brett M. Kavanaugh/WHO/EOP@EOP  
James M. Kelly/WHO/EOP@EOP  
Matthew Kirk/WHO/EOP@Exchange  
Lindsey C. Kozberg/WHO/EOP@EOP  
David Kuo/WHO/EOP@EOP  
Paul B. Kurtz/NSC/EOP@EOP  
Elan Liang/WHO/EOP@Exchange  
Ginger G. Loper/WHO/EOP@Exchange  
Heidi M. Smith/WHO/EOP@EOP  
Robert Marsh/WHO/EOP@Exchange  
Robert C. McNally/OPD/EOP@EOP  
Edward McNally/WHO/EOP@EOP  
Edmund C. Moy/WHO/EOP@EOP  
Noam M. Neusner/WHO/EOP@EOP  
Jennifer G. Newstead/WHO/EOP@EOP  
Sean B. O'Hollaren/WHO/EOP@Exchange  
Eric C. Pelletier/WHO/EOP@Exchange  
Brian Peterman/WHO/EOP@EOP  
Benjamin A. Powell/WHO/EOP@EOP  
Brian Reardon/OPD/EOP@EOP  
Liza Wright/WHO/EOP@EOP  
Kyle Sampson/WHO/EOP@EOP  
Desiree T. Sayle/WHO/EOP@EOP  
Diana L. Schacht/OPD/EOP@EOP  
Matthew A. Schlapp/WHO/EOP@EOP  
Matthew Scully/WHO/EOP@EOP  
Scott N. Sforza/WHO/EOP@EOP  
Kristen Silverberg/WHO/EOP@Exchange  
Karin B. Torgerson/WHO/EOP@Exchange  
Tevi Troy/WHO/EOP@Exchange  
Theodore W. Ulliot/WHO/EOP@EOP  
Kevin Warsh/OPD/EOP@EOP

**From:** CN=Lawrence A. Fleischer/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Margaret M. Spellings/OPD/EOP@Exchange [ OPD ] <Margaret M. Spellings>;Kenneth Bernard/WHO/EOP@EOP [ WHO ] <Kenneth Bernard>  
**CC:** Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>;Karin B. Torgerson/WHO/EOP@Exchange [ WHO ] <Karin B. Torgerson>;Scott N. Sforza/WHO/EOP@EOP [ WHO ] <Scott N. Sforza>;Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>;Desiree T. Sayle/WHO/EOP@EOP [ WHO ] <Desiree T. Sayle>;Liza Wright/WHO/EOP@EOP [ WHO ] <Liza Wright>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Eric C. Pelletier/WHO/EOP@Exchange [ WHO ] <Eric C. Pelletier>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Edmund C. Moy/WHO/EOP@EOP [ WHO ] <Edmund C. Moy>;Robert C. McNally/OPD/EOP@EOP [ OPD ] <Robert C. McNally>;Heidi M. Smith/WHO/EOP@EOP [ WHO ] <Heidi M. Smith>;Elan Liang/WHO/EOP@Exchange [ WHO ] <Elan Liang>;David Kuo/WHO/EOP@EOP [ WHO ] <David Kuo>;Matthew Kirk/WHO/EOP@Exchange [ WHO ] <Matthew Kirk>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;David Higbee/WHO/EOP@EOP [ WHO ] <David Higbee>;Adam B. Goldman/WHO/EOP@EOP [ WHO ] <Adam B. Goldman>;Alan Gilbert/OPD/EOP@EOP [ OPD ] <Alan Gilbert>;Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>;Richard Falkenrath/WHO/EOP@Exchange [ WHO ] <Richard Falkenrath>;David Dunn/OPD/EOP@EOP [ OPD ] <David Dunn>;Nicolle Devenish/WHO/EOP@EOP [ WHO ] <Nicolle Devenish>;Christopher C. Cox/WHO/EOP@Exchange [ WHO ] <Christopher C. Cox>;Alicia P. Clark/WHO/EOP@EOP [ WHO ] <Alicia P. Clark>;Kirsten Chadwick/WHO/EOP@Exchange [ UNKNOWN ] <Kirsten Chadwick>;Christine M. Burgeson/WHO/EOP@Exchange [ WHO ] <Christine M. Burgeson>;Claire Buchan/WHO/EOP@Exchange [ UNKNOWN ] <Claire Buchan>;Charles P. Blahous/OPD/EOP@EOP [ OPD ] <Charles P. Blahous>;Todd W. Beyer/WHO/EOP@EOP [ WHO ] <Todd W. Beyer>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Jackie Arends/WHO/EOP@EOP [ WHO ] <Jackie Arends>;Lezlee J. Westine/WHO/EOP@EOP [ WHO ] <Lezlee J. Westine>;Jim Towey/WHO/EOP@EOP [ WHO ] <Jim Towey>;Brian D. Montgomery/WHO/EOP@Exchange [ WHO ] <Brian D. Montgomery>;John P. McConnell/WHO/EOP@EOP [ WHO ] <John P. McConnell>;David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>;Daniel Keniry/WHO/EOP@Exchange [ UNKNOWN ] <Daniel Keniry>;Barry S. Jackson/WHO/EOP@EOP [ WHO ] <Barry S. Jackson>;Israel Hernandez/WHO/EOP@Exchange [ WHO ] <Israel Hernandez>;Tucker A. Eskew/WHO/EOP@EOP [ WHO ] <Tucker A. Eskew>;Suzy DeFrancis/WHO/EOP@Exchange [ WHO ] <Suzy DeFrancis>;Andrea G. Ball/WHO/EOP@Exchange [ WHO ] <Andrea G. Ball>;Clay Johnson III/WHO/EOP@Exchange [ WHO ] <Clay Johnson III>;Dina Powell/WHO/EOP@Exchange [ WHO ] <Dina Powell>;David W. Hobbs/WHO/EOP@Exchange [ WHO ] <David W. Hobbs>;Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>;Stephen Friedman/OPD/EOP@Exchange [ OPD ] <Stephen Friedman>;John M. Bridgeland/OPD/EOP@EOP [ OPD ] <John M. Bridgeland>;Barbara A. Barclay/WHO/EOP@Exchange [ WHO ] <Barbara A. Barclay>;Carolyn E. Cleveland/WHO/EOP@Exchange [ WHO ] <Carolyn E. Cleveland>;Kara G. Figg/WHO/EOP@Exchange [ WHO ] <Kara G. Figg>;Jose Mallea/WHO/EOP@Exchange [ WHO ] <Jose Mallea>;Allison L. Riepenhoff/WHO/EOP@Exchange [ WHO ] <Allison L. Riepenhoff>;Ashley Estes/WHO/EOP@Exchange [ WHO ] <Ashley Estes>;Caroline Boeckel/OPD/EOP@EOP [ OPD ] <Caroline Boeckel>;Sue H. Gerdelman/OPD/EOP@EOP [ OPD ] <Sue H. Gerdelman>;Lauren K. Allgood/OPD/EOP@Exchange [ OPD ] <Lauren K. Allgood>;Carol J. Thompson/OPD/EOP@EOP [ OPD ] <Carol J. Thompson>;Emily Winland/OPD/EOP@EOP [ OPD ] <Emily Winland>;Layton Skelly/OPD/EOP@EOP [ OPD ] <Layton Skelly>;Garry Malphrus/OPD/EOP@EOP [ OPD ] <Garry Malphrus>;Troy Justesen/OPD/EOP@EOP [ OPD ] <Troy Justesen>;Lauren J. Vestewig/OPD/EOP@Exchange [ OPD ] <Lauren J. Vestewig>;James Connaughton/CEQ/EOP@EOP [ CEQ ] <James Connaughton>;Kevin Warsh/OPD/EOP@EOP [ OPD ] <Kevin Warsh>;Tevi Troy/WHO/EOP@Exchange [ WHO ] <Tevi Troy>;Kristen Silverberg/WHO/EOP@Exchange [ WHO ] <Kristen Silverberg>;Matthew Scully/WHO/EOP@EOP [ WHO ] <Matthew Scully>;Diana L. Schacht/OPD/EOP@EOP [ OPD ] <Diana L. Schacht>;Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Brian Reardon/OPD/EOP@EOP [ OPD ] <Brian Reardon>;Brian Peterman/WHO/EOP@EOP [ WHO ] <Brian Peterman>;Sean B. O'Hollaren/WHO/EOP@Exchange [ WHO ] <Sean B. O'Hollaren>;Noam M. Neusner/WHO/EOP@EOP [ WHO ] <Noam M. Neusner>;Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>;Robert Marsh/WHO/EOP@Exchange [ WHO ] <Robert Marsh>;Ginger G. Loper/WHO/EOP@Exchange [ WHO ] <Ginger G. Loper>;Paul B. Kurtz/NSC/EOP@EOP [ NSC ] <Paul B. Kurtz>;Lindsey C. Kozberg/WHO/EOP@EOP [ WHO ] <Lindsey C.

Kozberg>;James M. Kelly/WHO/EOP@EOP [ WHO ] <James M. Kelly>;Joel Kaplan/WHO/EOP@Exchange [ UNKNOWN ] <Joel Kaplan>;Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>;Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>;Kelley Gannon/WHO/EOP@EOP [ WHO ] <Kelley Gannon>;Catherine S. Fenton/WHO/EOP@Exchange [ WHO ] <Catherine S. Fenton>;Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>;Elizabeth S. Dougherty/OPD/EOP@EOP [ OPD ] <Elizabeth S. Dougherty>;Amy Jensen/WHO/EOP@Exchange [ WHO ] <Amy Jensen>;Rebecca Contreras/WHO/EOP@EOP [ WHO ] <Rebecca Contreras>;Ronald I. Christie/OPD/EOP@EOP [ OPD ] <Ronald I. Christie>;Jonathan W. Burks/WHO/EOP@Exchange [ WHO ] <Jonathan W. Burks>;Katja Bullock/WHO/EOP@EOP [ WHO ] <Katja Bullock>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;Rebecca A. Beynon/WHO/EOP@EOP [ WHO ] <Rebecca A. Beynon>;Brian R. Besanceney/WHO/EOP@EOP [ WHO ] <Brian R. Besanceney>;William D. Badger/OPD/EOP@EOP [ OPD ] <William D. Badger>;Michael Allen/WHO/EOP@EOP [ WHO ] <Michael Allen>;Peter H. Wehner/WHO/EOP@EOP [ WHO ] <Peter H. Wehner>;Ziad Ojakli/WHO/EOP@Exchange [ UNKNOWN ] <Ziad Ojakli>;Ken Mehlman/WHO/EOP@EOP [ WHO ] <Ken Mehlman>;Scott McClellan/WHO/EOP@Exchange [ WHO ] <Scott McClellan>;Jay P. Lefkowitz/OPD/EOP@Exchange [ OPD ] <Jay P. Lefkowitz>;Gregory J. Jenkins/WHO/EOP@EOP [ WHO ] <Gregory J. Jenkins>;Edward Ingle/WHO/EOP@EOP [ WHO ] <Edward Ingle>;Keith Hennessey/OPD/EOP@Exchange [ OPD ] <Keith Hennessey>;Gary R. Edson/NSC/EOP@EOP [ NSC ] <Gary R. Edson>;Ruben S. Barrales/WHO/EOP@EOP [ WHO ] <Ruben S. Barrales>;Charles S. Abbot/WHO/EOP@Exchange [ WHO ] <Charles S. Abbot>;Karl C. Rove/WHO/EOP@Exchange [ WHO ] <Karl C. Rove>;Harriet Miers/WHO/EOP@Exchange [ WHO ] <Harriet Miers>;Joseph W Hagin/WHO/EOP@Exchange [ UNKNOWN ] <Joseph W Hagin>;Michael J. Gerson/WHO/EOP@Exchange [ WHO ] <Michael J. Gerson>;Andrew H. Card/WHO/EOP@Exchange [ WHO ] <Andrew H. Card>;Daniel J. Bartlett/WHO/EOP@Exchange [ WHO ] <Daniel J. Bartlett>;Debra D. Bird/WHO/EOP@Exchange [ WHO ] <Debra D. Bird>;Jared B. Weinstein/WHO/EOP@Exchange [ WHO ] <Jared B. Weinstein>;Tim Reynolds/WHO/EOP@Exchange [ WHO ] <Tim Reynolds>;Ross M. Kyle/WHO/EOP@Exchange [ WHO ] <Ross M. Kyle>;Melissa S. Bennett/WHO/EOP@Exchange [ WHO ] <Melissa S. Bennett>;Blake Gottesman/WHO/EOP@Exchange [ WHO ] <Blake Gottesman>;Marty P. Smith/OPD/EOP@EOP [ OPD ] <Marty P. Smith>;Daniel D. Heath/OPD/EOP@EOP [ OPD ] <Daniel D. Heath>;Jean Cooper/OPD/EOP@Exchange [ OPD ] <Jean Cooper>;Joseph F. O'Neill/OPD/EOP@EOP [ OPD ] <Joseph F. O'Neill>;Christina C. Wilson/OPD/EOP@EOP [ OPD ] <Christina C. Wilson>;Jess Sharp/OPD/EOP@EOP [ OPD ] <Jess Sharp>;Holly A. Kuzmich/OPD/EOP@EOP [ OPD ] <Holly A. Kuzmich>;Philo D. Hall/OPD/EOP@EOP [ OPD ] <Philo D. Hall>;Eleanor L. Gillmor/OPD/EOP@Exchange [ OPD ] <Eleanor L. Gillmor>;Joshua B. Bolten/WHO/EOP@Exchange [ WHO ] <Joshua B. Bolten>

**Sent:** 5/7/2003 9:34:51 AM

**Subject:** : RE: COS staff

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Lawrence A. Fleischer ( CN=Lawrence A. Fleischer/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 7-MAY-2003 13:34:51.00

SUBJECT:: RE: COS staff

TO:Margaret M. Spellings ( CN=Margaret M. Spellings/OU=OPD/O=EOP@Exchange [ OPD ] )

READ:UNKNOWN

TO:Kenneth Bernard ( CN=Kenneth Bernard/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:Theodore W. Ulliyot ( CN=Theodore W. Ulliyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:Karin B. Torgerson ( CN=Karin B. Torgerson/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

CC:Scott N. Sforza ( CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:Desiree T. Sayle ( CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:Liza Wright ( CN=Liza Wright/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

REV\_00117105

CC:Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Edmund C. Moy ( CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Robert C. McNally ( CN=Robert C. McNally/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Heidi M. Smith ( CN=Heidi M. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Elan Liang ( CN=Elan Liang/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:David Kuo ( CN=David Kuo/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Matthew Kirk ( CN=Matthew Kirk/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:David Higbee ( CN=David Higbee/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Adam B. Goldman ( CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Alan Gilbert ( CN=Alan Gilbert/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Richard Falkenrath ( CN=Richard Falkenrath/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:David Dunn ( CN=David Dunn/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Nicolle Devenish ( CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Christopher C. Cox ( CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Alicia P. Clark ( CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Kirsten Chadwick ( CN=Kirsten Chadwick/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
CC:Christine M. Burgeson ( CN=Christine M. Burgeson/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Claire Buchan ( CN=Claire Buchan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
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CC:Charles P. Blahous ( CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Todd W. Beyer ( CN=Todd W. Beyer/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Jackie Arends ( CN=Jackie Arends/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Lezlee J. Westine ( CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Jim Towey ( CN=Jim Towey/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:John P. McConnell ( CN=John P. McConnell/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Daniel Keniry ( CN=Daniel Keniry/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
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CC:Barry S. Jackson ( CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Tucker A. Eskew ( CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN

CC:Suzy DeFrancis ( CN=Suzy DeFrancis/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Andrea G. Ball ( CN=Andrea G. Ball/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Clay Johnson III ( CN=Clay Johnson III/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Dina Powell ( CN=Dina Powell/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Stephen Friedman ( CN=Stephen Friedman/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ:UNKNOWN  
CC:John M. Bridgeland ( CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Barbara A. Barclay ( CN=Barbara A. Barclay/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Carolyn E. Cleveland ( CN=Carolyn E. Cleveland/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Kara G. Figg ( CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Jose Mallea ( CN=Jose Mallea/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Allison L. Riepenhoff ( CN=Allison L. Riepenhoff/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Caroline Boeckel ( CN=Caroline Boeckel/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Sue H. Gerdelman ( CN=Sue H. Gerdelman/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Lauren K. Allgood ( CN=Lauren K. Allgood/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ:UNKNOWN  
CC:Carol J. Thompson ( CN=Carol J. Thompson/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Emily Winland ( CN=Emily Winland/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Layton Skelly ( CN=Layton Skelly/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Garry Malphrus ( CN=Garry Malphrus/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Troy Justesen ( CN=Troy Justesen/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Lauren J. Vestewig ( CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ:UNKNOWN  
CC:James Connaughton ( CN=James Connaughton/OU=CEQ/O=EOP@EOP [ CEQ ] )  
READ:UNKNOWN  
CC:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Tevi Troy ( CN=Tevi Troy/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Matthew Scully ( CN=Matthew Scully/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Brian Reardon ( CN=Brian Reardon/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Brian Peterman ( CN=Brian Peterman/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Sean B. O'Hollaren ( CN=Sean B. O'Hollaren/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Noam M. Neusner ( CN=Noam M. Neusner/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN

CC:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Robert Marsh ( CN=Robert Marsh/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Ginger G. Loper ( CN=Ginger G. Loper/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Paul B. Kurtz ( CN=Paul B. Kurtz/OU=NSC/O=EOP@EOP [ NSC ] )  
READ:UNKNOWN  
CC:Lindsey C. Kozberg ( CN=Lindsey C. Kozberg/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:James M. Kelly ( CN=James M. Kelly/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
CC:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Kelley Gannon ( CN=Kelley Gannon/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Catherine S. Fenton ( CN=Catherine S. Fenton/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Elizabeth S. Dougherty ( CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [ OPD ] )  
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CC:Amy Jensen ( CN=Amy Jensen/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Rebecca Contreras ( CN=Rebecca Contreras/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Ronald I. Christie ( CN=Ronald I. Christie/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Jonathan W. Burks ( CN=Jonathan W. Burks/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Katja Bullock ( CN=Katja Bullock/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Rebecca A. Beynon ( CN=Rebecca A. Beynon/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Brian R. Besanceney ( CN=Brian R. Besanceney/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:William D. Badger ( CN=William D. Badger/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Michael Allen ( CN=Michael Allen/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Peter H. Wehner ( CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Ziad Ojakli ( CN=Ziad Ojakli/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
CC:Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Scott McClellan ( CN=Scott McClellan/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ:UNKNOWN  
CC:Gregory J. Jenkins ( CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Keith Hennessey ( CN=Keith Hennessey/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ:UNKNOWN  
CC:Gary R. Edson ( CN=Gary R. Edson/OU=NSC/O=EOP@EOP [ NSC ] )  
READ:UNKNOWN  
CC:Ruben S. Barrales ( CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Charles S. Abbot ( CN=Charles S. Abbot/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

CC:Karl C. Rove ( CN=Karl C. Rove/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 CC:Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 CC:Joseph W Hagin ( CN=Joseph W Hagin/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
 READ:UNKNOWN  
 CC:Michael J. Gerson ( CN=Michael J. Gerson/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 CC:Andrew H. Card ( CN=Andrew H. Card/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 CC:Daniel J. Bartlett ( CN=Daniel J. Bartlett/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 CC:Debra D. Bird ( CN=Debra D. Bird/OU=WHO/O=EOP@Exchange [ WHO ] )  
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 CC:Jared B. Weinstein ( CN=Jared B. Weinstein/OU=WHO/O=EOP@Exchange [ WHO ] )  
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 CC:Tim Reynolds ( CN=Tim Reynolds/OU=WHO/O=EOP@Exchange [ WHO ] )  
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 CC:Ross M. Kyle ( CN=Ross M. Kyle/OU=WHO/O=EOP@Exchange [ WHO ] )  
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 CC:Melissa S. Bennett ( CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 CC:Blake Gottesman ( CN=Blake Gottesman/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 CC:Marty P. Smith ( CN=Marty P. Smith/OU=OPD/O=EOP@EOP [ OPD ] )  
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 CC:Daniel D. Heath ( CN=Daniel D. Heath/OU=OPD/O=EOP@EOP [ OPD ] )  
 READ:UNKNOWN  
 CC:Jean Cooper ( CN=Jean Cooper/OU=OPD/O=EOP@Exchange [ OPD ] )  
 READ:UNKNOWN  
 CC:Joseph F. O'Neill ( CN=Joseph F. O'Neill/OU=OPD/O=EOP@EOP [ OPD ] )  
 READ:UNKNOWN  
 CC:Christina C. Wilson ( CN=Christina C. Wilson/OU=OPD/O=EOP@EOP [ OPD ] )  
 READ:UNKNOWN  
 CC:Jess Sharp ( CN=Jess Sharp/OU=OPD/O=EOP@EOP [ OPD ] )  
 READ:UNKNOWN  
 CC:Holly A. Kuzmich ( CN=Holly A. Kuzmich/OU=OPD/O=EOP@EOP [ OPD ] )  
 READ:UNKNOWN  
 CC:Philo D. Hall ( CN=Philo D. Hall/OU=OPD/O=EOP@EOP [ OPD ] )  
 READ:UNKNOWN  
 CC:Eleanor L. Gillmor ( CN=Eleanor L. Gillmor/OU=OPD/O=EOP@Exchange [ OPD ] )  
 READ:UNKNOWN  
 CC:Joshua B. Bolten ( CN=Joshua B. Bolten/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 ##### End Original ARMS Header #####

Can I offer the White House press corps to the reconstruction effort in  
 Iraq? Any interesting in having Iraq host them for a while?

-----Original Message-----

From: Bernard, Kenneth  
 Sent: Wednesday, May 07, 2003 12:44 PM  
 To: Spellings, Margaret M.  
 Cc: Bolten, Joshua B.; Connaughton, James; Gillmor, Eleanor L.;  
 Vestewig, Lauren J.; Hall, Philo D.; Justesen, Troy; Kuzmich, Holly A.;  
 Malphrus, Garry; Sharp, Jess; Skelly, Layton; Wilson, Christina C.;  
 Winland, Emily; O'Neill, Joseph F.; Thompson, Carol J.; Cooper, Jean;  
 Allgood, Lauren K.; Heath, Daniel D.; Gerdelman, Sue H.; Smith, Marty P.;  
 Boeckel, Caroline; Gottesman, Blake; Estes, Ashley; Bennett, Melissa S.;  
 Riepenhoff, Allison L.; Kyle, Ross M.; Mallea, Jose; Reynolds, Tim; Figg,  
 Kara G.; Weinstein, Jared B.; Cleveland, Carolyn E.; Bird, Debra D.;  
 Barclay, Barbara A.; Bartlett, Daniel J.; Bridgeland, John M.; Card,  
 Andrew H.; Fleischer, Lawrence A.; Friedman, Stephen; Gerson, Michael J.;  
 Gonzales, Alberto R.; Hagin, Joseph W; Hobbs, David W.; Miers, Harriet;  
 Powell, Dina; Rove, Karl C.; Johnson III, Clay ; Abbot, Charles S.; Ball,  
 Andrea G.; Barrales, Ruben S.; DeFrancis, Suzy; Edson, Gary R.; Eskew,  
 Tucker A.; Hennessey, Keith; Hernandez, Israel; Ingle, Edward; Jackson,  
 Barry S.; Jenkins, Gregory J.; Keniry, Daniel ; Lefkowitz, Jay P.; Leitch,



David G.; McClellan, Scott ; McConnell, John P.; Mehlman, Ken; Montgomery, Brian D.; Ojakli, Ziad ; Towey, Jim; Wehner, Peter H.; Westine, Lezlee J.; Allen, Michael; Arends, Jackie; Badger, William D.; Bartolomucci, H. Christopher; Besanceney, Brian R.; Beyer, Todd W.; Beynon, Rebecca A.; Blahous, Charles P.; Brosnahan, Jennifer R.; Buchan, Claire ; Bullock, Katja; Burgeson, Christine M.; Burks, Jonathan W.; Chadwick, Kirsten; Christie, Ronald I.; Clark, Alicia P.; Contreras, Rebecca; Cox, Christopher C.; Jensen, Amy; Devenish, Nicolle; Dougherty, Elizabeth S.; Dunn, David; Everson, Nanette; Falkenrath, Richard; Fenton, Catherine S.; Francisco, Noel J.; Gannon, Kelley; Gilbert, Alan; Goeglein, Tim; Goldman, Adam B.; Grubbs, Wendy J.; Higbee, David; Kaplan, Joel; Kavanaugh, Brett M.; Kelly, James M.; Kirk, Matthew ; Kozberg, Lindsey C.; Kuo, David; Kurtz, Paul B.; Liang, Elan; Loper, Ginger G.; Smith, Heidi M.; Marsh, Robert ; McNally, Robert C.; McNally, Edward; Moy, Edmund C.; Neusner, Noam M.; Newstead, Jennifer G.; O'Hollaren, Sean B.; Pelletier, Eric C.; Peterman, Brian; Powell, Benjamin A.; Reardon, Brian; Wright, Liza; Sampson, Kyle; Sayle, Desiree T.; Schacht, Diana L.; Schlapp, Matthew A.; Scully, Matthew; Sforza, Scott N.; Silverberg, Kristen; Torgerson, Karin B.; Troy, Tevi; Ullyot, Theodore W.; Warsh, Kevin  
Subject: RE: COS staff

And you probably know that "Smallpox Bob" Kadlec, from the Biodefense Directorate at HSC, is now TDY in Iraq interviewing former bioweapons scientists. --Ken

From: Margaret M. Spellings/OPD/EOP@Exchange on 05/07/2003 12:36:51 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: RE: COS staff

Thanks, Josh and all the best to Kristen. We in DPC are contributing to the cause by offering up Reuben Jeffery to the Iraq reconstruction effort. His Washington D.C. portfolio will be handled by Terrell Halaska and his New York issues will be managed by Jay Lefkowitz in his absence. See you at 5:30. Margaret

-----Original Message-----

From: Bolten, Joshua B.  
Sent: Wednesday, May 07, 2003 11:57 AM  
To: Connaughton, James; Gillmor, Eleanor L.; Vestewig, Lauren J.; Hall, Philo D.; Justesen, Troy; Kuzmich, Holly A.; Malphrus, Garry; Sharp, Jess; Skelly, Layton; Wilson, Christina C.; Winland, Emily; O'Neill, Joseph F.; Thompson, Carol J.; Cooper, Jean; Allgood, Lauren K.; Heath, Daniel D.; Gerdelman, Sue H.; Smith, Marty P.; Boeckel, Caroline; Gottesman, Blake; Estes, Ashley; Bennett, Melissa S.; Riepenhoff, Allison L.; Kyle, Ross M.; Mallea, Jose; Reynolds, Tim; Figg, Kara G.; Weinstein, Jared B.; Cleveland, Carolyn E.; Bird, Debra D.; Barclay, Barbara A.; Bartlett, Daniel J.; Bolten, Joshua B.; Bridgeland, John M.; Card, Andrew H.; Fleischer, Lawrence A.; Friedman, Stephen; Gerson, Michael J.; Gonzales, Alberto R.; Hagin, Joseph W.; Hobbs, David W.; Miers, Harriet; Powell, Dina; Rove, Karl C.; Spellings, Margaret M.; Johnson III, Clay ; Abbot, Charles S.; Ball, Andrea G.; Barrales, Ruben S.; DeFrancis, Suzy; Edson, Gary R.; Eskew, Tucker A.; Hennessey, Keith; Hernandez, Israel; Ingle, Edward; Jackson, Barry S.; Jenkins, Gregory J.; Keniry, Daniel ; Lefkowitz, Jay P.; Leitch, David G.; McClellan, Scott ; McConnell, John P.; Mehlman, Ken; Montgomery, Brian D.; Ojakli, Ziad ; Towey, Jim; Wehner, Peter H.; Westine, Lezlee J.; Allen, Michael; Arends, Jackie; Badger, William D.; Bartolomucci, H. Christopher; Bernard, Kenneth; Besanceney, Brian R.; Beyer, Todd W.; Beynon, Rebecca A.; Blahous, Charles P.; Brosnahan, Jennifer R.; Buchan, Claire ; Bullock, Katja; Burgeson, Christine M.; Burks, Jonathan W.; Chadwick, Kirsten; Christie, Ronald I.;

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Clark, Alicia P.; Contreras, Rebecca; Cox, Christopher C.; Jensen, Amy;  
Devenish, Nicolle; Dougherty, Elizabeth S.; Dunn, David; Everson, Nanette;  
Falkenrath, Richard; Fenton, Catherine S.; Francisco, Noel J.; Gannon,  
Kelley; Gilbert, Alan; Goeglein, Tim; Goldman, Adam B.; Grubbs, Wendy J.;  
Higbee, David; Kaplan, Joel; Kavanaugh, Brett M.; Kelly, James M.; Kirk,  
Matthew ; Kozberg, Lindsey C.; Kuo, David; Kurtz, Paul B.; Liang, Elan;  
Loper, Ginger G.; Smith, Heidi M.; Marsh, Robert ; McNally, Robert C.;  
McNally, Edward; Moy, Edmund C.; Neusner, Noam M.; Newstead, Jennifer G.;  
O'Hollaren, Sean B.; Pelletier, Eric C.; Peterman, Brian; Powell, Benjamin  
A.; Reardon, Brian; Wright, Liza; Sampson, Kyle; Sayle, Desiree T.;  
Schacht, Diana L.; Schlapp, Matthew A.; Scully, Matthew; Sforza, Scott N.;  
Silverberg, Kristen; Torgerson, Karin B.; Troy, Tevi; Ulliot, Theodore W.;  
Warsh, Kevin  
Subject: COS staff

As many of you know, Kristen Silverberg is shipping out this week for Baghdad. She will serve as policy advisor to the new Presidential Envoy to Iraq, Amb. Jerry Bremer, who will be the senior Coalition official in Iraq. We wish Kristen well in this important adventure, confident that the reconstruction operation is in good hands.

Filling in for Kristen during her absence will be Jeffrey Kupfer, on generous loan from the Treasury Department, where he is Deputy Chief of Staff. Jeff will be in the same COS office space on the first floor WW, at extension 6-5773. We're grateful to have Jeff in this role; please make him welcome.

There will be drinks in the Chief's office at 5:30 this afternoon, to celebrate Kristen and other departing soldiers in the armies of reconstruction.

Message Sent

To:

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Joshua B. Bolten/WHO/EOP@Exchange  
James Connaughton/CEQ/EOP@EOP  
Eleanor L. Gillmor/OPD/EOP@Exchange  
Lauren J. Vestewig/OPD/EOP@Exchange  
Philo D. Hall/OPD/EOP@EOP  
Troy Justesen/OPD/EOP@EOP  
Holly A. Kuzmich/OPD/EOP@EOP  
Garry Malphrus/OPD/EOP@EOP  
Jess Sharp/OPD/EOP@EOP  
Layton Skelly/OPD/EOP@EOP  
Christina C. Wilson/OPD/EOP@EOP  
Emily Winland/OPD/EOP@EOP  
Joseph F. O'Neill/OPD/EOP@EOP  
Carol J. Thompson/OPD/EOP@EOP  
Jean Cooper/OPD/EOP@Exchange  
Lauren K. Allgood/OPD/EOP@Exchange  
Daniel D. Heath/OPD/EOP@EOP  
Sue H. Gerdelman/OPD/EOP@EOP  
Marty P. Smith/OPD/EOP@EOP  
Caroline Boeckel/OPD/EOP@EOP  
Blake Gottesman/WHO/EOP@Exchange  
Ashley Estes/WHO/EOP@Exchange  
Melissa S. Bennett/WHO/EOP@Exchange  
Allison L. Riepenhoff/WHO/EOP@Exchange  
Ross M. Kyle/WHO/EOP@Exchange  
Jose Mallea/WHO/EOP@Exchange  
Tim Reynolds/WHO/EOP@Exchange  
Kara G. Figg/WHO/EOP@Exchange  
Jared B. Weinstein/WHO/EOP@Exchange  
Carolyn E. Cleveland/WHO/EOP@Exchange  
Debra D. Bird/WHO/EOP@Exchange

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Barbara A. Barclay/WHO/EOP@Exchange  
Daniel J. Bartlett/WHO/EOP@Exchange  
John M. Bridgeland/OPD/EOP@EOP  
Andrew H. Card/WHO/EOP@Exchange  
Lawrence A. Fleischer/WHO/EOP@Exchange  
Stephen Friedman/OPD/EOP@Exchange  
Michael J. Gerson/WHO/EOP@Exchange  
Alberto R. Gonzales/WHO/EOP@Exchange  
Joseph W Hagin/WHO/EOP@Exchange  
David W. Hobbs/WHO/EOP@Exchange  
Harriet Miers/WHO/EOP@Exchange  
Dina Powell/WHO/EOP@Exchange  
Karl C. Rove/WHO/EOP@Exchange  
Clay Johnson III/WHO/EOP@Exchange  
Charles S. Abbot/WHO/EOP@Exchange  
Andrea G. Ball/WHO/EOP@Exchange  
Ruben S. Barrales/WHO/EOP@EOP  
Suzy DeFrancis/WHO/EOP@Exchange  
Gary R. Edson/NSC/EOP@EOP  
Tucker A. Eskew/WHO/EOP@EOP  
Keith Hennessey/OPD/EOP@Exchange  
Israel Hernandez/WHO/EOP@Exchange  
Edward Ingle/WHO/EOP@EOP  
Barry S. Jackson/WHO/EOP@EOP  
Gregory J. Jenkins/WHO/EOP@EOP  
Daniel Keniry/WHO/EOP@Exchange  
Jay P. Lefkowitz/OPD/EOP@Exchange  
David G. Leitch/WHO/EOP@Exchange  
Scott McClellan/WHO/EOP@Exchange  
John P. McConnell/WHO/EOP@EOP  
Ken Mehlman/WHO/EOP@EOP  
Brian D. Montgomery/WHO/EOP@Exchange  
Ziad Ojakli/WHO/EOP@Exchange  
Jim Towe/WHO/EOP@EOP  
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Lezlee J. Westine/WHO/EOP@EOP  
Michael Allen/WHO/EOP@EOP  
Jackie Arends/WHO/EOP@EOP  
William D. Badger/OPD/EOP@EOP  
H. Christopher Bartolomucci/WHO/EOP@EOP  
Kenneth Bernard/WHO/EOP@EOP  
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Claire Buchan/WHO/EOP@Exchange  
Katja Bullock/WHO/EOP@EOP  
Christine M. Burgeson/WHO/EOP@Exchange  
Jonathan W. Burks/WHO/EOP@Exchange  
Kirsten Chadwick/WHO/EOP@Exchange  
Ronald I. Christie/OPD/EOP@EOP  
Alicia P. Clark/WHO/EOP@EOP  
Rebecca Contreras/WHO/EOP@EOP  
Christopher C. Cox/WHO/EOP@Exchange  
Amy Jensen/WHO/EOP@Exchange  
Nicolle Devenish/WHO/EOP@EOP  
Elizabeth S. Dougherty/OPD/EOP@EOP  
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David Kuo/WHO/EOP@EOP  
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Heidi M. Smith/WHO/EOP@EOP  
Robert Marsh/WHO/EOP@Exchange  
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Edward McNally/WHO/EOP@EOP  
Edmund C. Moy/WHO/EOP@EOP  
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Matthew A. Schlapp/WHO/EOP@EOP  
Matthew Scully/WHO/EOP@EOP  
Scott N. Sforza/WHO/EOP@EOP  
Kristen Silverberg/WHO/EOP@Exchange  
Karin B. Torgerson/WHO/EOP@Exchange  
Tevi Troy/WHO/EOP@Exchange  
Theodore W. Ulyot/WHO/EOP@EOP  
Kevin Warsh/OPD/EOP@EOP

**From:** CN=Lawrence A. Fleischer/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Margaret M. Spellings/OPD/EOP@Exchange [ OPD ] <Margaret M. Spellings>;Kenneth Bernard/WHO/EOP@EOP [ WHO ] <Kenneth Bernard>  
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**Sent:** 5/7/2003 9:34:49 AM

**Subject:** : RE: COS staff

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Lawrence A. Fleischer ( CN=Lawrence A. Fleischer/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 7-MAY-2003 13:34:49.00

SUBJECT:: RE: COS staff

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 CC:Ross M. Kyle ( CN=Ross M. Kyle/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 CC:Melissa S. Bennett ( CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 CC:Blake Gottesman ( CN=Blake Gottesman/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 CC:Marty P. Smith ( CN=Marty P. Smith/OU=OPD/O=EOP@EOP [ OPD ] )  
 READ:UNKNOWN  
 CC:Daniel D. Heath ( CN=Daniel D. Heath/OU=OPD/O=EOP@EOP [ OPD ] )  
 READ:UNKNOWN  
 CC:Jean Cooper ( CN=Jean Cooper/OU=OPD/O=EOP@Exchange [ OPD ] )  
 READ:UNKNOWN  
 CC:Joseph F. O'Neill ( CN=Joseph F. O'Neill/OU=OPD/O=EOP@EOP [ OPD ] )  
 READ:UNKNOWN  
 CC:Christina C. Wilson ( CN=Christina C. Wilson/OU=OPD/O=EOP@EOP [ OPD ] )  
 READ:UNKNOWN  
 CC:Jess Sharp ( CN=Jess Sharp/OU=OPD/O=EOP@EOP [ OPD ] )  
 READ:UNKNOWN  
 CC:Holly A. Kuzmich ( CN=Holly A. Kuzmich/OU=OPD/O=EOP@EOP [ OPD ] )  
 READ:UNKNOWN  
 CC:Philo D. Hall ( CN=Philo D. Hall/OU=OPD/O=EOP@EOP [ OPD ] )  
 READ:UNKNOWN  
 CC:Eleanor L. Gillmor ( CN=Eleanor L. Gillmor/OU=OPD/O=EOP@Exchange [ OPD ] )  
 READ:UNKNOWN  
 CC:Joshua B. Bolten ( CN=Joshua B. Bolten/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 ##### End Original ARMS Header #####

Can I offer the White House press corps to the reconstruction effort in  
 Iraq?; Any interesting in having Iraq host them for a while?

;-----Original Message-----

From: ; Bernard, Kenneth;  
 Sent;;; Wednesday, May 07, 2003 12:44 PM  
 To:;;; Spellings, Margaret M.  
 Cc:;;; Bolten, Joshua B.; Connaughton, James; Gillmor, Eleanor L.;  
 Vestewig, Lauren J.; Hall, Philo D.; Justesen, Troy; Kuzmich, Holly A.;  
 Malphrus, Garry; Sharp, Jess; Skelly, Layton; Wilson, Christina C.;  
 Winland, Emily; O'Neill, Joseph F.; Thompson, Carol J.; Cooper, Jean;  
 Allgood, Lauren K.; Heath, Daniel D.; Gerdelman, Sue H.; Smith, Marty P.;  
 Boeckel, Caroline; Gottesman, Blake; Estes, Ashley; Bennett, Melissa S.;  
 Riepenhoff, Allison L.; Kyle, Ross M.; Mallea, Jose; Reynolds, Tim; Figg,  
 Kara G.; Weinstein, Jared B.; Cleveland, Carolyn E.; Bird, Debra D.;  
 Barclay, Barbara A.; Bartlett, Daniel J.; Bridgeland, John M.; Card,  
 Andrew H.; Fleischer, Lawrence A.; Friedman, Stephen; Gerson, Michael J.;  
 Gonzales, Alberto R.; Hagin, Joseph W; Hobbs, David W.; Miers, Harriet;  
 Powell, Dina; Rove, Karl C.; Johnson III, Clay ; Abbot, Charles S.; Ball,  
 Andrea G.; Barrales, Ruben S.; DeFrancis, Suzy; Edson, Gary R.; Eskew,  
 Tucker A.; Hennessey, Keith; Hernandez, Israel; Ingle, Edward; Jackson,  
 Barry S.; Jenkins, Gregory J.; Keniry, Daniel ; Lefkowitz, Jay P.; Leitch,

David G.; McClellan, Scott ; McConnell, John P.; Mehlman, Ken; Montgomery, Brian D.; Ojakli, Ziad ; Towey, Jim; Wehner, Peter H.; Westine, Lezlee J.; Allen, Michael; Arends, Jackie; Badger, William D.; Bartolomucci, H. Christopher; Besanceney, Brian R.; Beyer, Todd W.; Beynon, Rebecca A.; Blahous, Charles P.; Brosnahan, Jennifer R.; Buchan, Claire ; Bullock, Katja; Burgeson, Christine M.; Burks, Jonathan W.; Chadwick, Kirsten; Christie, Ronald I.; Clark, Alicia P.; Contreras, Rebecca; Cox, Christopher C.; Jensen, Amy; Devenish, Nicolle; Dougherty, Elizabeth S.; Dunn, David; Everson, Nanette; Falkenrath, Richard; Fenton, Catherine S.; Francisco, Noel J.; Gannon, Kelley; Gilbert, Alan; Goeglein, Tim; Goldman, Adam B.; Grubbs, Wendy J.; Higbee, David; Kaplan, Joel; Kavanaugh, Brett M.; Kelly, James M.; Kirk, Matthew ; Kozberg, Lindsey C.; Kuo, David; Kurtz, Paul B.; Liang, Elan; Loper, Ginger G.; Smith, Heidi M.; Marsh, Robert ; McNally, Robert C.; McNally, Edward; Moy, Edmund C.; Neusner, Noam M.; Newstead, Jennifer G.; O'Hollaren, Sean B.; Pelletier, Eric C.; Peterman, Brian; Powell, Benjamin A.; Reardon, Brian; Wright, Liza; Sampson, Kyle; Sayle, Desiree T.; Schacht, Diana L.; Schlapp, Matthew A.; Scully, Matthew; Sforza, Scott N.; Silverberg, Kristen; Torgerson, Karin B.; Troy, Tevi; Ulliot, Theodore W.; Warsh, Kevin

Subject:;;;;;; RE: COS staff

And you probably know that; "Smallpox Bob" Kadlec, from the Biodefense Directorate at HSC; is now TDY in Iraq; interviewing former bioweapons scientists.; --Ken

From;;; Margaret M. Spellings/OPD/EOP@Exchange on 05/07/2003 12:36:51 PM  
Record Type;;; Record

To;;; See the distribution list at the bottom of this message  
cc;;; Subject:;;;;;; RE: COS staff

Thanks, Josh and all the best to Kristen. We in DPC are contributing to the cause by offering up Reuben Jeffery to the Iraq reconstruction effort. His Washington D.C. portfolio will be handled by Terrell Halaska and his New York issues will be managed by Jay Lefkowitz in his absence. See you at 5:30. Margaret;

-----Original Message-----

From: Bolten, Joshua B.  
Sent: Wednesday, May 07, 2003 11:57 AM  
To: Connaughton, James; Gillmor, Eleanor L.; Vestewig, Lauren J.; Hall, Philo D.; Justesen, Troy; Kuzmich, Holly A.; Malphrus, Garry; Sharp, Jess; Skelly, Layton; Wilson, Christina C.; Winland, Emily; O'Neill, Joseph F.; Thompson, Carol J.; Cooper, Jean; Allgood, Lauren K.; Heath, Daniel D.; Gerdelman, Sue H.; Smith, Marty P.; Boeckel, Caroline; Gottesman, Blake; Estes, Ashley; Bennett, Melissa S.; Riepenhoff, Allison L.; Kyle, Ross M.; Mallea, Jose; Reynolds, Tim; Figg, Kara G.; Weinstein, Jared B.; Cleveland, Carolyn E.; Bird, Debra D.; Barclay, Barbara A.; Bartlett, Daniel J.; Bolten, Joshua B.; Bridgeland, John M.; Card, Andrew H.; Fleischer, Lawrence A.; Friedman, Stephen; Gerson, Michael J.; Gonzales, Alberto R.; Hagin, Joseph W.; Hobbs, David W.; Miers, Harriet; Powell, Dina; Rove, Karl C.; Spellings, Margaret M.; Johnson III, Clay ; Abbot, Charles S.; Ball, Andrea G.; Barrales, Ruben S.; DeFrancis, Suzy; Edson, Gary R.; Eskew, Tucker A.; Hennessey, Keith; Hernandez, Israel; Ingle, Edward; Jackson, Barry S.; Jenkins, Gregory J.; Keniry, Daniel ; Lefkowitz, Jay P.; Leitch, David G.; McClellan, Scott ; McConnell, John P.; Mehlman, Ken; Montgomery, Brian D.; Ojakli, Ziad ; Towey, Jim; Wehner, Peter H.; Westine, Lezlee J.; Allen, Michael; Arends, Jackie; Badger, William D.; Bartolomucci, H. Christopher; Bernard, Kenneth; Besanceney, Brian R.; Beyer, Todd W.; Beynon, Rebecca A.; Blahous, Charles P.; Brosnahan, Jennifer R.; Buchan, Claire ; Bullock, Katja; Burgeson,

REV\_00117120

Christine M.; Burks, Jonathan W.; Chadwick, Kirsten; Christie, Ronald I.; Clark, Alicia P.; Contreras, Rebecca; Cox, Christopher C.; Jensen, Amy; Devenish, Nicolle; Dougherty, Elizabeth S.; Dunn, David; Everson, Nanette; Falkenrath, Richard; Fenton, Catherine S.; Francisco, Noel J.; Gannon, Kelley; Gilbert, Alan; Goeglein, Tim; Goldman, Adam B.; Grubbs, Wendy J.; Higbee, David; Kaplan, Joel; Kavanaugh, Brett M.; Kelly, James M.; Kirk, Matthew ; Kozberg, Lindsey C.; Kuo, David; Kurtz, Paul B.; Liang, Elan; Loper, Ginger G.; Smith, Heidi M.; Marsh, Robert ; McNally, Robert C.; McNally, Edward; Moy, Edmund C.; Neusner, Noam M.; Newstead, Jennifer G.; O'Hollaren, Sean B.; Pelletier, Eric C.; Peterman, Brian; Powell, Benjamin A.; Reardon, Brian; Wright, Liza; Sampson, Kyle; Sayle, Desiree T.; Schacht, Diana L.; Schlapp, Matthew A.; Scully, Matthew; Sforza, Scott N.; Silverberg, Kristen; Torgerson, Karin B.; Troy, Tevi; Ulliot, Theodore W.; Warsh, Kevin

Subject: COS staff

As many of you know, Kristen Silverberg is shipping out this week for Baghdad.; She will serve as;policy advisor to the new Presidential Envoy to Iraq, Amb.;Jerry Bremer, who will be the senior Coalition official in Iraq.; We wish Kristen well in this important adventure, confident that the reconstruction operation is in good hands.

;  
Filling in for Kristen during her absence will be Jeffrey Kupfer, on generous loan from the Treasury Department, where he is Deputy Chief of Staff.; Jeff will be in the same COS office space on the first floor WW, at extension;6-5773.; We're grateful to have Jeff in this role; please make him welcome.

;  
There will be drinks in the Chief's office at 5:30 this afternoon, to celebrate Kristen and;other departing soldiers in the armies of reconstruction.

Message Sent

To: \_\_\_\_\_;;

Joshua B. Bolten/WHO/EOP@Exchange  
James Connaughton/CEQ/EOP@EOP  
Eleanor L. Gillmor/OPD/EOP@Exchange  
Lauren J. Vestewig/OPD/EOP@Exchange  
Philo D. Hall/OPD/EOP@EOP  
Troy Justesen/OPD/EOP@EOP  
Holly A. Kuzmich/OPD/EOP@EOP  
Garry Malphrus/OPD/EOP@EOP  
Jess Sharp/OPD/EOP@EOP  
Layton Skelly/OPD/EOP@EOP  
Christina C. Wilson/OPD/EOP@EOP  
Emily Winland/OPD/EOP@EOP  
Joseph F. O'Neill/OPD/EOP@EOP  
Carol J. Thompson/OPD/EOP@EOP  
Jean Cooper/OPD/EOP@Exchange  
Lauren K. Allgood/OPD/EOP@Exchange  
Daniel D. Heath/OPD/EOP@EOP  
Sue H. Gerdelman/OPD/EOP@EOP  
Marty P. Smith/OPD/EOP@EOP  
Caroline Boeckel/OPD/EOP@EOP  
Blake Gottesman/WHO/EOP@Exchange  
Ashley Estes/WHO/EOP@Exchange  
Melissa S. Bennett/WHO/EOP@Exchange  
Allison L. Riepenhoff/WHO/EOP@Exchange  
Ross M. Kyle/WHO/EOP@Exchange  
Jose Mallea/WHO/EOP@Exchange

REV\_00117121

Tim Reynolds/WHO/EOP@Exchange  
Kara G. Figg/WHO/EOP@Exchange  
Jared B. Weinstein/WHO/EOP@Exchange  
Carolyn E. Cleveland/WHO/EOP@Exchange  
Debra D. Bird/WHO/EOP@Exchange  
Barbara A. Barclay/WHO/EOP@Exchange  
Daniel J. Bartlett/WHO/EOP@Exchange  
John M. Bridgeland/OPD/EOP@EOP  
Andrew H. Card/WHO/EOP@Exchange  
Lawrence A. Fleischer/WHO/EOP@Exchange  
Stephen Friedman/OPD/EOP@Exchange  
Michael J. Gerson/WHO/EOP@Exchange  
Alberto R. Gonzales/WHO/EOP@Exchange  
Joseph W. Hagin/WHO/EOP@Exchange  
David W. Hobbs/WHO/EOP@Exchange  
Harriet Miers/WHO/EOP@Exchange  
Dina Powell/WHO/EOP@Exchange  
Karl C. Rove/WHO/EOP@Exchange  
Clay Johnson III/WHO/EOP@Exchange  
Charles S. Abbot/WHO/EOP@Exchange  
Andrea G. Ball/WHO/EOP@Exchange  
Ruben S. Barrales/WHO/EOP@EOP  
Suzy DeFrancis/WHO/EOP@Exchange  
Gary R. Edson/NSC/EOP@EOP  
Tucker A. Eskew/WHO/EOP@EOP  
Keith Hennessey/OPD/EOP@Exchange  
Israel Hernandez/WHO/EOP@Exchange  
Edward Ingle/WHO/EOP@EOP  
Barry S. Jackson/WHO/EOP@EOP  
Gregory J. Jenkins/WHO/EOP@EOP  
Daniel Keniry/WHO/EOP@Exchange  
Jay P. Lefkowitz/OPD/EOP@Exchange  
David G. Leitch/WHO/EOP@Exchange  
Scott McClellan/WHO/EOP@Exchange  
John P. McConnell/WHO/EOP@EOP  
Ken Mehlman/WHO/EOP@EOP  
Brian D. Montgomery/WHO/EOP@Exchange  
Ziad Ojakli/WHO/EOP@Exchange  
Jim Towey/WHO/EOP@EOP  
Peter H. Wehner/WHO/EOP@EOP  
Lezlee J. Westine/WHO/EOP@EOP  
Michael Allen/WHO/EOP@EOP  
Jackie Arends/WHO/EOP@EOP  
William D. Badger/OPD/EOP@EOP  
H. Christopher Bartolomucci/WHO/EOP@EOP  
Kenneth Bernard/WHO/EOP@EOP  
Brian R. Besanceney/WHO/EOP@EOP  
Todd W. Beyer/WHO/EOP@EOP  
Rebecca A. Beynon/WHO/EOP@EOP  
Charles P. Blahous/OPD/EOP@EOP  
Jennifer R. Brosnahan/WHO/EOP@EOP  
Claire Buchan/WHO/EOP@Exchange  
Katja Bullock/WHO/EOP@EOP  
Christine M. Burgeson/WHO/EOP@Exchange  
Jonathan W. Burks/WHO/EOP@Exchange  
Kirsten Chadwick/WHO/EOP@Exchange  
Ronald I. Christie/OPD/EOP@EOP  
Alicia P. Clark/WHO/EOP@EOP  
Rebecca Contreras/WHO/EOP@EOP  
Christopher C. Cox/WHO/EOP@Exchange  
Amy Jensen/WHO/EOP@Exchange  
Nicolle Devenish/WHO/EOP@EOP  
Elizabeth S. Dougherty/OPD/EOP@EOP  
David Dunn/OPD/EOP@EOP  
Nanette Everson/WHO/EOP@EOP  
Richard Falkenrath/WHO/EOP@Exchange  
Catherine S. Fenton/WHO/EOP@Exchange  
Noel J. Francisco/WHO/EOP@EOP

---

**From:** CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>  
**Sent:** 5/7/2003 9:38:12 AM  
**Subject:** : RE: can we meet at 4:00 today to go over Friday activities and coordinate. Thanks.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 13:38:12.00  
SUBJECT:: RE: can we meet at 4:00 today to go over Friday activities and coordinate.  
Thanks.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

My friend

I have a 4pm off campus, but Matt will be there for sure.

And, the Judge was great today: thanks a million. It was a homerun.

tsg

----- Forwarded by Tim Goeglein/WHO/EOP on 05/07/2003  
01:37 PM -----

From: Ashley Snee/WHO/EOP@Exchange on 05/07/2003 01:13:20 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Matthew E. Smith/WHO/EOP@EOP,  
Wendy J. Grubbs/WHO/EOP@Exchange, Tim Goeglein/WHO/EOP@EOP  
cc: Paul Perkins/WHO/EOP@EOP  
Subject: RE: can we meet at 4:00 today to go over Friday activities  
and coordinate. Thanks.

I'm fine with 4.; Where should we meet?

;-----Original Message-----  
From: ; Kavanaugh, Brett M.;  
Sent;;; Wednesday, May 07, 2003 10:23 AM  
To:;;; Smith, Matthew E.; Grubbs, Wendy J.; Goeglein, Tim; Snee, Ashley  
Cc:;;; Perkins, Paul  
Subject:;;;;; can we meet at 4:00 today to go over Friday activities and  
coordinate. Thanks.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Joel D. Kaplan/WHO/EOP@Exchange@EOP [ WHO ] <Joel D. Kaplan>  
**Sent:** 5/7/2003 1:42:23 PM  
**Subject:** : we suggested adding significant additional language re constitution

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 17:42:23.00  
SUBJECT:: we suggested adding significant additional language re constitution  
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Miranda, Manuel \(\Frist\) <Manuel\_Miranda@frist.senate.gov>  
**To:** <Grubbs, Wendy J.>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 5/7/2003 1:51:03 PM  
**Subject:** FW: Holmes and religious test

-----Original Message-----

From: Frank Brown at Specter-DC  
Sent: Wednesday, May 07, 2003 1:05 PM  
To: Miranda, Manuel (Frist)  
Subject: Re:Holmes and religious test

Hello Manuel!!! I just wanted to make sure I got my invite to the wHite House on Friday. Don't forget the little people. Holla back



---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 9:56:12 AM  
**Subject:** : Alicia Davis

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 13:56:12.00  
SUBJECT:: Alicia Davis  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,  
Alicia Davis called concerning materials needing approval that she sent to  
you yesterday via email. She says that they are needed within the hour  
(by 3:00). Any chance you can get them done?

Jon

---

**From:** CN=Paul Perkins/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 9:57:06 AM  
**Subject:** : RE: can we meet at 4:00 today to go over Friday activities and coordinate. Thanks.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 13:57:06.00  
SUBJECT:: RE: can we meet at 4:00 today to go over Friday activities and coordinate.  
Thanks.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,  
I think Tim will just have Matt go to the meeting.  
Thanks,  
Paul.

From: Ashley Snee/WHO/EOP@Exchange on 05/07/2003 01:13:20 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Matthew E. Smith/WHO/EOP@EOP,  
Wendy J. Grubbs/WHO/EOP@Exchange, Tim Goeglein/WHO/EOP@EOP  
cc: Paul Perkins/WHO/EOP@EOP  
Subject: RE: can we meet at 4:00 today to go over Friday activities  
and coordinate. Thanks.

I'm fine with 4.; Where should we meet?

;-----Original Message-----  
From: ; Kavanaugh, Brett M.;  
Sent;;; Wednesday, May 07, 2003 10:23 AM  
To:;;; Smith, Matthew E.; Grubbs, Wendy J.; Goeglein, Tim; Snee, Ashley  
Cc:;;; Perkins, Paul  
Subject:;;;;;; can we meet at 4:00 today to go over Friday activities and  
coordinate. Thanks.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alicia W. Davis/WHO/EOP@EOP [ WHO ] <Alicia W. Davis>  
**Sent:** 5/7/2003 10:24:57 AM  
**Subject:** : Re: For your review

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 14:24:57.00  
SUBJECT:: Re: For your review  
TO:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Approved.

Alicia W. Davis  
05/06/2003 01:22:32 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: For your review

This letter is a request for Secretary Card to sign a GOTV letter. Can you review?

May 6,  
2003

Xxx  
Xxx  
Xxx

Dear xxx,

It was a great honor to serve my neighbors as State Representative from 1978-1984. I know the needs of the 5th Norfolk District and believe the best person to represent you is Republican candidate Matt Sisk.

There is a divide on Beacon Hill about how to solve the current fiscal crisis facing the Commonwealth. Governor Romney and his allies believe that state government must be reformed to eliminate waste and mismanagement. This strategy would rid our government of the patronage positions that represent millions of taxpayer dollars in our budget each year.

Matt Sisk is a native of Braintree who has been an active member of his community. He currently serves on the Blue Hills Regional School Committee and is a member of the Braintree Town Meeting. Matt will be a key ally to Governor Romney and is committed to finding creative solutions to solve our budget crisis.

As a young man, I campaigned hard to serve the people I cared about.

REV\_00117130

There  
is another young man working hard to earn your vote. Please consider a  
vote  
for Matt Sisk on May 13th.

Sincerely,

Andrew H. Card,  
Jr.

Paid for by the Massachusetts Republican Party

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** ashley snee/who/eop@exchange@eop [ WHO ] <ashley snee>;wendy j. grubbs/who/eop@exchange@eop [ WHO ] <wendy j. grubbs>;paul perkins/who/eop@eop [ WHO ] <paul perkins>;tim goeglein/who/eop@eop [ WHO ] <tim goeglein>;matthew e. smith/who/eop@eop [ WHO ] <matthew e. smith>  
**Sent:** 5/7/2003 10:26:44 AM  
**Subject:** : Re: can we meet at 4:00 today to go over Friday activities and coordinate. Thanks.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 14:26:44.00  
SUBJECT:: Re: can we meet at 4:00 today to go over Friday activities and coordinate. Thanks.  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
CC: ashley snee ( CN=ashley snee/OU=who/O=eop@exchange@eop [ WHO ] )  
READ: UNKNOWN  
CC: wendy j. grubbs ( CN=wendy j. grubbs/OU=who/O=eop@exchange@eop [ WHO ] )  
READ: UNKNOWN  
CC: paul perkins ( CN=paul perkins/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
CC: tim goeglein ( CN=tim goeglein/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
CC: matthew e. smith ( CN=matthew e. smith/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

We will meet in 156 at 4:00.

Brett M. Kavanaugh  
05/07/2003 10:23:31 AM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP, Wendy J. Grubbs/WHO/EOP@Exchange@EOP, Tim Goeglein/WHO/EOP@EOP, Ashley Snee/WHO/EOP@Exchange@EOP  
cc: Paul Perkins/WHO/EOP@EOP  
Subject: can we meet at 4:00 today to go over Friday activities and coordinate. Thanks.

---

**From:** Comisac, RenaJohnson \ (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
**To:** Jamie.E.Brown@usdoj.gov <Jamie.E.Brown@usdoj.gov>; Brian.A.Benczkowski@usdoj.gov  
<Brian.A.Benczkowski@usdoj.gov>; Brian.A.Benczkowski@usdoj.gov <Grubbs, Wendy  
J.>; Brian.A.Benczkowski@usdoj.gov <Kavanaugh, Brett M.>; Nancy.Scottfinan@usdoj.gov  
<Nancy.Scottfinan@usdoj.gov>; Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>  
**Sent:** 5/7/2003 2:35:05 PM  
**Subject:** FW: Tentative Markup Agenda for Thursday, May 8, 2003  
**Attachments:** Draft Agenda May 8 2003.doc

-----Original Message-----

**From:** Stahl, Katie (Judiciary)

**Sent:** Tuesday, May 06, 2003 7:20 PM

**To:** Sebold, Linda (Secretary); Dean, Ken (Secretary); Hauck, David (SAA); Klutts, Chad (Secretary); Miller Reporting (milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian (Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary); Turner, Roslyne (Judiciary); Pomerance, Lilah (Schumer); Carle, David (Leahy); Fleek, Susanne (Leahy); Gordon, Robert (Edwards); Jones, Stephanie (Edwards); Lackey, Miles (Edwards); Payne-Funk, Matt (Leahy); Skocki, Stan (DeWine); Abegg, John (McConnell); Cobb, Susan (Hatch); Janzen, Stormie (Sessions); Knight, Patricia (Hatch); Maier, Elizabeth (Kyl); Nuebel, Kathy (Grassley); Thomas Swanton (thomas\_swanton@specter.senate.gov); Frank Brown (frank\_brown@specter.senate.gov); Glazewski, Tim (Kyl); Larry Kosten (larry\_kosten@specter.senate.gov); Mark Heilbrun (mark\_heilbrun@specter.senate.gov); Singh Seema (seema\_singh@specter.senate.gov); Sonia Acosta (sonia\_acosta@kohl.senate.gov); Morcombe, Cecilia (Judiciary); Marmion, Preble (Judiciary); Mohle, Heinz (Judiciary); Tapia, Margarita (Judiciary); Bradley, Ellen (L. Graham); Cernok, Jill (Kyl); Cricks, Alison; Farr, MaryBeth (Chambliss); Gumerson, Katie (RPC); Hale, Carrie (DeWine); Higgins, Meaghan (Cornyn); Jafari, Beth (Cornyn); Jodi Lindley (jodi\_lindley@craig.senate.gov); Montoya, Ruth (Hatch); Shimp, Leah (Grassley); Trevor Miller (trevor\_miller@feingold.senate.gov); Anderson, Kathy (Durbin); Arlene Branca (arlene\_branca@kohl.senate.gov); Bar, Alexis (Edwards); Dowd, John (Leahy); Hart Hazard (hart\_hazard@biden.senate.gov); Hawkins, Julia (Feinstein); Magarik, Tamar (Feinstein); Mary Murphy (mary\_murphy@feingold.senate.gov); McDonald, Kevin (Leahy); Molly Buford (molly\_buford@biden.senate.gov); Nicholas, Elizabeth (Edwards); Schumer Scheduling (Scheduling@schumer.senate.gov); Tom Wyler (tom\_wyler@feingold.senate.gov); Judiciary, Schumer2 (Judiciary); Bauerly, Cynthia (Judiciary); Berman, Jeff (Judiciary); Flood, James (Judiciary); Judiciary, Schumer1 (Judiciary); Terrell, Louisa (Judiciary); Judiciary, Biden1 (Judiciary); Lee, Marcia (Judiciary); MacBride, Neil (Judiciary); Meyer, Jonathan (Judiciary); Robinson, Tonya (Judiciary); Rosen, Eric (Judiciary); Zubrensky, Michael (Judiciary); Kang, Chris (Judiciary); Keam, Mark (Judiciary); Longley, Michael (Judiciary); Zogby, Joseph (Judiciary); White, Kirsten (Judiciary); Busansky, Alex (Judiciary); Judiciary, Feingold1 (Judiciary); Khera, Farhana (Judiciary); Schiff, Bob (Judiciary); Strickland, LaVita (Judiciary); Hantman, David (Judiciary); Hughes, Dempsey (Judiciary); Judiciary, Feinstein1 (Judiciary); Judiciary, Feinstein2 (Judiciary); Knapp, Jason (Feinstein); Lamberti, Matthew (Judiciary); Oscherwitz, Tom (Judiciary); Toone, Robert (Judiciary); Flug, James (Judiciary); Johnson, Olati (Judiciary); Judiciary, Kennedy1 (Judiciary); Judiciary, Kennedy2 (Judiciary); Judiciary, Kennedy3 (Judiciary); Judiciary, Kennedy4 (Judiciary); Kaguyutan, Janice (Judiciary); Olavarria, Esther (Judiciary); Phillips, Richard (Judiciary); Sessoms, Julia (Judiciary); Schwantes, Jonathan (Judiciary); Arends, Ross (Judiciary); Bloom, Seth (Judiciary); Judiciary, Kohl1 (Judiciary); Miller, Jeffrey (Judiciary); Nonna, Caroline (Judiciary); Reder, Elizabeth (Judiciary); Toomajian, Phil (Judiciary); Arfa, Rachel (Judiciary); Berry, Jessica (Judiciary); Cohen, Bruce (Judiciary); Davies, Susan (Judiciary); Demaine, Linda (Judiciary); DeOreo, Mary (Judiciary); Fine, Daniel (Judiciary); Graves, Lisa (Judiciary); Greenfeld, Helaine (Judiciary); Huebner, Ben (Judiciary); Katzman, Julie (Judiciary); Klepper, Leesa (Judiciary); Lafayette, Ed (Judiciary); Lucius, Kristine (Judiciary); Lynch, Tim (Judiciary); Magner, Tara (Judiciary); McCormack, Blythe (Judiciary); McKenney, Christina (Judiciary); Neises, Eric (Judiciary); Pagano, Edward (Judiciary); Parry, Liz (Judiciary); Smith, William (Judiciary); Barnes, Cindy (Judiciary); Judiciary, Sessions1 (Judiciary); Judiciary, Sessions2 (Judiciary); Pai, Ajit (Judiciary); Sander, Andrea (Judiciary); Poindexter, Martha Scott (Chambliss); Gillies, John (Chambliss); McLean, Camila (Chambliss); Ho, James (Judiciary); Brooke Roberts; Taylor, Steve (Judiciary); Blackwell, Robin (Judiciary); Fortier, Evelyn (Judiciary); Jones, Bill (Judiciary); Judiciary, DeWine1 (Judiciary); Judiciary, DeWine2 (Judiciary); Judiciary, DeWine3 (Judiciary); Levitas, Peter (Judiciary); Galyean, James (L. Graham); Reed, Matt (Judiciary); Groover, Chad (Judiciary); Judiciary, Grassley1 (Judiciary); Judiciary, Grassley2 (Judiciary); Judiciary, Grassley4 (Judiciary); Lari, Rita (Judiciary); Augustine, Rene (Judiciary); Best, David (Judiciary); Bloemendal, Katherine (Judiciary); Bunker, Matt (Judiciary); Camacho, Lissa (Judiciary); Caramanica, Jessica (Judiciary); Castle, William (Judiciary); Codevilla, David (Judiciary); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary); Delrahim, Makan (Judiciary); Eskelsen, Jon (Judiciary); Friedrich, Dabney (Judiciary); Green, Tanya (Judiciary); Greissing, John (Judiciary); Hardman, Isaac (Judiciary); Haywood, Amy (Judiciary); Higginbotham, Ryan (Judiciary); Johnson, Jacob (Judiciary); LeBon, Cherylyn (Judiciary); Lehman, Ted (Judiciary); Lundell, Jason (Judiciary); Mitchell, Dorothy (Judiciary); O'Connor, Reed (Judiciary); O'Scannlain, Kevin (Judiciary); Prior, Swen (Judiciary); Seidel, Rebecca (Judiciary); Snell, BethAnn (Judiciary);

REV\_00117135

Solliemanzadeh, Payam (Judiciary); Stahl, Katie (Judiciary); Volkov, Michael (Judiciary); Wagner, Jennifer (Judiciary); Matal, Joe (Judiciary); Higgins, Stephen (Judiciary); Judiciary, kylintern1 (Judiciary); Judiciary, kylintern2 (Judiciary); Letourneau, Matthew (Judiciary); Judiciary, VictoriaS (Judiciary); Judiciary, AnnaG (Judiciary); Judiciary, JonF (Judiciary); Judiciary, MargueriteM (Judiciary); Judiciary, MattG (Judiciary); Judiciary, SheilaB (Judiciary); Millette, Martin (Judiciary); Artim, Bruce (Judiciary); Campbell, Chris (Judiciary); Carlson, Mark (Judiciary); DeLoatche, Patricia (Judiciary); Kim, Harold (Judiciary); Judiciary, TylerH (Judiciary); Judiciary, BarrH (Judiciary); Judiciary, ChrisT (Judiciary); Judiciary, DanT (Judiciary); Judiciary, DerrickH (Judiciary); Judiciary, EricJ (Judiciary); Judiciary, JeremyJ (Judiciary); Judiciary, JeremyN (Judiciary); Judiciary, KristenW (Judiciary); Judiciary, NicoleO (Judiciary)

**Subject:** Tentative Markup Agenda for Thursday, May 8, 2003

(Tentative) AGENDA  
Executive Business Meeting  
Senate Judiciary Committee  
226 Dirksen Senate Office Building  
Thursday, May 8, 9:30 a.m.

I. Nominations

Carolyn B. Kuhl to be US Circuit Judge for the Ninth Circuit

John G. Roberts, Jr., to be US Circuit Judge  
for the District of Columbia Circuit

David G. Campbell to be US District Judge  
for the District of Arizona

S. Maurice Hicks, Jr., to be US District Judge  
for the Western District of Louisiana

William Emil Moschella to be Assistant Attorney General,  
Office of Legislative Affairs, US Department of Justice

David B. Rivkin to be Commissioner for the Foreign Claims Settlement  
Commission



---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 3:00:05 PM  
**Subject:** : I'm supposed to talk w/Schlapp tomorrow morning. Want to talk to you before you leave tonight.

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 7-MAY-2003 19:00:05.00

SUBJECT:: I'm supposed to talk w/Schlapp tomorrow morning. Want to talk to you before you leave tonight.

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** McGavock D. Reed/OMB/EOP@EOP [ OMB ] <McGavock D. Reed>  
**Sent:** 5/7/2003 11:05:46 AM  
**Subject:** : Re: OVP's changes to the "Judges" order.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 15:05:46.00  
SUBJECT:: Re: OVP's changes to the "Judges" order.  
TO:McGavock D. Reed ( CN=McGavock D. Reed/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

what FAX number did you use? what is the process from here? I have some changes I need to insert.

McGavock D. Reed  
05/07/2003 03:04:16 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Rosemary.Hart@usdoj.gov @ inet  
cc:  
Subject: OVP's changes to the "Judges" order.

I have just faxed to you OVP's changes to the "Judges" order. Due to a glitch, I can't e-mail them to you. Mac

---

**From:** Kavanaugh, Brett M.  
**To:** <Grubbs, Wendy J.>  
**Sent:** 5/7/2003 3:07:46 PM  
**Subject:** shouldn't we invite KBH?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/7/2003 11:08:30 AM  
**Subject:** : shouldn't we invite KBH?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 15:08:30.00  
SUBJECT:: shouldn't we invite KBH?  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Kavanaugh, Brett M.  
**To:** <Campbell, Anne E.>  
**Sent:** 5/7/2003 3:08:30 PM  
**Subject:**

Judge Gonzales had some other suggestions. Can I FAX them to you?

---

**From:** CN=Theodore W. Ulliot/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** benjamin a. powell/who/eop@eop [ WHO ] <benjamin a. powell>; kyle sampson/who/eop@eop [ WHO ] <kyle sampson>; jennifer g. newstead/who/eop@eop [ WHO ] <jennifer g. newstead>; david g. leitch/who/eop@exchange@eop [ WHO ] <david g. leitch>; noel j. francisco/who/eop@eop [ WHO ] <noel j. francisco>; h. christopher bartolomucci/who/eop@eop [ WHO ] <h. christopher bartolomucci>; jennifer r. brosnahan/who/eop@eop [ WHO ] <jennifer r. brosnahan>; alberto r. gonzales/who/eop@exchange@eop [ WHO ] <alberto r. gonzales>  
**Sent:** 5/7/2003 11:39:17 AM  
**Subject:** : Re: following ad apparently is running in Wash Times Friday  
**Attachments:** P\_KIJ8G003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 15:39:17.00  
SUBJECT:: Re: following ad apparently is running in Wash Times Friday  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:benjamin a. powell ( CN=benjamin a. powell/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:kyle sampson ( CN=kyle sampson/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:jennifer g. newstead ( CN=jennifer g. newstead/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:david g. leitch ( CN=david g. leitch/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
CC:noel j. francisco ( CN=noel j. francisco/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:h. christopher bartolomucci ( CN=h. christopher bartolomucci/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:jennifer r. brosnahan ( CN=jennifer r. brosnahan/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:alberto r. gonzales ( CN=alberto r. gonzales/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

They ought to run it in South Dakota as well.

Brett M. Kavanaugh  
05/07/2003 03:34:52 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: following ad apparently is running in Wash Times Friday

- Daschle print ad.doc

Message Sent

To:

Alberto R. Gonzales/WHO/EOP@Exchange@EOP

David G. Leitch/WHO/EOP@Exchange@EOP

Jennifer R. Brosnahan/WHO/EOP@EOP

Jennifer G. Newstead/WHO/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

Kyle Sampson/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Benjamin A. Powell/WHO/EOP@EOP

Theodore W. Ulliyot/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_KIJ8G003\_WHO.TXT\_1>

# Hypocrite!



***"I find it simply baffling that a Senator would vote against even voting on a judicial nomination."***

--Senate Minority Leader Tom Daschle,  
*Congressional Record*, Oct. 5, 1999

***"Hispanic or non-Hispanic, African American or non-African American, woman or man, it is wrong not to have a vote on the Senate floor."***

--Senate Minority Leader Tom Daschle,  
*Congressional Record*, Oct. 28, 1999

**That was then. Now, Tom Daschle is preventing the full Senate from voting on not one, but two, "well-qualified"\* judicial nominees, Miguel Estrada and Priscilla Owen.**

**Mr. Daschle, you are a leader in the United States Senate.  
Act like one!**

**Call Senator Daschle today!**

**202-224-2321**

**Tell him to live by his own words.**

***VOTE ON THE JUDGES!***

Center for Individual Freedom ([www.cfif.org](http://www.cfif.org)).



\*Rating of the American Bar Association



---

**From:** CN=Kenneth A. Lisaius/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 11:58:04 AM  
**Subject:** : Buffalo News

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kenneth A. Lisaius ( CN=Kenneth A. Lisaius/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 15:58:04.00  
SUBJECT:: Buffalo News  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Well - Doug has just changed his vacation plans - and is leaving this  
afternoon - but has asked if anytime Monday or Tuesday will work for you -  
are you good at 1:30 PM Monday?

---

**From:** Comisac, RenaJohnson \ (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
**To:** Jamie.E.Brown@usdoj.gov <Jamie.E.Brown@usdoj.gov>; Nancy.Scottfinan@usdoj.gov  
<Nancy.Scottfinan@usdoj.gov>; Brian.A.Benczkowski@usdoj.gov  
<Brian.A.Benczkowski@usdoj.gov>; Brian.A.Benczkowski@usdoj.gov <Grubbs, Wendy  
J.>; Brian.A.Benczkowski@usdoj.gov <Kavanaugh, Brett M.>  
**Sent:** 5/7/2003 4:32:01 PM  
**Subject:** FW: Revised Tentative Markup Agenda for May 8th  
**Attachments:** Draft Agenda May 8 2003.doc

-----Original Message-----

**From:** Butterfield, Jane (Judiciary)

**Sent:** Wednesday, May 07, 2003 3:51 PM

**To:** Sebold, Linda (Secretary); Dean, Ken (Secretary); Hauck, David (SAA); Klutts, Chad (Secretary); Miller Reporting (milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian (Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary); Turner, Roslyne (Judiciary); Pomerance, Lilah (Schumer); Carle, David (Leahy); Fleek, Susanne (Leahy); Gordon, Robert (Edwards); Jones, Stephanie (Edwards); Lackey, Miles (Edwards); Payne-Funk, Matt (Leahy); Skocki, Stan (DeWine); Abegg, John (McConnell); Cobb, Susan (Hatch); Janzen, Stormie (Sessions); Knight, Patricia (Hatch); Maier, Elizabeth (Kyl); Nuebel, Kathy (Grassley); Thomas Swanton (thomas\_swanton@specter.senate.gov); Frank Brown (frank\_brown@specter.senate.gov); Glazewski, Tim (Kyl); Larry Kosten (larry\_kosten@specter.senate.gov); Mark Heilbrun (mark\_heilbrun@specter.senate.gov); Singh Seema (seema\_singh@specter.senate.gov); Sonia Acosta (sonia\_acosta@kohl.senate.gov); Morcombe, Cecilia (Judiciary); Marmion, Preble (Judiciary); Mohle, Heinz (Judiciary); Tapia, Margarita (Judiciary); Bradley, Ellen (L. Graham); Cernok, Jill (Kyl); Cricks, Alison; Farr, MaryBeth (Chambliss); Gumerson, Katie (RPC); Hale, Carrie (DeWine); Higgins, Meaghan (Cornyn); Jafari, Beth (Cornyn); Jodi Lindley (jodi\_lindley@craig.senate.gov); Montoya, Ruth (Hatch); Shimp, Leah (Grassley); Trevor Miller (trevor\_miller@feingold.senate.gov); Anderson, Kathy (Durbin); Arlene Branca (arlene\_branca@kohl.senate.gov); Bar, Alexis (Edwards); Dowd, John (Leahy); Hart Hazard (hart\_hazard@biden.senate.gov); Hawkins, Julia (Feinstein); Magarik, Tamar (Feinstein); Mary Murphy (mary\_murphy@feingold.senate.gov); McDonald, Kevin (Leahy); Molly Buford (molly\_buford@biden.senate.gov); Nicholas, Elizabeth (Edwards); Schumer Scheduling (Scheduling@schumer.senate.gov); Tom Wyler (tom\_wyler@feingold.senate.gov); Judiciary, Schumer2 (Judiciary); Bauerly, Cynthia (Judiciary); Berman, Jeff (Judiciary); Flood, James (Judiciary); Judiciary, Schumer1 (Judiciary); Terrell, Louisa (Judiciary); Judiciary, Biden1 (Judiciary); Lee, Marcia (Judiciary); MacBride, Neil (Judiciary); Meyer, Jonathan (Judiciary); Robinson, Tonya (Judiciary); Rosen, Eric (Judiciary); Zubrensky, Michael (Judiciary); Kang, Chris (Judiciary); Keam, Mark (Judiciary); Longley, Michael (Judiciary); Zogby, Joseph (Judiciary); White, Kirsten (Judiciary); Busansky, Alex (Judiciary); Judiciary, Feingold1 (Judiciary); Khera, Farhana (Judiciary); Schiff, Bob (Judiciary); Strickland, LaVita (Judiciary); Hantman, David (Judiciary); Hughes, Dempsey (Judiciary); Judiciary, Feinstein1 (Judiciary); Judiciary, Feinstein2 (Judiciary); Knapp, Jason (Feinstein); Lamberti, Matthew (Judiciary); Oscherwitz, Tom (Judiciary); Toone, Robert (Judiciary); Flug, James (Judiciary); Johnson, Olati (Judiciary); Judiciary, Kennedy1 (Judiciary); Judiciary, Kennedy2 (Judiciary); Judiciary, Kennedy3 (Judiciary); Judiciary, Kennedy4 (Judiciary); Kaguyutan, Janice (Judiciary); Olavarria, Esther (Judiciary); Phillips, Richard (Judiciary); Sessoms, Julia (Judiciary); Schwantes, Jonathan (Judiciary); Arends, Ross (Judiciary); Bloom, Seth (Judiciary); Judiciary, Kohl1 (Judiciary); Miller, Jeffrey (Judiciary); Nonna, Caroline (Judiciary); Reder, Elizabeth (Judiciary); Toomajian, Phil (Judiciary); Arfa, Rachel (Judiciary); Berry, Jessica (Judiciary); Cohen, Bruce (Judiciary); Davies, Susan (Judiciary); Demaine, Linda (Judiciary); DeOreo, Mary (Judiciary); Fine, Daniel (Judiciary); Graves, Lisa (Judiciary); Greenfeld, Helaine (Judiciary); Huebner, Ben (Judiciary); Katzman, Julie (Judiciary); Klepper, Leesa (Judiciary); Lafayette, Ed (Judiciary); Lucius, Kristine (Judiciary); Lynch, Tim (Judiciary); Magner, Tara (Judiciary); McCormack, Blythe (Judiciary); McKenney, Christina (Judiciary); Neises, Eric (Judiciary); Pagano, Edward (Judiciary); Parry, Liz (Judiciary); Smith, William (Judiciary); Barnes, Cindy (Judiciary); Judiciary, Sessions1 (Judiciary); Judiciary, Sessions2 (Judiciary); Pai, Ajit (Judiciary); Sander, Andrea (Judiciary); Poindexter, Martha Scott (Chambliss); Gillies, John (Chambliss); McLean, Camila (Chambliss); Ho, James (Judiciary); Brooke Roberts; Taylor, Steve (Judiciary); Blackwell, Robin (Judiciary); Fortier, Evelyn (Judiciary); Jones, Bill (Judiciary); Judiciary, DeWine1 (Judiciary); Judiciary, DeWine2 (Judiciary); Judiciary, DeWine3 (Judiciary); Levitas, Peter (Judiciary); Reed, Matt (Judiciary); Groover, Chad (Judiciary); Judiciary, Grassley1 (Judiciary); Judiciary, Grassley2 (Judiciary); Judiciary, Grassley4 (Judiciary); Lari, Rita (Judiciary); Augustine, Rene (Judiciary); Best, David (Judiciary); Bloemendal, Katherine (Judiciary); Bunker, Matt (Judiciary); Camacho, Lissa (Judiciary); Caramanica, Jessica (Judiciary); Castle, William (Judiciary); Codevilla, David (Judiciary); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary); Delrahim, Makan (Judiciary); Eskelsen, Jon (Judiciary); Friedrich, Dabney (Judiciary); Green, Tanya (Judiciary); Greissing, John (Judiciary); Hardman, Isaac (Judiciary); Haywood, Amy (Judiciary); Higginbotham, Ryan (Judiciary); Johnson, Jacob (Judiciary); LeBon, Cherylyn (Judiciary); Lehman, Ted (Judiciary); Lundell, Jason (Judiciary); Mitchell, Dorothy (Judiciary); O'Connor, Reed (Judiciary); O'Scannlain, Kevin (Judiciary); Prior, Swen (Judiciary); Seidel, Rebecca (Judiciary); Snell, BethAnn (Judiciary); Soliemanzadeh, Payam

(Judiciary); Stahl, Katie (Judiciary); Volkov, Michael (Judiciary); Wagner, Jennifer (Judiciary); Matal, Joe (Judiciary); Higgins, Stephen (Judiciary); Judiciary, kylintern1 (Judiciary); Judiciary, kylintern2 (Judiciary); Letourneau, Matthew (Judiciary); Galyean, James (L. Graham); Bonapfel, Ed (L. Graham); Judiciary, VictoriaS (Judiciary); Judiciary, AnnaG (Judiciary); Judiciary, JonF (Judiciary); Judiciary, MargueriteM (Judiciary); Judiciary, MattG (Judiciary); Judiciary, SheilaB (Judiciary); Millette, Martin (Judiciary); Artim, Bruce (Judiciary); Campbell, Chris (Judiciary); Carlson, Mark (Judiciary); DeLoatche, Patricia (Judiciary); Kim, Harold (Judiciary); Judiciary, TylerH (Judiciary); Judiciary, BarrH (Judiciary); Judiciary, ChrisT (Judiciary); Judiciary, DanT (Judiciary); Judiciary, DerrickH (Judiciary); Judiciary, EricJ (Judiciary); Judiciary, JeremyJ (Judiciary); Judiciary, JeremyN (Judiciary); Judiciary, KristenW (Judiciary); Judiciary, NicoleO (Judiciary)  
**Subject:** Revised Tentative Markup Agenda for May 8th

(Tentative) AGENDA  
Executive Business Meeting  
Senate Judiciary Committee  
226 Dirksen Senate Office Building  
Thursday, May 8, 9:30 a.m.

I. Nominations

Carolyn B. Kuhl to be US Circuit Judge for the Ninth Circuit

John G. Roberts, Jr., to be US Circuit Judge  
for the District of Columbia Circuit

Consuelo Maria Callahan to be US Circuit Judge  
for the Ninth Circuit

Michael Chertoff to be US Circuit Judge for the Third Circuit

David G. Campbell to be US District Judge  
for the District of Arizona

S. Maurice Hicks, Jr., to be US District Judge  
for the Western District of Louisiana

L. Scott Coogler to be US District Judge  
for the Northern District of Alabama

William Emil Moschella to be Assistant Attorney General,  
Office of Legislative Affairs, US Department of Justice

Leonardo M. Rapadas to be US Attorney for the District of Guam

II. Bills

S. 878, A bill to authorize an additional permanent judgeship in the District  
of Idaho

**From:** Comisac, RenaJohnson (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>; Nancy.Scottfinan@usdoj.gov [ UNKNOWN ] <Nancy.Scottfinan@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] <Brian.A.Benczkowski@usdoj.gov>; Jamie.E.Brown@usdoj.gov [ UNKNOWN ] <Jamie.E.Brown@usdoj.gov>  
**Sent:** 5/7/2003 12:33:21 PM  
**Subject:** : FW: Revised Tentative Markup Agenda for May 8th  
**Attachments:** P\_LYM8G003\_WHO.TXT\_1.html; P\_LYM8G003\_WHO.TXT\_2.doc

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> ( "Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 7-MAY-2003 16:33:21.00

SUBJECT:: FW: Revised Tentative Markup Agenda for May 8th

TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Nancy.Scottfinan@usdoj.gov ( Nancy.Scottfinan@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brian.A.Benczkowski@usdoj.gov ( Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

TO:Jamie.E.Brown@usdoj.gov ( Jamie.E.Brown@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

-----Original Message-----

From: Butterfield, Jane (Judiciary)

Sent: Wednesday, May 07, 2003 3:51 PM

To: Sebold, Linda (Secretary); Dean, Ken (Secretary); Hauck, David (SAA); Klutts, Chad (Secretary); Miller Reporting (milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian (Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary); Turner, Roslyne (Judiciary); Pomerance, Lilah (Schumer); Carle, David (Leahy); Fleek, Susanne (Leahy); Gordon, Robert (Edwards); Jones, Stephanie (Edwards); Lackey, Miles (Edwards); Payne-Funk, Matt (Leahy); Skocki, Stan (DeWine); Abegg, John (McConnell); Cobb, Susan (Hatch); Janzen, Stormie (Sessions); Knight, Patricia (Hatch); Maier, Elizabeth (Kyl); Nuebel, Kathy (Grassley); Thomas Swanton (thomas\_swanton@specter.senate.gov); Frank Brown (frank\_brown@specter.senate.gov); Glazewski, Tim (Kyl); Larry Kosten (larry\_kosten@specter.senate.gov); Mark Heilbrun (mark\_heilbrun@specter.senate.gov); Singh Seema (seema\_singh@specter.senate.gov); Sonia Acosta (sonia\_acosta@kohl.senate.gov); Morcombe, Cecilia (Judiciary); Marmion, Preble (Judiciary); Mohle, Heinz (Judiciary); Tapia, Margarita (Judiciary); Bradley, Ellen (L. Graham); Cernok, Jill (Kyl); Cricks, Alison; Farr, MaryBeth (Chambliss); Gumerson, Katie (RPC); Hale, Carrie (DeWine); Higgins, Meaghan (Cornyn); Jafari, Beth (Cornyn); Jodi Lindley (jodi\_lindley@craig.senate.gov); Montoya, Ruth (Hatch); Shimp, Leah (Grassley); Trevor Miller (trevor\_miller@feingold.senate.gov); Anderson, Kathy (Durbin); Arlene Branca (arlene\_branca@kohl.senate.gov); Bar, Alexis (Edwards); Dowd, John (Leahy); Hart Hazard (hart\_hazard@biden.senate.gov); Hawkins, Julia (Feinstein); Magarik, Tamar (Feinstein); Mary Murphy (mary\_murphy@feingold.senate.gov); McDonald, Kevin (Leahy); Molly Buford (molly\_buford@biden.senate.gov); Nicholas, Elizabeth (Edwards); Schumer Scheduling (Scheduling@schumer.senate.gov); Tom Wyler (tom\_wyler@feingold.senate.gov); Judiciary, Schumer2 (Judiciary); Bauerly, Cynthia (Judiciary); Berman, Jeff (Judiciary); Flood, James (Judiciary); Judiciary, Schumer1 (Judiciary); Terrell, Louisa (Judiciary); Judiciary, Biden1 (Judiciary); Lee, Marcia (Judiciary);

REV\_00117167

MacBride, Neil (Judiciary); Meyer, Jonathan (Judiciary); Robinson, Tonya (Judiciary); Rosen, Eric (Judiciary); Zubrensky, Michael (Judiciary); Kang, Chris (Judiciary); Keam, Mark (Judiciary); Longley, Michael (Judiciary); Zogby, Joseph (Judiciary); White, Kirsten (Judiciary); Busansky, Alex (Judiciary); Judiciary, Feingold1 (Judiciary); Khera, Farhana (Judiciary); Schiff, Bob (Judiciary); Strickland, LaVita (Judiciary); Hantman, David (Judiciary); Hughes, Dempsey (Judiciary); Judiciary, Feinstein1 (Judiciary); Judiciary, Feinstein2 (Judiciary); Knapp, Jason (Feinstein); Lamberti, Matthew (Judiciary); Oscherwitz, Tom (Judiciary); Toone, Robert (Judiciary); Flug, James (Judiciary); Johnson, Olati (Judiciary); Judiciary, Kennedy1 (Judiciary); Judiciary, Kennedy2 (Judiciary); Judiciary, Kennedy3 (Judiciary); Judiciary, Kennedy4 (Judiciary); Kaguyutan, Janice (Judiciary); Olavarria, Esther (Judiciary); Phillips, Richard (Judiciary); Sessoms, Julia (Judiciary); Schwantes, Jonathan (Judiciary); Arends, Ross (Judiciary); Bloom, Seth (Judiciary); Judiciary, Kohl1 (Judiciary); Miller, Jeffrey (Judiciary); Nonna, Caroline (Judiciary); Reder, Elizabeth (Judiciary); Toomajian, Phil (Judiciary); Arfa, Rachel (Judiciary); Berry, Jessica (Judiciary); Cohen, Bruce (Judiciary); Davies, Susan (Judiciary); Demaine, Linda (Judiciary); DeOreo, Mary (Judiciary); Fine, Daniel (Judiciary); Graves, Lisa (Judiciary); Greenfeld, Helaine (Judiciary); Huebner, Ben (Judiciary); Katzman, Julie (Judiciary); Klepper, Leesa (Judiciary); Lafayette, Ed (Judiciary); Lucius, Kristine (Judiciary); Lynch, Tim (Judiciary); Magner, Tara (Judiciary); McCormack, Blythe (Judiciary); McKennerney, Christina (Judiciary); Neises, Eric (Judiciary); Pagano, Edward (Judiciary); Parry, Liz (Judiciary); Smith, William (Judiciary); Barnes, Cindy (Judiciary); Judiciary, Sessions1 (Judiciary); Judiciary, Sessions2 (Judiciary); Pai, Ajit (Judiciary); Sander, Andrea (Judiciary); Poindexter, Martha Scott (Chambliss); Gillies, John (Chambliss); McLean, Camila (Chambliss); Ho, James (Judiciary); Brooke Roberts; Taylor, Steve (Judiciary); Blackwell, Robin (Judiciary); Fortier, Evelyn (Judiciary); Jones, Bill (Judiciary); Judiciary, DeWine1 (Judiciary); Judiciary, DeWine2 (Judiciary); Judiciary, DeWine3 (Judiciary); Levitas, Peter (Judiciary); Reed, Matt (Judiciary); Groover, Chad (Judiciary); Judiciary, Grassley1 (Judiciary); Judiciary, Grassley2 (Judiciary); Judiciary, Grassley4 (Judiciary); Lari, Rita (Judiciary); Augustine, Rene (Judiciary); Best, David (Judiciary); Bloemendal, Katherine (Judiciary); Bunker, Matt (Judiciary); Camacho, Lissa (Judiciary); Caramanica, Jessica (Judiciary); Castle, William (Judiciary); Codevilla, David (Judiciary); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary); Delrahim, Makan (Judiciary); Eskelsen, Jon (Judiciary); Friedrich, Dabney (Judiciary); Green, Tanya (Judiciary); Greissing, John (Judiciary); Hardman, Isaac (Judiciary); Haywood, Amy (Judiciary); Higginbotham, Ryan (Judiciary); Johnson, Jacob (Judiciary); LeBon, Cherylyn (Judiciary); Lehman, Ted (Judiciary); Lundell, Jason (Judiciary); Mitchell, Dorothy (Judiciary); O'Connor, Reed (Judiciary); O'Scannlain, Kevin (Judiciary); Prior, Swen (Judiciary); Seidel, Rebecca (Judiciary); Snell, BethAnn (Judiciary); Soliemanzadeh, Payam (Judiciary); Stahl, Katie (Judiciary); Volkov, Michael (Judiciary); Wagner, Jennifer (Judiciary); Matal, Joe (Judiciary); Higgins, Stephen (Judiciary); Judiciary, kylintern1 (Judiciary); Judiciary, kylintern2 (Judiciary); Letourneau, Matthew (Judiciary); Galyean, James (L. Graham); Bonapfel, Ed (L. Graham); Judiciary, VictoriaS (Judiciary); Judiciary, AnnaG (Judiciary); Judiciary, JonF (Judiciary); Judiciary, MargueriteM (Judiciary); Judiciary, MattG (Judiciary); Judiciary, SheilaB (Judiciary); Millette, Martin (Judiciary); Artim, Bruce (Judiciary); Campbell, Chris (Judiciary); Carlson, Mark (Judiciary); DeLoatche, Patricia (Judiciary); Kim, Harold (Judiciary); Judiciary, TylerH (Judiciary); Judiciary, BarrH (Judiciary); Judiciary, ChrisT (Judiciary); Judiciary, DanT (Judiciary); Judiciary, DerrickH (Judiciary); Judiciary, EricJ (Judiciary); Judiciary, JeremyJ (Judiciary); Judiciary, JeremyN (Judiciary); Judiciary, KristenW (Judiciary); Judiciary, NicoleO (Judiciary)

Subject: Revised Tentative Markup Agenda for May 8th

- att1.htm - Draft Agenda May 8 2003.doc  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_LYM8G003\_WHO.TXT\_1>

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_LYM8G003\_WHO.TXT\_2>

-----Original Message-----

**From:** Butterfield, Jane (Judiciary)

**Sent:** Wednesday, May 07, 2003 3:51 PM

**To:** Sebold, Linda (Secretary); Dean, Ken (Secretary); Hauck, David (SAA); Klutts, Chad (Secretary); Miller Reporting (milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian (Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary); Turner, Roslyne (Judiciary); Pomerance, Lilah (Schumer); Carle, David (Leahy); Fleek, Susanne (Leahy); Gordon, Robert (Edwards); Jones, Stephanie (Edwards); Lackey, Miles (Edwards); Payne-Funk, Matt (Leahy); Skocki, Stan (DeWine); Abegg, John (McConnell); Cobb, Susan (Hatch); Janzen, Stormie (Sessions); Knight, Patricia (Hatch); Maier, Elizabeth (Kyl); Nuebel, Kathy (Grassley); Thomas Swanton (thomas\_swanton@specter.senate.gov); Frank Brown (frank\_brown@specter.senate.gov); Glazewski, Tim (Kyl); Larry Kosten (larry\_kosten@specter.senate.gov); Mark Heilbrun (mark\_heilbrun@specter.senate.gov); Singh Seema (seema\_singh@specter.senate.gov); Sonia Acosta (sonia\_acosta@kohl.senate.gov); Morcombe, Cecilia (Judiciary); Marmion, Preble (Judiciary); Mohle, Heinz (Judiciary); Tapia, Margarita (Judiciary); Bradley, Ellen (L. Graham); Cernok, Jill (Kyl); Cricks, Alison; Farr, MaryBeth (Chambliss); Gumerson, Katie (RPC); Hale, Carrie (DeWine); Higgins, Meaghan (Cornyn); Jafari, Beth (Cornyn); Jodi Lindley (jodi\_lindley@craig.senate.gov); Montoya, Ruth (Hatch); Shimp, Leah (Grassley); Trevor Miller (trevor\_miller@feingold.senate.gov); Anderson, Kathy (Durbin); Arlene Branca (arlene\_branca@kohl.senate.gov); Bar, Alexis (Edwards); Dowd, John (Leahy); Hart Hazard (hart\_hazard@biden.senate.gov); Hawkins, Julia (Feinstein); Magarik, Tamar (Feinstein); Mary Murphy (mary\_murphy@feingold.senate.gov); McDonald, Kevin (Leahy); Molly Buford (molly\_buford@biden.senate.gov); Nicholas, Elizabeth (Edwards); Schumer Scheduling (Scheduling@schumer.senate.gov); Tom Wyler (tom\_wyler@feingold.senate.gov); Judiciary, Schumer2 (Judiciary); Bauerly, Cynthia (Judiciary); Berman, Jeff (Judiciary); Flood, James (Judiciary); Judiciary, Schumer1 (Judiciary); Terrell, Louisa (Judiciary); Judiciary, Biden1 (Judiciary); Lee, Marcia (Judiciary); MacBride, Neil (Judiciary); Meyer, Jonathan (Judiciary); Robinson, Tonya (Judiciary); Rosen, Eric (Judiciary); Zubrensky, Michael (Judiciary); Kang, Chris (Judiciary); Keam, Mark (Judiciary); Longley, Michael (Judiciary); Zogby, Joseph (Judiciary); White, Kirsten (Judiciary); Busansky, Alex (Judiciary); Judiciary, Feingold1 (Judiciary); Khera, Farhana (Judiciary); Schiff, Bob (Judiciary); Strickland, LaVita (Judiciary); Hantman, David (Judiciary); Hughes, Dempsey (Judiciary); Judiciary, Feinstein1 (Judiciary); Judiciary, Feinstein2 (Judiciary); Knapp, Jason (Feinstein); Lamberti, Matthew (Judiciary); Oscherwitz, Tom (Judiciary); Toone, Robert (Judiciary); Flug, James (Judiciary); Johnson, Olati (Judiciary); Judiciary, Kennedy1 (Judiciary); Judiciary, Kennedy2 (Judiciary); Judiciary, Kennedy3 (Judiciary); Judiciary, Kennedy4 (Judiciary); Kaguyutan, Janice (Judiciary); Olavarria, Esther (Judiciary); Phillips, Richard (Judiciary); Sessoms, Julia (Judiciary); Schwantes, Jonathan (Judiciary); Arends, Ross (Judiciary); Bloom, Seth (Judiciary); Judiciary, Kohl1 (Judiciary); Miller, Jeffrey (Judiciary); Nonna, Caroline (Judiciary); Reder, Elizabeth (Judiciary); Toomajian, Phil (Judiciary); Arfa, Rachel (Judiciary); Berry, Jessica (Judiciary); Cohen, Bruce (Judiciary); Davies, Susan (Judiciary); Demaine, Linda (Judiciary); DeOreo, Mary (Judiciary); Fine, Daniel (Judiciary); Graves, Lisa (Judiciary); Greenfeld, Helaine (Judiciary); Huebner, Ben (Judiciary); Katzman, Julie (Judiciary); Klepper, Leesa (Judiciary); Lafayette, Ed (Judiciary); Lucius, Kristine (Judiciary); Lynch, Tim (Judiciary); Magner, Tara (Judiciary); McCormack, Blythe (Judiciary); McKenney, Christina (Judiciary); Neises, Eric (Judiciary); Pagano, Edward (Judiciary); Parry, Liz (Judiciary); Smith, William (Judiciary); Barnes, Cindy (Judiciary); Judiciary, Sessions1 (Judiciary); Judiciary, Sessions2 (Judiciary); Pai, Ajit (Judiciary); Sander, Andrea (Judiciary); Poindexter, Martha Scott (Chambliss); Gillies, John (Chambliss); McLean, Camila (Chambliss); Ho, James (Judiciary); Brooke Roberts; Taylor, Steve (Judiciary); Blackwell, Robin (Judiciary); Fortier, Evelyn (Judiciary); Jones, Bill (Judiciary); Judiciary, DeWine1 (Judiciary); Judiciary, DeWine2 (Judiciary); Judiciary, DeWine3 (Judiciary); Levitas, Peter (Judiciary); Reed, Matt (Judiciary); Groover, Chad (Judiciary); Judiciary, Grassley1 (Judiciary); Judiciary, Grassley2 (Judiciary); Judiciary, Grassley4 (Judiciary); Lari, Rita (Judiciary); Augustine, Rene (Judiciary); Best, David (Judiciary); Bloemendal, Katherine (Judiciary); Bunker, Matt (Judiciary); Camacho, Lissa (Judiciary); Caramanica, Jessica (Judiciary); Castle, William (Judiciary); Codevilla, David (Judiciary); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary); Delrahim, Makan (Judiciary); Eskelsen, Jon (Judiciary); Friedrich, Dabney (Judiciary); Green, Tanya (Judiciary); Greissing, John (Judiciary); Hardman, Isaac (Judiciary); Haywood, Amy (Judiciary); Higginbotham, Ryan (Judiciary); Johnson, Jacob (Judiciary); LeBon, Cherylyn (Judiciary); Lehman, Ted (Judiciary); Lundell, Jason (Judiciary); Mitchell, Dorothy (Judiciary); O'Connor, Reed (Judiciary); O'Scannlain, Kevin (Judiciary); Prior, Swen (Judiciary); Seidel, Rebecca (Judiciary); Snell, BethAnn (Judiciary); Soliemanzadeh, Payam (Judiciary); Stahl, Katie (Judiciary); Volkov, Michael (Judiciary); Wagner, Jennifer (Judiciary); Matal, Joe (Judiciary); Higgins, Stephen (Judiciary); Judiciary, kylintern1 (Judiciary); Judiciary, kylintern2 (Judiciary); Letourneau, Matthew (Judiciary); Galyean, James (L. 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REV\_00117170



DerrickH (Judiciary); Judiciary, EricJ (Judiciary); Judiciary, JeremyJ (Judiciary); Judiciary, JeremyN (Judiciary); Judiciary, KristenW (Judiciary); Judiciary, NicoleO (Judiciary)

**Subject:** Revised Tentative Markup Agenda for May 8th

(Tentative) AGENDA  
Executive Business Meeting  
Senate Judiciary Committee  
226 Dirksen Senate Office Building  
Thursday, May 8, 9:30 a.m.

I. Nominations

Carolyn B. Kuhl to be US Circuit Judge for the Ninth Circuit

John G. Roberts, Jr., to be US Circuit Judge  
for the District of Columbia Circuit

Consuelo Maria Callahan to be US Circuit Judge  
for the Ninth Circuit

Michael Chertoff to be US Circuit Judge for the Third Circuit

David G. Campbell to be US District Judge  
for the District of Arizona

S. Maurice Hicks, Jr., to be US District Judge  
for the Western District of Louisiana

L. Scott Coogler to be US District Judge  
for the Northern District of Alabama

William Emil Moschella to be Assistant Attorney General,  
Office of Legislative Affairs, US Department of Justice

Leonardo M. Rapadas to be US Attorney for the District of Guam

II. Bills

S. 878, A bill to authorize an additional permanent judgeship in the District  
of Idaho

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 5/7/2003 12:52:46 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 16:52:46.00  
SUBJECT: :  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

what is the berenson meeting?

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>  
**Sent:** 5/7/2003 5:06:28 PM  
**Subject:**

Cutler and Dellinger are both coming.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/7/2003 1:07:14 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 17:07:14.00  
SUBJECT::  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Cutler and Dellinger are both coming.

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 1:16:50 PM  
**Subject:** : RE:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 7-MAY-2003 17:16:50.00

SUBJECT:: RE:

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Good news, I'd say. Waxman? (Seth, not Henry).

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Wednesday, May 07, 2003 5:06 PM

To: Gonzales, Alberto R.; Leitch, David G.

Subject:

Cutler and Dellinger are both coming.

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**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 1:20:45 PM  
**Subject:** : RE: reminder on staff sec packet; thanks

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 17:20:45.00  
SUBJECT:: RE: reminder on staff sec packet; thanks  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Sheesh!!!! Ganter is down there making copies. Will deliver to you shortly.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, May 07, 2003 5:00 PM  
To: Nelson, Carolyn  
Subject: reminder on staff sec packet; thanks

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/7/2003 5:21:21 PM  
**Subject:** RE: reminder on staff sec packet; thanks

Sheesh!!!! Ganter is down there making copies. Will deliver to you shortly.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Wednesday, May 07, 2003 5:00 PM  
**To:** Nelson, Carolyn  
**Subject:** reminder on staff sec packet; thanks



---

**From:** Matal, Joe (Judiciary) <Joe\_Matal@Judiciary.senate.gov>  
**To:** Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/7/2003 5:39:51 PM  
**Subject:** : FW: Please Oppose S.887  
**Attachments:** P\_EPX8G003\_WHO.TXT\_1.doc; P\_EPX8G003\_WHO.TXT\_2; P\_EPX8G003\_WHO.TXT\_3;  
P\_EPX8G003\_WHO.TXT\_4; P\_EPX8G003\_WHO.TXT\_5

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Matal, Joe (Judiciary)" <Joe\_Matal@Judiciary.senate.gov> ( "Matal, Joe  
(Judiciary)" <Joe\_Matal@Judiciary.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 7-MAY-2003 21:39:51.00  
SUBJECT:: FW: Please Oppose S.887  
TO:"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)"  
<Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Attached please find a letter being sent around Capitol Hill by Joan Claybrook's Public Citizen, a Naderite "consumer" group. You should know that this and other Nader groups are funded by the trial lawyers -- they serve ATLA's agenda, not consumers'.

Pasted in below the Public Citizen email message is a link to a Capital Research Center story titled "ATLA: How it Works with Ralph Nader Against Tort Reform." Joan Claybrook, one of the authors of this letter, was instrumental in developing ATLA's links to "consumer" groups -- and she admits in this story that just her own group, Public Citizen, takes \$200,000 a year from trial lawyers. Below the link is a relevant passage from the article, describing how Public Citizen and other Naderite groups redefine consumer interests as "what's good for ATLA."

Also attached is a basic information packet on ISCRAA (S.887), the Kyl-Cornyn bill, which rebuts the charges made by Claybrook. And if you don't believe that there are serious ethical abuses resulting from the tobacco settlement -- abuses that cost consumers and taxpayers billions, but which "Public Citizen" has been totally silent about -- read pages 3-7 of Senator Cornyn's speech (also attached), which describes the unbelievable corruption that infected the tobacco settlement fee awards in state after state. Also attached is a rebuttal of a "constitutional" analysis of ISCRAA that a local law firm was recently paid to do. Finally, for good measure, Senator Kyl's speech introducing ISCRAA also is attached.

Finally, remember that S.887 is not an "anti-trial lawyer" bill. It only applies to a small subset of cases where there have been gross ethical abuses, and it allows fees as high as 500% of reasonable hourly rates -- as liberal as the most liberal state courts (it is effectively the Florida Supreme Court standard), and much more liberal than what federal courts allows in cases of this size. When Claybrook says that federal courts don't use lodestar, she is wrong -- in high value cases, the courts have made clear that even when they formally apply a "percentage" fee, they base the percentage on what constitutes a reasonable multiple of the lodestar. And federal courts never give more than 300% of that lodestar in \$100 million cases.

Subject: Please Oppose S.887

REV\_00117196

Dear Senate Staffer,

Please find a letter from Public Citizen urging your opposition to Senate Amendment S. 887 attached. Should you have any questions or require further information on this issue, please do not hesitate to contact Jackson Williams at (202)454-5135.

Thank you in advance for your time and consideration of the enclosed letter of mutual concern.

Sincerely,

Rebecca Romo  
Legislative Assistant  
Public Citizen, Congress Watch  
215 Pennsylvania Avenue, SE  
Washington, DC 20003  
(202)454-5115  
(202)546-4996  
rromo@citizen.org

<http://www.capitalresearch.org/pubs/pubs.asp?ID=108>

#### CJF's Nader Connection

In the mid-1980s, ATLA began to build closer contacts with consumer activists. The Coalition for Consumer Justice, an umbrella organization started by Joan Claybrook, showed ATLA how to create relationships with its "natural allies," i.e., special interest activists who are not afraid to sue. Claybrook had worked closely with Ralph Nader since the mid-1960s and was president of Public Citizen, a consumer group founded by Nader in 1971. She describes the Coalition's objective as lobbying for increased regulation of insurance companies (old foes of ATLA) and resisting insurance company demands for tort reform. Said Claybrook, "The insurance industry's real goal is to limit our right to hold wrongdoers responsible for the permanent injuries they inflict."

But when the trial lawyers met the consumer movement they discovered something about their "natural allies." Roxanne Barton Conlin, an ATLA member who worked on the relationship building effort, expressed it well. "We quickly learned," she recalled in 1992, "how close to the margin of existence many of these groups were...If these groups were to continue...they needed money." A grantmaking organization that could provide regular transfusions of funds to ATLA's new friends was essential. Conlin credits Claybrook for having "helped begin the foundation." She continues to serve as one of seven consumer activist representatives on CJF's 26-member board of trustees.

Since its 1986 founding CJF has contributed \$1.3 million to more than 100 consumer advocacy groups. (See Sidebar on

page 5.) Grant applications stream to CJF, ensuring that ATLA supports groups that help keep trial lawyers abreast of new developments in "consumer advocacy."

Public Citizen says it does not accept funding from ATLA. But trial lawyer contributions to Nader-backed groups reinforce the ties between them. In a 1999 interview Claybrook admitted that Public Citizen receives about \$200,000 per year in donations from individual trial lawyers. Chamber specifically endorsed arbitration as a less costly and contentious method to resolve disputes. ATLA and Public Citizen went ballistic. Public Citizen's Tyler Slocum cast doubt on arbitration's usefulness; he defended liability lawsuits as a way to force corporations to change their practices in ways "that benefited the consumer."

ATLA president Mary Alexander called the ads a "tragic misuse of our capitalist system."

Why the heated rhetoric? Perhaps because in 2001 the number of arbitration proceedings-200,000-exceeded the number of public jury trials. Arbitration clauses are increasingly used in many contract settlements, including employment, credit, insurance, and securities agreements. Under an arbitration clause, consumers agree to resolve a contract dispute in arbitration rather than through court litigation. An impartial individual or panel hears the issues and decides how to resolve the dispute. Arbitration is fast and cheap.

Killing arbitration is an ATLA priority. A July 2002 article in Trial describes arbitration as "the ultimate tort 'reform' tool" because it takes "away a person's right to trial."

Last year ATLA was disappointed when the U.S. Supreme Court refused to weaken arbitration, and it began looking for help from Congress. ATLA supported a number of bills that would make arbitration agreements unenforceable, and it found a vocal supporter for its position in Nader's Public Citizen. In May 2002, Public Citizen published a report attacking the practice of using mandatory arbitration in place of lawsuits. "This growing corporate maneuver is threatening the rule of law," said Public Citizen's Claybrook.

- Kyl Amendment - S887.doc - ISCRAAInformationPacket.pdf - ISCRAACornynSpeech.pdf - ISCRAAResponseToSutherland.pdf - ISCRAAKylSpeech.pdf

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File attachment <P\_EPX8G003\_WHO.TXT\_1>

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_EPX8G003\_WHO.TXT\_2>

ATT CREATION TIME/DATE: 0 00:00:00.00  
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ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_EPX8G003\_WHO.TXT\_4>

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_EPX8G003\_WHO.TXT\_5>



Buyers Up • Congress Watch • Critical Mass • Global Trade Watch • Health Research Group • Litigation Group  
Joan Claybrook, President

May 7, 2003

The Honorable Charles E. Grassley  
Chairman  
The Honorable Max Baucus  
Ranking Member  
Senate Finance Committee  
SD-219  
Washington, D.C. 20510

Dear Mr. Chairman and Ranking Member:

With no hearings and no warning to the public, Senator Jon Kyl of Arizona is planning to offer an amendment to the tax bill that will be marked up Thursday in the Senate Finance Committee that, under the guise of a tax law, will write new substantive standards for awarding attorneys fees in large cases in federal and state courts. The amendment, which incorporates Kyl's bill (S. 887), will apply retroactively to all fees paid after June 1, 2002. Public Citizen urges the committee not to accept this radical amendment, both because the Tax Code and the Internal Revenue Service have no business supervising legal fees and because the substantive goals of the Kyl bill are misguided and in many respects unconstitutional.

Public Citizen takes a back seat to no one in its concern about excessive legal fees. We have worked tirelessly to assure that no client pays excessive fees and that all lawyers, on both sides of a case, are paid only fees that are reasonable. In class actions, our lawyers have been among the few willing to oppose unreasonable fees – often to the displeasure of class counsel. But if there is a problem in this area, this amendment is clearly the wrong way to go about solving it.

Although labeled a tax bill, the undeniable purpose of S. 887 is to impose on all large lawsuits what its sponsors believe to be the “right way” to calculate attorneys fees. The bill uses the gimmick of imposing a 200 percent penalty on what its sponsors call “excess” legal fees, which means that there is no choice but to follow federal law, even though most cases, including the tobacco cases at which the sponsors claim to be directing this amendment, are based on state and not federal law. That has not stopped the two sponsors (the other is Sen. John Cornyn of Texas), who claim to be supporters of principles of federalism and states' rights, from attempting to pass federal legislation telling the states what their laws must be on attorneys fees.

The bill would:

**Ralph Nader, Founder**

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- Create a new system in both state and federal courts for “auditing” legal fees to determine whether they are excessive, even if no one objects, and then require the already-overworked and understaffed IRS to become the law enforcer for attorneys fees;
- Change the laws that Congress recently passed to prevent abuses in the securities class action field, by depriving the lead plaintiff of the right to negotiate a fee with class counsel, and by bringing in the federal government to “prevent” the very plaintiff that Congress has directed to lead the action from deciding what a reasonable fee is in a particular case. Most federal judges now reject the so-called “lodestar method” demanded by this bill in large damages cases, because that method can be very time-consuming and costly to implement, is often unfair and rewards inefficiency. Yet S. 887 would insist on it as the *only* way to calculate fees.
- Take away from federal and state judges their traditional function of supervising fees in class actions, without requiring the slightest showing that they are not, by and large, doing their job properly.
- Prevent state and local governments from compensating their chosen attorneys on whatever basis they decide is best, on the theory that somehow Congress knows best.
- Apply to “qui tam” actions under both state and federal law, with a potential adverse impact on the efficacy of this important litigation method for rooting out corrupt practices that victimize governments and the public.

And its provisions on “aggregation” of similar claims seem to apply to mass torts like asbestos where, if a lawyer or law firm, or even “related” firm, recovers for hundreds or thousands of plaintiffs a total of more than \$100 million, no matter how many years it takes, once that threshold is reached, all future fees are subject to the new limits.

To top it all off, S. 887 applies not just to contracts entered into and cases filed and even settled before the bill becomes law, but it covers any fee paid after June 1, 2002 – 10 months before the bill was even introduced.

S. 887 is wrong as a matter of policy, and it unwisely entangles the IRS in matters that have nothing to do with tax collection and everything to do with the judiciary. The obvious goal of the bill is to create a congressional rule for attorneys’ fees in large cases. Sen. Kyl is attempting to slide this non-tax amendment into the tax bill pending before the Finance Committee, which is focusing on true tax issues.

We urge the committee to reject Sen. Kyl’s attempted misuse of the Internal Revenue Code and his effort to make Congress the final arbiter of attorneys’ fees. The only saving grace in all this mess is that at least its retroactive provisions (so much for property and contract rights) and its attempted application to state court and state law cases are almost certainly unconstitutional.

Sincerely,

Joan Claybrook  
President

Alan Morrison  
Director  
Public Citizen’s Litigation Group

cc:

The Honorable Orrin G. Hatch  
The Honorable Don Nickles  
The Honorable Trent Lott  
The Honorable Olympia J. Snowe  
The Honorable Jon L. Kyl  
The Honorable Craig Thomas  
The Honorable Rick Santorum  
The Honorable Bill Frist  
The Honorable Gordon Smith  
The Honorable Jim Bunning  
The Honorable John D. Rockefeller, IV  
The Honorable Thomas A. Daschle  
The Honorable John B. Breaux  
The Honorable Kent Conrad  
The Honorable Bob Graham  
The Honorable Jeff Bingaman  
The Honorable F. John Kerry  
The Honorable Blanche L. Lincoln  
The Honorable James M. Jeffords

## II. ACCESS TO JUSTICE

**Won't ISCRAA's fee formula prevent poor plaintiffs in large cases from being able to get a lawyer? Won't lawyers refuse to take case under ISCRAA's fee formula?**

***Short answer: ISCRAA is more generous than existing formulas used by courts.*** ISCRAA is carefully designed to protect fiduciary interests while providing plaintiffs' lawyers with ample incentives to provide high-quality legal representation in large litigations. ISCRAA's fee formula is as generous as the limits set by the most liberal state courts that engage in meaningful review of attorneys fees, and is considerably more generous than the federal courts' practices in \$100 million cases. Moreover, the multiplier criteria that ISCRAA employs universally are recognized as legitimate prerequisites for a contingency fee – even by trial lawyers' professional associations.

- *Federal courts almost never award a multiplier greater than 300% in \$100 million cases:*

In 2001, the Third Circuit “set forth a chart of fee awards given in federal courts since 1985 in class actions in which the settlement fund exceeded \$100 million and in which the percentage of recovery method was used.”<sup>8</sup> (*Cendant Corp.*) The court identified 17 such cases. In almost every case, the Third Circuit could calculate the multiplier that was used, and “the lodestar multiplier in those cases never exceeded 2.99.” And in the direct lodestar-multiplier cases that court identified, the multiplier ranged from 1.2 to 3.25.<sup>9</sup>

- *Example (of excellent service provided despite applicability of lodestar formula):*

*In re Sumitomo Copper Litig.*, 74 F. Supp. 2d 393 (S.D.N.Y. 1999). This RICO and Commodities Exchange Act case resulted in a recovery for the clients of \$116 million. The attorneys reviewed millions of pages of documents located throughout the world, many of which had to be translated from Japanese. The federal district court awarded a multiplier of 250%, for a total fee of \$32 million.

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<sup>8</sup>*In re Cendant Corp. PRIDES Litig.*, 243 F.3d 722, 737 (3d Cir. 2001).

<sup>9</sup>*See id.* at 737 n.22.



### III. RETROSPECTIVE EFFECT

**Isn't ISCRAA an unfairly retrospective change in the law? If these fees were legal when they were agreed to, why should we change them now?**

***Short answer: ISCRAA only enforces a liberal interpretation of pre-existing standards.***

ISCRAA does not change the *substantive* law governing attorneys fee awards. Rather, it simply enforces established, *pre-existing* fiduciary standards that already bind every attorney in every state. The MODEL RULES OF PROFESSIONAL CONDUCT, at Rule 1.5(a), contain a clear, direct command that “*a lawyer's fee shall be reasonable.*” Similarly, the MODEL CODE OF PROFESSIONAL RESPONSIBILITY, at DR 2-106, directs that an attorney “*shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee.*” The Model Code further explains that an attorney’s fee is “clearly excessive when, after a review of the facts, a lawyer of ordinary prudence would be left with a definite and firm conviction that the fee is in excess of a reasonable fee.” Finally, as academic commentators point out, in addition to the model rules, “*all state rules of professional conduct prohibit attorneys from charging excessive fees.*”<sup>10</sup> (Emphasis added.)

***Tobacco lawyers still get 2.5 billion dollars under ISCRAA.*** Additionally, ISCRAA does not apply to the first three-and-a-half years of fee payments under the tobacco settlement, it exempts the first two-and-a-half *billion* dollars that these lawyers received. No tobacco lawyer will go broke because of this bill. ISCRAA might simply be described as the one-yacht-per-lawyer rule.

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<sup>10</sup>Vonde M. Smith Hitch, *Ethics and the Reasonableness of Contingency Fees: A Survey of State and Federal Law Addressing the Reasonableness of Costs as They Relate to Contingency Fee Agreements*, 29 LAND & WATER L. REV. 215, 218 n.22 (1994).

#### IV. WHO OWNS THE FEE?

**If a lawyer's fee award is unethical or excessive, wouldn't it go back to the *defendant*? Some of the tobacco lawyers argue that the money *can't* go back to the states. Wouldn't the lawyers money go back to the tobacco companies?**

***Short answer: Fee awards are the property of the client.*** The courts have made very clear that a fee award is the property of the client – and that any unethical fee must be restored to the client, regardless of how the fee award is structured. Any other rule would invite collusion between the defendants and the plaintiffs' lawyers. Courts repeatedly have recognized that defendants would be more than happy to agree to higher plaintiffs' lawyers fee awards in exchange for a lower recovery from the plaintiffs. A number of commentators have noted that this is exactly what happened in the tobacco settlement. In recognition of the legal principle that a fee award belongs to the client – and that an excessive fee must be restored to the client – ISCRAA specifically provides that excess tobacco settlement attorneys fees shall be restored to the states.

*According to the courts and legal-ethics experts:*

- “The allowance of attorney fees in a judgment gives the attorneys no interest and ownership in the judgment to the extent of the amount of the fee allowed, but the judgment in its entirety is the property of the client. The award for fees is for the client, not the attorney.”<sup>11</sup>
- “[A] defendant is interested only in disposing of the total claims asserted against it, and the allocation between the [plaintiff's] payment and the attorneys' fees is of little or no interest to the defense. Moreover, the divergence in class members' and class counsel's financial incentives creates the danger that the lawyers might urge a class settlement at a low figure or on a less-than-optimal basis in exchange for red-carpet treatment for fees.”<sup>12</sup>
- “To the tobacco companies, dollars are dollars, whether paid to states or paid to lawyers. So the real amount on the bargaining table was not the \$246 billion that the states settled for, but a larger sum, including the amount to be paid to the attorneys. \* \* \* \* Stated simply, because dollars are fungible, the fees are coming out of the settlements.”<sup>13</sup>

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<sup>11</sup>*Carmichael v. Iowa State Highway Comm'n*, 219 N.W.2d 658 (Iowa 1974) (citing 7 C.J.S. *Attorney and Client* § 163, pp. 1020-21).

<sup>12</sup>*In re Cendant Corp. PRIDES Litig.*, 243 F.3d 722, 728 (3d Cir. 2001).

<sup>13</sup>Professor Lester Brickman, *The Tobacco Litigation and Attorneys' Fees*, 67 FORDHAM L. REV. 2827, 2832 (1999).

## V. FEDERALISM

**Why should the federal government be regulating attorneys fees in large lawsuits brought in state court? Isn't this purely a state matter?**

***Short answer: \$100 million lawsuits, by their sheer size alone, substantially affect interstate commerce, and are a proper subject of congress's power to regulate and protect commerce between states.*** It is well-established that "Congress' commerce authority includes the power to regulate \* \* \* those [economic] activities that substantially affect interstate commerce." *United States v. Morrison*, 529 U.S. 598, 609 (2000). *See also United States v. Lopez*, 514 U.S. 549 (1995). Both the executive and the legislative branches previously have identified \$100 million as guideline for determining whether a matter has a significant impact on interstate commerce. *See, e.g.* Executive Order 12866; Congressional Review Act, 5 U.S.C. § 804(2); Unfunded Mandates Act, 2 U.S.C. § 1532(a). Because it is limited to litigations of this size, ISCRAA is consistent with congress's power and obligation to protect the flow of commerce between states.

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## **ISCRAA: The Kyl-Cornyn Bill to Enforce Fiduciary Attorney Fee Standards in Mass Tort Litigation**

The Intermediate Sanctions Compensatory Revenue Adjustment Act (ISCRAA) allows attorneys fees of no more than 500% of reasonable hourly rates in lawsuits resulting in judgments greater than \$100 million. ISCRAA uses an existing provision of the tax code to enforce basic, universally accepted fiduciary standards governing the award of attorneys fees. To avoid punitive tax rates, an attorney would be required to restore the excessive portion of any fee to the client. Because ISCRAA applies to current and future fees paid pursuant to the state Medicaid tobacco litigation settlement, ISCRAA will restore approximately \$9 billion to the states.

### *ISCRAA's Benefits:*

- **Limiting speculative, fee-driven mass tort litigation.** The current mass-tort litigation crisis is driven in large part by the enormous and unethical fees commanded by some plaintiffs' attorneys. Because their fees are so grossly disproportionate to their actual efforts, these lawyers can pursue even speculative lawsuits that lack a legitimate foundation – even only an occasional victory produces massive profits. By requiring that fees be proportional to attorneys' actual work, ISCRAA inevitably will limit this type of litigation.
- **Enforcing Pre-existing Fiduciary Standards.** Attorneys undisputedly are fiduciaries who occupy a position of trust in their dealings with their clients. One obligation flowing from this status – a requirement that is established in the attorney ethics rules of all 50 states – is that a lawyer must not charge an unreasonable or excessive fee. Courts traditionally read a reasonableness requirement into every attorneys fee contract. ISCRAA does not change this pre-existing obligation – it simply makes the duty enforceable in large lawsuits.
- **Helping the States.** Because it applies to the fees still being paid in the state tobacco settlement, ISCRAA will restore approximately \$9 billion to the states. Tobacco companies will pay the same amount – but continuing excess fees will be restored to the clients (the states), not to lawyers who violated their fiduciary duties. Under ISCRAA, even our nation's smallest state, Wyoming, would recoup at least \$15 million, and other small states, such as North Dakota, would receive approximately \$20 million. Our nation's largest state, California, can expect to recoup at least \$1 billion. Other large states would also see generous returns: Florida, \$511 million; Illinois, \$397 million; Michigan, \$318 million; New York, \$607 million; Ohio, \$363 million; and Texas, \$667 million.
- **Guaranteeing Mass-Tort Plaintiffs Access to Counsel.** ISCRAA's fee formula is as generous as the most liberal limits adopted by state courts, and considerably more generous than the limits that federal courts have applied in \$100 million cases. ISCRAA protects fiduciary interests, while providing plaintiffs' lawyers with ample incentive to provide high-quality legal representation in large lawsuits.

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## **What Plaintiffs' Lawyers and Anti-Tobacco Activists Are Saying About the Tobacco-Settlement Attorneys Fees:**

[From Senator Cornyn's Senate speech introducing ISCRAA]

There is widespread agreement that the fees awarded in the tobacco settlement are excessive and unreasonable. Perhaps the most damning indictments come from those who took the plaintiffs' side in this litigation – including from plaintiffs lawyers themselves.

- For example, **Michael Ciresi**, a pioneer in the tobacco litigation who represented the state of Minnesota in its lawsuit, and who is no doubt familiar with what these lawsuits actually require, has said that **the Texas, Florida, and Mississippi lawyers' fee awards "are far in excess of these lawyers' contribution to any of the state results."**<sup>1</sup>
- Similarly, former Food and Drug Administration Commissioner **David Kessler**, another leader in the fight against tobacco, has said that the states' private lawyers "did a real service, but I think **the fee is outrageous. All the legal fees are out control.**"<sup>2</sup>
- Washington, D.C. lawyer and tobacco-industry opponent **John Coale** has denounced **the fee awards as "beyond human comprehension" and stated that "the work does not justify them."**<sup>3</sup>
- Even the Association of American Trial Lawyers, the nation's premier representative of the plaintiffs bar, has condemned attorneys fees requested in the state tobacco settlement. **The President of ATLA** has noted:  
  
**"Common sense suggests that a one billion dollar fee is excessive and unreasonable and certainly should invite the scrutiny [of the courts].** [ATLA] generally refrains from expressing an institutional opinion regarding a particular fee in a particular case, but we have a strong negative reaction to reports that at least one attorney on behalf of the plaintiffs in the Florida case is seeking a fee in excess of one billion dollars."<sup>4</sup>

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<sup>1</sup>Michael Ciresi, as quoted in Barry Meier, *Case Study in Tobacco Law: How a Fee Jumped in Days*, THE NEW YORK TIMES, December 15, 1998, at A16.

<sup>2</sup>David A. Kessler, as quoted in Barry Meier, *Case Study in Tobacco Law: How a Fee Jumped in Days*, THE NEW YORK TIMES, December 15, 1998, at A16.

<sup>3</sup>Robert Levy, *Hired Guns Corral Contingent Fee Bon*, LEGAL TIMES, February 1, 1999.

<sup>4</sup>Letter from Richard D. Hailey, President, Association of Trial Lawyers of America, to Rep. Howard Coble, R-NC (quoted in Fla. Lawyers Attacked by Peers; Trial Association Says Fees Excessive; Smoke under Fire, RICHMOND TIMES-DISPATCH, Wednesday, December 10, 1997, at A7.)

This letter, written in 1997, only concerned one of the Florida lawyers' request for attorneys fees. Ultimately, Florida's private counsel was awarded a total of \$3.4 billion in fees. These statements demonstrate beyond all doubt that there is real abuse going on here, and that the victim of this abuse is the client, the plaintiff – and not the defendant.

- Perhaps the best gloss on the tobacco fee awards is that provided by **Professor Lester Brickman**, a professor of law at Cardozo Law School and noted authority on legal ethics and attorneys fees. Professor Brickman has stated:

“Under the rules of legal ethics, promulgated partly as a justification for the legal profession's self-governance, fees cannot be ‘clearly excessive.’ Indeed, that standard has now been superseded in most states by an even more rigorous standard: fees have to be ‘reasonable.’ **Are these fees, which in many cases amount to effective hourly rates of return of tens of thousands – and even hundreds of thousands – of dollars an hour, reasonable? I think to ask the question is to answer it.**”<sup>5</sup>

The attorneys fees awarded in the state tobacco settlement are simply indefensible. And the process by which the fees were awarded partly explains how they came to be so. Outside counsel fees were determined by a private arbitration panel established by the Master Settlement Agreement (MSA) that resolved 46 of the states' litigation. (Four other states had settled their suits earlier. Their lawyers, however, also were paid out of the accounts created by the MSA.) Amazingly, the settlement agreement explicitly immunized all fee awards from judicial review. Even more amazingly, one of the three arbitrators who made the awards had a clear conflict of interests: he was the father of a South Carolina lawyer whose law firm has received the largest fee awards of all, believed to amount to over \$2 billion. Another one of the arbitrators had no background in fee arbitrations or any related matter, and simply ignored the law in order to make outrageous awards, using the salaries of sports stars and entertainers as a basis of measure. The third arbitrator, a retired federal judge appointed by President Carter, dissented from the key fee decisions.

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<sup>5</sup>Professor Lester Brickman, *The Tobacco Litigation and Attorneys' Fees*, 67 *FORDHAM L. REV.* 2827, 2830 (1999).

## **ISCRAA: RESTITUTION TO THE STATES**

Under the terms of the November 1998 Master Settlement Agreement (MSA) between the states and tobacco companies, \$500 million in cigarette taxes is set aside every year to pay the plaintiffs' attorneys who chose to have their fees awarded in arbitration. Because extraordinarily high fees were awarded by the arbitrators – estimated to total \$15 billion – the \$500-million-a-year income stream (which is not adjusted for inflation) may have to be paid in perpetuity. In addition to this annuity, the MSA also sets aside an additional \$1.25 billion in cigarette taxes to compensate those lawyers who choose to forego arbitration and negotiate their fees directly with the tobacco companies.

The present value of the \$500-million-a-year fee stream – discounting all future payments for the time value of money – has been conservatively estimated at just over \$8 billion. Current and future payments from the \$1.25 billion fee fund are less certain, since the grants made from that fund and their disbursement schedule have been kept obscure from the public. Because ISCRAA's effective date is June 1, 2002, ISCRAA will probably recoup for the states an additional \$1 billion above the present value of future \$500 million-a-year payments. ISCRAA does not affect the first three-and-a-half years of fees paid under the MSA. Because these payments almost certainly are adequate to pay all reasonable fees incurred in the litigation, ISCRAA would restore to the states virtually all fees paid after its effective date. Thus the net present value of the sums that ISCRAA would provide to the states can conservatively be estimated at \$9 billion.

By restoring these excess fee payments to the states' MSA escrow account and returning them to the states on a per capita basis, ISCRAA guarantees every state a very substantial recovery. Based on the estimates that I have described, even our nation's smallest state, Wyoming, would recoup at least \$15 million in tobacco fee payments, and other small states, such as North Dakota, would receive approximately \$20 million. On the other hand, our nation's largest state, California, can expect to recoup at least \$1 billion. Other large states would also see generous returns: Florida, \$511 million; Illinois, \$397 million; Michigan, \$318 million; New York, \$607 million; Ohio, \$363 million; and Texas, \$667 million.

Here is how much each state can expect to recover:



*United States**\$9 billion*

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|                      |               |
|----------------------|---------------|
| Alabama              | 142,220,272   |
| Alaska               | 20,049,569    |
| Arizona              | 164,079,935   |
| Arkansas             | 85,496,543    |
| California           | 1,083,230,642 |
| Colorado             | 137,556,275   |
| Connecticut          | 108,911,511   |
| Delaware             | 25,059,883    |
| District of Columbia | 18,294,706    |
| Florida              | 511,123,686   |
| Georgia              | 261,806,474   |
| Hawaii               | 38,745,502    |
| Idaho                | 41,381,203    |
| Illinois             | 397,174,614   |
| Indiana              | 194,456,664   |
| Iowa                 | 93,585,167    |
| Kansas               | 85,976,825    |
| Kentucky             | 129,257,603   |
| Louisiana            | 142,919,876   |
| Maine                | 40,772,615    |
| Maryland             | 169,384,021   |
| Massachusetts        | 203,046,997   |
| Michigan             | 317,835,940   |
| Minnesota            | 157,327,166   |
| Mississippi          | 90,973,451    |
| Missouri             | 178,937,382   |
| Montana              | 28,852,605    |
| Nebraska             | 54,726,966    |
| Nevada               | 63,905,164    |
| New Hampshire        | 39,520,996    |
| New Jersey           | 269,094,724   |
| New Mexico           | 58,173,915    |
| New York             | 606,875,689   |
| North Carolina       | 257,420,675   |
| North Dakota         | 20,537,847    |
| Ohio                 | 363,078,559   |
| Oklahoma             | 110,353,478   |
| Oregon               | 109,417,889   |
| Pennsylvania         | 392,753,669   |
| Rhode Island         | 33,525,716    |
| South Carolina       | 128,305,961   |
| South Dakota         | 24,140,253    |
| Tennessee            | 181,945,847   |

|               |             |
|---------------|-------------|
| Texas         | 666,850,647 |
| Utah          | 71,417,756  |
| Vermont       | 19,470,563  |
| Virginia      | 226,374,115 |
| Washington    | 188,496,659 |
| West Virginia | 57,831,660  |
| Wisconsin     | 171,532,756 |
| Wyoming       | 15,791,372  |

## RESPONSES TO LIKELY ARGUMENTS AGAINST ISCRAA

### I. FREEDOM OF CONTRACT

**I. Shouldn't lawyers have freedom of contract to set whatever fee they can persuade a client to agree to? Why are we singling out lawyers for regulation and not CEOs?**

*Short answer: Attorneys are fiduciaries whose fee contracts have always been subject to reasonableness requirements.* Attorneys long have been acknowledged to be fiduciaries who occupy a position of trust in their dealings with their clients. One obligation that flows from this status, universally recognized in the ethics rules of all 50 States, is the attorney's obligation not to charge an unreasonable or excessive fee. Courts have made very clear that attorneys are not equivalent to ordinary businessmen, who can engage in hard bargaining with their customers. Such behavior cannot be reconciled with an attorney's role as an officer of the court. The courts also have made clear that the requirement that a fee be reasonable will be read into every attorney fee contract, and will supercede terms that are inconsistent with this obligation.

*ISCRAA is very generous – even by CEO standards.* ISCRAA's fee formula still permits lawyers fees that would make many CEOs envious. In the tobacco litigation, many of the plaintiffs' lawyers filed claims that they have worked tens of thousands of hours. ISCRAA would allow reasonable hourly rates – which run as high as \$500 an hour in large cities – to be multiplied by up to 500%. This translates into attorneys fees of tens of millions of dollars. Not bad, considering that many of the tobacco settlement lawyers worked on their cases for just one or two years.

#### *Legal Standards*

- As one court has stated:

“We realize that business contracts may be enforced between those in equal bargaining capacities, even though they turn out to be unfair, inequitable or harsh. However, *a fee agreement between lawyer and client is not an ordinary business contract.* The profession has both an obligation of public service and duties to clients which transcend ordinary business relationships and prohibit the lawyer from taking advantage of the client.”<sup>6</sup>
- “[A]n attorney is only entitled to fees which are fair and just and which adequately compensate him for his services. This is true *no matter what fee is specified in the contract*, because an attorney, as a fiduciary, cannot bind his client to pay a greater compensation for his services than the attorney would have the right to demand if no

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<sup>6</sup>*In the Matter of Swartz*, 686 P.2d 1236, 1243 (Ariz. 1984) (emphasis added).

contract had been made. Therefore, as a matter of public policy, *reasonableness is an implied term* in every contract for attorney's fees."<sup>7</sup>

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<sup>7</sup>*Missouri ex rel. Chase Resorts, Inc. v. Campbell*, 913 S.W.2d 832 (Mo. App. 1996) (emphasis added). *See also* G. Hazard, *ETHICS IN THE PRACTICE OF LAW* 99 (1978) ("A contract for a [legal] fee is, under general principles of law, a contract between a fiduciary and his protected dependent \* \* \* [and] it is unenforceable unless its terms are fair to the client").

lawyers. So the real amount on the bargaining table was not the \$246 billion that the states settled for, but a larger sum, including the amount to be paid to the attorneys. . . . Stated simply, because dollars are fungible, the fees are coming out of the settlements.<sup>25</sup>

Even foreign commentators have noted that the state tobacco settlement's "arbitration is a mere figleaf. The money going to the lawyers was clearly part of the overall amount that the tobacco companies were willing to pay to settle the case. Whatever the lawyers get, the states do not."<sup>26</sup>

And this point has not been lost upon members of Congress. Representative Chris Cox (R-CA) has testified on the matter:

It is specious to argue that [billions of dollars] in fees are not being diverted out of funds available for public health and taxpayers. The tobacco industry is willing to pay a certain sum to get rid of these cases. That sum is the total cost of the payment to the plaintiffs and their lawyers. It is a matter of indifference to the industry how that sum is divided – 75% for the plaintiffs and 25% for their lawyers, or vice versa. That means that every penny paid to the plaintiffs' lawyers – whether it is technically 'in' the settlement or not – is money that the industry could have paid to the state or the private plaintiffs. Excessive attorneys' fees in this case will not be a victimless crime.<sup>27</sup>

I hope that these authorities and their reasoning are sufficient to permanently dispel the notion that an attorney fee agreement can be structured so as to evade the ethical obligation to charge only a reasonable fee. The defenders of the MSA fee payments are simply misleading the public and this distinguished body when they assert that a particular lawyer's award under the settlement does not come out of a particular state's recovery. That fee comes out of all of the state's recoveries. All excessive or unreasonable fees should be restored to all 50 of the states.

Senator Kyl has already presented estimates of the monetary recovery each state can expect if ISCRAA is enacted. I would simply point out here that, according to those estimates, Texas has been charged excessive and unreasonable attorney fees in the amount of \$667 million, and therefore would recover those funds if this legislation is adopted.

ISCRAA's return of unethical tobacco-settlement fee awards to the states is manifestly proper in light of the fact that all fee awards are the property of the client, and the attorney is entitled only to a reasonable fee. No attorney is above these rules and obligations. They cannot be waived or ignored. And in light of our experience with the state tobacco settlement fee awards, and their effect on our public officials, these ethical duties must be carried out and enforced strictly and fully.

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<sup>25</sup> Professor Lester Brickman, *The Tobacco Litigation and Attorneys' Fees*, 67 FORDHAM L. REV. 2827, 2832 (1999).

<sup>26</sup> *Knights in Golden Armour: Lawyers and Their Fees*, THE ECONOMIST, February 13, 1999, at 28.

<sup>27</sup> Testimony of Rep. Chris Cox, R-CA, U.S. House of Representatives, Subcommittee on Courts and Intellectual Property, December 10, 1997 (emphasis in original).

Our federal and state courts generally do a good job of protecting consumers and enforcing the rights of all Americans. But there are problems in our courts that require attention and significant reform. Class action abuse not only threatens the integrity and the perception of rationality in our nation's courts, it strongly hinders economic and job growth. Tort reform is badly needed to rescue many industries, especially our health care industry, from abuses of our legal system. The judicial confirmation process at the federal level has become bitter, severe and destructive, posing a threat to judicial independence and the quality and efficiency of our courts. And abusive attorney fee arrangements make a mockery of our civil justice system, all while enriching a small band of unscrupulous litigators at the expense of the real victims, their clients.

To enforce the longstanding fiduciary duty of all attorneys to charge only a reasonable fee, in a class of cases that poses heightened risks of abuse and special significance to the national economy, I urge that this Senate consider expediently, and approve quickly, this important measure, the Intermediate Sanctions Compensatory Revenue Adjustment Act of 2003.

Thank you, Mr. President. I yield the floor.

## **SENATOR CORNYN**

### **INTRODUCTION OF LANDMARK LEGISLATION TO COMBAT GROSSLY ABUSIVE ATTORNEY FEE AGREEMENTS**

**Wednesday, April 10, 2003**

Mr. President, I am pleased to join my colleague, Senator Kyl, to introduce today this landmark legislation to clean up our civil justice system. This legislation would enact a badly needed reform to the way in which attorneys are paid in some of the nation's largest cases. It is designed to address some of the worst abuses of our civil justice system that I have witnessed in my nearly thirty years in the legal profession as a lawyer in private practice, as a state trial and appellate judge, and as state attorney general.

This legislation, the Intermediate Sanctions Compensatory Revenue Adjustment Act of 2003 (ISCRAA), will combat the gross abuse of attorney contingent fee agreements, abuses which we have been witnessing at an increasing rate in recent years. The legislation will enforce attorneys' fiduciary duties to their clients in a small but important category of cases – those resulting in judgments greater than \$100 million.

Contingent fee agreements can have an important role to play in our civil justice system. Sometimes, when people are injured but cannot afford to hire lawyers out of their own pockets, attorneys will accept the case with the expectation that, if their clients prevail, the attorney will be paid for his or her services out of the judgment or settlement that the attorney is able to secure for the client. Such agreements between attorneys and their clients are called contingent fee agreements, because the attorney's fee is contingent on the client obtaining a money judgment or settlement. Contingent fee agreements, properly understood and utilized, reward attorneys for their work in obtaining monetary recovery for their clients, and the risk that they take that, despite their hard work and best efforts, they are unable to obtain any recovery for the client at all.

Contingent fees can thus help ensure that plaintiffs with legitimate claims have the opportunity to obtain justice from our courts through the assistance of counsel. But contingent fees also present serious ethical problems for our legal system – particularly when the dollar amounts at stake are extraordinary, especially when compared to the relatively light or even negligible effort and risk actually undertaken by the attorneys.

Clients hire attorneys with the understanding and expectation that the attorney is ethically, legally, and morally obliged to represent their best interests, and that the attorney will use his or her legal skills in order to produce the best possible result – not for the attorney, but for the client.

Thus, as my colleague has noted, contingent fee agreements are no ordinary agreements between consumers and businesses. It is a bedrock principle and well-established tenet of our Anglo-American system of justice that attorneys are not ordinary businessmen who can engage in hard bargaining with their customers, as courts have made clear on countless occasions. Rather, attorneys are officers of the court who have a fiduciary duty to their clients. As fiduciaries, attorneys occupy a position of trust in their dealings with their clients.

One obligation that flows from this status as a fiduciary is the attorney's obligation not charge an unreasonable or excessive fee. This obligation is a fundamental part of an attorney's

ethical duties, universally recognized in the ethics rules of all 50 States. Courts have made clear, time and time again, that every attorney fee contract automatically and necessarily includes the requirement that the fee be a reasonable one, a requirement that no provision of such agreements may abrogate.

ISCRAA affirms and reinforces the longstanding substantive law of attorneys' fiduciary duties, by providing a special mechanism to enforce those duties in a particularly high risk category of cases – a category that the courts themselves have singled out as posing special risks of unethical, windfall fees. Courts have noted that allowing standard contingency fee agreements in cases involving judgments of \$100 million or more have a distinct tendency of grossly overcompensating attorneys for their actual services rendered.

ISCRAA prevents attorneys from evading their obligation to charge a reasonable fee in extraordinarily large recovery cases, by limiting awards to a generous multiple of reasonable hourly fees. State courts, federal courts, and even trial lawyers' themselves have all recognized that a reasonable fee must be proportional to the attorney's actual efforts. ISCRAA codifies and enforces this principle, while continuing to guarantee lawyers ample and generous compensation for their efforts – using fee multipliers that are as generous as the most liberal limits adopted by state courts, and which are considerably more generous than the limits set by federal courts in \$100 million cases.

This legislation thus promises to clean up our civil justice system and to repudiate the grossest abuses of our legal system. Make no mistake: Although all attorneys are supposed to uphold a strict ethical code, under which they are strictly forbidden from charging their clients unreasonable or excessive attorney fees, the temptation to abuse contingent fee agreements is a strong one, and even more so when the dollar amounts are truly extraordinary – such as in the \$100 million cases that would be covered by this legislation. And make no mistake: the victim of such attorney fee abuse, and the beneficiary of this legislation, is not the defendant who pays the judgment – after all, the defendant pays the same total amount whether the money goes to the attorney or to the client. Rather, the real victim of this abuse, and the real beneficiary of this legislation, is the injured client, whose money is being taken away from the lawyer through an abusive contingent fee arrangement.

As my colleague has also noted, ISCRAA is unquestionably an appropriate exercise of Congress's power to regulate and protect interstate commerce, especially considering the large size of the litigations to which it applies. \$100 million is a standard threshold used by the federal government to determine whether an economic transaction significantly affects interstate commerce.

But the most important reason for federal intervention in this area I have not yet mentioned, and I would like to take a moment to discuss it here: the gross abuses that we have already witnessed in large litigation fee awards. Recent experience amply demonstrates that, if the federal government does not act to prevent unethical and grossly abusive fee awards in massive, nationwide lawsuits, no one will. Moreover, recent experience further demonstrates that unreasonable fee payments in such suits threaten not just the attorneys' fiduciary obligations; they also place at risk the integrity of our governmental institutions. The unwholesome incentives created by windfall, unethical fee awards in large-scale litigations have induced some public officials to abandon their civic obligations.

The textbook example of the types of abuses that make ISCRAA necessary is the attorneys fees awarded in the state lawsuits to recover tobacco-related Medicaid expenses. Individual law firms that represented the states in that litigation have been given hundreds of millions and sometimes even billions of dollars in fees. To date, approximately \$15 billion in fees has been awarded to the tobacco settlement lawyers, to be paid out in \$500-million-a-year



increments. Attorneys representing just three of the states – Mississippi, Texas, and Florida – were awarded \$8.2 billion in fees. In many cases, such fees were paid to attorneys who filed duplicate, copycat lawsuits at a time when settlement negotiations had already begun and the risk that the states would not recover any money was negligible. Yet these lawyers nevertheless received massive contingency fees, for suits that involved no real contingency. And for most of the tobacco settlement lawyers, the size of the fee awards bears no reasonable relation to the actual effort expended or risk involved.

There is widespread agreement that the fees awarded in the tobacco settlement are excessive and unreasonable. Perhaps the most damning indictments come from those who took the plaintiffs' side in this litigation – including from plaintiffs lawyers themselves. For example, Michael Ciresi, a pioneer in the tobacco litigation who represented the state of Minnesota in its lawsuit, and who is no doubt familiar with what these lawsuits actually require, has said that the Texas, Florida, and Mississippi lawyers' fee awards "are far in excess of these lawyers' contribution to any of the state results."<sup>1</sup> Similarly, former Food and Drug Administration Commissioner David Kessler, another leader in the fight against tobacco, has said that the states' private lawyers "did a real service, but I think the fee is outrageous. All the legal fees are out of control."<sup>2</sup> Washington, D.C. lawyer and tobacco-industry opponent John Coale has denounced the fee awards as "beyond human comprehension" and stated that "the work does not justify them."<sup>3</sup> Even the Association of American Trial Lawyers, the nation's premier representative of the plaintiffs bar, has condemned attorneys fees requested in the state tobacco settlement. The President of ATLA has noted:

Common sense suggests that a one billion dollar fee is excessive and unreasonable and certainly should invite the scrutiny [of the courts]. [ATLA] generally refrains from expressing an institutional opinion regarding a particular fee in a particular case, but we have a strong negative reaction to reports that at least one attorney on behalf of the plaintiffs in the Florida case is seeking a fee in excess of one billion dollars.<sup>4</sup>

This letter, written in 1997, only concerned one of the Florida lawyers' request for attorneys fees. Ultimately, Florida's private counsel was awarded a total of \$3.4 billion in fees. These statements demonstrate beyond all doubt that there is real abuse going on here, and that the victim of this abuse is the client, the plaintiff – and not the defendant.

Perhaps the best gloss on the tobacco fee awards is that provided by Professor Lester Brickman, a professor of law at Cardozo Law School and noted authority on legal ethics and attorneys fees. Professor Brickman has stated:

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<sup>1</sup> Michael Ciresi, as quoted in Barry Meier, *Case Study in Tobacco Law: How a Fee Jumped in Days*, THE NEW YORK TIMES, December 15, 1998, at A16.

<sup>2</sup> David A. Kessler, as quoted in Barry Meier, *Case Study in Tobacco Law: How a Fee Jumped in Days*, THE NEW YORK TIMES, December 15, 1998, at A16.

<sup>3</sup> Robert Levy, *Hired Guns Corral Contingent Fee Bon*, LEGAL TIMES, February 1, 1999.

<sup>4</sup> Letter from Richard D. Hailey, President, Association of Trial Lawyers of America, to Rep. Howard Coble, R-NC (quoted in *Fla. Lawyers Attacked by Peers; Trial Association Says Fees Excessive; Smoke under Fire*, RICHMOND TIMES-DISPATCH, Wednesday, December 10, 1997, at A7.)

Under the rules of legal ethics, promulgated partly as a justification for the legal profession's self-governance, fees cannot be 'clearly excessive.' Indeed, that standard has now been superseded in most states by an even more rigorous standard: fees have to be 'reasonable.' Are these fees, which in many cases amount to effective hourly rates of return of tens of thousands – and even hundreds of thousands – of dollars an hour, reasonable? I think to ask the question is to answer it.<sup>5</sup>

The attorneys fees awarded in the state tobacco settlement are simply indefensible. And the process by which the fees were awarded partly explains how they came to be so. Outside counsel fees were determined by a private arbitration panel established by the Master Settlement Agreement (MSA) that resolved 46 of the states' litigation. (Four other states had settled their suits earlier. Their lawyers, however, also were paid out of the accounts created by the MSA.) Amazingly, the settlement agreement explicitly immunized all fee awards from judicial review. Even more amazingly, one of the three arbitrators who made the awards had a clear conflict of interests: he was the father of a South Carolina lawyer whose law firm has received the largest fee awards of all, believed to amount to over \$2 billion. Another one of the arbitrators had no background in fee arbitrations or any related matter, and simply ignored the law in order to make outrageous awards, using the salaries of sports stars and entertainers as a basis of measure. The third arbitrator, a retired federal judge appointed by President Carter, dissented from the key fee decisions.

As incredible as the MSA fee awards and the arbitration procedures may seem, even more dubious is the process by which many of the law firms that participated in this lucrative litigation were selected in the first place to represent the states.

In my home state of Texas, trial lawyers have accused the then-state attorney general of demanding \$1 million in campaign contributions in exchange for their being hired to represent the state in the tobacco litigation. One prominent lawyer – a former president of the Texas Trial Lawyers Association – has since said that the attorney general's solicitation was so blatant that "I knew th[at] instant . . . that I could not be involved in the matter." He even later wondered if the meeting had been a "sting operation." Another lawyer simply characterized his encounter with the attorney general as a bribery solicitation.

This former Texas attorney general was recently indicted on federal charges of attempting to fraudulently divert \$260 million in tobacco-settlement legal fees to one of his personal friends. He had given a sworn affidavit that this lawyer had served as Texas's "primary adviser" in its tobacco lawsuit – despite the fact that the lawyer had attended no court hearings, depositions, or strategy meetings, wrote no memos or legal briefs about the case, and apparently never even spoke to any of the other attorneys. The attorney general even went so far as to forge and fraudulently backdate documents in order to win his friend a share of the tobacco settlement fee.

As for the five law firms that actually did represent Texas in the tobacco litigation, they filed relatively late lawsuits that were based on other lawyers' work – and yet, despite the minimal energy expended on those suits, were awarded \$3.3 billion in attorneys fees. This award amounts to compensation that, even assuming that the attorneys worked all day every day during the entire period of the litigation, remains well in excess of \$100,000 an hour. As one newspaper editorial has noted, for the amount of money that these lawyers were awarded, Texas could hire

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<sup>5</sup> Professor Lester Brickman, *The Tobacco Litigation and Attorneys' Fees*, 67 FORDHAM L. REV. 2827, 2830 (1999).

10,000 additional teachers or policemen for ten years. Instead, four of these firms gave the attorney general \$150,000 in campaign contributions in recent years.<sup>6</sup>

Texas's experience is not an isolated example. In other states as well, lawyers' participation in the tobacco litigation appears to have been the product of political favoritism – and to have resulted in unfathomable fees that bear no reasonable relation to the services provided. For example:

- *New Jersey*: the private in-state lawyers who represented this state in the tobacco litigation have admitted that they had no mass-tort litigation experience and played no role in the state settlement talks. They have also admitted that all the key work in the state's lawsuit was done by out-of-state firms – the in-state firms' principal work was drafting pro hac vice motions to have these outside lawyers admitted in New Jersey courts. Any work that the New Jersey lawyers did was submitted to the outside lawyers, who made all of the substantive arguments. Result: these in-state lawyers were awarded \$350 million in the MSA fee arbitration. Connections: the New Jersey lawyers were an inside group of past presidents of the New Jersey trial lawyers' association. The State refused to even consider hiring a nonprofit firm to conduct the New Jersey lawsuit.<sup>7</sup>
- *Pennsylvania*: settlement talks had already begun, the states' tobacco litigation was being resolved, and all of the legal theories already had been developed long before the Pennsylvania state suit was filed. Result: Pennsylvania's private lawyers were awarded \$50 million in the MSA arbitration – equivalent to 1000% of a reasonable hourly rate. As one expert has noted, "there's not \$50 million of work in there." Connections: the two law firms that the state Attorney General selected to conduct the litigation were among his top campaign contributors. The firms were awarded no-bid contracts. As one Pennsylvania commentator has noted, "obviously, it was a political kind of thing."<sup>8</sup>
- *Maryland*: billionaire tort lawyer Peter Angelos demanded a one billion dollar fee for his work on that state's case, even though, according to the state Senate President, the state legislature had retroactively "changed centuries of precedent to ensure [Angelos] a win in the case." Angelos ultimately receive an accelerated \$150 million payment for this no-

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<sup>6</sup>See Clay Robison, *FBI Raises Questions in State's Tobacco Suit; Morales Contacts with Two Attorneys at Issue*, THE HOUSTON CHRONICLE February 18, 1999; Richard W. Weekley, *Do Lawyers in Tobacco Case Deserved Billions in Fees?*, THE DALLAS MORNING NEWS Sunday, December 20, 1998; Clay Robison, *Morales' Tobacco Fee Under Fire*, HOUSTON CHRONICLE July 12, 2002; George Kuempel, *Morales, Friend Indicted in Texas Tobacco Case – Former AG Has Denied Wrongdoing; Federal Charges Include Tax Evasion*, THE DALLAS MORNING NEWS March 7, 2003; Clay Robison and R.G. Ratcliffe, *Morales out on Bond after Federal Indictment – Former Attorney General Could Get 83 Years on Fraud Allegations*, HOUSTON CHRONICLE March 7, 2003.

<sup>7</sup>See Tim O'Brien, *A \$350m Boardwalk Bonanza – How Five ATLA-NJ Presidents Cleaned up on the Tobacco Case While Their Association Wound up Blowing Smoke*, NEW JERSEY LAW JOURNAL Sept. 27, 1999.

<sup>8</sup>See Glen Justice, *In Tobacco Suit, Grumblings over Lawyer Fees*, PHILADELPHIA INQUIRER October 4, 1999.

risk lawsuit.<sup>9</sup>

- *Louisiana*: the private law firms that represented the state in the tobacco litigation were awarded \$575 million. The MSA arbitration panel actually increased this award on the ground that the state government – the lawyers’ supposed client – was opposed to suing tobacco companies. The Louisiana fee award amounts to almost \$7000 an hour, based on the lawyers’ estimate that they worked a total 85,000 hours. This estimate, however, is unverifiable, since the state’s private lawyers kept no billing records – as the attorney general explained, “I wasn’t that big on hourly or written reports.” The dissenting member of the arbitration panel simply noted that the Louisiana fee award “shocks the conscience.” The single biggest beneficiary of this largesse – receiving \$115 million in attorneys fees – was a law firm based in Lake Charles, the hometown of the state’s attorney general. This firm and the next largest fee recipient had donated over \$42,000 to the attorney general’s political campaigns. Together, all of the firms that represented Louisiana gave more than \$100,000 to the attorney general in the years before they were selected to participate in the state’s tobacco team.<sup>10</sup>
- *Ohio*: the lawyers representing this state received fees estimated to exceed \$50,000 per hour, despite the fact that, according to independent observers, “all of the legal issues were resolved long before these Ohio lawyers stepped up to the plate.” The state’s outside counsel had donated \$26,000 in campaign contributions to the state attorney general prior to their appointment to the state’s tobacco team. After the attorney general chose one private lawyer to serve as the state’s “lead special counsel,” that lawyer hired one of the attorney general’s top aides for an undisclosed sum in order to – in the lawyer’s own words – “help me get acquainted with a technique called PowerPoint.” When told that “there were many people in Ohio capable of doing a PowerPoint presentation,” the state’s outside counsel responded that this particular attorney general’s aide “was the only one I knew of.”<sup>11</sup>
- *Massachusetts*: according to other tobacco plaintiffs’ lawyers, Massachusetts’s suit piggybacked on the work of other lawyers and was not pivotal to the outcome of the tobacco litigation. Result: \$775 million was awarded to the Massachusetts lawyers in the MSA arbitration.<sup>12</sup>
- *New York*: when this state’s then-attorney general hired private counsel to represent the state in its tobacco lawsuit, tobacco companies already had paid \$15 billion to Florida and Mississippi for identical claims and a national settlement agreement already was under discussion. As one local anti-tobacco leader has noted, “these were copycat lawsuits,

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<sup>9</sup>See Daniel LeDuc, *Angelos, Maryland Feud Over Tobacco Fee*, THE WASHINGTON POST October 15, 1999.

<sup>10</sup>See Pamela Coyle, *Tobacco Lawyers Reveal How They’ll Divvy up Fee*, THE TIMES-PICAYUNE May 12, 2000; *Lawyers Win Big in Tobacco Suit*, THE BATON ROUGE ADVOCATE May 15, 2000; Dane S. Ciolino, *How Much Should The Tobacco Lawyers Get? Fee Arrangement Circumvents The Law*, THE NEW ORLEANS TIMES-PICAYUNE May 25, 2000;

<sup>11</sup>See Ted Wendling, *For 3 Lawyers: Ohio Trio Could Split up to \$1 Billions in Tobacco Fees*, THE PLAIN DEALER February 29, 2000.

<sup>12</sup>See Ann Davis, *Antitobacco Lawyers Get \$775 Million – Panel in Massachusetts Case Signals End of Paydays In Excess of \$1 Billion*, WALL STREET JOURNAL Friday, July 30, 1999.

there wasn't all that much work to do." The firms' primary job was to collect New York-specific data in order to calculate damages. Ultimately, the New York firms represented the state for just 13 months. And they received a fee award of \$625 million. This amounts to at least \$14,000 an hour, for a lawsuit that by all accounts involved no risk. The dissenting member of the arbitration panel has denounced the award as "an astronomical sum unrelated to [the attorneys'] efforts or achievements." The New York firms had contributed more than \$250,000 to New York politicians and their campaign organizations in the years preceding their selection – and another \$200,000 after the state settlement.<sup>13</sup>

- *Wisconsin*: the Wisconsin lawyers' tobacco litigation work has been described as chiefly consisting of media and public relations efforts on their own behalf. Their billing records included time spent selecting office space and buying furniture. One lawyer effectively billed \$3000 to the state for reading an article in a Madison newspaper. The lawyers also billed the state for limousine rides around the state, trips on private jets, and stays at luxury hotels. Result: \$75 million was awarded to the Wisconsin lawyers. Based on the law firms' records of the total number of hours they devoted to the case – including work by paralegals – this fee amounts to \$3000 per hour.<sup>14</sup>
- *Missouri*: a state supreme court justice in Missouri resigned his post in order to join one of the private law firms expected to receive a portion of the MSA arbitrators' fee award. Ultimately, the firms representing the state spent just 5 months on the state's lawsuit. They received a fee award of \$111 million. One state leader has described the award as "the biggest rip-off in the 180-year history of the state." The law firms receiving these fees had donated more than \$500,000 to state politicians and parties in the years leading up to their selection as the state's outside counsel.<sup>15</sup>

These examples are too numerous to dismiss. In state after state, the temptations created by the massive, windfall fees awarded in the Medicaid tobacco settlement corrupted not only lawyers involved, but the government as well. The fee awards poisoned everything that they touched. No one who examines these events closely – who surveys the obscene fee awards, and the political cronyism that determined who benefited – can disagree that this must never be allowed to happen again.

As a final point, I would like to address a question that has been raised with regard to remedy. Some have argued that nothing can be done to correct the excesses of the tobacco settlement fee awards – even with regard to fees that are still being or have yet to be paid. On several occasions, state judges who were called upon to approve their state's tobacco settlement have also, on their own initiative, inquired into the apparent unreasonableness of the fees awarded. In each case, both the plaintiffs lawyers – and in some cases, even state officials – have challenged the state courts' authority to act. They have argued that these courts lack jurisdiction to review a national settlement, and that excessive fees cannot be restored to the state. One

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<sup>13</sup>See Andrew Tilghman, *Tobacco Case Legal Fees under Fire*, TIMES UNION (Albany) October 14, 2002; Daniel Wise, *Attorney General Opposes Judge Over Tobacco Fees Ruling*, NEW YORK LAW JOURNAL January 29, 2003; William Tucker, *Spitzer vs. N.Y.*, New York Post Online February 4, 2003.

<sup>14</sup>See Editorial, *Tax Those Lawyer Fees*, CAPITAL TIMES (Madison, WI), P. 8A July 14, 1999.

<sup>15</sup>See Kit Wagar, *Senator Labels Attorneys' Fees in Tobacco Settlement a 'Rip-off'*, THE KANSAS CITY STAR February 22, 2001; *Missouri's Anti-tobacco Lawyers Awarded \$111.2 Million*, JEFFERSON CITY NEWS TRIBUNE (Online Edition) January 16, 2002

state's attorney general implicated in these events has argued that it is a "misconception" that the tobacco settlement "attorneys' fees are coming out of the public's pocket. That is not the case. They [sic] defendants have agreed to pay these fees."<sup>16</sup>

Because of the way that the MSA fee payments are structured, no lawyer's award comes out of any one particular, identifiable state's recovery. Instead, all of the lawyers are being paid from one of two separate accounts, each of which is funded by the tobacco companies.

It is a mistake, however, to contend that, because the MSA fee payments are made directly from defendants to plaintiffs' lawyers – without ever formally or actually passing through the plaintiffs' hands – they are immunized against ethical scrutiny or correction. It is well and long established in our law that fee awards originate as the property of the client regardless of how the fee agreements are structured. The courts have been very clear on this point. As they have stated:

- "The allowance of attorney fees in a judgment gives the attorneys no interest and ownership in the judgment to the extent of the amount of the fee allowed, but the judgment in its entirety is the property of the client. The award for fees is for the client, not the attorney."<sup>17</sup>
- "[A]ttorneys' fee provisions exist for the benefit of parties and not the attorneys . . . . Several jurisdictions have noted that the real party in interest with regard to fees is the client and not the attorney."<sup>18</sup>
- "A judgment for costs is a judgment in favor of the party, and not of his attorney, and the money represented by the costs is the property of the party."<sup>19</sup>
- "[T]he award of attorney fees [is] made not to the attorneys but to the litigant who was personally liable to the attorneys. This is also the view in other states when the courts award attorney fees."<sup>20</sup>
- "An award of attorney's fees belongs to the client and not the attorney."<sup>21</sup>

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<sup>16</sup> New York Attorney General Elliot Spitzer, as quoted in Margaret A. Little, *A Most Dangerous Indiscretion: the Legal, Economic, and Political Legacy of the Governments' Tobacco Litigation*, 33 U. CONN. L. REV. 1143, 1185 n.193 (2001).

<sup>17</sup> *Carmichael v. Iowa State Highway Comm'n*, 219 N.W.2d 658 (Iowa 1974) (citing 7 C.J.S. *Attorney and Client* § 163, pp. 1020-21).

<sup>18</sup> *Alfred J.L. v. Leo J.R.*, 1986 WL 9919, \*4 (Del.Super. Sept. 4, 1986) (citing cases).

<sup>19</sup> *Erickson v. Foote*, 153 A. 853, 854 (Conn. Supr. 1931).

<sup>20</sup> *Matter of Estate of Robinson*, 690 P.2d 1383, 1388 (Kan.1984).

<sup>21</sup> *Carlton v. Owens*, 443 So.2d 1227, 1232 (Ala. 1983). See also *In re McRoberts' Estate*, 43 A.2d 910, 911 (Pa. Super. 1945) (counsel fees "belong, and are awarded, to the petitioner, not counsel"); *Venegas v. Mitchell*, 495 U.S. 82, 87 (1990) ("Section 1988 makes the prevailing party eligible for a discretionary award of attorney's fees. \* \* \* it is the party, rather than the lawyer, who is so eligible") (citations omitted).

Indeed, an award of attorney fees is generally taxable as income to the client. In a recent case, the U.S. Court of Appeals for the Ninth Circuit noted that a plaintiff's obligation to compensate the law firm that represented him "was satisfied by [the defendant]. The payment was therefore to [the client]. The discharge by a third person of an obligation to him is equivalent to receipt by the person taxed." The Ninth Circuit emphasized that the fact "[t]hat [the client] never laid hands on the money paid to the lawyers does not obliterate their constructive receipt." In other words, the fee award belongs to the client, regardless of how the award is made.

The rule that fee awards belong to the client is strongly supported by important policy considerations. It is necessary because any other rule would be an invitation to collusion and self-dealing between plaintiffs' lawyers and defendants. Again, the courts have been very clear on this point. As the Third Circuit has noted:

[A] defendant is interested only in disposing of the total claims asserted against it, and the allocation between the [plaintiff's] payment and the attorneys' fees is of little or no interest to the defense. Moreover, the divergence in class members' and class counsel's financial incentives creates the danger that the lawyers might urge a class settlement at a low figure or on a less-than-optimal basis in exchange for red-carpet treatment for fees.<sup>22</sup>

The Second Circuit has made the same point, noting:

Defendants, once the settlement amount has been agreed to, have little interest in how it is distributed and thus no incentive to oppose the [attorneys] fee. Indeed, the same dynamic creates incentives for collusion – the temptation for lawyers to agree to a less than optimal settlement in exchange for [generous fees].<sup>23</sup>

The Ninth Circuit has also addressed the question of "whether a class member has standing to appeal class counsel's attorney fee and cost award when that award is payable by the defendant independently, and not out of the class settlement." The court concluded that "[e]ven if class counsel's attorney fees are not to be paid from the class settlement . . . , the aggregate amount of the attorney fees and the class settlement payments may be viewed as "a constructive common fund." The court reasoned that "[i]f . . . class counsel agreed to accept excessive fees and costs to the detriment of class plaintiffs, then class counsel breached their fiduciary duty to the class. If that were the case, any excessive award could be considered property of the class plaintiffs, and any injury they suffered could be at least partially redressed by allocating to them a portion of that award."<sup>24</sup>

As several commentators have noted, the policy considerations underpinning the rule that fee awards belong to the client apply with full force to the state tobacco settlement. Indeed, that settlement could serve as a textbook example for why this rule exists. As Professor Brickman has noted:

To the tobacco companies, dollars are dollars, whether paid to states or paid to

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<sup>22</sup> *In re Cendant Corp. PRIDES Litig.*, 243 F.3d 722, 728 (3d Cir. 2001).

<sup>23</sup> *Goldberger v Integrated Resources, Inc.*, 209 F.3d 43, 52 (2d Cir. 2000).

<sup>24</sup> *Lobatz v. U.S. West Cellular of California, Inc.*, 222 F.3d 1142, 1146-47 (9th Cir. 2000).

## MEMORANDUM

TO: Senator Kyl

FROM: Judiciary Staff

DATE: May 6, 2003

RE: Review of Sutherland, Asbill Law Firm's Constitutional Critique of ISCRAA

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You have asked me to review a 29-page memorandum produced by the Atlanta-based law firm of Sutherland, Asbill & Brennan, which makes several arguments that your and Senator Cornyn's fiduciary attorney fee standards bill, ISCRAA (S. 887), is unconstitutional. None of these arguments has any merit.

ISCRAA operates entirely through the tax code, imposing high marginal excise taxes on the excessive portion of an attorneys fee in very large lawsuits. The Sutherland memo avoids addressing the question of Congress's power to tax until page 19, when it finally presents its main authority: *Bailey v. Drexel Furniture Co.*, 259 U.S. 29 (1922), which struck down a federal excise tax on products made with child labor. *Drexel Furniture* applied a test that asks whether regulation (as opposed to revenue production) was Congress's "primary motive" or an "incidental motive" in imposing the tax. See Sutherland Memo at 20 (quoting *Drexel Furniture*, 259 U.S. at 38). The child-labor tax was invalid because Congress had "exhibit[ed] its intent" to regulate the use of child labor. *Id.*

The Sutherland memo fails to note that *Drexel Furniture*'s regulatory-intent test is no longer good law. Citing two of *Drexel Furniture*'s companion cases from that same term, the Supreme Court more recently has noted that "[i]t is true that the Court in \* \* \* [the past] drew what it saw at the time as distinctions between regulatory and revenue-raising taxes. But the Court has subsequently abandoned such distinctions." *Bob Jones University v. Simon*, 416 U.S. 725, 741 n.12 (1974). The Court now cites "the oft-repeated principle that the judiciary should not infer a legislative attempt to exercise a forbidden power in the form of a seeming tax from the fact, alone, that the tax appears excessive or even so high as to threaten the existence of an occupation or business." *City of Pittsburgh v. Alco Parking Corp.*, 417 U.S. 369, 376 (1974). See also *Department of Revenue of Montana v. Kurth Ranch*, 511 U.S. 767, 779 (1994) ("We have cautioned against invalidating a tax simply because its enforcement might be oppressive or because the legislature's motive was somehow suspect").

ISCRAA's status as a tax disposes of the Sutherland memo's two principal arguments, which are based on the Takings Clause<sup>1</sup> and retroactivity. First, as the Supreme Court made clear

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<sup>1</sup>The Sutherland Memo also argues that ISCRAA violates the Due Process Clause, relying on Justice Kennedy's concurring opinion in *Eastern Enterprises v. Apfel*, 524 U.S. 498 (1988). See Sutherland Memo at 13-14. Justice Kennedy was the only member of the majority who



over a century ago, “neither is taxation for a public purpose, however great, the taking of private property for public use, in the sense of the Constitution.” *Mobile County v. Kimball*, 102 U.S. 691, 703 (1880). Second, as you noted in your speech introducing ISCRAA, the Supreme Court has “repeatedly upheld [moderately] retroactive tax legislation against a due process challenge.” *United States v. Carlton*, 512 U.S. 26, 30-31 (1994). *Carlton* upheld a tax whose “actual retroactive effect \* \* \* extended for a period only slightly greater than one year.” *Id.* at 33. ISCRAA only taxes income received since June 1, 2002 – well within *Carlton*’s limit.

Since ISCRAA is based entirely on Congress’s power to tax, it bears describing in greater detail the scope of Congress’s tax authority. The following cases are instructive:

- *Sonzinsky v. United States*, 300 U.S. 506 (1937), involved multiple, punitive federal taxes imposed on the sale of sawed-off shotguns, machineguns, and silencers. The party challenging the tax “insist[ed] that the present levy is not a true tax, but a penalty imposed for the purpose of suppressing traffic in a certain noxious type of firearms, the local regulation of which is reserved to the states because not granted to the national government.” *Id.* at 512. The litigant argued that:

[t]he cumulative effect on the distribution of a limited class of firearms, of relatively small value, by the successive imposition of different taxes, one on the business of the importer or manufacturer, another on that of the dealer, and a third on the transfer to a buyer, is \* \* \* prohibitive in effect and \* \* \* disclose[s] unmistakably the legislative purpose to regulate rather than to tax.

The Supreme Court did not reject this characterization of the tax’s effect. Instead, it simply held that:

“[A] tax is not any the less a tax because it has a regulatory effect; and it has long been established that an Act of Congress which on its face purports to be an exercise of the taxing power is not any the less so because the tax is burdensome or tends to restrict or suppress the thing taxed.

“Inquiry into the hidden motives which may move Congress to exercise a power constitutionally conferred upon it is beyond the competency of courts. They will not undertake, by collateral inquiry as to the measure of the regulatory effect of a tax, to ascribe to Congress an attempt, under the

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relied on the Due Process Clause in that case. The other four Justices in the majority all based their decision on the Takings Clause. See *Eastern Enterprises*, 524 U.S. at 529.

guise of taxation, to exercise another power denied by the Federal Constitution.

“Here the annual tax of \$200 is productive of some revenue. We are not free to speculate as to the motives which moved Congress to impose it, or as to the extent to which it may operate to restrict the activities taxed. As it is not attended by an offensive regulation, and since it operates as a tax, it is within the national taxing power.”

*Id.* at 513-514.

- *United States v. Kahriger*, 345 U.S. 22 (1953), *overruled on other grounds*, *Marchetti v. United States*, 390 U.S. 39 (1968), involved a heavy federal tax on gambling proceeds. The party challenging the tax argued that “Congress, under the pretense of exercising its power to tax has attempted to penalize illegal intrastate gambling through the regulatory features of the Act, and has thus infringed the police power which is reserved to the states.” *Id.* at 23 (citation omitted). The litigant argued that “because there is legislative history indicating a congressional motive to suppress wagering, this tax is not a proper exercise of such taxing power.” *Id.* at 27.

The Court responded:

The intent to curtail and hinder, as well as tax, was also manifest in the following cases, and in each of them the tax was upheld: *Veazie Bank v. Fenno*, 8 Wall. 533, 19 L.Ed. 482 (tax on paper money issued by state banks); *McCray v. United States*, 195 U.S. 27, 59, (tax on colored oleomargarine); *United States v. Doremus*, 249 U.S. 86 and *Nigro v. United States*, 276 U.S. 332 (tax on narcotics); *Sonzinsky v. United States*, 300 U.S. 506 (tax on firearms); *United States v. Sanchez*, 340 U.S. 42 (tax on marihuana).” *Id.* at 27.

The Court continued: “a federal excise tax does not cease to be valid merely because it discourages or deters the activities taxed. Nor is the tax invalid because the revenue obtained is *negligible*.” *Id.* at 28 (emphasis added). And to give some indication of what would constitute a negligible tax, the Court noted that it had *upheld*, in the *McCray* case, a tax on adulterated butter that collected only \$3,501. *Id.*

The *Kahriger* Court concluded that:

“It is axiomatic that the power of Congress to tax is extensive and sometimes falls with crushing effect on businesses deemed unessential or inimical to the public welfare \* \* \* \* As is well known, the

constitutional restraints on taxing are few \* \* \* \* The remedy for excessive taxation is in the hands of Congress, not the courts.” *Id.* See also *id.* at 30 (noting precedent upholding federal that “obliterated from circulation all state bank notes”) (citing *Veazie Bank v. Fenno*, 8 Wall. 533, 19 L.Ed. 482).

With regard to ISCRAA, it bears mention that: 1. ISCRAA on its face is a tax, and all of its provisions are adapted to the raising of revenue. The fee formula simply determines the amount subject to the tax; the declaratory judgment provisions help to enforce the tax. 2. ISCRAA will raise more than negligible revenue. Even the 200% tax is likely to be paid in some instances – e.g., when it applies to an excess-fee payment that is marginal and minor, and the attorney is loathe to return the amount to the client. The very fact that ISCRAA will draw a revenue score will confirm its constitutional status as a tax. 3. Even if the issue were relevant to ISCRAA’s constitutionality, the bill hardly impose a “crushing burden” on lawyers. Its high tax rates are *marginal* rates, applying only to the excessive portion of the fee. And 500% of reasonable hourly rates cannot reasonably be characterized as “confiscatory” or “crushing.”

The Sutherland memo’s remaining legal arguments all border on the frivolous. The memo argues that ISCRAA is a bill of attainder. Yet the memo concedes that the Constitution’s ban on bills of attainder only proscribes laws that “inflict punishment on identifiable individuals” – and that ISCRAA is made applicable on the basis of “judgements exceeding a certain size.” Sutherland Memo at 15. The Sutherland memo argues that ISCRAA violates the *Ex Post Facto* Clause. Since the 18th century, that clause has been construed to only apply to criminal penalties, not to civil legislation. See *Calder v. Bull*, 3 U.S. (3 Dall.) 386 (1798).

The memo argues that ISCRAA violates federalism. Even if Congress’s regulatory intent were relevant to the validity of the ISCRAA tax, the memo makes no effort to explain why Congress can regulate the minimum wage of every worker in the United States, but cannot apply fiduciary fee standards in a category of lawsuits that manifestly affect interstate commerce. As you noted in your speech introducing ISCRAA, the bill’s fee formula is more liberal than the federal court’s standards in \$100 million cases, and as liberal as the most plaintiff-friendly state courts. The Sutherland memo’s only authority for the proposition that ISCRAA would prevent states from securing legal counsel is the opinion of a former state attorney general who has recently been indicted for fraud related to the tobacco settlement attorneys fees. See Sutherland memo at 30 n.6.

Finally, the Sutherland memo argues that ISCRAA improperly reverses a judicial determination because the tobacco settlement attorneys fees were approved by a court. Sutherland memo at 21-25. Curiously, the one judgment that the memo cites as approving an attorneys fee award predates not only the first of the tobacco-settlement attorneys fee awards – this judgment predates the very existence of the Master Settlement Agreement (MSA) that created the fee-arbitration panels. See Sutherland memo at 23 n.4. The fact is that while courts

approved the MSA itself, they did not approve the fee awards. Indeed, the MSA specifically precludes judicial review of the arbitration panels' fee awards.

Particular provisions of the tobacco settlement also raise questions about the nature of the states' approval of that agreement. As one commentator has pointed out, the states had little real choice whether to enter the MSA, and the MSA's provisions explicitly attempt to punish any state whose courts invalidate that agreement:

Several features of the MSA raise compelling constitutional concerns that are not reported in the press at all or otherwise are not generally known or understood. First, the MSA punishes states that refuse to join (or drop out of) the MSA. Although consumers in any state that refuses to join the MSA must nevertheless pay collusively raised tobacco prices, their state receives no "damage" payments. Moreover, if a state court invalidates the Qualifying Statute [endorsing the MSA] because it is illegal or unconstitutional, that state's "damages" payments can be reduced by up to sixty-five percent.

Margaret A. Little *A Most Dangerous Indiscretion: the Legal, Economic, and Political Legacy of the Governments' Tobacco Litigation* CONNECTICUT LAW REVIEW 1143, 1172 Summer, 2001.

Regardless of whether the MSA fees had been approved by a court, Congress can tax those fees. But even so, it is surprising that the tobacco lawyers today would argue that their future fee payments are protected by past judicial approval, when in creating the MSA they went to such extraordinary lengths to prevent meaningful judicial review of either their attorneys fees or the tobacco settlement itself.

fee cannot be recovered, even if agreed to by the client.” G. Hazard, Jr. & W. Hodes, *THE LAW OF LAWYERING* 1. 5:205 *Fee Litigation and Arbitration* 120 (1998 Supp.).

As one court has stated,

“[A]n attorney is only entitled to fees which are fair and just and which adequately compensate him for his services. This is true *no matter what fee is specified in the contract*, because an attorney, as a fiduciary, cannot bind his client to pay a greater compensation for his services than the attorney would have the right to demand if no contract had been made. Therefore, as a matter of public policy, *reasonableness is an implied term* in every contract for attorney’s fees.”<sup>28</sup>

Finally, when assessing whether a fee is reasonable, courts ask whether the fee is proportional to the services that were actually provided. “Fees must be reasonably proportional to the services rendered and the situation presented.”<sup>29</sup> (Arizona Supreme Court.) “If an attorney’s fee is grossly disproportionate to the services rendered and is charged to a client who lacks full information about all of the relevant circumstances, the fee is ‘clearly excessive’ \* \* \* even though the client consented to such fee.”<sup>30</sup> (West Virginia Supreme Court.)

Because attorneys are fiduciaries, they simply do not have complete freedom of contract in negotiating their fees. An attorney’s dealings with his client always must reflect that the client comes to him in a position of trust – and therefore, the attorney’s fee always must be reasonable. ISCRAA will help ensure that this important obligation is respected.

### *ISCRAA’s Effective Date*

Another subject that I would like to address today is ISCRAA’s effective date. ISCRAA applies to attorney fee payments received after June 1, 2002. This effective date is appropriate under the circumstances of the state tobacco settlement for several reasons: first, Congress routinely enacts major tax legislation with effective dates that look back much further than does ISCRAA. The Supreme Court has “repeatedly upheld [such moderately] retroactive tax

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<sup>28</sup>*Missouri ex rel. Chase Resorts, Inc. v. Campbell*, 913 S.W.2d 832 (Mo. App. 1996) (emphasis added). See also G. Hazard, *ETHICS IN THE PRACTICE OF LAW* 99 (1978) (“A contract for a [legal] fee is, under general principles of law, a contract between a fiduciary and his protected dependent \* \* \* [and] it is unenforceable unless its terms are fair to the client”); *Trinkle v. Leeney*, 650 N.E.2d 749, 754 (Ind.Ct.App.1995) (“Under no circumstances is a lawyer entitled to more than the reasonable value of his or her services. [Moreover,] [r]easonable fees are not necessarily determined by the terms of the attorney-client contract”).

<sup>29</sup>*In the Matter of Struthers*, 877 P.2d 789, 796 (Ariz. 1994).

<sup>30</sup>*Committee on Legal Ethics v. Tatterson*, 352 S.E.2d 107, 113 (W. Va. 1986).

legislation against a due process challenge.” *United States v. Carlton*, 512 U.S. 26, 30-31 (1994); *see id.* at 33 (upholding tax whose “actual retroactive effect \* \* \* extended for a period only slightly greater than one year”).

Second, ISCRAA is not even truly retroactive. ISCRAA does not change the *substantive* law governing attorneys fee awards. Rather, it simply enforces established, *pre-existing* fiduciary standards that already bind every attorney in every state. The MODEL RULES OF PROFESSIONAL CONDUCT, at Rule 1.5(a), contain a clear, direct command that “a lawyer’s fee shall be reasonable.” Similarly, the MODEL CODE OF PROFESSIONAL RESPONSIBILITY, at DR 2-106, directs that an attorney “shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee.” The Model Code further explains that an attorneys fee is “clearly excessive when, after a review of the facts, a lawyer of ordinary prudence would be left with a definite and firm conviction that the fee is in excess of a reasonable fee.” Finally, as academic commentators point out, in addition to the model rules, “*all state rules of professional conduct* prohibit attorneys from charging excessive fees.”<sup>31</sup> (Emphasis added.)

As I described earlier, to enforce fiduciary standards, ISCRAA codifies and applies a very generous version of the fee multiplier system, allowing attorneys fees as high as 500% of reasonable hourly rates. This is considerably more generous than what federal courts typically allow in large-judgment cases. No attorney can be heard to complain that he is subjected to a law that is more generous than his existing fiduciary obligations.

Further, none of the tobacco-settlement attorneys can reasonably maintain that they have a vested right to see their fiduciary duties to the states go unenforced. Nevertheless, in order to be fair to all parties, ISCRAA’s excise taxes are applied only to fees that were paid after June 1, 2002. By this date, all of the tobacco lawyers *twice* had received notice from George W. Bush that he intended to enact legislation to enforce their fiduciary obligations. In February 2000, then-candidate Bush promised that he would “extend[] the ‘excess benefits’ provision of the tax code to private lawyers who contract with states and municipalities,” with “the reasonableness of the fees \* \* \* [to] be determined by the standard judicial ‘lodestar’ method.” And as early as February 2001, the current Administration announced that it anticipated providing “additional public health resources for the States from the President’s proposal to extend fiduciary responsibilities to the representatives of States in tobacco lawsuits.” *See A BLUEPRINT FOR NEW BEGINNINGS: A RESPONSIBLE BUDGET FOR AMERICA’S PRIORITIES* 80, Office of Management and Budget, February 28, 2001.

Under ISCRAA, all of the attorneys who participated in the state tobacco settlement still will be very liberally compensated. Because ISCRAA does not apply to the first three-and-a-half years of fee payments under the settlement, it exempts the first two-and-a-half *billion* dollars that

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<sup>31</sup>Vonde M. Smith Hitch, *Ethics and the Reasonableness of Contingency Fees: A Survey of State and Federal Law Addressing the Reasonableness of Costs as They Relate to Contingency Fee Agreements*, 29 LAND & WATER L. REV. 215, 218 n.22 (1994).

these lawyers received. Every one of the tobacco lawyers will have more than enough money left to pay for the yachts, luxury cars, and vacation homes that were purchased with the tobacco proceeds. ISCRAA might simply be described as the one-yacht-per-lawyer rule.

#### *State Recovery of Excess MSA Payments*

But most importantly, because ISCRAA applies to the last year's worth of tobacco fee payments, and to all future payments, it will return a substantial amount of funds to the states – money that already should belong to the states under any reasonable interpretation of fiduciary standards. It is critical that these funds be restored in this time of widespread fiscal crisis. Today a large number of the states face massive budget deficits that threaten their ability to provide health care to the indigent, to fully fund public education, and to guarantee adequate and effective law enforcement. When such needs risk going unmet, fee abuses that cost the states billions of dollars simply can no longer be ignored. The states must receive their fair share of the tobacco settlement proceeds – funds that are badly needed to support basic public services.

Under the terms of the November 1998 Master Settlement Agreement (MSA) between the states and tobacco companies, \$500 million in cigarette taxes is set aside every year to pay the attorneys who chose to have their fees awarded in arbitration. Because extraordinarily high fees were awarded by the arbitrators – estimated to total \$15 billion – the \$500-million-a-year income stream (which is not adjusted for inflation) may have to be paid in perpetuity. In addition to this annuity, the MSA also sets aside an additional \$1.25 billion in cigarette taxes to compensate those lawyers who choose to forego arbitration and negotiate their fees directly with the tobacco companies.

The present value of the \$500-million-a-year fee stream – discounting all future payments for the time value of money – has been conservatively estimated at just over \$8 billion. Current and future payments from the \$1.25 billion fee fund are less certain, since the grants made from that fund and their disbursement schedule have been kept obscure from the public. Because ISCRAA's effective date is June 1, 2002, ISCRAA will probably recoup for the states an additional \$1 billion above the present value of future \$500 million-a-year payments. ISCRAA does not affect the first three-and-a-half years of fees paid under the MSA. Because these payments almost certainly are adequate to pay all reasonable fees incurred in the litigation, ISCRAA would restore to the states virtually all fees paid after its effective date. Thus the net present value of the sums that ISCRAA would provide to the states can conservatively be estimated at \$9 billion.

By restoring these excess fee payments to the states' MSA escrow account and returning them to the states on a per capita basis, ISCRAA guarantees every state a very substantial recovery. Based on the estimates that I have described, even our nation's smallest state, Wyoming, would recoup at least \$15 million in tobacco fee payments, and other small states, such as North Dakota, would receive approximately \$20 million. On the other hand, our nation's largest state, California, can expect to recoup at least \$1 billion. Other large states would also

see generous returns: Florida, \$511 million; Illinois, \$397 million; Michigan, \$318 million; New York, \$607 million; Ohio, \$363 million; and Texas, \$667 million.

Here is how much each state can expect to recover:



| <i>United States</i> | <i>\$9 billion</i> |
|----------------------|--------------------|
| Alabama              | 142,220,272        |
| Alaska               | 20,049,569         |
| Arizona              | 164,079,935        |
| Arkansas             | 85,496,543         |
| California           | 1,083,230,642      |
| Colorado             | 137,556,275        |
| Connecticut          | 108,911,511        |
| Delaware             | 25,059,883         |
| District of Columbia | 18,294,706         |
| Florida              | 511,123,686        |
| Georgia              | 261,806,474        |
| Hawaii               | 38,745,502         |
| Idaho                | 41,381,203         |
| Illinois             | 397,174,614        |
| Indiana              | 194,456,664        |
| Iowa                 | 93,585,167         |
| Kansas               | 85,976,825         |
| Kentucky             | 129,257,603        |
| Louisiana            | 142,919,876        |
| Maine                | 40,772,615         |
| Maryland             | 169,384,021        |
| Massachusetts        | 203,046,997        |
| Michigan             | 317,835,940        |
| Minnesota            | 157,327,166        |
| Mississippi          | 90,973,451         |
| Missouri             | 178,937,382        |
| Montana              | 28,852,605         |
| Nebraska             | 54,726,966         |
| Nevada               | 63,905,164         |
| New Hampshire        | 39,520,996         |
| New Jersey           | 269,094,724        |
| New Mexico           | 58,173,915         |
| New York             | 606,875,689        |
| North Carolina       | 257,420,675        |
| North Dakota         | 20,537,847         |
| Ohio                 | 363,078,559        |
| Oklahoma             | 110,353,478        |
| Oregon               | 109,417,889        |
| Pennsylvania         | 392,753,669        |
| Rhode Island         | 33,525,716         |
| South Carolina       | 128,305,961        |

|               |             |
|---------------|-------------|
| South Dakota  | 24,140,253  |
| Tennessee     | 181,945,847 |
| Texas         | 666,850,647 |
| Utah          | 71,417,756  |
| Vermont       | 19,470,563  |
| Virginia      | 226,374,115 |
| Washington    | 188,496,659 |
| West Virginia | 57,831,660  |
| Wisconsin     | 171,532,756 |
| Wyoming       | 15,791,372  |

## **SENATOR KYL INTRODUCTION OF ISCRAA**

Mr. KYL: I rise today to introduce the Intermediate Sanctions Compensatory Revenue Adjustment Act of 2003 (ISCRAA). This legislation will restore to the states billions of dollars in revenue due to them from a massive lawsuit recently conducted on their behalf – the tobacco-related Medicaid expenses litigation. ISCRAA amends an existing provision of the federal tax code in order to enforce basic, universally accepted fiduciary standards governing the award of attorneys fees. By applying these standards to the attorneys who represented the states in the tobacco settlement, ISCRAA reasonably can be expected to restore to the states income with a present value of approximately \$9 billion. I have included at the end of my statement a chart detailing how much each state can expect to recover.

ISCRAA's tax formula is borrowed from the 1996 Tax Act's Intermediate Sanctions Tax (IST), which applies a two-step excise tax to any excessive or unreasonable compensation that the managers of a trust pay to themselves from the assets of the trust. The IST framework encourages the trustee to restore the excessive portion of any fee to the trust – when he does so, the IST's punitive taxes do not apply.

ISCRAA extends the IST to another type of trust relationship: that between a lawyer and his client. ISCRAA applies the IST tax formula to any unreasonable or excessive income that a lawyer collects from litigation resulting in a judgment or settlement in excess of \$100 million. To avoid IST taxes, an attorney must restore the excessive portion of the fee to the client.

As my colleague Senator CORNYN will explain today, the ethical and legal abuses that resulted from the 1998 state tobacco settlement make the need for this legislation manifest. Senator CORNYN also will discuss the law of attorneys' fiduciary obligations, which establishes that a fee award is the property of the client – and that any unethical fee must be restored to the client, regardless of how the fee award is structured.

I will discuss today how ISCRAA will affect massive litigations generally. In order to gauge the reasonableness of a lawyer's fee award, ISCRAA adopts and codifies a liberal version of the lodestar-multiplier system. As I will later explain in greater detail, ISCRAA allows fee multipliers of up to 500% of reasonable hourly rates. This limit is as generous as the most liberal limits adopted by state courts, and considerably more generous than the limits that federal courts have applied in \$100 million cases. ISCRAA's fee formula guarantees that attorneys' fiduciary obligations will be respected, while providing plaintiffs lawyers with ample incentive to provide high-quality legal representation in these types of cases.

### *Massive Litigations and the Prospect of Tax Farming*

Federal supervision of fee awards resulting from \$100 million litigations is appropriate for several reasons. First, because of their sheer size, these types of lawsuits inevitably operate as a tax on the consuming public. Few defendants actually can afford to pay such judgments with

cash on hand. Instead, the affected industries simply will raise the prices that they charge to their customers.

This is exactly what has happened in the state Medicaid tobacco settlement – according to the leading proponents of that litigation. The first state attorney general to file suit against the tobacco companies has admitted that “what always happens in these cases is the industry passes the costs to the consumer.”<sup>1</sup> Other commentators agree that this has occurred in the tobacco litigation. As one law-review article notes, “the [tobacco] settlement \* \* \* is a tax because it’s a set of payments made by tobacco companies that depend on how many packs they sell; in short, it looks like a tax and quacks like a tax.”<sup>2</sup>

Because of the way that these massive judgments typically are satisfied, it is particularly important to ensure that attorneys are paid in proportion to the services that they provided – rather than solely on the basis of the size of the recovery. Again, the state tobacco settlement highlights the nature of the problem. As two of the leading academic commentators have noted, it is “very troubl[ing]” that under that agreement, “a group of private citizens [are] getting paid a percentage of a tax increase they helped pass.”<sup>3</sup> The sheer size of the tobacco settlement – and the fact that attorneys fees were based on this size, rather than on the attorneys’ actual efforts – has given the fee awards an uncanny resemblance to the medieval practice of tax farming. In all but name, the government has licensed a group of private individuals to collect a tax from the consuming public.

I would emphasize at this point that ISCRAA is not an attack on the state tobacco lawsuits. The bill does not pass judgment on the merits or the appropriateness of this type of litigation. ISCRAA simply is designed to ensure that when such lawsuits are brought on the public’s behalf, the public receive its fair share of the proceeds. If a state chooses to seek compensatory revenue from industry for past harms, then the resulting tax on the public – minus the reasonable value of the legal services actually provided – must go to the state treasury.

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<sup>1</sup>Michael Moore, Attorney General of Mississippi (quoted in *Law Firms Reap \$1.4 Billion*, THE SUN HERALD (Biloxi, MS), July 30, 1999, Page A1). See also Margaret A. Little, *A Most Dangerous Indiscretion: the Legal, Economic, and Political Legacy of the Governments’ Tobacco Litigation*, 33 U. CONN. L. REV. 1143, 1180 (2001) (“We did not take this case for fees, nor did we intend to raise taxes or put the states in partnership with tobacco. There is a danger that this is happening, though, and I’m not sure how to stop it”) (quoting Richard Scruggs, Mississippi tobacco plaintiffs lawyer).

<sup>2</sup>Margaret A. Little, *A Most Dangerous Indiscretion: the Legal, Economic, and Political Legacy of the Governments’ Tobacco Litigation*, 33 U. CONN. L. REV. 1143, 1180 (2001).

<sup>3</sup>Jeremy Bulow & Paul Klemperer, *The Tobacco Deal*, BROOKINGS PAPERS ON ECONOMIC ACTIVITY, January 1, 1998.

## *\$100 Million Lawsuits Are Different*

There are several reasons why \$100 million is an appropriate threshold for applying ISCRAA's fee formula. First, the courts themselves have indicated that fee agreements based primarily on the size of the recovery tend to become unreasonable when judgements reach this size. As one court has stated, "in much smaller cases, a fee award of 33% does not present the danger of providing the plaintiff's counsel with the windfall that would accompany a 'megafund' settlement of \$100 million or upwards. But it is quite different when the figures hit the really big time."<sup>4</sup> Or as the Third Circuit notes, "courts have generally decreased the percentage awarded [for attorneys fees] as the amount recovered increases, and \$100 million seems to be the informal marker of a 'very large' settlement."<sup>5</sup>

The logic of avoiding judgment-based awards in these very large cases is straightforward. As one court explains, "it is not 150 times more difficult to prepare, try, and settle a \$150 million case than it is to try a \$1 million case, but the application of a percentage comparable to that in a smaller case may yield an award 150 times greater."<sup>6</sup> Thus (according to another court) "there is considerable merit" to disallowing standard percentage awards as the "size of the [recovery] fund increases. In many instances the increase [in the recovery] is merely a factor of the size of the class and has no direct relationship to the efforts of counsel."<sup>7</sup>

It also bears mention that because of its \$100 million threshold, ISCRAA applies to a fairly limited universe of cases. As courts have remarked, "there are few so-called 'megafund' cases with settlements over \$100 million."<sup>8</sup> In 2001, the U.S. Court of Appeals for the Third

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<sup>4</sup>*In re Synthroid Marketing Litig.*, 110 F.Supp.2d 676, 684 (N.D. Ill. 2000) (*rev'd on other grounds*, *In the Matter of Synthroid Marketing Litig.*, 264 F.3d 712 (7th Cir. 2001)).

<sup>5</sup>*In re Cendant Corp. PRIDES Litig.*, 243 F.3d 722, 736 n.19 (3d Cir. 2001). *See also* Herbert P. Newberg, *NEWBERG ON CLASS ACTIONS*, § 14.03 at 190 (1985) ("the fee percentage would be significantly more modest as the common fund recovery begins to reach recoveries approaching or exceeding \$100 million").

<sup>6</sup>*In re Synthroid Marketing Litig.*, 201 F.Supp.2d 861 (N.D. Ill. 2002). *See also* *Goldberger v Integrated Resources, Inc.*, 209 F.3d 43, 52 (2d Cir. 2000) ("Obviously, it is not ten times more difficult to prepare, and try or settle a 10 million dollar case as it is to try a 1 million dollar case").

<sup>7</sup>*In re Unisys Corp. Retiree Medical Benefits ERISA Litig.*, 886 F.Supp 445, 464 (E.D.Pa. 1995).

<sup>8</sup>*In re Synthroid Marketing Litig.*, 201 F.Supp.2d 861, 864 (N.D. Ill. 2002). Initial research reveals that in cases where the fund is between \$100 and \$200 million, fees typically range from 4%-10%." *See also In re Unisys Corp. Retiree Medical Benefits ERISA*

Circuit attempted to catalogue all common-fund cases in federal court that resulted in recoveries greater than \$100 million. Though such litigations have been more frequent in recent years, the Third Circuit identified only 22 such cases since 1985. *See in re Cendant Corp. PRIDES Litig.*, 243 F.3d 722, 737 (3d Cir. 2001).

ISCRAA is somewhat broader than the criteria that *Cendant Corp.* employed to collect cases. ISCRAA is not limited to common-fund cases – it also applies to judgments won on behalf of tax-exempt entities or even single individuals. ISCRAA also applies to cases brought in state court, and it aggregates identical claims that are brought against common defendants in separate actions, in order to prevent evasion of its limits through the subdivision of actions. Nevertheless, ISCRAA’s scope remains fairly narrow. An academic specialist who is familiar with developments in this field has reviewed the bill and concluded that because of its “relatively high threshold,” ISCRAA probably would apply only to about 15-20 litigations per year. I will include a copy of this professor’s letter to me in the congressional record.

Finally, a \$100 million threshold also is appropriate because it limits ISCRAA’s reach to litigations that are a natural subject of congress’s authority to regulate interstate commerce. It is well-established that “Congress’ commerce authority includes the power to regulate \* \* \* those [economic] activities that substantially affect interstate commerce.” *United States v. Morrison*, 529 U.S. 598, 609 (2000). *See also United States v. Lopez*, 514 U.S. 549 (1995). Both the executive and the legislative branches previously have identified \$100 million as guideline for determining whether a matter has a significant impact on interstate commerce. *See, e.g.* Executive Order 12866; Congressional Review Act, 5 U.S.C. § 804(2); Unfunded Mandates Act, 2 U.S.C. § 1532(a). Because it is limited to litigations of this size, ISCRAA is consistent with congress’s power and obligation to protect the flow of commerce between states.

#### *Guaranteeing Adequate Incentives to Plaintiffs’ Lawyers*

Another point that I would like to emphasize today is that ISCRAA is not an anti-plaintiffs’ lawyer bill. It is not stingy toward trial attorneys. ISCRAA is carefully designed to protect fiduciary interests while providing plaintiffs’ lawyers with ample incentives to provide high-quality legal representation in large litigations. ISCRAA’s fee formula is as generous as the limits set by the most liberal state courts that engage in meaningful review of attorneys fees, and is considerably more generous than the federal courts’ practices in \$100 million cases. Moreover, the multiplier criteria that ISCRAA employs universally are recognized as legitimate prerequisites for a contingency fee – even by trial lawyers’ professional associations.

Federal courts primarily rely on two systems for calculating attorneys fees in cases (such as class actions) in which they are required to set “reasonable fees:” the percentage method and the lodestar-multiplier method. The percentage method, as its name implies, calculates fees as a

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*Litig.*, 886 F.Supp 445, 462 (E.D.Pa. 1995) (“The number of cases involving a common fund in the neighborhood of [\$100 million] is relatively small”).

percentage of the total recovery. The lodestar system, by contrast, requires a court to first calculate a fee based on the number of hours that the lawyer worked multiplied by prevailing hourly rates (the “lodestar”). The court then multiplies this lodestar fee again in order to reward the attorney for the risk of nonpayment of fees that he assumed and for any exceptional services that he provided.

Over the last thirty years, courts have moved back and forth between these two systems.<sup>9</sup> Only a few courts make lodestar-multipliers the *exclusive* means of awarding attorneys fees. But as one academic commentator has noted, “lodestar, or hours-based methods, have been adopted in every [federal judicial] circuit.”<sup>10</sup>

And more importantly, in large-recovery cases, there has been very little difference between lodestar and percentage systems. This is because even when courts apply a percentage to calculate fees, and as judgements become very large, courts typically also calculate a reasonable lodestar in order to determine what constitutes a reasonable percentage. Thus, again, as the Third Circuit notes, “courts have generally decreased the percentage awarded as the amount recovered increases, and \$100 million seems to be the informal marker of a ‘very large’ settlement.”<sup>11</sup>

Courts have been wary of awarding fees based on percentages alone. As one state supreme court explains:

“to begin the assessment by arbitrarily picking a percentage amount without any reliance on a cognizable structure invites decisions that are nonobjective and inconsistent. What constitutes a reasonable percentage may differ from one judge to another depending on each judge’s predilections, background, and geographical location in the state.”<sup>12</sup>

Thus “courts that employ the percentage approach appear to be motivated in part by a lodestar dynamic. Because courts are reluctant to give fee awards totally incommensurate with the efforts

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<sup>9</sup>*See In re Cendant Corp. PRIDES Litig.*, 243 F.3d 722 (3d Cir. 2001).

<sup>10</sup>Janet Cooper Alexander, *Do the Merits Matter? A Study of Settlements in Securities Class Actions*, 43 STANFORD L. REV. 497, 538 n.160 (1991) (citing cases). *See also Goldberger v. Integrated Resources, Inc.*, 209 F.3d 43, 49 (2d Cir. 2000) (noting that in addition to Second Circuit, “six other circuits have reaffirmed that district courts enjoy the discretion to use either the lodestar or the percentage method”) (citing cases).

<sup>11</sup>*In re Cendant Corp. PRIDES Litig.*, 243 F.3d 722, 736 n.19 (3d Cir. 2001).

<sup>12</sup>*Kuhnlein v. Dep’t of Revenue*, 662 So.2d 309, 313 (Fla. 1995).

of the attorneys, percentage awards generally decrease as the amount of the recovery increases.”<sup>13</sup>

One result of the cross-use of the lodestar and percentage systems is that even when courts use the percentage system, those awards overwhelmingly tend to reflect a reasonable lodestar multiplier. Therefore, even percentage-based cases tend to provide evidence of the range of multipliers that the courts consider to be reasonable.

In 2001, the Third Circuit “set forth a chart of fee awards given in federal courts since 1985 in class actions in which the settlement fund exceeded \$100 million and in which the percentage of recovery method was used.”<sup>14</sup> (*Cendant Corp.*) The court identified 17 such cases. In almost every case, the Third Circuit could calculate the multiplier that was used, and “the lodestar multiplier in those cases never exceeded 2.99.” And in the direct lodestar-multiplier cases that court identified, the multiplier ranged from 1.2 to 3.25.<sup>15</sup>

Other courts, surveying smaller cases than the \$100 million recoveries examined in *Cendant Corp.*, have identified larger multipliers. One federal district court has “observe[d] that in virtually every case where the court notes a lodestar but awards fees based upon a percentage, the lodestar multiplier converted from this percentage is in the range of 1 to 4.”<sup>16</sup> Another federal district court has found that “the range of lodestar multipliers in large and complicated class actions runs from a low of 2.26 to a high of 4.5.”<sup>17</sup>

By contrast, some courts have declared that they would allow only lower multipliers. One federal court has stated that “only in the most exceptional circumstances would this court award a multiplier of 3 or greater. \* \* \* this court believes that lodestars enhanced by multipliers less than 3 should adequately compensate even the most talented counsel.”<sup>18</sup> And the Seventh

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<sup>13</sup>*In re Unisys Corp. Retiree Medical Benefits ERISA Litig.*, 886 F.Supp 445, 463 (E.D.Pa. 1995). See also *Goldberger v Integrated Resources, Inc.*, 209 F.3d 43, 50 (2d Cir. 2000) (“the lodestar remains useful as a baseline even if the percentage method is chosen. Indeed, we encourage the practice of requiring documentation of hours as a ‘cross check’ on the reasonableness of the requested percentage”).

<sup>14</sup>*In re Cendant Corp. PRIDES Litig.*, 243 F.3d 722, 737 (3d Cir. 2001).

<sup>15</sup>See *id.* at 737 n.22.

<sup>16</sup>*In re Unisys Corp. Retiree Medical Benefits ERISA Litig.*, 886 F.Supp 445, 464 n.36 (E.D.Pa. 1995).

<sup>17</sup>*Behrens v. Wometco Enterprises, Inc.*, 118 F.R.D. 534, 549 (S.D.Fla.1988).

<sup>18</sup>*In re Unisys Corp. Retiree Medical Benefits ERISA Litig.*, 886 F.Supp 445, 482 (E.D.Pa. 1995).



Circuit has suggested that “it may be that a doubling of the lodestar would provide a sensible ceiling.”<sup>19</sup>

On the other hand, the Florida Supreme Court – which is generally regarded as one of the more plaintiff-friendly courts in the United States – has announced that:

“we set the maximum multiplier available in this common-fund category of cases at 5. \* \* \* [A] multiplier which increases fees to five times the accepted hourly rate is sufficient to alleviate the contingency risk factor involved and attract high level counsel to common fund cases while producing a fee that remains within the bounds of reasonableness. We emphasize that 5 is a maximum multiplier.”<sup>20</sup>

ISCRAA adopts this more liberal standard. It allows fees as high as 500% of reasonable hourly rates. ISCRAA awards multipliers based on two criteria: it allows up to 300% to be added onto the amount of reasonable hourly fees if a case that involved a substantial risk of nonrecovery of fees, and allows an additional 100% add-on if the attorney provided exceptional services that improved the plaintiff’s recovery.

The criteria that ISCRAA employs universally are recognized as necessary prerequisites to the legitimacy of a contingency fee. “Courts in general have insisted that a contingent fee be truly contingent. The typically elevated fee reflecting the risk to the lawyer of receiving no fee will be permitted only if the representation indeed involves a significant degree of risk.” Charles W. Wolfram, *MODERN LEGAL ETHICS* § 9.4, at 532 (1986). The risk requirement has been recognized ever since contingency fees first were allowed in the United States. The American Bar Association even noted at that time that “a contract for a contingent fee, where sanctioned by law, should be reasonable under all the circumstances of the case, including the risk and uncertainty of the compensation.” *ABA CANONS OF PROFESSIONAL ETHICS*, Canon 13 (1908). Indeed, even the professional associations of plaintiffs’ attorneys have, at times, acknowledged that contingent fees should be based on an actual contingency. In a guide to its members, the Association of Trial Lawyers of America has “recommend[ed]” that attorneys “exercise sound judgment in using a percentage in the contingent fee contract that is commensurate with the risk, cost and effort required.” *ATLA, KEYS TO THE COURTHOUSE: QUICK FACTS ON THE CONTINGENCY FEE SYSTEM* 13 (1994).

The criteria that ISCRAA employs are universally accepted – and the limits that it sets should be universally acceptable. ISCRAA is not intended to *alter* the considered standards of any jurisdiction. Rather, it is intended to *enforce* those standards – and to correct the occasional extreme outlier. Because ISCRAA incorporates a fee formula that is substantially more liberal than the usual practices of the federal courts in \$100 million cases, we can be confident that high-

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<sup>19</sup>*Skelton v. General Motors Corp.*, 860 F.2d 250, 258 (7th Cir. 1988).

<sup>20</sup>*Kuhnlein v. Dep’t of Revenue*, 662 So.2d 309, 315 (Fla. 1995) (emphasis in original).

quality legal representation will remain available to plaintiffs in these large litigations. *See, e.g. in re Sumitomo Copper Litig.*, 74 F. Supp. 2d 393 (S.D.N.Y. 1999) (RICO and Commodities Exchange Act case resulting in \$116 million recovery; attorneys reviewed millions of pages of documents located throughout the world, many requiring translation from Japanese; federal district court awards multiplier of 250% for total fee of \$32 million).

### *Fiduciary Restraints on Attorney Fee Contracts*

Another issue that I will address today is the argument – occasionally raised in opposition to proposals to limit attorneys fees – that such restrictions violate attorneys’ rights to freedom of contract.

The first principle to keep in mind when questions of attorneys fees are considered is that “a fiduciary relationship exists as a matter of law between attorney and client.”<sup>21</sup> (Illinois Supreme Court.) As one academic commentator has noted:

“[I]t is uncontroverted today that a lawyer is a fiduciary for, and therefore has a duty to deal fairly with, the client. \* \* \* \* Lawyers are fiduciaries because retention of an attorney to exercise ‘professional judgement’ on the client’s behalf necessarily involves reposing trust and confidence in the attorney. Exercising professional judgment requires that the lawyer advance the client’s interests as the client would define them if the client were well-informed.”<sup>22</sup>

The lawyer’s status as fiduciary places limits on his dealings with his client – including with regard to his fee. “An attorney’s freedom to contract with a client is subject to the constraints of ethical considerations.”<sup>23</sup> (New Jersey Supreme Court.) “In setting fees, lawyers are fiduciaries who owe their clients greater duties than are owed under the general law of contracts.”<sup>24</sup> (Massachusetts Appeals Court.) “As a result of lawyers’ special role in the legal system, contracts between lawyer and client receive special scrutiny. \* \* \* \* While freedom of

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<sup>21</sup>*Gaffney v. Harmon*, 90 N.E.2d 785, 788 (Ill. 1950). *See also* Charles Wolfram, MODERN LEGAL ETHICS § 4.1, at 146 (1986) (“the designation of ‘fiduciary,’ \* \* \* surely attaches to the [lawyer-client] relationship”).

<sup>22</sup>Lester Brickman, “Contingent Fees Without Contingencies: Hamlet Without the Prince of Denmark?,” 37 U.C.L.A. L. REV. 29, 45-46 (1989).

<sup>23</sup>*Cohen v. Radio-Electronics Officers Union, Dist. 3*, 679 A.2d 1188, 1195-96 (N.J. 1996).

<sup>24</sup>*Garnick & Scudder, P.C. v. Dolinsky*, 701 N.E.2d 357, 358 (Mass. App. 1998).

contract is the guiding principle underlying contract law, contractual freedom is muted in the lawyer-client and lawyer-lawyer contexts.”<sup>25</sup> (Joseph M. Perillo, law professor.)

The unique status of attorney fee contracts has led courts to reject analogies between such agreements and other business or service contracts. Perhaps the fullest exposition is provided by the Arizona Supreme Court:

“We realize that business contracts may be enforced between those in equal bargaining capacities, even though they turn out to be unfair, inequitable or harsh. However, *a fee agreement between lawyer and client is not an ordinary business contract*. The profession has both an obligation of public service and duties to clients which transcend ordinary business relationships and prohibit the lawyer from taking advantage of the client. Thus, in fixing and collecting fees the profession must remember that it is a branch of the administration of justice and not a mere money getting trade.’ ABA CANONS OF PROFESSIONAL ETHICS, Canon 12.”<sup>26</sup>

The same principle has been identified by the Florida Supreme Court:

“*There is but little analogy between the elements that control the determination of a lawyer's fee and those which determine the compensation of skilled craftsmen in other fields*. Lawyers are officers of the court. The court is an instrument of society for the administration of justice. Justice should be administered economically, efficiently, and expeditiously. The attorney's fee is, therefore, a very important factor in the administration of justice, and if it is not determined with proper relation to that fact it results in a species of social malpractice that undermines the confidence of the public in the bench and bar. It does more than that. It brings the court into disrepute and destroys its power to perform adequately the function of its creation.”<sup>27</sup>

In order to protect the lawyer’s public role and to enforce his fiduciary obligations, the courts read a reasonableness requirement into every attorney fee contract. “[T]he requirement that a fee be reasonable in amount overrides the terms of the contract, so that an ‘unreasonable’

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<sup>25</sup>Joseph M. Perillo, *The Law of Lawyers’ Contracts is Different*, 67 FORDHAM L. REV. 443, 445 (1998).

<sup>26</sup>*In the Matter of Swartz*, 686 P.2d 1236, 1243 (Ariz. 1984) (emphasis added).

<sup>27</sup>*Kuhnlein v. Department of Revenue*, 662 So.2d 309, 313 (Fla. 1995) (emphasis added). See also *Gruber & Coabella, P.A. v. Erickson*, 784 A.2d 758, 760 (N.J.Sup.Ct. 2001) (“Attorneys have never had the right to enforce contractual provisions for more than a fair and reasonable fee. They are not businessmen entitled to charge what the traffic will bear”).

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**From:** Kavanaugh, Brett M.  
**To:** <Kaplan, Joel>  
**Sent:** 5/7/2003 5:41:19 PM  
**Subject:** we suggested adding significant additional language re constitution

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**From:** CN=Jenica Baldwin/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 2:26:03 PM  
**Subject:** : Friday

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jenica Baldwin ( CN=Jenica Baldwin/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 18:26:03.00  
SUBJECT:: Friday  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I understand from Lezlee that you will speak on Friday! Thank you!  
I have you down from 1:20pm - 1:40pm  
Please let me know if this works

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**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Brosnahan, Jennifer R.>; <Newstead, Jennifer G.>; <Bartolomucci, H. Christopher>; <Sampson, Kyle>; <Francisco, Noel J.>; <Powell, Benjamin A.>; <Ulliot, Theodore W.>  
**Sent:** 5/7/2003 6:51:44 PM  
**Subject:** FOX News is reporting on "nuclear option"

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>; Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 5/7/2003 2:53:11 PM  
**Subject:** : FOX News is reporting on "nuclear option"

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 18:53:11.00  
SUBJECT:: FOX News is reporting on "nuclear option"  
TO: Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**CC:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 5/7/2003 3:18:25 PM  
**Subject:** : calls to Senators

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 19:18:25.00  
SUBJECT:: calls to Senators  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Wendy thinks the following calls would be useful:

Senator Feinstein  
Senator Zell Miller  
Senator Ben Nelson  
Senator Breaux  
Senator Pryor



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**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 3:42:57 PM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 19:42:57.00  
SUBJECT:: Re:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Maryland?

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 5/7/2003 3:43:16 PM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 19:43:16.00  
SUBJECT:: Re:  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

yes

Jonathan F. Ganter  
05/07/2003 07:42:25 PM  
Record Type: Record

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

Maryland?

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 5/7/2003 3:44:10 PM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 7-MAY-2003 19:44:10.00  
SUBJECT:: Re:  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

also, call Ron Rubin (Rockville lawyer, not sure of spelling but he was head of Fed Bar Association in Maryland) and ask him if we can talk to him at 5:30 tomorrow.

Jonathan F. Ganter  
05/07/2003 07:42:25 PM  
Record Type: Record

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

Maryland?

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**From:** Sheila.Joy@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/7/2003 6:20:06 PM  
**Subject:** : chart of early circuit judges  
**Attachments:** P\_M3Y8G003\_WHO.TXT\_1.wpd

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ( "Sheila.Joy@usdoj.gov"  
<Sheila.Joy@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 7-MAY-2003 22:20:06.00  
SUBJECT:: chart of early circuit judges  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett, The attached information has been compiled from two different sources -- both are hand written documents so the spelling of names may not be completely accurate -- I have not had time to check against the typed cards. The differences in the books are one set only list those individuals appointed - the other set lists nominations - in some parts of the book on nominations it is not clear whether the "was sent" means to the WH or to the Senate - I have used that date for the "nominated" column. I will try to confirm the information through the card index in the morning. I need to go through another book for the information between 1801 and the 1905 entries. Sheila

- cirjudge1891.1952.wpd  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_M3Y8G003\_WHO.TXT\_1>

|                   |                              |                                          |  |                                              |
|-------------------|------------------------------|------------------------------------------|--|----------------------------------------------|
| DC Cir<br>new pos | Fahy,<br>Charles             | 10/15/1949<br><br>Recess<br><br>1/5/1950 |  | no action<br><br>10/21/1949<br><br>4/4/1950  |
| Third             | Hastie,<br>William           | 10/14/1949<br><br>Recess<br><br>1/5/1950 |  | no action<br><br>10/21/1949<br><br>7/19/1950 |
| Fifth             | Christenberry,<br>Herbert    | no action                                |  |                                              |
| DC Cir<br>new pos | Washington,<br>George Thomas | 10/14/1949<br><br>Recess<br><br>1/5/1950 |  | no action<br><br>10/21/1949<br><br>4/28/1950 |
| Fifth             | Russell,<br>Robert           | 10/15/1949                               |  | 10/19/1949                                   |
| Fifth             | Wright,<br>J. Skelly         | no action                                |  |                                              |
| Seventh           | Swaim,<br>H. Nathan          | 10/15/1949<br><br>recess<br><br>1/5/1950 |  | no action<br><br>10/21/1949<br><br>2/8/1950  |
| Fifth             | Borah,<br>Wayne              | 10/15/1949                               |  | 10/19/1949                                   |
| Third             | Staley,<br>Austin            | 4/27/1950                                |  | 6/27/1950                                    |
| Fifth             | Strum,<br>Louie              | 9/14/1950                                |  | 9/23/1950                                    |
| First             | Hartigan,<br>John            | 12/21/1950                               |  | 1/2/1951                                     |
| Fifth             | Rives,<br>Richard            | 4/12/1951                                |  | 5/1/1951                                     |
| Second            | Medina,<br>Harold            | 6/11/1951                                |  | 6/21/1951                                    |
|                   |                              |                                          |  |                                              |
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|                   |                              |                                          |  |                                              |



CIRCUIT COURT NOMINATIONS 1801- 1952

| COURT  | NAME                                | NOMINATED | HEARING | CONFIRMED<br>OR OTHER |
|--------|-------------------------------------|-----------|---------|-----------------------|
| Third  | Bassett,<br>Richard                 |           |         | 2/20/1801             |
| Second | Benson,<br>Egbert                   |           |         | 2/20/1801             |
| First  | Bourne,<br>Benjamin                 |           |         | 2/20/1801             |
| Third  | Griffith,<br>William                |           |         | 2/20/1801             |
| Second | Hitchcock,<br>Samuel                |           |         | 2/20/1801             |
| Third  | Ingersoll,<br>Jared<br>Chief Jduge  |           |         | 2/20/1801             |
| Fourth | Key<br>Philip Barton                |           |         | 2/20/1801             |
| Fourth | Lee,<br>Charles                     |           |         | 2/20/1801             |
| First  | Lowell,<br>John                     |           |         | 2/20/1801             |
| First  | Smith,<br>Jeremiah                  |           |         | 2/20/1801             |
| Fourth | Taylor,<br>Geroge Keith             |           |         | 2/20/1801             |
| Second | Wolcott,<br>Oliver                  |           |         | 2/20/1801             |
| Fifth  | Bee,<br>Thomas<br>Chief Judge       |           |         | 2/24/1801             |
| Fifth  | Clay,<br>Joseph Jr.                 |           |         | 2/20/1801             |
| Sixth  | McClung,<br>Wuillaim                |           |         | 2/20/1801             |
| Fifth  | Sitgreaves,<br>John                 |           |         | 2/20/1801             |
| Fourth | Key<br>Philip Barton<br>Chief Judge |           |         | 3/3/1801              |
| Fourth | Magill<br>Charles                   |           |         | 3/3/1801              |
| Third  | Tilghman,<br>William                |           |         | 3/3/1801              |

|                                       |                                            |                        |  |                                                |
|---------------------------------------|--------------------------------------------|------------------------|--|------------------------------------------------|
|                                       | Chief Judge                                |                        |  |                                                |
| Fifth                                 | Potter,<br>Henry                           | recess<br>appointed    |  | 5/9/1801<br>1/26/1802                          |
| Fifth                                 | Gaillard,<br>Theodore<br>Chief Judge       | recess                 |  | 5/30/1801                                      |
| Fifth                                 | Hall<br>Dominic<br>Augustin<br>Chief Judge | recess<br>appointed    |  | 7/1/1801<br>1/16/1802                          |
| Fifth                                 | Harris,<br>Edward                          |                        |  | 5/3/1802                                       |
| California Terr                       | McAllister,<br>Matthew Hall                |                        |  | 3/3/1855                                       |
|                                       |                                            |                        |  |                                                |
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|                                       |                                            |                        |  |                                                |
| Seventh                               | Kohlsaas,<br>Christiau                     | 3/18/05                |  | 3/18/05<br>(senate<br>adjourned 3/18)          |
| Eighth                                | Finkelburg<br>Gustavus                     | 3/20/1905              |  | 3/20/1905<br>recess                            |
| DC ct of apls<br>associate justice    | McComas,<br>Louis                          | 6/26/1905              |  | 6/26/1905<br>recess                            |
| Eighth                                | Adams,<br>Elmer                            | 12/4/1905              |  | 12/12/1905                                     |
| Third                                 | Buffington,<br>Joseph                      | 9/25/1906              |  | recess<br>9/25/1906                            |
| DC ct of apls<br>Associate<br>Justice | Robb,<br>Charles                           | 10/5/1906<br>12/3/1906 |  | recess<br>10/5/1906<br>appointed<br>12/11/1906 |
| Second                                | Ward,<br>Henry<br>Galbraith                | 5/18/1907              |  | recess<br>5/18/1907                            |
| Second                                | Noyes,<br>Walter                           | 9/18/1907              |  | recess<br>9/18/1907                            |
| DC ct of apls<br>Associate<br>Justice | Van Orsdal,<br>Josiah                      | 11/14/1907             |  | recess<br>11/14/1907                           |
| Second                                | Ward,                                      | 12/2/1907              |  | 12/17/1907                                     |



|                                 |                        |                         |  |            |
|---------------------------------|------------------------|-------------------------|--|------------|
|                                 | Henry Galbraith        |                         |  |            |
| Second                          | Noyes, Walter          | 12/2/1907               |  | 12/18/1907 |
| DC ct of apls Associate Justice | Van Orsdal, Josiah     | 12/2/1907               |  | 12/12/1907 |
| Sixth                           | Warrington, John       | 3/16/1909               |  | 3/16/1909  |
| Third                           | Lanning, William       | 5/5/1909                |  | 5/18/1909  |
| Sixth                           | Kuappeu, Loyal E       | 1/17/1910               |  | 1/31/1910  |
| Second                          | Knapp, Martin          | 12/12/1910              |  | 12/20/1910 |
| Third                           | Archbald, Robert       | 12/12/1910              |  | 1/31/1911  |
| Ninth                           | William, Hunt          | 12/12/1910              |  | 1/31/1911  |
| Eighth                          | Carland, John Emmet    | 12/12/1910              |  | 1/31/1911  |
| Seventh                         | Mack, Julian           | 12/12/1910              |  | 1/31/1911  |
| Eighth                          | Smith, Walter          | 1/16/1911               |  | 1/31/1911  |
| Sixth                           | Denison, Arthur        | 2/25/1911               |  | 3/2/1911   |
| First                           | Schofield, William     | 5/24/1911               |  | 6/6/1911   |
| Seventh                         | Carpenter, George      | 3/12/1912<br>12/10/1912 |  |            |
| Third                           | McPherson, John        | 3/12/1912               |  | 4/3/1912   |
| First                           | Dodge, Frederic        | 7/10/1912               |  | 7/23/1912  |
| First                           | Brown, Arthur          | 2/7/1913                |  |            |
| Fourth                          | Woods, Charles         | 4/18/1913               |  | 6/5/1913   |
| First                           | Bingham, Geo. Hutchins | 5/9/1913                |  | 6/5/1913   |
| Second                          | Rogers, Henry Wade     | 9/11/1913               |  | 9/29/1913  |
| Third                           | Woolley, Victor        | 8/7/1914                |  | 8/12/1914  |

|         |                                                                               |                                    |  |                     |
|---------|-------------------------------------------------------------------------------|------------------------------------|--|---------------------|
| Fifth   | Walker,<br>Richard                                                            | 9/18/1914                          |  | 10/5/1914           |
| Seventh | Alschuler,<br>Samuel                                                          | 8/16/1915<br>12/16/1915            |  | recess<br>1/18/1916 |
| Seventh | Evans,<br>Evan A                                                              | 4/24/1916                          |  | 5/10/1916           |
| Eighth  | Stone,<br>Kimbrough                                                           | 12/19/1916                         |  | 12/21/1916          |
| Fifth   | Batts,<br>Robert                                                              | 1/17/1917                          |  | 2/5/1917            |
| First   | Johnson,<br>Charles                                                           | 9/29/1917                          |  | 10/1/1917           |
| Second  | Manton,<br>Martin                                                             | 3/9/1918                           |  | 3/18/1918           |
| First   | Anderson,<br>George                                                           | 9/30/1918                          |  | 10/24/1918          |
| Seventh | Longe,<br>George                                                              | 2/28/1919                          |  | 3/1/1919            |
| Third   | Haight,<br>Thomas                                                             | 2/28/1919<br>4/1/1919<br>5/17/1919 |  | 6/28/1919           |
| Fifth   | Miller,<br>Barry                                                              | 8/28/1919                          |  |                     |
| Sixth   | Donahue,<br>Maurice H                                                         | 8/29/1919                          |  | 10/29/1919          |
| Fifth   | Fenner,<br>Charles                                                            | 11/14/1919<br>12/5/1919            |  |                     |
| Fifth   | Bryan,<br>Nathan                                                              | 4/21/1920                          |  | 4/23/1920           |
| Fifth   | King,<br>Alexander<br>(filled seat<br>Fenner was org<br>nominated<br>against) | 4/28/1920                          |  | 5/24/1920           |
| Third   | David,<br>J. Warren                                                           | 5/28/1920                          |  | 6/2/1920            |
| Fourth  | Waddill,<br>Edmund                                                            | 5/19/21                            |  | 6/2/1921            |
| Second  | Mayer,<br>Julins M                                                            | 9/21/1921                          |  | 10/5/1921           |
| Eighth  | Lewis,<br>Robert                                                              | 10/31/1921                         |  | 11/15/1921          |
| Eighth  | Kenyon,                                                                       | 1/31/1922                          |  | 1/31/1922           |

|                              |                             |                             |  |                                            |
|------------------------------|-----------------------------|-----------------------------|--|--------------------------------------------|
|                              | William                     |                             |  |                                            |
| Fourth                       | Rose,<br>John               | 11/21/1922<br>12/5/1922     |  | 12/20/1922                                 |
| Ninth                        | Rudkin,<br>Frank            | 1/4/1923                    |  | 1/9/1923                                   |
| DC Ct of Apls<br>Chief Judge | Martin,<br>George           | 5/16/1924                   |  | 5/23/1924                                  |
| Second                       | Hand,<br>Learned            | 12/1/1924                   |  | 12/20/1924                                 |
| Fifth                        | Foster,<br>Rufus            | 12/15/1924                  |  | 1/13/1923                                  |
| Seventh                      | Anderson,<br>Albert         | 12/18/1924                  |  | 1/6/1925                                   |
| Sixth                        | Moorman,<br>Charles         | 12/31/1924                  |  | 1/13/1925                                  |
| Eighth                       | Booth,<br>Wilbur            | 3/17/1925                   |  | 3/18/1925                                  |
| Eighth                       | Van<br>Valkenburgh,<br>Arba | 3/17/1925                   |  | 3/18/1925                                  |
| Ninth                        | McCamant,<br>Wallace        | 5/25/1925<br><br>12/2/1925  |  | recess<br><br>rejected by<br>Sen 3/17/1926 |
| Fourth                       | Parker,<br>John             | 10/3/1925<br><br>12/2/1925  |  | recess<br><br>12/14/1925                   |
| Second                       | Swan,<br>Thomas             | 12/15/1926                  |  | 12/22/1926                                 |
| Ninth                        | Dietrich,<br>Frank          | 12/22/1926                  |  | 1/3/1927                                   |
| Fourth                       | Northcott,<br>Elliott       | 4/7/1927<br><br>11/26/1927  |  | recess<br><br>12/15/1927                   |
| Second                       | Hand,<br>Augustus           | 5/20/1927<br><br>11/26/1927 |  | recess<br><br>1/18/1928                    |
| Sixth                        | Hicks,<br>Xenophon          | 5/18/1928                   |  | 5/23/1928                                  |
| Eighth                       | Cotteral,<br>John           | 5/18/1928                   |  | 5/23/1928                                  |
| Sixth                        | Hickenlooper,<br>Smith      | 12/5/1928                   |  | 12/17/1928                                 |
| Second                       | Chase,<br>Harry Brigham     | 1/19/1929                   |  | 1/31/1929                                  |

|         |                          |                        |  |                     |
|---------|--------------------------|------------------------|--|---------------------|
| Ninth   | Wilbur,<br>Curtis        | 3/1/1929<br>4/18/1929  |  | 4/29/1929           |
| Tenth   | McDermott,<br>George     | 3/1/1929<br>4/18/1929  |  | 4/29/1929           |
| Tenth   | Phillips,<br>Orie        | 3/1/1929<br>4/18/1929  |  | 5/2/1929            |
| Eighth  | Gardner,<br>Archibald    | 4/18/1929              |  | 5/23/1929           |
| First   | Wilson,<br>Scott         | 9/3/1929               |  | 10/2/1929           |
| Seventh | Sparks,<br>Williams M    | 10/18/1929             |  | 10/31/1929          |
| Third   | Thompson,<br>J. Whitaker | 12/4/1930              |  | 1/29/1931           |
| Fifth   | Hutcheson,<br>Joseph     | 12/20/1930             |  | 1/26/1931           |
| Fifth   | Sibley,<br>Samuel        | 12/20/1930             |  | 1/13/1931           |
| Ninth   | Sawtelle,<br>William     | 12/20/1930             |  | 1/29/1931           |
| Fourth  | Soper,<br>Morris         | 5/6/1931<br>12/15/1931 |  | Recess<br>1/12/1932 |
| First   | Morton,<br>James         | 12/15/1931             |  | 1/6/1932            |
| Fourth  | Sanborn,<br>John         | 12/18/1931             |  | 1/19/1932           |
| Seventh | Wilkerson,<br>James      | 1/8/1932               |  |                     |
| Ninth   | Mackintosh,<br>Kenneth   | 1/8/1932<br>12/2/1932  |  |                     |
| Sixth   | Simons,<br>Charles       | 1/8/1932               |  | 1/26/1932           |
| Eighth  | Richardson,<br>Seth      | 2/23/1933              |  |                     |
| First   | Watson,<br>Edward        | 3/31/1933              |  | 4/17/1933           |
| Eighth  | Woodrough,<br>Joseph     |                        |  | 4/12/1933           |
| Ninth   | Garrecht,<br>Francis     | 5/3/1933               |  | 5/16/1933           |

|                              |                         |            |  |            |
|------------------------------|-------------------------|------------|--|------------|
| Tenth                        | Bratton,<br>Sam Gilbert | 5/3/1933   |  | 6/7/1933   |
| Seventh                      | FitzHenry,<br>Louis     | 6/3/1933   |  | 6/10/1933  |
| Ninth                        | Norcross,<br>Frank      | 9/23/1933  |  | recess     |
| Sixth                        | Allen,<br>Florence      | 3/6/1934   |  | 3/15/1934  |
| Eighth                       | Faris,<br>Charles       | 12/31/1934 |  | 1/25/1935  |
| Ninth                        | Denman,<br>William      | 12/31/1934 |  | 1/29/1935  |
| Ninth                        | Mathews,<br>Clifton     | 3/12/1935  |  | 3/20/1935  |
| Second                       | Case,<br>Daniel         | 7/17/1935  |  | 7/31/1935  |
| Ninth                        | Haney,<br>Bert          | 8/19/1935  |  | 8/23/1935  |
| Ninth                        | Stewart,<br>Samuel      | 8/19/1935  |  |            |
| Fifth                        | Holmes,<br>Edwin        | 8/23/1935  |  | 3/19/1936  |
| Eighth                       | Thomas,<br>Seth         | 1/14/1936  |  | 1/22/1936  |
| Third                        | Biggs,<br>John          | 2/3/1937   |  | 2/10/1937  |
| Seventh                      | Major,<br>J. Earl       | 3/1937     |  | 3/17/1937  |
| Tenth                        | Williams,<br>Robert     | 3/1937     |  | 4/20/1937  |
| Ninth                        | Healy,<br>William       | 6/1937     |  | 6/15/1937  |
| Ninth                        | Stephens,<br>Albert     | 6/1937     |  | 6/15/1937  |
| DC ct of Apls<br>Chief Judge | Groner,<br>D. Lawrence  | 11/1937    |  | 12/3/1937  |
| DC ct of apls                | Vinson,<br>Fred         | 11/1937    |  | 12/9/1937  |
| DC ct of apls                | Edgeton,<br>Henry       | 11/1937    |  | 12/9/1937  |
| Seventh                      | Triamor,<br>Walter      | 12/1937    |  | 12/21/1937 |
| Sixth                        | Hamilton,<br>Elwood     | 2/1938     |  | 3/1/1938   |
| Fifth                        | McCord,                 | 6/1938     |  | 6/15/1938  |

|         |                       |           |  |                      |
|---------|-----------------------|-----------|--|----------------------|
|         | Leon                  |           |  |                      |
| Third   | Clark,<br>William     | 6/1938    |  | 6/16/1938            |
| Third   | Maris,<br>Albert B    | 6/1938    |  | 6/16/1938            |
| Seventh | Kerner,<br>Otto       |           |  | 11/21/1938<br>recess |
|         |                       | 1/5/1939  |  | 2/1/1939             |
| Second  | Clark,<br>Charles E   | 1/5/1939  |  | 3/7/1939             |
| Second  | Patterson,<br>Robert  | 2/9/1939  |  | 3/20/1939            |
| Third   | Biddle,<br>Francis    | 2/9/1939  |  | 2/28/1939            |
| Sixth   | Arant,<br>Herschel    | 2/9/1939  |  | 2/21/1939            |
| First   | Magruder,<br>Calvert  | 4/24/1939 |  | 6/1/1939             |
| Tenth   | Huxman,<br>Walter     | 4/24/1939 |  | 5/17/1939            |
| Third   | Jones,<br>Charles     | 7/14/1939 |  | 7/18/1939            |
| Fourth  | Dobie,<br>Armistead   |           |  | recess<br>11/4/1939  |
|         |                       | 1/11/1940 |  | 2/1/1940             |
| First   | Mahoney,<br>John      | 1/11/1940 |  | 2/7/1940             |
| Third   | Goodrich,<br>Herbert  | 3/5/1940  |  | 5/7/1940             |
| Tenth   | Murrah,<br>Alfred     | 8/5/1940  |  | 8/29/1940            |
| Sixth   | Martin,<br>John       | 8/12/1940 |  | 8/27/1940            |
| Eighth  | Johnsen,<br>Harvey    | 10/1/1940 |  | 10/7/1940            |
| First   | Woodbury,<br>Peter    | 1/31/1941 |  | 2/18/1941            |
| Second  | Frank,<br>Jerome      | 2/13/1941 |  | 3/20/1941            |
| Sixth   | McAllister,<br>Thomas | 4/25/1941 |  | 5/19/1941            |
| Seventh | Minton,<br>Sherman    | 5/7/1941  |  | 5/19/1941            |

|                              |                        |            |  |            |
|------------------------------|------------------------|------------|--|------------|
| Eighth                       | Riddick,<br>Walter     | 12/1/1941  |  | 12/16/1941 |
| Fifth                        | Allred,<br>James       | 2/18/1943  |  |            |
| Fifth                        | Waller,<br>Curtis      | 2/18/1943  |  | 3/9/1943   |
| Third                        | McLaughlin,<br>Gerald  | 5/24/1943  |  | 6/8/1943   |
| Fifth                        | Lee,<br>Elmo Pearce    | 11/5/1943  |  | 11/30/1943 |
| Ninth                        | Bone,<br>Homer         | 4/1/1944   |  | 4/1/1944   |
| Ninth                        | Orr,<br>William        | 9/10/1945  |  | 9/19/1945  |
| Third                        | O'Connell,<br>John     | 9/12/1945  |  | 10/3/1945  |
| Sixth                        | Miller,<br>Shackelford | 11/23/1945 |  | 12/4/1945  |
| Third                        | Kolodner,<br>Harry     | 5/7/1946   |  | 7/25/1946  |
| Eighth                       | Collet,<br>John Caskie | 4/30/1947  |  | 7/8/1947   |
| Fifth                        | Rice,<br>Philip        | 7/3/1947   |  | 7/26/1947  |
| DC ct of apls<br>chief judge | Stephens,<br>Harold    | 2/2/1948   |  | 3/2/1948   |
| DC ct of apls                | Proctor,<br>James      | 2/2/1948   |  | 3/2/1948   |
| DC ct of apls                | Tamm,<br>Edward        | 2/3/1948   |  | no action  |
| Seventh                      | Duffy,<br>F. Ryan      | 1/13/1949  |  | 1/31/1949  |
| Ninth                        | Pope,<br>Walter        | 2/14/1949  |  | 2/25/1949  |
| Seventh                      | Finnegan,<br>Philip    | 4/8/1949   |  | 5/3/1949   |
| Seventh                      | Lindley,<br>Walter     | 9/15/1949  |  | 10/12/1949 |
| Tenth                        | Pickett,<br>John       | 9/23/1949  |  | 10/12/1949 |
| DC Cir<br>new pos            | Bazelon,<br>David      | 10/15/1949 |  | no action  |
|                              |                        | Recess     |  | 10/21/1949 |
|                              |                        | 1/5/1950   |  | 2/8/1950   |

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/7/2003 7:43:15 PM  
**Subject:** :

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CREATION DATE/TIME: 7-MAY-2003 23:43:15.00  
SUBJECT: :  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
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Ed whelan and pat philbin should be invited.

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**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
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**Subject:** : OpinionJournal - On the Editorial Page - May 8, 2003

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SUBJECT:: OpinionJournal - On the Editorial Page - May 8, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
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From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY AWAD NASIR  
<http://www.opinionjournal.com/editorial/?id=110003465>

An Iraqi poet celebrates the dictator's fall.  
12:01 a.m. EDT

John Fund's Political Diary  
<http://www.opinionjournal.com/diary/?id=110003466>

Can New York's Conservatives save its Republicans?  
12:01 a.m. EDT

Leisure & Arts BY MICHAEL JUDGE  
<http://www.opinionjournal.com/la/?id=110003464>

Two cheers for canned laughter.  
12:01 a.m. EDT

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Greenspan's Post-Bubblenomics  
So the Fed is now more worried about deflation than inflation.  
May 08 2003

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President Top Gun  
Bush was right to land on the USS Lincoln.  
May 08 2003

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The Daschle Republicans (Cont.)  
Have Voinovich and Snowe checked with their GOP constituents lately?  
May 08 2003

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#### Commentary

##### Analysis Deficit

We should consider what we're buy along with the tax cut price tag.

By R. GLENN HUBBARD

May 08 2003

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##### Kansas, Toto?

Why some of us step outside, not into the basement, when a tornado comes.

By KEVIN HELLIKER

May 08 2003

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##### Thank You

An Iraqi poet celebrates the dictator's fall.

By AWAD NASIR

May 08 2003

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#### Politics & People

##### A Courageous Profile

Dan Ponder, an obscure Georgia politician, made a stand for hate-crimes legislation.

By ALBERT R. HUNT

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#### Leisure & Arts

##### How the Laff Box Has Powered TV

Two cheers for canned laughter.

By MICHAEL JUDGE

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#### Books

##### Hitting It Off

"October Men"

By RICHARD J. TOFEL

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Music  
That's 'Pianist,' Please, Not 'Conductor'  
Meet Mitsuko Uchida, a poet of the keyboard.  
By BARBARA JEPSON  
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European Events  
Thank You for 'Jerry Springer: The Opera'  
London's opera, National Gallery's Titian show and more.  
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Diversions  
Moby Dick; Ambassadors of Progress: American Women Photographers in Paris, 1900-1901; The Myths of St. Petersburg: Impressions of the City From the Hillwood Collection.  
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International

From Four Freedoms to 1,500 Rules  
If there were fewer EU directives, more states would comply.  
From The Wall Street Journal Europe  
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A European Flat Tax  
Slovakia's proposed flat tax could be a model for other European countries.  
By IVAN MIKLOS  
From The Wall Street Journal Europe  
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The Battle for the West  
Europe must decide how best to work with America and not against it.  
By JULIAN LINDLEY-FRENCH  
From The Wall Street Journal Europe  
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#### China's Turning Point

SARS exposes the weakness of both the Chinese economy and the regime.

By GORDON G. CHANG

From The Asian Wall Street Journal

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/8/2003 4:47:36 AM  
**Subject:** : Makan apparently was complaining that he and other Senate staffers did not get invited. Can you take care. THX.

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CREATION DATE/TIME: 8-MAY-2003 08:47:36.00  
SUBJECT:: Makan apparently was complaining that he and other Senate staffers did not get invited. Can you take care. THX.  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>  
**Sent:** 5/8/2003 5:22:47 AM  
**Subject:** : May 15 is target for flood nom

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 09:22:47.00  
SUBJECT:: May 15 is target for flood nom  
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 6:01:33 AM  
**Subject:** : Re: luck on tape?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 10:01:33.00  
SUBJECT:: Re: luck on tape?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

jon here

Brett M. Kavanaugh  
05/08/2003 09:59:23 AM  
Record Type: Record

To: Jonathan F. Ganter/WHO/EOP@EOP, Jennifer R.  
Brosnahan/WHO/EOP@EOP  
cc:  
Subject: luck on tape?

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 7:02:31 AM  
**Subject:** : Re: Makan apparently was complaining that he and other Senate staffers did not get invited.  
Can you take care. THX.

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 8-MAY-2003 11:02:31.00

SUBJECT:: Re: Makan apparently was complaining that he and other Senate staffers did not get invited. Can you take care. THX.

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Yes. Live and in person. I would prefer a root canal. I am not good at sitting and listening to "hogwash" as they say in the south. I set no attendance records in law school.

.



---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Charlotte L. Montiel/WHO/EOP@Exchange@EOP [ WHO ] <Charlotte L. Montiel>  
**Sent:** 5/8/2003 7:13:44 AM  
**Subject:** : Ron Rubin Interview

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 11:13:44.00  
SUBJECT:: Ron Rubin Interview  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Ron Rubin is coming for his interview at 9:00 on Monday morning, 5/12.

---

**From:** CN=Kenneth A. Lisaius/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 7:20:15 AM  
**Subject:** : Buffalo News

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kenneth A. Lisaius ( CN=Kenneth A. Lisaius/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 11:20:15.00  
SUBJECT:: Buffalo News  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett -

Just wanted to make sure you got the message that Doug Turner of Buffalo News is unavailable today - and wanted to know if a phone interview may be possible on Monday at 1:30 PM. Does that work for you?

Ken

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 7:28:01 AM  
**Subject:** : Re: Makan apparently was complaining that he and other Senate staffers did not get invited.  
Can you take care. THX.

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 8-MAY-2003 11:28:01.00

SUBJECT:: Re: Makan apparently was complaining that he and other Senate staffers did not get invited. Can you take care. THX.

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

I have tried to impact, but it is likely later today.

.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/8/2003 7:29:02 AM  
**Subject:** : Specter comments at markup

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 11:29:02.00  
SUBJECT:: Specter comments at markup  
TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/08/2003 11:28 AM -----

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/08/2003 11:27:55 AM  
Record Type: Record

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

Specter is threatening the nuclear option now.

.

---

**From:** Kavanaugh, Brett M.  
**To:** <Grubbs, Wendy J.>  
**Sent:** 5/8/2003 8:45:50 AM  
**Subject:** Makan apparently was complaining that he and other Senate staffers did not get invited. Can you take care. THX.

---

**From:** MailRouter [ SYS ]  
**To:** Brett M. Kavanaugh/WHO/EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 4:47:46 AM  
**Subject:** DELIVERY FAILURE: Recipient user name Wendy J. Grubbs/WHO/EOP@EOP not unique.  
Several matches found in Name & Address Book.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES NONDELIVERY RECEIPT )  
CREATOR:MailRouter ( MailRouter [ SYS ] )  
CREATION DATE/TIME: 8-MAY-2003 08:47:46.00  
SUBJECT:DELIVERY FAILURE: Recipient user name Wendy J. Grubbs/WHO/EOP@EOP not unique.  
Several matches found in Name & Address Book.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

DELIVERY FAILURE REPORT

Your Document:

Makan apparently was complaining that he and other Senate staffers did not get invited. Can you take care. THX.

could not be delivered to:

CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP

because:

Recipient user name Wendy J. Grubbs/WHO/EOP@EOP not unique. Several matches found in Name & Address Book.

Routing Path:

CN=SGEOP05/O=EOP;CN=SGEOP05/O=EOP;CN=Mail2/O=EOP

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 5/8/2003 4:55:13 AM  
**Subject:** : RE: Brett wants to schedule an interview for Thursday, Does David have any time?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 08:55:13.00  
SUBJECT:: RE: Brett wants to schedule an interview for Thursday, Does David have any time?  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can we do first thing Monday morning?

Jonathan F. Ganter  
05/08/2003 08:52:48 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: Brett wants to schedule an interview for Thursday,  
Does David have any time?

Brett,  
David is only free from 10:30-1:30 today. What do you want to do about  
Ruben and Titus? David may be able to go at 4:30 and 5:00, but I can't be  
sure until Charlotte gets back (she is giving a tour right now).

Jon  
----- Forwarded by Jonathan F. Ganter/WHO/EOP on  
05/08/2003 08:10 AM -----

From: Charlotte L. Montiel/WHO/EOP@Exchange on 05/08/2003 08:03:52  
AM  
Record Type: Record

To: Jonathan F. Ganter/WHO/EOP@EOP  
cc:  
Subject: RE: Brett wants to schedule an interview for Thursday,  
Does David have any time?

Today free from 10:30-1:30. Next Thurs free anytime

-----Original Message-----  
From: Ganter, Jonathan F.  
Sent: Wednesday, May 07, 2003 7:43 PM  
To: Montiel, Charlotte L.  
Subject: Brett wants to schedule an interview for Thursday, Does  
David have any time?





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**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 5:02:37 AM  
**Subject:** : Re: Makan apparently was complaining that he and other Senate staffers did not get invited.  
Can you take care. THX.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 09:02:37.00  
SUBJECT:: Re: Makan apparently was complaining that he and other Senate staffers did not  
get invited. Can you take care. THX.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

We told them to bring as many as they wanted. I called again. I am sick of  
whiners. Is it friday?  
.

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 9:03:18 AM  
**Subject:** Re: Makan apparently was complaining that he and other Senate staffers did not get invited. Can you take care. THX.

We told them to bring as many as they wanted. I called again. I am sick of whiners. Is it friday?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>  
**Sent:** 5/8/2003 5:04:55 AM  
**Subject:** : fyi

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 09:04:55.00  
SUBJECT:: fyi  
TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/08/2003 09:03 AM -----

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/08/2003 09:03:18 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: Makan apparently was saying that he and other Senate  
staffers did not get invited. Can you take care. THX.

We told them to bring as many as they wanted. I called again. I am sick of  
whiners. Is it friday?

.

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Brosnahan, Jennifer R.>; <Newstead, Jennifer G.>; <Bartolomucci, H. Christopher>; <Sampson, Kyle>; <Francisco, Noel J.>; <Powell, Benjamin A.>; <Ulyot, Theodore W.>; <Addington, David S.>  
**Sent:** 5/8/2003 9:11:42 AM  
**Subject:** for those who did not see

**MS Legislative Black Caucus Leader Drops Opposition To Pickering Nomination.** The AP (5/7, Elliott) reports, "The head of the Mississippi Legislative Black Caucus says he no longer opposes the appeals court nomination of U.S. District Judge Charles Pickering -- a surprising turnabout that could cost him his position." State Rep. Phillip West "said Wednesday he was speaking only for himself and not for the full caucus. A majority of the 45-member caucus has vigorously opposed Pickering's nomination to the 5th U.S. Circuit Court of Appeals for his record on civil rights issues." Caucus members "said they would ask West, a Democrat, to explain his turnabout at the group's next meeting Thursday."

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/8/2003 5:12:40 AM  
**Subject:** : for those who did not see

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 8-MAY-2003 09:12:40.00

SUBJECT:: for those who did not see

TO: David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ: UNKNOWN

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

MS Legislative Black Caucus Leader Drops Opposition To Pickering Nomination. The AP (5/7, Elliott) reports, "The head of the Mississippi Legislative Black Caucus says he no longer opposes the appeals court nomination of U.S. District Judge Charles Pickering -- a surprising turnabout that could cost him his position." State Rep. Phillip West said Wednesday he was speaking only for himself and not for the full caucus. A majority of the 45-member caucus has vigorously opposed Pickering's nomination to the 5th U.S. Circuit Court of Appeals for his record on civil rights issues. Caucus members said they would ask West, a Democrat, to explain his turnabout at the group's next meeting Thursday.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jay P. Lefkowitz/OPD/EOP@Exchange@EOP [ OPD ] <Jay P. Lefkowitz>  
**Sent:** 5/8/2003 5:17:37 AM  
**Subject:** : what is happening on hill with kyl cornyn

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 09:17:37.00  
SUBJECT:: what is happening on hill with kyl cornyn  
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>; Christopher J. Orr/WHO/EOP@EOP [ WHO ] <Christopher J. Orr>  
**Sent:** 5/8/2003 9:25:33 AM  
**Subject:** : web site

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 13:25:33.00  
SUBJECT:: web site  
TO: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

I reviewed tape and had 3 small (but important) things to edit out.  
Looked pretty nice.

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Brosnahan, Jennifer R.>; <Newstead, Jennifer G.>; <Bartolomucci, H. Christopher>; <Sampson, Kyle>; <Francisco, Noel J.>; <Powell, Benjamin A.>; <Ulyot, Theodore W.>  
**Sent:** 5/8/2003 9:26:59 AM  
**Subject:** Newsday article

## **GOP Shifts Tactics on Judges**

### **Weighs lawsuit, rule change to break nominee stalemate**

By Anne Q. Hoy

WASHINGTON BUREAU

May 8, 2003

Washington - Frustrated by Democratic filibusters of two of President George W. Bush's judicial nominees, Senate Republicans are considering a major shift in tactics that some Democrats contend would only inflame partisan tensions over the stalemate.

Republicans are contemplating going to the Supreme Court to test the constitutionality of using a supermajority threshold of 60 votes to block judicial nominees from a final vote that would carry with a simple majority.

The legal route is being studied by Republican Sens. Saxby Chambliss of Georgia and Lindsey Graham of South Carolina, though neither has yet decided whether to file a lawsuit.

**Other Republicans have floated a plan to try to change a Senate rule that requires 60 votes to end a filibuster before a troubled nomination can get a final vote, something that requires only a simple majority to prevail.**

Senate Majority Leader Bill Frist (R-Tenn.) said yesterday he still prefers "an up or down vote" and is not advocating either proposal.

Democrats are blocking two appeals court nominations from final votes: Washington attorney Miguel Estrada for a seat on the U.S. Court of Appeals for the District of Columbia and Texas Supreme Court Justice Priscilla Owen for the U.S. Circuit Court of Appeals on the Fifth Circuit based in New Orleans. They are prepared to block others they find extreme.

Republicans contend that the two nominees are mainstream and that Republicans have the votes to confirm them. Judiciary Committee Chairman Orrin Hatch (R-Utah) says Democrats are pursuing obstructionist tactics.

Democrats counter that the two nominees are far too conservative. Sen. Charles Schumer (D-N.Y.), a Judiciary Committee member, said that of the 123 judicial nominees Bush has proposed, the Senate has confirmed 121.

"If there was ever a view, 'We want everything,' it's shown by these temper tantrums," Schumer said.

Schumer has called on Bush to set up bipartisan nominating commissions in each state to select nominees, a proposal White House Counsel Alberto Gonzales dismissed as a transfer of Bush's constitutional powers "to a group of unelected and unaccountable private citizens."



The Judiciary Committee is expected today to send to the full Senate another controversial nominee: Carolyn Kuhl for the U.S. Court of Appeals for the 9th Circuit. Kuhl, a Los Angeles Superior Court judge, played a key role in supporting tax-exempt status for Bob Jones University during the Reagan administration. The university has since lost the tax status because of discriminatory practices.

---

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 5:30:01 AM  
**Subject:** : Re: what time will Mosman go today?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 09:30:01.00  
SUBJECT:: Re: what time will Mosman go today?  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

working on it

Brett M. Kavanaugh  
05/08/2003 09:28:55 AM  
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP  
cc:  
Subject: what time will Mosman go today?

---

**From:** CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 5:31:08 AM  
**Subject:** : Re: NYT

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 09:31:08.00  
SUBJECT:: Re: NYT  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I need it for a precedent for a TV appearance by Mrs. Bush. Judge wanted to see what we had done previously on the waiver. Probably not essential but it would be nice. How difficult is it to retrieve something?

Brett M. Kavanaugh  
05/08/2003 09:15:24 AM  
Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: NYT

I am confident this is long since archived. Is there a precise issue?

Jennifer G. Newstead  
05/08/2003 08:58:02 AM  
Record Type: Record

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

Did you happen to work on an editorial by the President that appeared in the NYT? The judge says there was a waiver which he negotiated in connection with it and I'm trying to track it down. thanks

---

**From:** CN=Theodore W. Ulliot/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 5:33:25 AM  
**Subject:** : Rose Garden event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 09:33:25.00  
SUBJECT:: Rose Garden event  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Others in the counsel's office have been asking -- when is it (I said I believe 1030 am tomorrow), and are we correct to assume that there will be space for Assoc Counsels to attend?

---

**From:** CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 5:34:47 AM  
**Subject:** : bio

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 09:34:47.00  
SUBJECT:: bio  
TO: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Do you have a more extensive bio than this for the Judge?

Prior to his service in the White House, Al Gonzales sat on the Supreme Court of Texas. From 1997 to 1999, he served as the 100th Secretary of State of Texas. In addition, Judge Gonzales served as General Counsel to Governor Bush for three years and was a partner with the law firm of Vinson & Elkins in Houston, Texas. He is a graduate of Rice University and Harvard Law School. Judge Gonzales attended the U.S. Air Force Academy and is a veteran of the U.S. Air Force.

This is fine, but if you have more, I'll use it.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/8/2003 5:34:26 AM  
**Subject:** : Rose Garden event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 09:34:26.00  
SUBJECT:: Rose Garden event  
TO: Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

can you make sure to send the email.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/08/2003 09:33 AM -----

Theodore W. Ulliot  
05/08/2003 09:32:51 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Rose Garden event

Others in the counsel's office have been asking -- when is it (I said I believe 1030 am tomorrow), and are we correct to assume that there will be space for Assoc Counsels to attend?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Theodore W. Ulliot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliot>  
**Sent:** 5/8/2003 5:35:15 AM  
**Subject:** : Re: Rose Garden event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 09:35:15.00  
SUBJECT:: Re: Rose Garden event  
TO:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

yes, Carrie was to send an email to everyone yesterday, but I reminded her again just now. We stand usually unless needed to fill seats.

Theodore W. Ulliot  
05/08/2003 09:32:51 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Rose Garden event

Others in the counsel's office have been asking -- when is it (I said I believe 1030 am tomorrow), and are we correct to assume that there will be space for Assoc Counsels to attend?

---

**From:** Powell, Benjamin A.  
**To:** <Daniel, James F.>  
**CC:** <Campen, Tim>;<Gambatesa, Linda M.>;<Litkenhaus, Colleen>;<Pelletier, Eric C.>;<O'Donnell, Claire M.>;<Addington, David S.>;<Dilworth, Monique L.>;<Gelfer, Elizabeth>;<Greenstone, Adam F.>;<Kavanaugh, Brett M.>;<Ulyot, Theodore W.>;<Newstead, Jennifer G.>;<McNally, Edward>  
**Sent:** 5/8/2003 9:43:50 AM  
**Subject:** Re: FW: Congressional Questions for the Record  
**Attachments:** FY04\_EOP\_Subcommittee QFRs.doc

Jennifer Newstead is the POC for OA issues in WH Counsel's Office (and the POC for coordinating on these answers). However, others in WHCO have responsibility for certain issues raised by these questions and I have cc'd them on this email.

Ed McNally handles HSC (there are many questions on HSC)

Brett Kavanaugh handles political travel issues (a series of questions in this area)

Ted Ulyot handles detail/assignee issues (a few questions I noticed in scanning the list)

-One comment: The ranking member questions repeatedly ask about EOP "agencies". Please do not respond using the term "agency". I suggest using "entity" or "office".

From: James F. Daniel/OA/EOP@Exchange on 05/08/2003 08:30:16 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Monique L. Dilworth/OA/EOP@EOP, Elizabeth Gelfer/OA/EOP@EOP, Adam F. Greenstone/OA/EOP@Exchange

Subject: FW: Congressional Questions for the Record

Attached for your review are the questions we received from the Congress... we have assigned the questions to the appropriate EOP staff and are in the process of issuing specific questions to specific staff members. Given the short suspense, we plan to forward the answers to you for review and approval as we receive the answers then coordinate the final consolidated package for approval. thanks

-----Original Message-----

**From:** Dilworth, Monique L.

**Sent:** Thursday, May 08, 2003 7:40 AM

**To:** Daniel, James F.

**Subject:** Congressional Questions for the Record

REV\_00117375



*Below is the note I plan to send to all personnel that are assigned questions.*

Yesterday, we received 169 Congressional Questions for the Record on the EOP FY 2004 Budget Request. The answers are due to Congress on May 23rd. So that we are able to obtain all required clearances in a timely manner, **we ask that you provide draft responses to the questions assigned to you no later than COB Wednesday, May 14th.**

The questions assigned to you are listed below. Please answer the questions completely, consisely and accurately. Be able to produce all supporting documentation since Congress will often ask follow up questions based on our responses. Several questions refer to last year's (FY 2003) hearing record. I will provide those references in a separate email shortly. **It is important that you do not share the questions or answers with anyone or any organization outside of the EOP.**

Send your responses directly to me with a copy to Jim Daniel. As always, contact me if you need any clarification.

<>

Monique Dilworth

5-7638

Message Sent To: \_\_\_\_\_

Tim Campen/OA/EOP@Exchange

Linda M. Gambatesa/WHO/EOP@Exchange

Colleen Litkenhaus/WHO/EOP@Exchange

Eric C. Pelletier/WHO/EOP@Exchange

Benjamin A. Powell/WHO/EOP@EOP

Claire M. O'Donnell/OVP/EOP@EOP

David S. Addington/OVP/EOP@EOP

Questions for the Record  
Ranking Member, John Olver  
Hearing on the Executive Office of the President  
April 30, 2003

**Account Consolidation and Transfer Proposals (POC – Al Muhlbauer/Jim Daniel)**

When we centralized the funds within the Office of Administration, Congress intended that each agency would continue to receive a similar share of support and assistance under the consolidation.

Question 83: Are any agencies going to receive diminished services or resources under the consolidation?

Question 84: Are any agencies to receive extra services above and beyond the amount of funds they contributed as part of the consolidation?

Question 85: Under the procurement consolidation pilot approved in the FY03 Omnibus, are IT or database services for any EOP agency going to be paid for by funds contributed by other EOP agencies?

Question 86: In general, are the funds appropriated for this centralized procurement program going to be used to supplement the appropriation made to individual agencies?

Question 87: If so, which agencies will benefit and which agencies will receive less than their share of contributions?

Question 88: You recently submitted a very cursory report on the procurement pilot. When will you provide us with specific details on the progress of the pilot program?

Your budget also proposes a change that would permit EOP agencies to transfer up to 10% into our out any agency's budget. Coupled with your account consolidation proposal, that would allow you to transfer in up to \$18 million more into (or out of) the White House's budget.

Question 89: Under the procurement consolidation program that we approved in the FY03 bill, don't you have a similar type of flexibility already? What other flexibility is needed?

Question 90: What protection is there for smaller EOP agencies under this proposal? Don't they stand to lose critical resources if the White House or Vice President's Office decide to take 10% of their resources?

**Office of Homeland Security Questions (POC – Paul Ehrhardt)**

We recently received a reprogramming request to transfer \$2m of the funds provided to the Office of Homeland Security to the Remote Delivery Site cleanup efforts. The source of these funds would come from the Office of Homeland Security.

The Office of Homeland Security has gone from an initial \$25m stated need when the initial FY03 bills passed the House and Senate to \$11m when the FY03 Omnibus was passed to what will be \$9m if the reprogramming is approved.

Question 91: What exactly does the Office of Homeland Security do now that the Department of Homeland Security is in place?

Question 92: Does OHS still have a presence at Nebraska Avenue?

Question 93: Does the Office of Administration provide any support to agencies at Nebraska Avenue? If so, please describe the specific types of support provided. Is this support on a reimbursable basis?

Question 94: How many personnel and detailees now work for OHS?

Question 95: What is the actual operational budget need for OHS in FY03?

Question 96: For the record, please provide us a breakout by object class of the Office of Homeland Security's FY03 remaining budget.

Question 97: Any likelihood that these estimates will be revised downward again?

Question 98: I understand that the President named General Gordon as his new Homeland Security Adviser. Does he support the latest \$2 million cut to his office's resources?

Question 99: Have you validated the FY04 request recently to ensure it is an accurate figure?

**Budget Questions:**

After the FY03 enacted levels are adjusted to reflect the transfer of \$9 million to the Office of Homeland Security, the Executive Office of the President's FY04 budget request reflects an 8% increase over FY03 levels. Your agency, the Office of Administration requests a 10% increase between FY03 and FY04.

When the budget was introduced, Mitch Daniels said that the overall growth of Federal programs would be pegged to the expected 4% growth in inflation. The administration

also said the President wanted to “match government’s growth with the growth of American family income.”

Question 100: When the rest of the government is forced to live with 4% growth, how can you justify an almost 10% increase in your office and an overall Executive Office of the President increase of 8%? **(POC – Chuck Sigman)**

The White House Office’s increase of 3.6% looks smaller because of a realignment of \$1.85m in rent to the Office of Administration’s account. Without the realignment, the White House Office’s increase would be around 6.6%. **(POC – Eric Lanman)**

Question 101: What is the justification for this realignment? **(POC – Eric Lanman)**

Question 102: How could the White House have been paying the bill for space that wasn’t theirs? **(POC – Eric Lanman)**

Question 103: Which EOP agencies occupied this space on which the White House Office has been paying rent? **(POC – Eric Lanman)**

Question 104: Are these costs that had historically been paid by the White House Office? **(POC – Eric Lanman)**

Question 105: If so, why make the change this year? **(POC – Eric Lanman)**

#### **Travel**

The White House Office’s request includes a decrease of \$400,000 in Presidential Travel. **(POC – Eric Lanman)**

Question 106: Was the FY03 estimate too high? **(POC – Eric Lanman)**

Question 107: If so, how do you intend to use the surplus funds? **(POC – Eric Lanman)**

Question 108: Are you planning less travel in FY04 or will more of the travel just be paid for by political entities? **(POC – Eric Lanman)**

Question 109: Please provide a list of all White House Office, Office of Homeland Security and Office of Vice President official staff travel for FY02 and FY03 (to date). Include a brief description of the official purpose of the trip. For FY04 estimates, provide estimated number of trips and trip purpose. **(POC – Rothley Howard)**

Question 110: Please provide a list of all Presidential, First Lady and Vice Presidential travel for FY02 and FY03 (to date). For each trip, please provide the trip date, destination, designation (i.e., political, official), number of official EOP staff supporting the Principal and, the official cost of the trip. **(POC – Rothley Howard)**

Question 111: How much did OMB reimburse the White House Office for use of White House motorpool vehicles in FY02? How much is OMB projecting to reimburse in FY03 and FY04? **(POC – Brian Gillis)**

In the hearing, Mr. Daniel mentioned that the FY03 vehicle lease and IT support contracts came in significantly below the original budget estimates.

Question 112: Do you intend to return the unused funds to the Treasury at the end of the fiscal year? **(POC – Chuck Sigman)**

Question 113: For these areas in which savings were realized, what are your plans for the funds? **(POC – Chuck Sigman)**

**Political Travel (POC – Andy Kalnins)**

Question 114: Please explain the reimbursement procedures the White House intends to follow during the Presidential election season.

Question 115: Exactly when will the presidential-campaign procedures take effect?

Question 116: How do you determine who the official travelers are on a campaign or political trip? Does the list of positions vary from trip to trip?

Question 117: On trips with political and official components, what is the procedure for determining which events are paid for using official funds and which events are reimbursed by the political entity?

Question 118: If the President gives virtually the same speech at a political event that he gave at an official event in that same city, what criteria is used to determine whether an event is “political” or “official”?

Question 119: If the President gives virtually the same speech at a political event that he gave at an official event in that same city, does the political entity reimburse the White House for the Speechwriters time?

Question 120: Have events been classified as “official” even if only members of the President’s political party are invited to share the stage with the President?

Question 121: If so, what justification is used to argue that these events were not political events?

Question 122: Please provide information about reimbursement to the White House Office or other government agencies associated with local staff travel to political events attended by the President in FY02 or FY03. For each reimbursement made, please provide the date the bill was generated, the number of events reflected on the bill, the

date payment was received, the political entity paying the charges and the total amount paid on each bill.

**Photographic Services (POC – Eric Lanman)**

Question 123: For FY02, FY03 and FY04, what was (or is projected to be) the total cost of photographic equipment purchased for use by the White House photographers?

Question 124: For FY02, FY03 and FY04, what was (or is projected to be) the total cost of photo lab equipment purchased for use by the WHCA photo lab?

Question 125: For FY02, FY03 and FY04, what was (or is projected to be) the total travel cost associated with travel of White House Photographers?

Question 126: For FY02, FY03 and FY04, what was (or is projected to be) the total rent cost associated with the WHCA photo lab?

Question 127: Please explain the procedures for determining when and how the government is to be reimbursed for photos released for non-official purposes. If these procedures have changed from those followed by the previous administration, please explain any changes that have been made.

Question 128: For FY02 and the first seven months of FY03, please provide the following information about each payment made to the White House, OA, WHCA, DISA (or other DoD organization) to reimburse for the release of photos or photo lab services that were provided:

- date reimbursement was made
- name of reimbursing organization
- amount of payment
- number of photos purchased by reimbursing organization
- size of photos purchased by reimbursing organization

**Remote Delivery Site Reprogramming Request (POC – Paul Ehrhardt)**

We recently received a reprogramming request to transfer \$2m of the funds provided to the Office of Homeland Security to the Remote Delivery Site cleanup efforts.

Question 129: What is the status of remediation efforts?

Question 130: Please provide the total budget estimate for this project.

Question 131: Please provide the anticipated schedule for this effort.

Question 132: What caused this \$2 million overrun?

Question 133: Why have you stopped providing the monthly reports on the remediation efforts?

Previously the Remote Delivery Site was used to screen incoming mail. It also used to serve as an off-site supply depot. With the Department of Homeland Security now assuming the mail processing function and with supply operations now established on the White House Complex, I'm curious about future plans for the RDS.

Question 134: What will the facility be used for when remediation is finished?

Question 135: Will the DHS use the facility to screen the White House's mail?

Question 136: Will you close the on-site supply stores and revert back to running the supply operation out of the Remote Delivery Site?

#### **White House Access (POC – Eric Pelletier)**

Question 137: For the record, please provide the total number of visitors who passed through the White House as part of tours in 2000, 2001, 2002 and 2003 (to date).

Question 138: Why are White House tours currently not open to the general public?

Question 139: What is the status of the report on the status of White House Tours that was due to the Subcommittee by March 22<sup>nd</sup>?

Question 140: Who has the lead on the efforts to decide whether public tours can be resumed?

Question 141: Does the USSS do a background check on all individuals attending events and meetings at the White House Complex before access can be granted?

Question 142: During this administration, have White House aides ever overruled a building-access recommendation made by the USSS?

#### **Off-site EOP Support (POC – Eric Pelletier)**

Question 143: How many EOP employees are based in Crawford, TX?

Question 144: How much space does the EOP pay rent for in Crawford, TX?

Question 145: How many trailers were acquired for Crawford, TX?

Question 146: What was the cost to purchase and renovate these trailers?

Question 147: What are the expected FY04 operating costs of facilities and staff permanently deployed to Crawford, TX?

**Rent (POC – Steve Beattie)**

Question 148: Please provide an accounting of all space on which the EOP currently pays rent. The list should include the number of staff in each building, the agencies which occupy space in each facility, the total square footage by agency in each facility, the total square footage of vacant space on which the EOP is currently paying rent in each facility and the GSA rent rates for each facility.

Question 149: Under the procurement consolidation pilot that was approved in the FY03 Omnibus, is the rent for any EOP agency going to be paid out of funds contributed by other EOP agencies?

Question 150: Under the procurement consolidation pilot that was approved in the FY03 Omnibus, are after hours utilities charges for any EOP agency going to be paid out of funds contributed by other EOP agencies?

**Travel Office (POC – Mayra Segovia)**

Question 151: Please describe the current role the White House Travel Office plays in managing and arranging the financial aspects of White House Press Corps travel. Does the White House Travel Office operate as a “dollar-for-dollar” operation?

Question 152: How many EOP staff work in the White House Travel Office?

Question 153: How many contractor travel agents support the White House Travel Office?

Question 154: Please include the most recent independent financial statement audit of the White House Travel Office’s accounts for the record.

Question 155: Please explain the formula you use to determine the rate of reimbursement for Press Corps travelers on the Press Charter?

Question 156: Please explain the formula you use to determine the rate of reimbursement for Press Pool travelers on Air Force One?

Question 157: Please explain the formula used to identify the reimbursement rate that the Travel Office billed Press Corps travelers accompanying the President’s travel to the USS Abraham Lincoln. In your response, please include the actual rate billed to individual press corps travelers on this trip.



## **Bonuses**

Question 158: Why did this administration reinstate the payments of bonuses to political appointees? **(POC – Eric Pelletier)**

Question 159: Have any EOP political staff been given bonuses since the policy was reinstated in March of 2002? **(POC – Jon Laurich)**

Question 160: Have any EOP political staff been given pay increases for a single pay period in FY02 or FY03 (to date) that would have the same effect as a bonus? **(POC – Jon Laurich)**

## **Eisenhower Executive Office Building**

Question 161: Since 1/20/01, have any non-Federal funds been used for renovations and/or furnishings in the GSA facilities occupied by the Executive Office of the President? [this question does not apply to the White House residence.] **(POC – Eric Pelletier)**

Question 162: Which Federal agency (i.e., GSA, OA/Facilities) coordinated the work that was paid for using non-Federal funds? **(POC – Eric Pelletier)**

Question 163: For the record, please provide the sources and amounts of the non-Federal funds used for renovations and/or furnishings? **(POC – Eric Pelletier)**

Question 164: For the record, please also provide a description of each project for which non-Federal funds were provided. **(POC – Eric Pelletier)**

Question 165: Why were non-Federal funds used to renovate and/or furnish these GSA facilities? **(POC – Eric Pelletier)**

Question 166: Which agency's gift authority was used to accept the contribution of non-Federal funds for renovations and/or furnishings?

Question 167: Please provide a list of all EOP and EOP-support-related agencies that occupied space in the Eisenhower Executive Office Building on 1/20/01 that have since been relocated to locations outside the EEOB. For each agency that relocated, please identify the agency that paid the move-related costs. **(POC – Steve Beattie)**

Question 168: What is the status of the vacant space on the 17<sup>th</sup> Street side of the Eisenhower Executive Office Building? **(POC – Steve Beattie)**

**EOP Staffing Levels:**

Question 169: By EOP agency, provide FTE and OGE. Itemize OGE by category (e.g. reimbursable detailee, PSC, etc). Include FY 2002 (actual) and FY03-FY04 (estimates). Please provide a list of the “historically provided” White House Office positions, the office to which these positions are assigned and the agency that pays the salary for each of these positions. **(POC – Jon Laurich)**

Questions for the Record  
Chairman Ernest J. Istook, Jr.  
Hearing on the Executive Office of the President  
April 30, 2003

**Unobligated Balances (POC - Veronica Kitchen)**

Question 1: Please provide a listing of all unobligated balances, by fiscal year, appropriation and PPA, for all accounts within the Executive Office of the President. Please also show the original appropriation levels for these accounts.

**Consolidation of Accounts (POC- Al Muhlbauer)**

Question 2: Sections 105 and 106 of title 3 U. S. Code describe expenses that may be accounted for solely on the certificate of the President and Vice President, respectively. Most of these expenses correspond to particular accounts. The Comptroller General may inspect documents related to these expenditures, but solely to verify that the expenditures were made for allowed purposes. When we asked last year how certified expenses would be identified for audit within a consolidated appropriation, the response was that the certification requirements would continue to be observed (p. 41). This does not answer the question of how the account structure will be maintained to provide an identifiable and auditable crosswalk between title 3-certifiable expenses and other expenses within the consolidated appropriation.

Question 3: Please provide a listing of all appropriations language enacted in Public Law 108-7 which would be dropped in the proposed account consolidation, and provide a brief explanation of why that language is not necessary.

**The White House (Consolidated Account) (POC – Chuck Sigman)**

Question 4: You are requesting \$12,302,000 for object class 23.3 (communications, utilities, and miscellaneous services) in FY 2004. This is a large increase over the estimated \$7,010,000 for FY 2003. What accounts for the increase?

**Rental Pricing (POC – Chuck Sigman)**

Question 5: The FY 2004 justifications state that, over the past year, EOP, GSA, and OMB have undertaken an assessment of space rental costs for all EOP entities. The result of this analysis is that the FY 2004 request includes additional funding to accommodate an “EOP average” rental rate. Please provide details of how this analysis was conducted, and specify the estimated rental rates for the various EOP entities, as determined by this analysis.

**EOP Staffing (POC – Jon Laurich)**

Question 6: By EOP office, please provide FTE and OGE, similar in format to the tables found on pages 111 and 112 of last year's hearing record. Please provide data for FY 2002 through 2004.

**OA Staffing (POC – Jon Laurich)**

Question 7: By OA office, please provide FTE and OGE, similar in format to the tables found on page 113 of last year's hearing record. Please provide data for FY 2002 through 2004.

**OMB Staffing (POC – Jon Laurich/Brian Gillis)**

Question 8: By OMB office, please provide FTE and OGE, similar in format to the tables found on page 114 of last year's hearing record. Please provide data for FY 2002 through 2004.

**Office of Homeland Security (POC – Paul Ehrhardt)**

Question 9: Your FY 2004 budget requests \$8,331,000 for the Office of Homeland Security. Please provide an object class breakdown of those costs and compare them to FY 2003 estimated levels.

Question 10: In particular, how much are you requesting in FY 2004 for professional contracts, and how does that compare to the estimated FY 2003 level?

Question 11: How many FTE and FTP are you requesting for this office in FY 2004, and how do these figures compare to current FY 2003 estimates and actuals for FY 2002?

Question 12: How many positions in the office are filled today, and how many are vacant?

Question 13: Please provide a table comparing the number of detailees to OHS, by federal agency, for each of the fiscal years 2002 through 2004 (estimated).

Question 14: How many detailees are on board today?

Question 15: Please provide a list of all positions in OHS, showing the incumbent's name, rate of annual salary, and position title. Please annotate any positions which are currently vacant.

Question 16: Please update the OHS organizational chart found on page 50 of last year's hearing record.

Question 17: Please update the information shown on pages 44 through 47 of last year's hearing record concerning Office of Homeland Security travel. In addition to the information provided last year, please provide a brief descriptor of the travel purpose.

Question 18: Currently, OHS costs are included in both the WHO and OA appropriations. Is that also the case in the FY 2004 request? If so, please provide a table, by appropriation, showing total OHS budgeted costs, for each of the fiscal years 2002 through 2004.

Question 19: Last year, it was stated that one MOU existed between OHS and other EOP entities (p. 51). Please provide a copy of the MOU between MOU and the Office of Science and Technology Policy.

Question 20: Have any other MOUs been signed since that time?

Question 21: At this time last year, OHS planned to establish a coordination center which would function 24 hours a day, 7 days a week; a communications room; and two incident management rooms. At the same time, the Administration made clear that the role of OHS was to establish and coordinate policy, and not to conduct operational activities. With the establishment of the Department of Homeland Security, have these specific activities been descoped or eliminated?

Question 22: How many positions support these activities in the FY 2004 request, and what is the total budgeted amount?

Question 23: How are such activities appropriate for a policymaking body, when DHS now exists to coordinate and execute operational activities related to specific homeland security incidents and activities?

Question 24: At the time of last year's hearing, the permanent location and amount of space for the President's Critical Infrastructure Protection Board had not been determined (p. 77). Have these requirements been determined today?

Question 25: Likewise, total CIPB staffing had not been determined. Do you have an estimate today? What staffing assumptions were made in the FY 2004 budget submission?

Question 26: How much funding is included in the FY 2004 request for CIPB, and how does that compare to the current estimate for FY 2003?

Question 27: Please provide a breakdown showing how those funds would be used.

Question 28: Please provide details on any government-industry partnerships that have been created in support of cyber security initiatives coordinated by, or carried out, through EOP or the CIPB.

**National Security Council (POC – Katherine Fertakis)**

Question 29: Your request includes a 10.8 percent increase to cover reimbursable detailee costs and additional support staff for the President's Foreign Intelligence Advisory Board. Please explain the need for these increases in detail.

Question 30: What are the dollar and percentage increases for each of the above items, compared to the FY 2003 estimated levels?

Question 31: The justifications indicate that 11 additional positions are being added to this office in FY 2003, raising the estimated from 60 in FY 2002 to an estimated 71 in FY 2003. What specific positions are being created?

Question 32: The FY 2004 request includes funds for a new GS-14 administrative manager for the PFIAB. Why is this new position needed at this time?

**Office of National Drug Control Policy (POC – Michelle Marx)**

Question 33: You are requesting 10 additional FTE in FY 2004 to replace 10 non-reimbursable detailees who are no longer available. Why are these positions no longer available, and what are the specific positions?

**Renovation of the Eisenhower Executive Office Building (POC – Steve Beattie)**

Question 34: What is the status of funding provided in FY 2002 and 2003? Please provide a breakdown of funding by the type of activity or renovation performed.

Question 35: How much remains unobligated, by appropriation?

Question 36: Please provide a detailed breakdown showing how funds requested in the GSA budget for FY 2004 would be used.

Question 37: Please provide a detailed schedule for activities planned in FY 2004.

Question 38: How much are you currently paying GSA for the unoccupied space along the 17<sup>th</sup> Street side of EEOB, and how much rental cost are you incurring for the new locations where relocated employees are working?

**Executive Residence (POC – Worthington White)**

Question 39: Please provide a table, corresponding to the projects on page 81 of last year's hearing record, showing the original appropriation for each project, the amount obligated to date, and the project status. This involves projects funded in fiscal year 2002.

Question 40: Please provide a listing of the 95 FTE positions at the Executive Residence requested for funding in FY 2004, showing the position title and the annual salary level.

Question 41: The justifications (p. 67) indicate an estimated unobligated balance of \$7,023,000 in this appropriation at the beginning of FY 2003. Please explain the sources of this balance, and provide a schedule for obligation of increments of those funds.

**White House Repair and Restoration (POC – Dennis Freemyer)**

Question 42: You are requesting \$4.225,000 for repairs and restoration of the White House. Is there additional funding in the National Park Service budget or elsewhere in the President's budget request for FY 2004 for similar activities at the White House?

Question 43: Of this request, \$3,500,000 is for restoration of the east and west wing exterior. Please provide a detailed discussion and breakdown of this request.

**Pennsylvania Avenue Improvements (POC – Steve Beattie)**

Question 44: What is the total estimated cost of security and street improvements on Pennsylvania Avenue in front of the White House, for which funds were provided in FY 2003?

Question 45: What is the status of that project? When will FY 2003 funds be obligated?

Question 46: How much funding is requested for this project in FY 2004, and where is it located in the budget?

Question 47: What is the schedule for studies of traffic congestion mitigation alternatives in the vicinity of the White House, as funded in FY 2003?

**Remote Data Center (POC – Carlos Solari)**

Question 48: What is the status of establishment today of the remote data center?

Question 49: Last year, you estimated annual operating costs of this facility to be \$7,500,000 (p. 88). Is that your current estimate?

Question 50: Your FY 2004 request includes \$8,403,000 to transition the remote data center to full operational status (p. 75). What specific activities are required in FY 2004 to accomplish this? Can you provide a breakdown of the FY 2004 request consistent with these activities?

**President's Travel (POC - Rothley Howard)**

Question 51: Please update the information on pages 89 through 94 of last year's hearing record concerning travel by the President and the First Lady by continuing data from the final entry of last year's record to the present time.

**Presidential Staff Travel (POC – Rothley Howard)**

Question 52: Please provide a listing of staff travel not in support of the President for fiscal year 2002 and thus far in fiscal year 2003. For each entry, please include the name of traveler, the destination and purpose of trip, the number of days in travel status, and the trip cost.

**Consulting Services (POC – Kathleen O'Halloran)**

Question 53: Updating the information on page 115 of last year's hearing record, please provide actual and estimated amounts for consulting services for fiscal years 2002 through 2004.

**Freedom Corps (POC – Eric Lanman)**

Question 54: Please provide EOP budgeted funding for the Freedom Corps for fiscal years 2002 through 2004.

Question 55: Please provide a breakdown of the FY 2004 request for the Freedom Corps, and a brief description of the work to be accomplished under each item.

Question 56: Last year, funds were requested for Freedom Corps information dissemination and recognition materials (p. 239). Are similar activities funded in FY 2004? If so, how much?

Question 57: Are additional funds requested in FY 2004 outside the EOP?

Question 58: Please provide a listing of the staff in the USA Freedom Corps Office, showing the incumbent name and position. Please designate any detailees.

**Sensitive Compartmented Information Facilities (POC – Jeff Thompson)**

Question 59: Are any funds requested in any EOP office in the FY 2004 President's request for the construction of sensitive compartmented information facilities (SCIFs)?

Question 60: How many such facilities have been built within EOP offices since the terrorist attacks of September 11, 2001?



**Data Center Relocation (POC – Carlos Solari)**

Question 61: What is the status of efforts to relocate the existing EOP data center, and what are plans for the coming year?

Question 62: Are funds requested in the FY 2004 budget for this project?

**White House Communications Agency (POC – Eric Lanman)**

Question 63: Updating the information on page 133 of last year's hearing record, please provide estimated reimbursements for the White House Communications Agency for each of the fiscal years 2002 through 2004.

**Office of Administration (POC – Chuck Sigman)**

Question 64: Updating the information on page 134 of last year's hearing record, please provide a current organizational chart for the Office of Administration, including the associated numbers of FTEs requested for each office in the FY 2004 President's budget.

Question 65: Last year, it was estimated that 4 FTE were needed to provide administrative services to the Office of Homeland Security. Since that office is substantially smaller due to establishment of the DHS, is there a lesser requirement for OA support? If so, is that reflected in FY 2004 staffing figures?

Question 66: Your salary and expenses request includes a transfer of \$1,500 from Homeland Security for information technology services. What are these services?

Question 67: You are requesting additional funding for victim rescue units, which would be distributed to all White House staff (p. 82). What are these units, and what is the unit cost?

Question 68: How is the requirement for additional safes and emergency evacuation chairs documented?

**Financial Audits (POC – Al Muhlbauer)**

Question 69: Last year, you advised us that EOP would plan to address the findings of the recent auditability assessment no later than FY 2003. What is the status of that effort today?

Question 70: When will you be able to produce an auditable financial statement?

Question 71: Last year, you stated that you had identified best practices for documented policies and procedures based upon one federal agency which has been recognized as one of the best in the Federal Government (p. 136). Which agency are you using as a model, and what are some examples of the specific best practices you intend to use?

**White House Office (POC – Eric Lanman)**

Question 72: Please provide a breakdown of the FY 2004 budget request for the White House Office by office or activity, as itemized on pages 137 and 138 of last year's hearing record. Please compare those amounts to corresponding amounts for FY 2002 (actual) and FY 2003 (estimated), similar in format to that shown on pages 246 and 247 of last year's hearing record.

Question 73: Please provide a corresponding breakdown for FTE staffyears and OGE, similar in format to that shown on pages 152 through 154 of last year's hearing record.

**Historically Provided White House Office Positions (POC – Eric Lanman/Jon Laurich)**

Question 74: Updating the information on page 235 of last year's hearing record, please provide a listing of historically provided White House Office positions.

**Other Services (POC – Chuck Sigman)**

Question 75: Similar to the information on page 236 et seq. of last year's hearing record, please provide a detailed description of each project, program, or initiative proposed to be funded in FY 2004 under object class 25.2 ("other services").

**Salaries and Expenses (POC – Dilworth)**

Question 76: Please provide a detailed description of any expenses in the FY 2004 budget under "salaries and expenses" which are not directly related to personnel compensation and benefits.

**Security Guard Services for OSTP (POC – Chuck Sigman)**

Question 77: In FY 2003, you budgeted \$1,798,000 for security guard services for the Office of Science and Technology Policy. Are similar funds requested in FY 2004? If so, how much?

Question 78: Why aren't such funds in the OSTP budget?

**Political Appointees (POC – Jon Laurich)**

Question 79: Please update the information on political appointees within EOP as shown on page 268 of last year's hearing record, using the same criteria and assumptions as last year.

**Detailees (POC – Jon Laurich)**

Question 80: Please update the information on reimbursable and non-reimbursable detailees with EOP as shown on pages 268 and 269 of last year's hearing record.

**Office of the Vice President (POC – Kristen Savercool)**

Question 81: You are requesting an additional \$70,000 (+1.7 percent) for the Vice President's travel, due to increased travel to undisclosed locations after the terrorist attacks of September 11, 2001. Weren't these type of increases baselined in FY 2002 and FY 2003, and if so, why are further increases needed in FY 2004?

**Unanticipated Needs (POC – Eric Lanman)**

Question 82: Please provide a listing of the uses of Unanticipated Needs funds in FY 2002.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Estrada, Miguel A. <MEstrada@gibsondunn.com>  
**Sent:** 5/8/2003 5:44:15 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 09:44:15.00  
SUBJECT:: Re:  
TO: "Estrada, Miguel A." <MEstrada@gibsondunn.com> ( "Estrada, Miguel A."  
<MEstrada@gibsondunn.com> [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

well, that's not due to anything i have said to anyone. anyway, need to  
talk to you about one other idea.

"Estrada, Miguel A." <MEstrada@gibsondunn.com>  
05/08/2003 09:37:45 AM  
Record Type: Record

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

Don't razz me about. Why is it half the town thinks you are next at bat?

-----Original Message-----  
From: Brett\_M.\_Kavanaugh@who.eop.gov <Brett\_M.\_Kavanaugh@who.eop.gov>  
To: Estrada, Miguel A. <MEstrada@gibsondunn.com>;  
Brett\_M.\_Kavanaugh@who.eop.gov <Brett\_M.\_Kavanaugh@who.eop.gov>  
Sent: Wed May 07 23:47:29 2003  
Subject: Re:

Why is it that half of washington knows you want to get out soon. Not  
helpful  
for you or others if Ds find that out.

..

----- Original Message -----  
From: <MEstrada@gibsondunn.com>  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/07/2003 08:26:25 PM  
Subject: Re:

Yeah, yeah. I had a Fourth Circuit argument today. Judge Gregory was on  
my  
panel.

-----Original Message-----  
From: Brett\_M.\_Kavanaugh@who.eop.gov <Brett\_M.\_Kavanaugh@who.eop.gov>

To: Estrada, Miguel A. <MEstrada@gibsondunn.com>  
Sent: Wed May 07 18:54:57 2003

Lots of reporting on so-called "nuclear option" today.

=====  
===  
  
This message may contain confidential and privileged information. If it  
has  
been sent to you in error, please reply to advise the sender of the error  
and  
then immediately delete this message.  
=====  
===

=====  
===  
  
This message may contain confidential and privileged information. If it  
has been sent to you in error, please reply to advise the sender of the  
error and then immediately delete this message.  
=====  
===

---

**From:** CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ]  
**To:** James F. Daniel/OA/EOP@Exchange [ OA ] <James F. Daniel>  
**CC:** Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; elizabeth gelfer/oa/eop@eop [ OA ] <elizabeth gelfer>; david s. addington/ovp/eop@eop [ OVP ] <david s. addington>; eric c. pelletier/who/eop@exchange [ WHO ] <eric c. pelletier>; linda m. gambatesa/who/eop@exchange [ WHO ] <linda m. gambatesa>; Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; adam f. greenstone/oa/eop@exchange [ OA ] <adam f. greenstone>; monique l. dilworth/oa/eop@eop [ OA ] <monique l. dilworth>; claire m. o'donnell/ovp/eop@eop [ OVP ] <claire m. o'donnell>; colleen litkenhaus/who/eop@exchange [ WHO ] <colleen litkenhaus>; tim campen/oa/eop@exchange [ UNKNOWN ] <tim campen>  
**Sent:** 5/8/2003 5:44:25 AM  
**Subject:** : Re: FW: Congressional Questions for the Record  
**Attachments:** F\_S599G003\_OA.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: FEDERAL (NOTES MAIL)  
CREATOR: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 09:44:25.00  
SUBJECT:: Re: FW: Congressional Questions for the Record  
TO: James F. Daniel ( CN=James F. Daniel/OU=OA/O=EOP@Exchange [ OA ] )  
READ: UNKNOWN  
CC: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
CC: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
CC: elizabeth gelfer ( CN=elizabeth gelfer/OU=oa/O=eop@eop [ OA ] )  
READ: UNKNOWN  
CC: david s. addington ( CN=david s. addington/OU=ovp/O=eop@eop [ OVP ] )  
READ: UNKNOWN  
CC: eric c. pelletier ( CN=eric c. pelletier/OU=who/O=eop@exchange [ WHO ] )  
READ: UNKNOWN  
CC: linda m. gambatesa ( CN=linda m. gambatesa/OU=who/O=eop@exchange [ WHO ] )  
READ: UNKNOWN  
CC: Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
CC: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
CC: adam f. greenstone ( CN=adam f. greenstone/OU=oa/O=eop@exchange [ OA ] )  
READ: UNKNOWN  
CC: monique l. dilworth ( CN=monique l. dilworth/OU=oa/O=eop@eop [ OA ] )  
READ: UNKNOWN  
CC: claire m. o'donnell ( CN=claire m. o'donnell/OU=ovp/O=eop@eop [ OVP ] )  
READ: UNKNOWN  
CC: colleen litkenhaus ( CN=colleen litkenhaus/OU=who/O=eop@exchange [ WHO ] )  
READ: UNKNOWN  
CC: tim campen ( CN=tim campen/OU=oa/O=eop@exchange [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Jennifer Newstead is the POC for OA issues in WH Counsel's Office (and the POC for coordinating on these answers). However, others in WHCO have responsibility for certain issues raised by these questions and I have cc'd them on this email.

Ed McNally handles HSC (there are many questions on HSC)

Brett Kavanaugh handles political travel issues (a series of questions in this area)

Ted Ulyot handles detail/assignee issues (a few questions I noticed in scanning the list)

-One comment: The ranking member questions repeatedly ask about EOP "agencies". Please do not respond using the term "agency". I suggest using "entity" or "office".

From: James F. Daniel/OA/EOP@Exchange on 05/08/2003 08:30:16 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Monique L. Dilworth/OA/EOP@EOP, Elizabeth Gelfer/OA/EOP@EOP,  
Adam F. Greenstone/OA/EOP@Exchange  
Subject: FW: Congressional Questions for the Record

Attached for your review are the questions we received from the Congress( we have assigned the questions to the appropriate EOP staff and are in the process of issuing specific questions to specific staff members. Given the short suspense, we plan to forward the answers to you for review and approval as we receive the answers then coordinate the final consolidated package for approval. thanks

-----Original Message-----

From: Dilworth, Monique L.  
Sent: Thursday, May 08, 2003 7:40 AM  
To: Daniel, James F.  
Subject: Congressional Questions for the Record

Below is the note I plan to send to all personnel that are assigned questions.

Yesterday, we received 169 Congressional Questions for the Record on the EOP FY 2004 Budget Request. The answers are due to Congress on May 23rd. So that we are able to obtain all required clearances in a timely manner, we ask that you provide draft responses to the questions assigned to you no later than COB Wednesday, May 14th.

The questions assigned to you are listed below. Please answer the questions completely, consisely and accurately. Be able to produce all supporting documentation since Congress will often ask follow up questions based on our responses. Several questions refer to last year's (FY 2003) hearing record. I will provide those references in a separate email shortly. It is important that you do not share the questions or answers with anyone or any organization outside of the EOP.

Send your responses directly to me with a copy to Jim Daniel. As always, contact me if you need any clarification.

Monique Dilworth  
5-7638

Message Sent

To:

---

Tim Campen/OA/EOP@Exchange  
Linda M. Gambatesa/WHO/EOP@Exchange  
Colleen Litkenhaus/WHO/EOP@Exchange  
Eric C. Pelletier/WHO/EOP@Exchange  
Benjamin A. Powell/WHO/EOP@EOP  
Claire M. O'Donnell/OVP/EOP@EOP  
David S. Addington/OVP/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <F\_S599G003\_OA.TXT\_1>



Questions for the Record  
Ranking Member, John Olver  
Hearing on the Executive Office of the President  
April 30, 2003

**Account Consolidation and Transfer Proposals (POC – Al Muhlbauer/Jim Daniel)**

When we centralized the funds within the Office of Administration, Congress intended that each agency would continue to receive a similar share of support and assistance under the consolidation.

Question 83: Are any agencies going to receive diminished services or resources under the consolidation?

Question 84: Are any agencies to receive extra services above and beyond the amount of funds they contributed as part of the consolidation?

Question 85: Under the procurement consolidation pilot approved in the FY03 Omnibus, are IT or database services for any EOP agency going to be paid for by funds contributed by other EOP agencies?

Question 86: In general, are the funds appropriated for this centralized procurement program going to be used to supplement the appropriation made to individual agencies?

Question 87: If so, which agencies will benefit and which agencies will receive less than their share of contributions?

Question 88: You recently submitted a very cursory report on the procurement pilot. When will you provide us with specific details on the progress of the pilot program?

Your budget also proposes a change that would permit EOP agencies to transfer up to 10% into our out any agency's budget. Coupled with your account consolidation proposal, that would allow you to transfer in up to \$18 million more into (or out of) the White House's budget.

Question 89: Under the procurement consolidation program that we approved in the FY03 bill, don't you have a similar type of flexibility already? What other flexibility is needed?

Question 90: What protection is there for smaller EOP agencies under this proposal? Don't they stand to lose critical resources if the White House or Vice President's Office decide to take 10% of their resources?

**Office of Homeland Security Questions (POC – Paul Ehrhardt)**

We recently received a reprogramming request to transfer \$2m of the funds provided to the Office of Homeland Security to the Remote Delivery Site cleanup efforts. The source of these funds would come from the Office of Homeland Security.

The Office of Homeland Security has gone from an initial \$25m stated need when the initial FY03 bills passed the House and Senate to \$11m when the FY03 Omnibus was passed to what will be \$9m if the reprogramming is approved.

Question 91: What exactly does the Office of Homeland Security do now that the Department of Homeland Security is in place?

Question 92: Does OHS still have a presence at Nebraska Avenue?

Question 93: Does the Office of Administration provide any support to agencies at Nebraska Avenue? If so, please describe the specific types of support provided. Is this support on a reimbursable basis?

Question 94: How many personnel and detailees now work for OHS?

Question 95: What is the actual operational budget need for OHS in FY03?

Question 96: For the record, please provide us a breakout by object class of the Office of Homeland Security's FY03 remaining budget.

Question 97: Any likelihood that these estimates will be revised downward again?

Question 98: I understand that the President named General Gordon as his new Homeland Security Adviser. Does he support the latest \$2 million cut to his office's resources?

Question 99: Have you validated the FY04 request recently to ensure it is an accurate figure?

**Budget Questions:**

After the FY03 enacted levels are adjusted to reflect the transfer of \$9 million to the Office of Homeland Security, the Executive Office of the President's FY04 budget request reflects an 8% increase over FY03 levels. Your agency, the Office of Administration requests a 10% increase between FY03 and FY04.

When the budget was introduced, Mitch Daniels said that the overall growth of Federal programs would be pegged to the expected 4% growth in inflation. The administration

also said the President wanted to “match government’s growth with the growth of American family income.”

Question 100: When the rest of the government is forced to live with 4% growth, how can you justify an almost 10% increase in your office and an overall Executive Office of the President increase of 8%? **(POC – Chuck Sigman)**

The White House Office’s increase of 3.6% looks smaller because of a realignment of \$1.85m in rent to the Office of Administration’s account. Without the realignment, the White House Office’s increase would be around 6.6%. **(POC – Eric Lanman)**

Question 101: What is the justification for this realignment? **(POC – Eric Lanman)**

Question 102: How could the White House have been paying the bill for space that wasn’t theirs? **(POC – Eric Lanman)**

Question 103: Which EOP agencies occupied this space on which the White House Office has been paying rent? **(POC – Eric Lanman)**

Question 104: Are these costs that had historically been paid by the White House Office? **(POC – Eric Lanman)**

Question 105: If so, why make the change this year? **(POC – Eric Lanman)**

#### **Travel**

The White House Office’s request includes a decrease of \$400,000 in Presidential Travel. **(POC – Eric Lanman)**

Question 106: Was the FY03 estimate too high? **(POC – Eric Lanman)**

Question 107: If so, how do you intend to use the surplus funds? **(POC – Eric Lanman)**

Question 108: Are you planning less travel in FY04 or will more of the travel just be paid for by political entities? **(POC – Eric Lanman)**

Question 109: Please provide a list of all White House Office, Office of Homeland Security and Office of Vice President official staff travel for FY02 and FY03 (to date). Include a brief description of the official purpose of the trip. For FY04 estimates, provide estimated number of trips and trip purpose. **(POC – Rothley Howard)**

Question 110: Please provide a list of all Presidential, First Lady and Vice Presidential travel for FY02 and FY03 (to date). For each trip, please provide the trip date, destination, designation (i.e., political, official), number of official EOP staff supporting the Principal and, the official cost of the trip. **(POC – Rothley Howard)**

Question 111: How much did OMB reimburse the White House Office for use of White House motorpool vehicles in FY02? How much is OMB projecting to reimburse in FY03 and FY04? **(POC – Brian Gillis)**

In the hearing, Mr. Daniel mentioned that the FY03 vehicle lease and IT support contracts came in significantly below the original budget estimates.

Question 112: Do you intend to return the unused funds to the Treasury at the end of the fiscal year? **(POC – Chuck Sigman)**

Question 113: For these areas in which savings were realized, what are your plans for the funds? **(POC – Chuck Sigman)**

**Political Travel (POC – Andy Kalnins)**

Question 114: Please explain the reimbursement procedures the White House intends to follow during the Presidential election season.

Question 115: Exactly when will the presidential-campaign procedures take effect?

Question 116: How do you determine who the official travelers are on a campaign or political trip? Does the list of positions vary from trip to trip?

Question 117: On trips with political and official components, what is the procedure for determining which events are paid for using official funds and which events are reimbursed by the political entity?

Question 118: If the President gives virtually the same speech at a political event that he gave at an official event in that same city, what criteria is used to determine whether an event is “political” or “official”?

Question 119: If the President gives virtually the same speech at a political event that he gave at an official event in that same city, does the political entity reimburse the White House for the Speechwriters time?

Question 120: Have events been classified as “official” even if only members of the President’s political party are invited to share the stage with the President?

Question 121: If so, what justification is used to argue that these events were not political events?

Question 122: Please provide information about reimbursement to the White House Office or other government agencies associated with local staff travel to political events attended by the President in FY02 or FY03. For each reimbursement made, please provide the date the bill was generated, the number of events reflected on the bill, the

date payment was received, the political entity paying the charges and the total amount paid on each bill.

**Photographic Services (POC – Eric Lanman)**

Question 123: For FY02, FY03 and FY04, what was (or is projected to be) the total cost of photographic equipment purchased for use by the White House photographers?

Question 124: For FY02, FY03 and FY04, what was (or is projected to be) the total cost of photo lab equipment purchased for use by the WHCA photo lab?

Question 125: For FY02, FY03 and FY04, what was (or is projected to be) the total travel cost associated with travel of White House Photographers?

Question 126: For FY02, FY03 and FY04, what was (or is projected to be) the total rent cost associated with the WHCA photo lab?

Question 127: Please explain the procedures for determining when and how the government is to be reimbursed for photos released for non-official purposes. If these procedures have changed from those followed by the previous administration, please explain any changes that have been made.

Question 128: For FY02 and the first seven months of FY03, please provide the following information about each payment made to the White House, OA, WHCA, DISA (or other DoD organization) to reimburse for the release of photos or photo lab services that were provided:

- date reimbursement was made
- name of reimbursing organization
- amount of payment
- number of photos purchased by reimbursing organization
- size of photos purchased by reimbursing organization

**Remote Delivery Site Reprogramming Request (POC – Paul Ehrhardt)**

We recently received a reprogramming request to transfer \$2m of the funds provided to the Office of Homeland Security to the Remote Delivery Site cleanup efforts.

Question 129: What is the status of remediation efforts?

Question 130: Please provide the total budget estimate for this project.

Question 131: Please provide the anticipated schedule for this effort.

Question 132: What caused this \$2 million overrun?

Question 133: Why have you stopped providing the monthly reports on the remediation efforts?

Previously the Remote Delivery Site was used to screen incoming mail. It also used to serve as an off-site supply depot. With the Department of Homeland Security now assuming the mail processing function and with supply operations now established on the White House Complex, I'm curious about future plans for the RDS.

Question 134: What will the facility be used for when remediation is finished?

Question 135: Will the DHS use the facility to screen the White House's mail?

Question 136: Will you close the on-site supply stores and revert back to running the supply operation out of the Remote Delivery Site?

#### **White House Access (POC – Eric Pelletier)**

Question 137: For the record, please provide the total number of visitors who passed through the White House as part of tours in 2000, 2001, 2002 and 2003 (to date).

Question 138: Why are White House tours currently not open to the general public?

Question 139: What is the status of the report on the status of White House Tours that was due to the Subcommittee by March 22<sup>nd</sup>?

Question 140: Who has the lead on the efforts to decide whether public tours can be resumed?

Question 141: Does the USSS do a background check on all individuals attending events and meetings at the White House Complex before access can be granted?

Question 142: During this administration, have White House aides ever overruled a building-access recommendation made by the USSS?

#### **Off-site EOP Support (POC – Eric Pelletier)**

Question 143: How many EOP employees are based in Crawford, TX?

Question 144: How much space does the EOP pay rent for in Crawford, TX?

Question 145: How many trailers were acquired for Crawford, TX?

Question 146: What was the cost to purchase and renovate these trailers?

Question 147: What are the expected FY04 operating costs of facilities and staff permanently deployed to Crawford, TX?

**Rent (POC – Steve Beattie)**

Question 148: Please provide an accounting of all space on which the EOP currently pays rent. The list should include the number of staff in each building, the agencies which occupy space in each facility, the total square footage by agency in each facility, the total square footage of vacant space on which the EOP is currently paying rent in each facility and the GSA rent rates for each facility.

Question 149: Under the procurement consolidation pilot that was approved in the FY03 Omnibus, is the rent for any EOP agency going to be paid out of funds contributed by other EOP agencies?

Question 150: Under the procurement consolidation pilot that was approved in the FY03 Omnibus, are after hours utilities charges for any EOP agency going to be paid out of funds contributed by other EOP agencies?

**Travel Office (POC – Mayra Segovia)**

Question 151: Please describe the current role the White House Travel Office plays in managing and arranging the financial aspects of White House Press Corps travel. Does the White House Travel Office operate as a “dollar-for-dollar” operation?

Question 152: How many EOP staff work in the White House Travel Office?

Question 153: How many contractor travel agents support the White House Travel Office?

Question 154: Please include the most recent independent financial statement audit of the White House Travel Office’s accounts for the record.

Question 155: Please explain the formula you use to determine the rate of reimbursement for Press Corps travelers on the Press Charter?

Question 156: Please explain the formula you use to determine the rate of reimbursement for Press Pool travelers on Air Force One?

Question 157: Please explain the formula used to identify the reimbursement rate that the Travel Office billed Press Corps travelers accompanying the President’s travel to the USS Abraham Lincoln. In your response, please include the actual rate billed to individual press corps travelers on this trip.

## **Bonuses**

Question 158: Why did this administration reinstate the payments of bonuses to political appointees? **(POC – Eric Pelletier)**

Question 159: Have any EOP political staff been given bonuses since the policy was reinstated in March of 2002? **(POC – Jon Laurich)**

Question 160: Have any EOP political staff been given pay increases for a single pay period in FY02 or FY03 (to date) that would have the same effect as a bonus? **(POC – Jon Laurich)**

## **Eisenhower Executive Office Building**

Question 161: Since 1/20/01, have any non-Federal funds been used for renovations and/or furnishings in the GSA facilities occupied by the Executive Office of the President? [this question does not apply to the White House residence.] **(POC – Eric Pelletier)**

Question 162: Which Federal agency (i.e., GSA, OA/Facilities) coordinated the work that was paid for using non-Federal funds? **(POC – Eric Pelletier)**

Question 163: For the record, please provide the sources and amounts of the non-Federal funds used for renovations and/or furnishings? **(POC – Eric Pelletier)**

Question 164: For the record, please also provide a description of each project for which non-Federal funds were provided. **(POC – Eric Pelletier)**

Question 165: Why were non-Federal funds used to renovate and/or furnish these GSA facilities? **(POC – Eric Pelletier)**

Question 166: Which agency's gift authority was used to accept the contribution of non-Federal funds for renovations and/or furnishings?

Question 167: Please provide a list of all EOP and EOP-support-related agencies that occupied space in the Eisenhower Executive Office Building on 1/20/01 that have since been relocated to locations outside the EEOB. For each agency that relocated, please identify the agency that paid the move-related costs. **(POC – Steve Beattie)**

Question 168: What is the status of the vacant space on the 17<sup>th</sup> Street side of the Eisenhower Executive Office Building? **(POC – Steve Beattie)**



**EOP Staffing Levels:**

Question 169: By EOP agency, provide FTE and OGE. Itemize OGE by category (e.g. reimbursable detailee, PSC, etc). Include FY 2002 (actual) and FY03-FY04 (estimates). Please provide a list of the “historically provided” White House Office positions, the office to which these positions are assigned and the agency that pays the salary for each of these positions. **(POC – Jon Laurich)**

Questions for the Record  
Chairman Ernest J. Istook, Jr.  
Hearing on the Executive Office of the President  
April 30, 2003

**Unobligated Balances (POC - Veronica Kitchen)**

Question 1: Please provide a listing of all unobligated balances, by fiscal year, appropriation and PPA, for all accounts within the Executive Office of the President. Please also show the original appropriation levels for these accounts.

**Consolidation of Accounts (POC- Al Muhlbauer)**

Question 2: Sections 105 and 106 of title 3 U. S. Code describe expenses that may be accounted for solely on the certificate of the President and Vice President, respectively. Most of these expenses correspond to particular accounts. The Comptroller General may inspect documents related to these expenditures, but solely to verify that the expenditures were made for allowed purposes. When we asked last year how certified expenses would be identified for audit within a consolidated appropriation, the response was that the certification requirements would continue to be observed (p. 41). This does not answer the question of how the account structure will be maintained to provide an identifiable and auditable crosswalk between title 3-certifiable expenses and other expenses within the consolidated appropriation.

Question 3: Please provide a listing of all appropriations language enacted in Public Law 108-7 which would be dropped in the proposed account consolidation, and provide a brief explanation of why that language is not necessary.

**The White House (Consolidated Account) (POC – Chuck Sigman)**

Question 4: You are requesting \$12,302,000 for object class 23.3 (communications, utilities, and miscellaneous services) in FY 2004. This is a large increase over the estimated \$7,010,000 for FY 2003. What accounts for the increase?

**Rental Pricing (POC – Chuck Sigman)**

Question 5: The FY 2004 justifications state that, over the past year, EOP, GSA, and OMB have undertaken an assessment of space rental costs for all EOP entities. The result of this analysis is that the FY 2004 request includes additional funding to accommodate an “EOP average” rental rate. Please provide details of how this analysis was conducted, and specify the estimated rental rates for the various EOP entities, as determined by this analysis.

**EOP Staffing (POC – Jon Laurich)**

Question 6: By EOP office, please provide FTE and OGE, similar in format to the tables found on pages 111 and 112 of last year's hearing record. Please provide data for FY 2002 through 2004.

**OA Staffing (POC – Jon Laurich)**

Question 7: By OA office, please provide FTE and OGE, similar in format to the tables found on page 113 of last year's hearing record. Please provide data for FY 2002 through 2004.

**OMB Staffing (POC – Jon Laurich/Brian Gillis)**

Question 8: By OMB office, please provide FTE and OGE, similar in format to the tables found on page 114 of last year's hearing record. Please provide data for FY 2002 through 2004.

**Office of Homeland Security (POC – Paul Ehrhardt)**

Question 9: Your FY 2004 budget requests \$8,331,000 for the Office of Homeland Security. Please provide an object class breakdown of those costs and compare them to FY 2003 estimated levels.

Question 10: In particular, how much are you requesting in FY 2004 for professional contracts, and how does that compare to the estimated FY 2003 level?

Question 11: How many FTE and FTP are you requesting for this office in FY 2004, and how do these figures compare to current FY 2003 estimates and actuals for FY 2002?

Question 12: How many positions in the office are filled today, and how many are vacant?

Question 13: Please provide a table comparing the number of detailees to OHS, by federal agency, for each of the fiscal years 2002 through 2004 (estimated).

Question 14: How many detailees are on board today?

Question 15: Please provide a list of all positions in OHS, showing the incumbent's name, rate of annual salary, and position title. Please annotate any positions which are currently vacant.

Question 16: Please update the OHS organizational chart found on page 50 of last year's hearing record.

Question 17: Please update the information shown on pages 44 through 47 of last year's hearing record concerning Office of Homeland Security travel. In addition to the information provided last year, please provide a brief descriptor of the travel purpose.

Question 18: Currently, OHS costs are included in both the WHO and OA appropriations. Is that also the case in the FY 2004 request? If so, please provide a table, by appropriation, showing total OHS budgeted costs, for each of the fiscal years 2002 through 2004.

Question 19: Last year, it was stated that one MOU existed between OHS and other EOP entities (p. 51). Please provide a copy of the MOU between MOU and the Office of Science and Technology Policy.

Question 20: Have any other MOUs been signed since that time?

Question 21: At this time last year, OHS planned to establish a coordination center which would function 24 hours a day, 7 days a week; a communications room; and two incident management rooms. At the same time, the Administration made clear that the role of OHS was to establish and coordinate policy, and not to conduct operational activities. With the establishment of the Department of Homeland Security, have these specific activities been descoped or eliminated?

Question 22: How many positions support these activities in the FY 2004 request, and what is the total budgeted amount?

Question 23: How are such activities appropriate for a policymaking body, when DHS now exists to coordinate and execute operational activities related to specific homeland security incidents and activities?

Question 24: At the time of last year's hearing, the permanent location and amount of space for the President's Critical Infrastructure Protection Board had not been determined (p. 77). Have these requirements been determined today?

Question 25: Likewise, total CIPB staffing had not been determined. Do you have an estimate today? What staffing assumptions were made in the FY 2004 budget submission?

Question 26: How much funding is included in the FY 2004 request for CIPB, and how does that compare to the current estimate for FY 2003?

Question 27: Please provide a breakdown showing how those funds would be used.

Question 28: Please provide details on any government-industry partnerships that have been created in support of cyber security initiatives coordinated by, or carried out, through EOP or the CIPB.

**National Security Council (POC – Katherine Fertakis)**

Question 29: Your request includes a 10.8 percent increase to cover reimbursable detailee costs and additional support staff for the President's Foreign Intelligence Advisory Board. Please explain the need for these increases in detail.

Question 30: What are the dollar and percentage increases for each of the above items, compared to the FY 2003 estimated levels?

Question 31: The justifications indicate that 11 additional positions are being added to this office in FY 2003, raising the estimated from 60 in FY 2002 to an estimated 71 in FY 2003. What specific positions are being created?

Question 32: The FY 2004 request includes funds for a new GS-14 administrative manager for the PFIAB. Why is this new position needed at this time?

**Office of National Drug Control Policy (POC – Michelle Marx)**

Question 33: You are requesting 10 additional FTE in FY 2004 to replace 10 non-reimbursable detailees who are no longer available. Why are these positions no longer available, and what are the specific positions?

**Renovation of the Eisenhower Executive Office Building (POC – Steve Beattie)**

Question 34: What is the status of funding provided in FY 2002 and 2003? Please provide a breakdown of funding by the type of activity or renovation performed.

Question 35: How much remains unobligated, by appropriation?

Question 36: Please provide a detailed breakdown showing how funds requested in the GSA budget for FY 2004 would be used.

Question 37: Please provide a detailed schedule for activities planned in FY 2004.

Question 38: How much are you currently paying GSA for the unoccupied space along the 17<sup>th</sup> Street side of EEOB, and how much rental cost are you incurring for the new locations where relocated employees are working?

**Executive Residence (POC – Worthington White)**

Question 39: Please provide a table, corresponding to the projects on page 81 of last year's hearing record, showing the original appropriation for each project, the amount obligated to date, and the project status. This involves projects funded in fiscal year 2002.

Question 40: Please provide a listing of the 95 FTE positions at the Executive Residence requested for funding in FY 2004, showing the position title and the annual salary level.

Question 41: The justifications (p. 67) indicate an estimated unobligated balance of \$7,023,000 in this appropriation at the beginning of FY 2003. Please explain the sources of this balance, and provide a schedule for obligation of increments of those funds.

**White House Repair and Restoration (POC – Dennis Freemyer)**

Question 42: You are requesting \$4.225,000 for repairs and restoration of the White House. Is there additional funding in the National Park Service budget or elsewhere in the President's budget request for FY 2004 for similar activities at the White House?

Question 43: Of this request, \$3,500,000 is for restoration of the east and west wing exterior. Please provide a detailed discussion and breakdown of this request.

**Pennsylvania Avenue Improvements (POC – Steve Beattie)**

Question 44: What is the total estimated cost of security and street improvements on Pennsylvania Avenue in front of the White House, for which funds were provided in FY 2003?

Question 45: What is the status of that project? When will FY 2003 funds be obligated?

Question 46: How much funding is requested for this project in FY 2004, and where is it located in the budget?

Question 47: What is the schedule for studies of traffic congestion mitigation alternatives in the vicinity of the White House, as funded in FY 2003?

**Remote Data Center (POC – Carlos Solari)**

Question 48: What is the status of establishment today of the remote data center?

Question 49: Last year, you estimated annual operating costs of this facility to be \$7,500,000 (p. 88). Is that your current estimate?

Question 50: Your FY 2004 request includes \$8,403,000 to transition the remote data center to full operational status (p. 75). What specific activities are required in FY 2004 to accomplish this? Can you provide a breakdown of the FY 2004 request consistent with these activities?

**President's Travel (POC - Rothley Howard)**

Question 51: Please update the information on pages 89 through 94 of last year's hearing record concerning travel by the President and the First Lady by continuing data from the final entry of last year's record to the present time.

**Presidential Staff Travel (POC – Rothley Howard)**

Question 52: Please provide a listing of staff travel not in support of the President for fiscal year 2002 and thus far in fiscal year 2003. For each entry, please include the name of traveler, the destination and purpose of trip, the number of days in travel status, and the trip cost.

**Consulting Services (POC – Kathleen O'Halloran)**

Question 53: Updating the information on page 115 of last year's hearing record, please provide actual and estimated amounts for consulting services for fiscal years 2002 through 2004.

**Freedom Corps (POC – Eric Lanman)**

Question 54: Please provide EOP budgeted funding for the Freedom Corps for fiscal years 2002 through 2004.

Question 55: Please provide a breakdown of the FY 2004 request for the Freedom Corps, and a brief description of the work to be accomplished under each item.

Question 56: Last year, funds were requested for Freedom Corps information dissemination and recognition materials (p. 239). Are similar activities funded in FY 2004? If so, how much?

Question 57: Are additional funds requested in FY 2004 outside the EOP?

Question 58: Please provide a listing of the staff in the USA Freedom Corps Office, showing the incumbent name and position. Please designate any detailees.

**Sensitive Compartmented Information Facilities (POC – Jeff Thompson)**

Question 59: Are any funds requested in any EOP office in the FY 2004 President's request for the construction of sensitive compartmented information facilities (SCIFs)?

Question 60: How many such facilities have been built within EOP offices since the terrorist attacks of September 11, 2001?

**Data Center Relocation (POC – Carlos Solari)**

Question 61: What is the status of efforts to relocate the existing EOP data center, and what are plans for the coming year?

Question 62: Are funds requested in the FY 2004 budget for this project?

**White House Communications Agency (POC – Eric Lanman)**

Question 63: Updating the information on page 133 of last year's hearing record, please provide estimated reimbursements for the White House Communications Agency for each of the fiscal years 2002 through 2004.

**Office of Administration (POC – Chuck Sigman)**

Question 64: Updating the information on page 134 of last year's hearing record, please provide a current organizational chart for the Office of Administration, including the associated numbers of FTEs requested for each office in the FY 2004 President's budget.

Question 65: Last year, it was estimated that 4 FTE were needed to provide administrative services to the Office of Homeland Security. Since that office is substantially smaller due to establishment of the DHS, is there a lesser requirement for OA support? If so, is that reflected in FY 2004 staffing figures?

Question 66: Your salary and expenses request includes a transfer of \$1,500 from Homeland Security for information technology services. What are these services?

Question 67: You are requesting additional funding for victim rescue units, which would be distributed to all White House staff (p. 82). What are these units, and what is the unit cost?

Question 68: How is the requirement for additional safes and emergency evacuation chairs documented?

**Financial Audits (POC – Al Muhlbauer)**

Question 69: Last year, you advised us that EOP would plan to address the findings of the recent auditability assessment no later than FY 2003. What is the status of that effort today?

Question 70: When will you be able to produce an auditable financial statement?

Question 71: Last year, you stated that you had identified best practices for documented policies and procedures based upon one federal agency which has been recognized as one of the best in the Federal Government (p. 136). Which agency are you using as a model, and what are some examples of the specific best practices you intend to use?



**White House Office (POC – Eric Lanman)**

Question 72: Please provide a breakdown of the FY 2004 budget request for the White House Office by office or activity, as itemized on pages 137 and 138 of last year's hearing record. Please compare those amounts to corresponding amounts for FY 2002 (actual) and FY 2003 (estimated), similar in format to that shown on pages 246 and 247 of last year's hearing record.

Question 73: Please provide a corresponding breakdown for FTE staffyears and OGE, similar in format to that shown on pages 152 through 154 of last year's hearing record.

**Historically Provided White House Office Positions (POC – Eric Lanman/Jon Laurich)**

Question 74: Updating the information on page 235 of last year's hearing record, please provide a listing of historically provided White House Office positions.

**Other Services (POC – Chuck Sigman)**

Question 75: Similar to the information on page 236 et seq. of last year's hearing record, please provide a detailed description of each project, program, or initiative proposed to be funded in FY 2004 under object class 25.2 ("other services").

**Salaries and Expenses (POC – Dilworth)**

Question 76: Please provide a detailed description of any expenses in the FY 2004 budget under "salaries and expenses" which are not directly related to personnel compensation and benefits.

**Security Guard Services for OSTP (POC – Chuck Sigman)**

Question 77: In FY 2003, you budgeted \$1,798,000 for security guard services for the Office of Science and Technology Policy. Are similar funds requested in FY 2004? If so, how much?

Question 78: Why aren't such funds in the OSTP budget?

**Political Appointees (POC – Jon Laurich)**

Question 79: Please update the information on political appointees within EOP as shown on page 268 of last year's hearing record, using the same criteria and assumptions as last year.

**Detailees (POC – Jon Laurich)**

Question 80: Please update the information on reimbursable and non-reimbursable detailees with EOP as shown on pages 268 and 269 of last year's hearing record.

**Office of the Vice President (POC – Kristen Savercool)**

Question 81: You are requesting an additional \$70,000 (+1.7 percent) for the Vice President's travel, due to increased travel to undisclosed locations after the terrorist attacks of September 11, 2001. Weren't these type of increases baselined in FY 2002 and FY 2003, and if so, why are further increases needed in FY 2004?

**Unanticipated Needs (POC – Eric Lanman)**

Question 82: Please provide a listing of the uses of Unanticipated Needs funds in FY 2002.

**From:** CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ]  
**To:** James F. Daniel/OA/EOP@Exchange [ OA ] <James F. Daniel>  
**CC:** Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; elizabeth gelfer/oa/eop@eop [ OA ] <elizabeth gelfer>; david s. addington/ovp/eop@eop [ OVP ] <david s. addington>; eric c. pelletier/who/eop@exchange [ WHO ] <eric c. pelletier>; linda m. gambatesa/who/eop@exchange [ WHO ] <linda m. gambatesa>; Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; adam f. greenstone/oa/eop@exchange [ OA ] <adam f. greenstone>; monique l. dilworth/oa/eop@eop [ OA ] <monique l. dilworth>; claire m. o'donnell/ovp/eop@eop [ OVP ] <claire m. o'donnell>; colleen litkenhaus/who/eop@exchange [ WHO ] <colleen litkenhaus>; tim campen/oa/eop@exchange [ UNKNOWN ] <tim campen>  
**Sent:** 5/8/2003 5:44:25 AM  
**Subject:** : Re: FW: Congressional Questions for the Record  
**Attachments:** P\_S599G003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 09:44:25.00  
SUBJECT:: Re: FW: Congressional Questions for the Record  
TO: James F. Daniel ( CN=James F. Daniel/OU=OA/O=EOP@Exchange [ OA ] )  
READ: UNKNOWN  
CC: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
CC: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
CC: elizabeth gelfer ( CN=elizabeth gelfer/OU=oa/O=eop@eop [ OA ] )  
READ: UNKNOWN  
CC: david s. addington ( CN=david s. addington/OU=ovp/O=eop@eop [ OVP ] )  
READ: UNKNOWN  
CC: eric c. pelletier ( CN=eric c. pelletier/OU=who/O=eop@exchange [ WHO ] )  
READ: UNKNOWN  
CC: linda m. gambatesa ( CN=linda m. gambatesa/OU=who/O=eop@exchange [ WHO ] )  
READ: UNKNOWN  
CC: Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
CC: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
CC: adam f. greenstone ( CN=adam f. greenstone/OU=oa/O=eop@exchange [ OA ] )  
READ: UNKNOWN  
CC: monique l. dilworth ( CN=monique l. dilworth/OU=oa/O=eop@eop [ OA ] )  
READ: UNKNOWN  
CC: claire m. o'donnell ( CN=claire m. o'donnell/OU=ovp/O=eop@eop [ OVP ] )  
READ: UNKNOWN  
CC: colleen litkenhaus ( CN=colleen litkenhaus/OU=who/O=eop@exchange [ WHO ] )  
READ: UNKNOWN  
CC: tim campen ( CN=tim campen/OU=oa/O=eop@exchange [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Jennifer Newstead is the POC for OA issues in WH Counsel's Office (and the POC for coordinating on these answers). However, others in WHCO have responsibility for certain issues raised by these questions and I have cc'd them on this email.

Ed McNally handles HSC (there are many questions on HSC)

Brett Kavanaugh handles political travel issues (a series of questions in this area)

Ted Ulyot handles detail/assignee issues (a few questions I noticed in scanning the list)

-One comment: The ranking member questions repeatedly ask about EOP "agencies". Please do not respond using the term "agency". I suggest using "entity" or "office".

From: James F. Daniel/OA/EOP@Exchange on 05/08/2003 08:30:16 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Monique L. Dilworth/OA/EOP@EOP, Elizabeth Gelfer/OA/EOP@EOP,  
Adam F. Greenstone/OA/EOP@Exchange  
Subject: FW: Congressional Questions for the Record

Attached for your review are the questions we received from the Congress( we have assigned the questions to the appropriate EOP staff and are in the process of issuing specific questions to specific staff members. Given the short suspense, we plan to forward the answers to you for review and approval as we receive the answers then coordinate the final consolidated package for approval. thanks

-----Original Message-----

From: Dilworth, Monique L.  
Sent: Thursday, May 08, 2003 7:40 AM  
To: Daniel, James F.  
Subject: Congressional Questions for the Record

Below is the note I plan to send to all personnel that are assigned questions.

Yesterday, we received 169 Congressional Questions for the Record on the EOP FY 2004 Budget Request. The answers are due to Congress on May 23rd. So that we are able to obtain all required clearances in a timely manner, we ask that you provide draft responses to the questions assigned to you no later than COB Wednesday, May 14th.

The questions assigned to you are listed below. Please answer the questions completely, consisely and accurately. Be able to produce all supporting documentation since Congress will often ask follow up questions based on our responses. Several questions refer to last year's (FY 2003) hearing record. I will provide those references in a separate email shortly. It is important that you do not share the questions or answers with anyone or any organization outside of the EOP.

Send your responses directly to me with a copy to Jim Daniel. As always, contact me if you need any clarification.

Monique Dilworth  
5-7638

Message Sent

To:

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Tim Campen/OA/EOP@Exchange  
Linda M. Gambatesa/WHO/EOP@Exchange  
Colleen Litkenhaus/WHO/EOP@Exchange  
Eric C. Pelletier/WHO/EOP@Exchange  
Benjamin A. Powell/WHO/EOP@EOP  
Claire M. O'Donnell/OVP/EOP@EOP  
David S. Addington/OVP/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_S599G003\_WHO.TXT\_1>

Questions for the Record  
Ranking Member, John Olver  
Hearing on the Executive Office of the President  
April 30, 2003

**Account Consolidation and Transfer Proposals (POC – Al Muhlbauer/Jim Daniel)**

When we centralized the funds within the Office of Administration, Congress intended that each agency would continue to receive a similar share of support and assistance under the consolidation.

Question 83: Are any agencies going to receive diminished services or resources under the consolidation?

Question 84: Are any agencies to receive extra services above and beyond the amount of funds they contributed as part of the consolidation?

Question 85: Under the procurement consolidation pilot approved in the FY03 Omnibus, are IT or database services for any EOP agency going to be paid for by funds contributed by other EOP agencies?

Question 86: In general, are the funds appropriated for this centralized procurement program going to be used to supplement the appropriation made to individual agencies?

Question 87: If so, which agencies will benefit and which agencies will receive less than their share of contributions?

Question 88: You recently submitted a very cursory report on the procurement pilot. When will you provide us with specific details on the progress of the pilot program?

Your budget also proposes a change that would permit EOP agencies to transfer up to 10% into our out any agency's budget. Coupled with your account consolidation proposal, that would allow you to transfer in up to \$18 million more into (or out of) the White House's budget.

Question 89: Under the procurement consolidation program that we approved in the FY03 bill, don't you have a similar type of flexibility already? What other flexibility is needed?

Question 90: What protection is there for smaller EOP agencies under this proposal? Don't they stand to lose critical resources if the White House or Vice President's Office decide to take 10% of their resources?

**Office of Homeland Security Questions (POC – Paul Ehrhardt)**

We recently received a reprogramming request to transfer \$2m of the funds provided to the Office of Homeland Security to the Remote Delivery Site cleanup efforts. The source of these funds would come from the Office of Homeland Security.

The Office of Homeland Security has gone from an initial \$25m stated need when the initial FY03 bills passed the House and Senate to \$11m when the FY03 Omnibus was passed to what will be \$9m if the reprogramming is approved.

Question 91: What exactly does the Office of Homeland Security do now that the Department of Homeland Security is in place?

Question 92: Does OHS still have a presence at Nebraska Avenue?

Question 93: Does the Office of Administration provide any support to agencies at Nebraska Avenue? If so, please describe the specific types of support provided. Is this support on a reimbursable basis?

Question 94: How many personnel and detailees now work for OHS?

Question 95: What is the actual operational budget need for OHS in FY03?

Question 96: For the record, please provide us a breakout by object class of the Office of Homeland Security's FY03 remaining budget.

Question 97: Any likelihood that these estimates will be revised downward again?

Question 98: I understand that the President named General Gordon as his new Homeland Security Adviser. Does he support the latest \$2 million cut to his office's resources?

Question 99: Have you validated the FY04 request recently to ensure it is an accurate figure?

**Budget Questions:**

After the FY03 enacted levels are adjusted to reflect the transfer of \$9 million to the Office of Homeland Security, the Executive Office of the President's FY04 budget request reflects an 8% increase over FY03 levels. Your agency, the Office of Administration requests a 10% increase between FY03 and FY04.

When the budget was introduced, Mitch Daniels said that the overall growth of Federal programs would be pegged to the expected 4% growth in inflation. The administration

also said the President wanted to “match government’s growth with the growth of American family income.”

Question 100: When the rest of the government is forced to live with 4% growth, how can you justify an almost 10% increase in your office and an overall Executive Office of the President increase of 8%? **(POC – Chuck Sigman)**

The White House Office’s increase of 3.6% looks smaller because of a realignment of \$1.85m in rent to the Office of Administration’s account. Without the realignment, the White House Office’s increase would be around 6.6%. **(POC – Eric Lanman)**

Question 101: What is the justification for this realignment? **(POC – Eric Lanman)**

Question 102: How could the White House have been paying the bill for space that wasn’t theirs? **(POC – Eric Lanman)**

Question 103: Which EOP agencies occupied this space on which the White House Office has been paying rent? **(POC – Eric Lanman)**

Question 104: Are these costs that had historically been paid by the White House Office? **(POC – Eric Lanman)**

Question 105: If so, why make the change this year? **(POC – Eric Lanman)**

#### **Travel**

The White House Office’s request includes a decrease of \$400,000 in Presidential Travel. **(POC – Eric Lanman)**

Question 106: Was the FY03 estimate too high? **(POC – Eric Lanman)**

Question 107: If so, how do you intend to use the surplus funds? **(POC – Eric Lanman)**

Question 108: Are you planning less travel in FY04 or will more of the travel just be paid for by political entities? **(POC – Eric Lanman)**

Question 109: Please provide a list of all White House Office, Office of Homeland Security and Office of Vice President official staff travel for FY02 and FY03 (to date). Include a brief description of the official purpose of the trip. For FY04 estimates, provide estimated number of trips and trip purpose. **(POC – Rothley Howard)**

Question 110: Please provide a list of all Presidential, First Lady and Vice Presidential travel for FY02 and FY03 (to date). For each trip, please provide the trip date, destination, designation (i.e., political, official), number of official EOP staff supporting the Principal and, the official cost of the trip. **(POC – Rothley Howard)**



Question 111: How much did OMB reimburse the White House Office for use of White House motorpool vehicles in FY02? How much is OMB projecting to reimburse in FY03 and FY04? **(POC – Brian Gillis)**

In the hearing, Mr. Daniel mentioned that the FY03 vehicle lease and IT support contracts came in significantly below the original budget estimates.

Question 112: Do you intend to return the unused funds to the Treasury at the end of the fiscal year? **(POC – Chuck Sigman)**

Question 113: For these areas in which savings were realized, what are your plans for the funds? **(POC – Chuck Sigman)**

**Political Travel (POC – Andy Kalnins)**

Question 114: Please explain the reimbursement procedures the White House intends to follow during the Presidential election season.

Question 115: Exactly when will the presidential-campaign procedures take effect?

Question 116: How do you determine who the official travelers are on a campaign or political trip? Does the list of positions vary from trip to trip?

Question 117: On trips with political and official components, what is the procedure for determining which events are paid for using official funds and which events are reimbursed by the political entity?

Question 118: If the President gives virtually the same speech at a political event that he gave at an official event in that same city, what criteria is used to determine whether an event is “political” or “official”?

Question 119: If the President gives virtually the same speech at a political event that he gave at an official event in that same city, does the political entity reimburse the White House for the Speechwriters time?

Question 120: Have events been classified as “official” even if only members of the President’s political party are invited to share the stage with the President?

Question 121: If so, what justification is used to argue that these events were not political events?

Question 122: Please provide information about reimbursement to the White House Office or other government agencies associated with local staff travel to political events attended by the President in FY02 or FY03. For each reimbursement made, please provide the date the bill was generated, the number of events reflected on the bill, the

date payment was received, the political entity paying the charges and the total amount paid on each bill.

**Photographic Services (POC – Eric Lanman)**

Question 123: For FY02, FY03 and FY04, what was (or is projected to be) the total cost of photographic equipment purchased for use by the White House photographers?

Question 124: For FY02, FY03 and FY04, what was (or is projected to be) the total cost of photo lab equipment purchased for use by the WHCA photo lab?

Question 125: For FY02, FY03 and FY04, what was (or is projected to be) the total travel cost associated with travel of White House Photographers?

Question 126: For FY02, FY03 and FY04, what was (or is projected to be) the total rent cost associated with the WHCA photo lab?

Question 127: Please explain the procedures for determining when and how the government is to be reimbursed for photos released for non-official purposes. If these procedures have changed from those followed by the previous administration, please explain any changes that have been made.

Question 128: For FY02 and the first seven months of FY03, please provide the following information about each payment made to the White House, OA, WHCA, DISA (or other DoD organization) to reimburse for the release of photos or photo lab services that were provided:

- date reimbursement was made
- name of reimbursing organization
- amount of payment
- number of photos purchased by reimbursing organization
- size of photos purchased by reimbursing organization

**Remote Delivery Site Reprogramming Request (POC – Paul Ehrhardt)**

We recently received a reprogramming request to transfer \$2m of the funds provided to the Office of Homeland Security to the Remote Delivery Site cleanup efforts.

Question 129: What is the status of remediation efforts?

Question 130: Please provide the total budget estimate for this project.

Question 131: Please provide the anticipated schedule for this effort.

Question 132: What caused this \$2 million overrun?

Question 133: Why have you stopped providing the monthly reports on the remediation efforts?

Previously the Remote Delivery Site was used to screen incoming mail. It also used to serve as an off-site supply depot. With the Department of Homeland Security now assuming the mail processing function and with supply operations now established on the White House Complex, I'm curious about future plans for the RDS.

Question 134: What will the facility be used for when remediation is finished?

Question 135: Will the DHS use the facility to screen the White House's mail?

Question 136: Will you close the on-site supply stores and revert back to running the supply operation out of the Remote Delivery Site?

#### **White House Access (POC – Eric Pelletier)**

Question 137: For the record, please provide the total number of visitors who passed through the White House as part of tours in 2000, 2001, 2002 and 2003 (to date).

Question 138: Why are White House tours currently not open to the general public?

Question 139: What is the status of the report on the status of White House Tours that was due to the Subcommittee by March 22<sup>nd</sup>?

Question 140: Who has the lead on the efforts to decide whether public tours can be resumed?

Question 141: Does the USSS do a background check on all individuals attending events and meetings at the White House Complex before access can be granted?

Question 142: During this administration, have White House aides ever overruled a building-access recommendation made by the USSS?

#### **Off-site EOP Support (POC – Eric Pelletier)**

Question 143: How many EOP employees are based in Crawford, TX?

Question 144: How much space does the EOP pay rent for in Crawford, TX?

Question 145: How many trailers were acquired for Crawford, TX?

Question 146: What was the cost to purchase and renovate these trailers?

Question 147: What are the expected FY04 operating costs of facilities and staff permanently deployed to Crawford, TX?

**Rent (POC – Steve Beattie)**

Question 148: Please provide an accounting of all space on which the EOP currently pays rent. The list should include the number of staff in each building, the agencies which occupy space in each facility, the total square footage by agency in each facility, the total square footage of vacant space on which the EOP is currently paying rent in each facility and the GSA rent rates for each facility.

Question 149: Under the procurement consolidation pilot that was approved in the FY03 Omnibus, is the rent for any EOP agency going to be paid out of funds contributed by other EOP agencies?

Question 150: Under the procurement consolidation pilot that was approved in the FY03 Omnibus, are after hours utilities charges for any EOP agency going to be paid out of funds contributed by other EOP agencies?

**Travel Office (POC – Mayra Segovia)**

Question 151: Please describe the current role the White House Travel Office plays in managing and arranging the financial aspects of White House Press Corps travel. Does the White House Travel Office operate as a “dollar-for-dollar” operation?

Question 152: How many EOP staff work in the White House Travel Office?

Question 153: How many contractor travel agents support the White House Travel Office?

Question 154: Please include the most recent independent financial statement audit of the White House Travel Office’s accounts for the record.

Question 155: Please explain the formula you use to determine the rate of reimbursement for Press Corps travelers on the Press Charter?

Question 156: Please explain the formula you use to determine the rate of reimbursement for Press Pool travelers on Air Force One?

Question 157: Please explain the formula used to identify the reimbursement rate that the Travel Office billed Press Corps travelers accompanying the President’s travel to the USS Abraham Lincoln. In your response, please include the actual rate billed to individual press corps travelers on this trip.

## **Bonuses**

Question 158: Why did this administration reinstate the payments of bonuses to political appointees? **(POC – Eric Pelletier)**

Question 159: Have any EOP political staff been given bonuses since the policy was reinstated in March of 2002? **(POC – Jon Laurich)**

Question 160: Have any EOP political staff been given pay increases for a single pay period in FY02 or FY03 (to date) that would have the same effect as a bonus? **(POC – Jon Laurich)**

## **Eisenhower Executive Office Building**

Question 161: Since 1/20/01, have any non-Federal funds been used for renovations and/or furnishings in the GSA facilities occupied by the Executive Office of the President? [this question does not apply to the White House residence.] **(POC – Eric Pelletier)**

Question 162: Which Federal agency (i.e., GSA, OA/Facilities) coordinated the work that was paid for using non-Federal funds? **(POC – Eric Pelletier)**

Question 163: For the record, please provide the sources and amounts of the non-Federal funds used for renovations and/or furnishings? **(POC – Eric Pelletier)**

Question 164: For the record, please also provide a description of each project for which non-Federal funds were provided. **(POC – Eric Pelletier)**

Question 165: Why were non-Federal funds used to renovate and/or furnish these GSA facilities? **(POC – Eric Pelletier)**

Question 166: Which agency's gift authority was used to accept the contribution of non-Federal funds for renovations and/or furnishings?

Question 167: Please provide a list of all EOP and EOP-support-related agencies that occupied space in the Eisenhower Executive Office Building on 1/20/01 that have since been relocated to locations outside the EEOB. For each agency that relocated, please identify the agency that paid the move-related costs. **(POC – Steve Beattie)**

Question 168: What is the status of the vacant space on the 17<sup>th</sup> Street side of the Eisenhower Executive Office Building? **(POC – Steve Beattie)**

**EOP Staffing Levels:**

Question 169: By EOP agency, provide FTE and OGE. Itemize OGE by category (e.g. reimbursable detailee, PSC, etc). Include FY 2002 (actual) and FY03-FY04 (estimates). Please provide a list of the “historically provided” White House Office positions, the office to which these positions are assigned and the agency that pays the salary for each of these positions. **(POC – Jon Laurich)**

Questions for the Record  
Chairman Ernest J. Istook, Jr.  
Hearing on the Executive Office of the President  
April 30, 2003

**Unobligated Balances (POC - Veronica Kitchen)**

Question 1: Please provide a listing of all unobligated balances, by fiscal year, appropriation and PPA, for all accounts within the Executive Office of the President. Please also show the original appropriation levels for these accounts.

**Consolidation of Accounts (POC- Al Muhlbauer)**

Question 2: Sections 105 and 106 of title 3 U. S. Code describe expenses that may be accounted for solely on the certificate of the President and Vice President, respectively. Most of these expenses correspond to particular accounts. The Comptroller General may inspect documents related to these expenditures, but solely to verify that the expenditures were made for allowed purposes. When we asked last year how certified expenses would be identified for audit within a consolidated appropriation, the response was that the certification requirements would continue to be observed (p. 41). This does not answer the question of how the account structure will be maintained to provide an identifiable and auditable crosswalk between title 3-certifiable expenses and other expenses within the consolidated appropriation.

Question 3: Please provide a listing of all appropriations language enacted in Public Law 108-7 which would be dropped in the proposed account consolidation, and provide a brief explanation of why that language is not necessary.

**The White House (Consolidated Account) (POC – Chuck Sigman)**

Question 4: You are requesting \$12,302,000 for object class 23.3 (communications, utilities, and miscellaneous services) in FY 2004. This is a large increase over the estimated \$7,010,000 for FY 2003. What accounts for the increase?

**Rental Pricing (POC – Chuck Sigman)**

Question 5: The FY 2004 justifications state that, over the past year, EOP, GSA, and OMB have undertaken an assessment of space rental costs for all EOP entities. The result of this analysis is that the FY 2004 request includes additional funding to accommodate an “EOP average” rental rate. Please provide details of how this analysis was conducted, and specify the estimated rental rates for the various EOP entities, as determined by this analysis.

**EOP Staffing (POC – Jon Laurich)**

Question 6: By EOP office, please provide FTE and OGE, similar in format to the tables found on pages 111 and 112 of last year's hearing record. Please provide data for FY 2002 through 2004.

**OA Staffing (POC – Jon Laurich)**

Question 7: By OA office, please provide FTE and OGE, similar in format to the tables found on page 113 of last year's hearing record. Please provide data for FY 2002 through 2004.

**OMB Staffing (POC – Jon Laurich/Brian Gillis)**

Question 8: By OMB office, please provide FTE and OGE, similar in format to the tables found on page 114 of last year's hearing record. Please provide data for FY 2002 through 2004.

**Office of Homeland Security (POC – Paul Ehrhardt)**

Question 9: Your FY 2004 budget requests \$8,331,000 for the Office of Homeland Security. Please provide an object class breakdown of those costs and compare them to FY 2003 estimated levels.

Question 10: In particular, how much are you requesting in FY 2004 for professional contracts, and how does that compare to the estimated FY 2003 level?

Question 11: How many FTE and FTP are you requesting for this office in FY 2004, and how do these figures compare to current FY 2003 estimates and actuals for FY 2002?

Question 12: How many positions in the office are filled today, and how many are vacant?

Question 13: Please provide a table comparing the number of detailees to OHS, by federal agency, for each of the fiscal years 2002 through 2004 (estimated).

Question 14: How many detailees are on board today?

Question 15: Please provide a list of all positions in OHS, showing the incumbent's name, rate of annual salary, and position title. Please annotate any positions which are currently vacant.

Question 16: Please update the OHS organizational chart found on page 50 of last year's hearing record.



Question 17: Please update the information shown on pages 44 through 47 of last year's hearing record concerning Office of Homeland Security travel. In addition to the information provided last year, please provide a brief descriptor of the travel purpose.

Question 18: Currently, OHS costs are included in both the WHO and OA appropriations. Is that also the case in the FY 2004 request? If so, please provide a table, by appropriation, showing total OHS budgeted costs, for each of the fiscal years 2002 through 2004.

Question 19: Last year, it was stated that one MOU existed between OHS and other EOP entities (p. 51). Please provide a copy of the MOU between MOU and the Office of Science and Technology Policy.

Question 20: Have any other MOUs been signed since that time?

Question 21: At this time last year, OHS planned to establish a coordination center which would function 24 hours a day, 7 days a week; a communications room; and two incident management rooms. At the same time, the Administration made clear that the role of OHS was to establish and coordinate policy, and not to conduct operational activities. With the establishment of the Department of Homeland Security, have these specific activities been descoped or eliminated?

Question 22: How many positions support these activities in the FY 2004 request, and what is the total budgeted amount?

Question 23: How are such activities appropriate for a policymaking body, when DHS now exists to coordinate and execute operational activities related to specific homeland security incidents and activities?

Question 24: At the time of last year's hearing, the permanent location and amount of space for the President's Critical Infrastructure Protection Board had not been determined (p. 77). Have these requirements been determined today?

Question 25: Likewise, total CIPB staffing had not been determined. Do you have an estimate today? What staffing assumptions were made in the FY 2004 budget submission?

Question 26: How much funding is included in the FY 2004 request for CIPB, and how does that compare to the current estimate for FY 2003?

Question 27: Please provide a breakdown showing how those funds would be used.

Question 28: Please provide details on any government-industry partnerships that have been created in support of cyber security initiatives coordinated by, or carried out, through EOP or the CIPB.

**National Security Council (POC – Katherine Fertakis)**

Question 29: Your request includes a 10.8 percent increase to cover reimbursable detailee costs and additional support staff for the President's Foreign Intelligence Advisory Board. Please explain the need for these increases in detail.

Question 30: What are the dollar and percentage increases for each of the above items, compared to the FY 2003 estimated levels?

Question 31: The justifications indicate that 11 additional positions are being added to this office in FY 2003, raising the estimated from 60 in FY 2002 to an estimated 71 in FY 2003. What specific positions are being created?

Question 32: The FY 2004 request includes funds for a new GS-14 administrative manager for the PFIAB. Why is this new position needed at this time?

**Office of National Drug Control Policy (POC – Michelle Marx)**

Question 33: You are requesting 10 additional FTE in FY 2004 to replace 10 non-reimbursable detailees who are no longer available. Why are these positions no longer available, and what are the specific positions?

**Renovation of the Eisenhower Executive Office Building (POC – Steve Beattie)**

Question 34: What is the status of funding provided in FY 2002 and 2003? Please provide a breakdown of funding by the type of activity or renovation performed.

Question 35: How much remains unobligated, by appropriation?

Question 36: Please provide a detailed breakdown showing how funds requested in the GSA budget for FY 2004 would be used.

Question 37: Please provide a detailed schedule for activities planned in FY 2004.

Question 38: How much are you currently paying GSA for the unoccupied space along the 17<sup>th</sup> Street side of EEOB, and how much rental cost are you incurring for the new locations where relocated employees are working?

**Executive Residence (POC – Worthington White)**

Question 39: Please provide a table, corresponding to the projects on page 81 of last year's hearing record, showing the original appropriation for each project, the amount obligated to date, and the project status. This involves projects funded in fiscal year 2002.

Question 40: Please provide a listing of the 95 FTE positions at the Executive Residence requested for funding in FY 2004, showing the position title and the annual salary level.

Question 41: The justifications (p. 67) indicate an estimated unobligated balance of \$7,023,000 in this appropriation at the beginning of FY 2003. Please explain the sources of this balance, and provide a schedule for obligation of increments of those funds.

**White House Repair and Restoration (POC – Dennis Freemyer)**

Question 42: You are requesting \$4.225,000 for repairs and restoration of the White House. Is there additional funding in the National Park Service budget or elsewhere in the President's budget request for FY 2004 for similar activities at the White House?

Question 43: Of this request, \$3,500,000 is for restoration of the east and west wing exterior. Please provide a detailed discussion and breakdown of this request.

**Pennsylvania Avenue Improvements (POC – Steve Beattie)**

Question 44: What is the total estimated cost of security and street improvements on Pennsylvania Avenue in front of the White House, for which funds were provided in FY 2003?

Question 45: What is the status of that project? When will FY 2003 funds be obligated?

Question 46: How much funding is requested for this project in FY 2004, and where is it located in the budget?

Question 47: What is the schedule for studies of traffic congestion mitigation alternatives in the vicinity of the White House, as funded in FY 2003?

**Remote Data Center (POC – Carlos Solari)**

Question 48: What is the status of establishment today of the remote data center?

Question 49: Last year, you estimated annual operating costs of this facility to be \$7,500,000 (p. 88). Is that your current estimate?

Question 50: Your FY 2004 request includes \$8,403,000 to transition the remote data center to full operational status (p. 75). What specific activities are required in FY 2004 to accomplish this? Can you provide a breakdown of the FY 2004 request consistent with these activities?

**President's Travel (POC - Rothley Howard)**

Question 51: Please update the information on pages 89 through 94 of last year's hearing record concerning travel by the President and the First Lady by continuing data from the final entry of last year's record to the present time.

**Presidential Staff Travel (POC – Rothley Howard)**

Question 52: Please provide a listing of staff travel not in support of the President for fiscal year 2002 and thus far in fiscal year 2003. For each entry, please include the name of traveler, the destination and purpose of trip, the number of days in travel status, and the trip cost.

**Consulting Services (POC – Kathleen O'Halloran)**

Question 53: Updating the information on page 115 of last year's hearing record, please provide actual and estimated amounts for consulting services for fiscal years 2002 through 2004.

**Freedom Corps (POC – Eric Lanman)**

Question 54: Please provide EOP budgeted funding for the Freedom Corps for fiscal years 2002 through 2004.

Question 55: Please provide a breakdown of the FY 2004 request for the Freedom Corps, and a brief description of the work to be accomplished under each item.

Question 56: Last year, funds were requested for Freedom Corps information dissemination and recognition materials (p. 239). Are similar activities funded in FY 2004? If so, how much?

Question 57: Are additional funds requested in FY 2004 outside the EOP?

Question 58: Please provide a listing of the staff in the USA Freedom Corps Office, showing the incumbent name and position. Please designate any detailees.

**Sensitive Compartmented Information Facilities (POC – Jeff Thompson)**

Question 59: Are any funds requested in any EOP office in the FY 2004 President's request for the construction of sensitive compartmented information facilities (SCIFs)?

Question 60: How many such facilities have been built within EOP offices since the terrorist attacks of September 11, 2001?

**Data Center Relocation (POC – Carlos Solari)**

Question 61: What is the status of efforts to relocate the existing EOP data center, and what are plans for the coming year?

Question 62: Are funds requested in the FY 2004 budget for this project?

**White House Communications Agency (POC – Eric Lanman)**

Question 63: Updating the information on page 133 of last year's hearing record, please provide estimated reimbursements for the White House Communications Agency for each of the fiscal years 2002 through 2004.

**Office of Administration (POC – Chuck Sigman)**

Question 64: Updating the information on page 134 of last year's hearing record, please provide a current organizational chart for the Office of Administration, including the associated numbers of FTEs requested for each office in the FY 2004 President's budget.

Question 65: Last year, it was estimated that 4 FTE were needed to provide administrative services to the Office of Homeland Security. Since that office is substantially smaller due to establishment of the DHS, is there a lesser requirement for OA support? If so, is that reflected in FY 2004 staffing figures?

Question 66: Your salary and expenses request includes a transfer of \$1,500 from Homeland Security for information technology services. What are these services?

Question 67: You are requesting additional funding for victim rescue units, which would be distributed to all White House staff (p. 82). What are these units, and what is the unit cost?

Question 68: How is the requirement for additional safes and emergency evacuation chairs documented?

**Financial Audits (POC – Al Muhlbauer)**

Question 69: Last year, you advised us that EOP would plan to address the findings of the recent auditability assessment no later than FY 2003. What is the status of that effort today?

Question 70: When will you be able to produce an auditable financial statement?

Question 71: Last year, you stated that you had identified best practices for documented policies and procedures based upon one federal agency which has been recognized as one of the best in the Federal Government (p. 136). Which agency are you using as a model, and what are some examples of the specific best practices you intend to use?

**White House Office (POC – Eric Lanman)**

Question 72: Please provide a breakdown of the FY 2004 budget request for the White House Office by office or activity, as itemized on pages 137 and 138 of last year's hearing record. Please compare those amounts to corresponding amounts for FY 2002 (actual) and FY 2003 (estimated), similar in format to that shown on pages 246 and 247 of last year's hearing record.

Question 73: Please provide a corresponding breakdown for FTE staffyears and OGE, similar in format to that shown on pages 152 through 154 of last year's hearing record.

**Historically Provided White House Office Positions (POC – Eric Lanman/Jon Laurich)**

Question 74: Updating the information on page 235 of last year's hearing record, please provide a listing of historically provided White House Office positions.

**Other Services (POC – Chuck Sigman)**

Question 75: Similar to the information on page 236 et seq. of last year's hearing record, please provide a detailed description of each project, program, or initiative proposed to be funded in FY 2004 under object class 25.2 ("other services").

**Salaries and Expenses (POC – Dilworth)**

Question 76: Please provide a detailed description of any expenses in the FY 2004 budget under "salaries and expenses" which are not directly related to personnel compensation and benefits.

**Security Guard Services for OSTP (POC – Chuck Sigman)**

Question 77: In FY 2003, you budgeted \$1,798,000 for security guard services for the Office of Science and Technology Policy. Are similar funds requested in FY 2004? If so, how much?

Question 78: Why aren't such funds in the OSTP budget?

**Political Appointees (POC – Jon Laurich)**

Question 79: Please update the information on political appointees within EOP as shown on page 268 of last year's hearing record, using the same criteria and assumptions as last year.

**Detailees (POC – Jon Laurich)**

Question 80: Please update the information on reimbursable and non-reimbursable detailees with EOP as shown on pages 268 and 269 of last year's hearing record.

**Office of the Vice President (POC – Kristen Savercool)**

Question 81: You are requesting an additional \$70,000 (+1.7 percent) for the Vice President's travel, due to increased travel to undisclosed locations after the terrorist attacks of September 11, 2001. Weren't these type of increases baselined in FY 2002 and FY 2003, and if so, why are further increases needed in FY 2004?

**Unanticipated Needs (POC – Eric Lanman)**

Question 82: Please provide a listing of the uses of Unanticipated Needs funds in FY 2002.

---

**From:** Sheila.Joy@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 5:48:16 AM  
**Subject:** : RE: chart of early circuit judges

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ( "Sheila.Joy@usdoj.gov"  
<Sheila.Joy@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 8-MAY-2003 09:48:16.00  
SUBJECT:: RE: chart of early circuit judges  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett - if you are just counting "confirmed" please note that some of these folks were JUST RECESS appointed and were never fully confirmed. Also - there are DC ct of apls which may not have been an Article III court in the earlier years because there are other references in these books regarding dc municipal courts and police court -- I need to figure out when DC Circuit came into existence. I also did NOT Court of Customs & Patent Appeals and Court of Claims which became the Federal Circuit in 1982.

-----Original Message-----  
From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Thursday, May 08, 2003 9:37 AM  
To: Joy, Sheila  
Subject: RE: chart of early circuit judges

Right, there was one "rejected." But a few of the spaces are blank.  
Question  
is whether those folks were confirmed or not.

(Embedded  
image moved "Sheila.Joy@usdoj.gov" <Sheila.Joy  
to file: 05/08/2003 09:34:07 AM  
pic21102.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: chart of early circuit judges

re confirmation - check the "confirmed or other" column

-----Original Message-----  
From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]



Sent: Thursday, May 08, 2003 9:14 AM  
To: Joy, Sheila  
Subject: Re: chart of early circuit judges

Was everyone on this list confirmed?

(Embedded  
image moved "Sheila.Joy@usdoj.gov" <Sheila.Joy  
to file: 05/07/2003 10:19:02 PM  
pic13414.pcx)

Record Type: Record

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

cc:  
Subject: chart of early circuit judges

Brett, The attached information has been compiled from two different sources -- both are hand written documents so the spelling of names may not be completely accurate -- I have not had time to check against the typed cards. The differences in the books are one set only list those individuals appointed - the other set lists nominations - in some parts of the book on nominations it is not clear whether the "was sent" means to the WH or to the Senate - I have used that date for the "nominated" column. I will try to confirm the information through the card index in the morning. I need to go through another book for the information between 1801 and the 1905 entries. Sheila

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 5/8/2003 9:51:27 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 13:51:27.00  
SUBJECT: :  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Hate to be more of a pest, but how's draft fact sheet. Ask because that will have to go through staffing before tomorrow a.m. presumably.

---

**From:** Shannen.Coffin@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 5:57:56 AM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Shannen.Coffin@usdoj.gov" <Shannen.Coffin@usdoj.gov> ( "Shannen.Coffin@usdoj.gov"  
<Shannen.Coffin@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 8-MAY-2003 09:57:56.00

SUBJECT::

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Brett is aware of the privilege issue, and I don't think we gain anything by making a call to him. He's been an advocate for it, but the resistance is above him.

Shannen W. Coffin  
Deputy Assistant Attorney General  
Civil Division  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Suite 3137  
Washington, D.C. 20530  
(202) 514-3310 (phone)  
(202) 514-8071 (fax)  
shannen.coffin@usdoj.gov

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Shannen.Coffin@usdoj.gov <Shannen.Coffin@usdoj.gov>  
**Sent:** 5/8/2003 5:57:35 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 09:57:35.00  
SUBJECT:: Re:  
TO:"Shannen.Coffin@usdoj.gov" <Shannen.Coffin@usdoj.gov> ( "Shannen.Coffin@usdoj.gov"  
<Shannen.Coffin@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

?

"Shannen.Coffin@usdoj.gov" <Shannen.Coffin  
05/08/2003 09:54:42 AM  
Record Type: Record

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

Brett is aware of the privilege issue, and I don't think we gain anything  
by making a call to him. He's been an advocate for it, but the resistance  
is above him.

Shannen W. Coffin  
Deputy Assistant Attorney General  
Civil Division  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Suite 3137  
Washington, D.C. 20530  
(202) 514-3310 (phone)  
(202) 514-8071 (fax)  
shannen.coffin@usdoj.gov

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 5/8/2003 5:59:55 AM  
**Subject:** : luck on tape?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 09:59:55.00  
SUBJECT:: luck on tape?  
TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>  
**Sent:** 5/8/2003 10:04:15 AM  
**Subject:**

can we invite Shannen Coffin from DOJ for tomorrow.

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** jennifer r. brosnahan/who/eop@eop [ WHO ] <jennifer r. brosnahan>  
**Sent:** 5/8/2003 6:17:24 AM  
**Subject:** : Re: luck on tape?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 10:17:24.00  
SUBJECT:: Re: luck on tape?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:jennifer r. brosnahan ( CN=jennifer r. brosnahan/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

All it needed was a little bit of love

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 6:17:24 AM  
**Subject:** : Its alright if I go ahead with 9:00 Monday morning on those interviews, right?

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 8-MAY-2003 10:17:24.00

SUBJECT:: Its alright if I go ahead with 9:00 Monday morning on those interviews, right?

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

----- Forwarded by Jonathan F. Ganter/WHO/EOP on  
05/08/2003 10:05 AM -----

From: Charlotte L. Montiel/WHO/EOP@Exchange on 05/08/2003 09:15:11  
AM  
Record Type: Record

To: Jonathan F. Ganter/WHO/EOP@EOP  
cc:  
Subject:

9-11 Mon is good



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen M. Carroll/WHO/EOP@EOP [ WHO ] <Colleen M. Carroll>  
**CC:** John P. McConnell/WHO/EOP@EOP [ WHO ] <John P. McConnell>  
**Sent:** 5/8/2003 10:17:13 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 14:17:13.00  
SUBJECT::  
TO:Colleen M. Carroll ( CN=Colleen M. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:John P. McConnell ( CN=John P. McConnell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thank you for all your help! We/I are lawyers and we/I can be a constitutional pain. And alas, we may have to adjust statistics again if Roberts gets confirmed later today.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/8/2003 6:17:24 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 10:17:24.00  
SUBJECT:  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

can we invite Shannen Coffin from DOJ for tomorrow.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 5/8/2003 6:17:24 AM  
**Subject:** : Re: Its alright if I go ahead with 9:00 Monday morning on those interviews, right?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 10:17:24.00  
SUBJECT:: Re: Its alright if I go ahead with 9:00 Monday morning on those interviews,  
right?  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

yes

Jonathan F. Ganter  
05/08/2003 10:05:38 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Its alright if I go ahead with 9:00 Monday morning on  
those interviews, right?

----- Forwarded by Jonathan F. Ganter/WHO/EOP on  
05/08/2003 10:05 AM -----

From: Charlotte L. Montiel/WHO/EOP@Exchange on 05/08/2003 09:15:11  
AM  
Record Type: Record

To: Jonathan F. Ganter/WHO/EOP@EOP  
cc:  
Subject:

9-11 Mon is good

---

**From:** CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 6:22:51 AM  
**Subject:** : RE: what is happening on hill with kyl cornyn

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )  
CREATION DATE/TIME: 8-MAY-2003 10:22:51.00  
SUBJECT:: RE: what is happening on hill with kyl cornyn  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Not clear

Hobbs thinks they will try to get it in, but haven,t heard anything for sure yet.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, May 08, 2003 9:17 AM  
To: Lefkowitz, Jay P.  
Subject: what is happening on hill with kyl cornyn

---

**From:** Viet.Dinh@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 10:26:00 AM  
**Subject:** : Out of Office AutoReply: All junior lawyers should have been invited.

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Viet.Dinh@usdoj.gov" <Viet.Dinh@usdoj.gov> ( "Viet.Dinh@usdoj.gov"  
<Viet.Dinh@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 8-MAY-2003 14:26:00.00

SUBJECT:: Out of Office AutoReply: All junior lawyers should have been invited.

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

I will be out of the office until Monday, May 12. If your message is urgent, please contact Heather McNaught at 202-514-4601. Thank you.

---

**From:** CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>  
**Sent:** 5/8/2003 6:32:31 AM  
**Subject:** : RE: Pre-Brief tomorrow?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kara G. Figg ( CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 10:32:31.00  
SUBJECT:: RE: Pre-Brief tomorrow?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

thanks!

-----Original Message-----

From: Nelson, Carolyn  
Sent: Thursday, May 08, 2003 10:33 AM  
To: Figg, Kara G.; Kavanaugh, Brett M.  
Subject: RE: Pre-Brief tomorrow?

The Judge would indeed like 5 minutes with the President prior to our event.

;

Thanks for asking!

-----Original Message-----

From: Figg, Kara G.  
Sent: Thursday, May 08, 2003 10:18 AM  
To: Kavanaugh, Brett M.  
Cc: Nelson, Carolyn  
Subject: Pre-Brief tomorrow?

I noticed you did not ask for a Pre-Brief before tomorrow's event.  
Does the Judge need 5 minutes prior to brief the President?; Or, do you feel comfortable without one?

Thanks.

;

---

**From:** Orr, Christopher J.  
**To:** <Kavanaugh, Brett M.>  
**CC:** <Snee, Ashley>;<Draper, Eric>;<Steele, Lynden R.>  
**Sent:** 5/8/2003 10:34:47 AM  
**Subject:** Re:

We can't use AP photos. I'll ask for the individual photos from Eric and Lynden.

Brett M. Kavanaugh

05/08/2003 10:03:19 AM

Record Type: Record

To: Christopher J. Orr/WHO/EOP@EOP

cc: Ashley Snee/WHO/EOP@Exchange@EOP

Subject:

can you use pictures of Estrada and Owen from their hearings -- from AP.

Also, photo office has pictures of them individually with President on May 9, 2001.

---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**Sent:** 5/8/2003 10:35:48 AM  
**Subject:**

Did you see this quote in USA Today article?

"From the very beginning, the president has emphasized the need for a well-functioning .. federal judiciary," says Viet Dinh, assistant U.S. attorney general in the Office of Legal Policy. "That emphasis has not wavered."



---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Charlotte L. Montiel/WHO/EOP@Exchange@EOP [ WHO ] <Charlotte L. Montiel>  
**Sent:** 5/8/2003 6:36:10 AM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 8-MAY-2003 10:36:10.00

SUBJECT::

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Roger Titus will be here to interview tomorrow, 5/9/2003, at 1:00 pm.

---

**From:** CN=Eric W. Terrell/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 6:36:50 AM  
**Subject:** : amex

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Eric W. Terrell ( CN=Eric W. Terrell/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 10:36:50.00  
SUBJECT:: amex  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

is it o.k. to send out that amex doc. to news agencies to sign?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 5/8/2003 6:36:56 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 10:36:56.00  
SUBJECT: :  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Did you see this quote in USA Today article?

"From the very beginning, the president has emphasized the need for a well-functioning ... federal judiciary," says Viet Dinh, assistant U.S. attorney general in the Office of Legal Policy. "That emphasis has not wavered."

---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Paul Perkins/WHO/EOP@EOP [ WHO ] <Paul Perkins>  
**Sent:** 5/8/2003 6:43:58 AM  
**Subject:** : Two state AGs would like to attend the event on tomorrow morning (Friday)

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 10:43:58.00  
SUBJECT:: Two state AGs would like to attend the event on tomorrow morning (Friday)  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

----- Forwarded by Matthew E. Smith/WHO/EOP on 05/08/2003  
10:43 AM -----

John G. Burke

05/08/2003 10:41:47 AM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP  
cc: Ruben S. Barrales/WHO/EOP@EOP, Sara M. Taylor/WHO/EOP@EOP  
Subject: Two state AGs would like to attend the event on tomorrow morning (Friday)

Matt,

The following AGs would like to attend tomorrow morning's event:

Virginia Attorney General Jerry Kilgore (RAGA President)  
Michigan Attorney General Michael ("Mike") Cox

Please advise.

Thanks.

Toby

---

**From:** CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 6:43:11 AM  
**Subject:** : purple folders

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 10:43:11.00  
SUBJECT:: purple folders  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I think my system is finally falling apart...  
;  
I know that I dropped off one folder of trip summaries to you this morning  
but do you have another one up there as well.; The other purple folder is  
MIA and I need to locate those summaries.;  
;  
Thanks!  
;

---

**From:** Douglass, Kimberly A.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 10:43:47 AM  
**Subject:** purple folders

I think my system is finally falling apart...

I know that I dropped off one folder of trip summaries to you this morning but do you have another one up there as well. The other purple folder is MIA and I need to locate those summaries.

Thanks!

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Eric C. Pelletier/WHO/EOP@Exchange [ WHO ] <Eric C. Pelletier>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 10:50:00 AM  
**Subject:** : Fw: Judiciary Markup

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 14:50:00.00  
SUBJECT:: Fw: Judiciary Markup  
TO:Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Fyi  
.

-----Original Message-----

From: Nancy.Scottfinan@usdoj.gov <Nancy.Scottfinan@usdoj.gov>  
To: Jamie.E.Brown@usdoj.gov <Jamie.E.Brown@usdoj.gov>;  
Adam.Charnes@usdoj.gov <Adam.Charnes@usdoj.gov>; Adam.Charnes@usdoj.gov  
<Adam.Charnes@usdoj.gov>; Kristi.L.Remington@usdoj.gov  
<Kristi.L.Remington@usdoj.gov>; Nathan.Sales@usdoj.gov  
<Nathan.Sales@usdoj.gov>; Brian.A.Benczkowski@usdoj.gov  
<Brian.A.Benczkowski@usdoj.gov>; Sheila.Joy@usdoj.gov  
<Sheila.Joy@usdoj.gov>; Theresa.Bertucci@usdoj.gov  
<Theresa.Bertucci@usdoj.gov>; Grubbs, Wendy J.  
<Wendy\_J\_Grubbs@who.eop.gov>  
Sent: Thu May 08 14:44:33 2003  
Subject: Judiciary Markup

Kuhl.; 10-9  
Roberts. 16-2, Kennedy and Durbin no, Schumer not voting  
Callahan. 18-0, Schumer not voting  
Hicks. 19-0  
Moschella and Rapadas done by UC  
Nancy Scott-Finan

REV\_00117477

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 10:54:07 AM  
**Subject:** Re: Makan apparently was complaining that he and other Senate staffers did not get invited. Can you take care. THX.

Watcha doin'? I am listening to kuhl get blasted. Not gonna listen much longer.



---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 11:03:09 AM  
**Subject:** Re: Makan apparently was complaining that he and other Senate staffers did not get invited. Can you take care. THX.

Yes. Live and in person. I would prefer a root canal. I am not good at sitting and listening to "hogwash" as they say in the south. I set no attendance records in law school.

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 7:11:36 AM  
**Subject:** : Re: Makan apparently was complaining that he and other Senate staffers did not get invited.  
Can you take care. THX.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 11:11:36.00  
SUBJECT:: Re: Makan apparently was complaining that he and other Senate staffers did not  
get invited. Can you take care. THX.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

What is the name of th dist ct nominee from nc? Chambliss asking...from ga  
originally.

.

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Lynden R. Steele/WHO/EOP@EOP [ WHO ] <Lynden R. Steele>  
**Sent:** 5/8/2003 11:12:56 AM  
**Subject:** : Emailing: 20010509-3  
**Attachments:** P\_0VV9G003\_WHO.TXT\_1.jpeg

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 15:12:56.00  
SUBJECT:: Emailing: 20010509-3  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Lynden R. Steele ( CN=Lynden R. Steele/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_0VV9G003\_WHO.TXT\_1>



---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 11:22:06 AM  
**Subject:** : call me

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 15:22:06.00  
SUBJECT:: call me  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I just got off the phone with Kara.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kenneth A. Lisaius/WHO/EOP@EOP [ WHO ] <Kenneth A. Lisaius>  
**Sent:** 5/8/2003 7:24:37 AM  
**Subject:** : Re: Buffalo News

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 11:24:37.00  
SUBJECT:: Re: Buffalo News  
TO:Kenneth A. Lisaius ( CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

yes

Kenneth A. Lisaius  
05/08/2003 11:19:40 AM  
Record Type: Record

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

Brett -

Just wanted to make sure you got the message that Doug Turner of Buffalo News is unavailable today - and wanted to know if a phone interview may be possible on Monday at 1:30 PM. Does that work for you?

Ken

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 7:27:21 AM  
**Subject:** : Re: Makan apparently was complaining that he and other Senate staffers did not get invited.  
Can you take care. THX.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 11:27:21.00  
SUBJECT:: Re: Makan apparently was complaining that he and other Senate staffers did not  
get invited. Can you take care. THX.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Specter is threatening the nuclear option now.

.

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Brosnahan, Jennifer R.>; <Newstead, Jennifer G.>; <Bartolomucci, H. Christopher>; <Sampson, Kyle>; <Francisco, Noel J.>; <Powell, Benjamin A.>; <Ulliot, Theodore W.>  
**Sent:** 5/8/2003 11:27:57 AM  
**Subject:** Specter comments at markup

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/08/2003 11:28 AM -----

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/08/2003 11:27:55 AM

Record Type: Record

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

cc:

Subject:

Specter is threatening the nuclear option now.

.



---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 11:28:36 AM  
**Subject:** Re: Makan apparently was complaining that he and other Senate staffers did not get invited. Can you take care. THX.

I have tried to impact, but it is likely later today.

---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>;<Gonzales, Alberto R.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ulyot, Theodore W.>  
**Sent:** 5/8/2003 11:33:33 AM  
**Subject:** RE: Specter comments at markup

An unlikely source. Is Wendy going to keep us updated on votes?

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Thursday, May 08, 2003 11:28 AM  
**To:** Gonzales, Alberto R.; Leitch, David G.; Brosnahan, Jennifer R.; Newstead, Jennifer G.; Bartolomucci, H. Christopher; Sampson, Kyle; Francisco, Noel J.; Powell, Benjamin A.; Ulyot, Theodore W.  
**Subject:** Specter comments at markup

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/08/2003 11:28 AM -----

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/08/2003 11:27:55 AM  
Record Type: Record

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

Specter is threatening the nuclear option now.

.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/8/2003 7:39:59 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 11:39:59.00  
SUBJECT: :  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

keep me posted on votes on Kuhl and Roberts. others are asking. Thx.

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 11:43:45 AM  
**Subject:** : I asked for the Pickering package they are distributing

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 15:43:45.00  
SUBJECT:: I asked for the Pickering package they are distributing  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

and I am sending it your way to review. We should do a notebook if anything is distributed, right?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Estrada, Miguel A. <MEstrada@gibsondunn.com>  
**Sent:** 5/8/2003 11:45:29 AM  
**Subject:** : Re: The wages of boredom

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 15:45:29.00  
SUBJECT:: Re: The wages of boredom  
TO: "Estrada, Miguel A." <MEstrada@gibsondunn.com> ( "Estrada, Miguel A." <MEstrada@gibsondunn.com> [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Kennedy, Lieberman, and Lisa Murkowski were absent.

"Estrada, Miguel A." <MEstrada@gibsondunn.com>  
05/08/2003 03:38:50 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: The wages of boredom

Who was absent?

What were the Dem votes?

-----Original Message-----

From: Brett\_M.\_Kavanaugh@who.eop.gov <Brett\_M.\_Kavanaugh@who.eop.gov>  
To: Estrada, Miguel A. <MEstrada@gibsondunn.com>  
Sent: Thu May 08 15:36:44 2003  
Subject: Re: The wages of boredom

1 R absence. You got 54 and Owen got 52.

(Embedded  
image moved "Estrada, Miguel A." <MEstrada@gibsondunn.com>  
to file: 05/08/2003 03:32:48 PM  
pic26939.pcx)

Record Type: Record

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

REV\_00117496

cc:  
Subject: The wages of boredom

So how many people were too bored to attend the sixth cloture vote? Which  
is to  
say, what was the tally?

=====  
===

This message may contain confidential and privileged information. If it  
has  
been sent to you in error, please reply to advise the sender of the error  
and  
then immediately delete this message.

=====  
===

=====  
===

This message may contain confidential and privileged information. If it  
has been sent to you in error, please reply to advise the sender of the  
error and then immediately delete this message.

=====  
===

---

**From:** Estrada, Miguel A. <MEstrada@gibsondunn.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 11:55:16 AM  
**Subject:** : Re: The wages of boredom

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Estrada, Miguel A." <MEstrada@gibsondunn.com> ( "Estrada, Miguel A."  
<MEstrada@gibsondunn.com> [ UNKNOWN ] )  
CREATION DATE/TIME: 8-MAY-2003 15:55:16.00  
SUBJECT:: Re: The wages of boredom  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

What happened in committee?

=====  
===

This message may contain confidential and privileged information. If it  
has been sent to you in error, please reply to advise the sender of the  
error and then immediately delete this message.

=====  
===

---

**From:** Estrada, Miguel A. <MEstrada@gibsondunn.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 12:01:03 PM  
**Subject:** : Re: The wages of boredom

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Estrada, Miguel A." <MEstrada@gibsondunn.com> ( "Estrada, Miguel A."  
<MEstrada@gibsondunn.com> [ UNKNOWN ] )  
CREATION DATE/TIME: 8-MAY-2003 16:01:03.00  
SUBJECT:: Re: The wages of boredom  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Tell Roberts he owes me a judgeship.

I guess that means filibuster for Carolyn.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov <Brett\_M.\_Kavanaugh@who.eop.gov>  
To: Estrada, Miguel A. <MEstrada@gibsondunn.com>  
Sent: Thu May 08 15:56:01 2003  
Subject: Re: The wages of boredom

10-9 on Kuhl, 16-2 on Roberts, 18-0 on Callahan.

(Embedded  
image moved "Estrada, Miguel A." <MEstrada@gibsondunn.com>  
to file: 05/08/2003 03:47:00 PM  
pic21319.pcx)

Record Type: Record

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

cc:  
Subject: Re: The wages of boredom

What happened in committee?

=====  
===

This message may contain confidential and privileged information. If it  
has  
been sent to you in error, please reply to advise the sender of the error  
and  
then immediately delete this message.

REV\_00117499



=====

=====

This message may contain confidential and privileged information. If it  
has been sent to you in error, please reply to advise the sender of the  
error and then immediately delete this message.

=====

---

**From:** CN=McGavock D. Reed/OU=OMB/O=EOP [ OMB ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 8:02:01 AM  
**Subject:** : WHC cover memo

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:McGavock D. Reed ( CN=McGavock D. Reed/OU=OMB/O=EOP [ OMB ] )  
CREATION DATE/TIME: 8-MAY-2003 12:02:01.00  
SUBJECT:: WHC cover memo  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett, Were you able to prepare a cover memo from Gonzales to Daniels  
proposing the order? Thank you, Mac

---

**From:** Leitch, David G.  
**To:** <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<Snee, Ashley>  
**Sent:** 5/8/2003 12:04:14 PM  
**Subject:**

From the How Appealing Blog:

**This evening's installment of "Ask the White House" to focus on judicial nominations:** According to [the White House Web site](#), "Counsel to the President Judge Alberto Gonzales will host the next 'Ask the White House' to discuss the President's judicial nominees and the nominating process on the White House web site ([www.whitehouse.gov](http://www.whitehouse.gov)) on Thursday, May 8 at 5 p.m. ET." And [this page](#) advises that "You can submit questions to Judge Gonzales beginning at 3pm today." I hope that those readers of "How Appealing" who regularly ask me difficult questions decrying or supporting the current state of the federal judicial nomination and confirmation process will take the time to submit their questions to Judge Gonzales.

---

**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>  
**Sent:** 5/8/2003 12:06:57 PM  
**Subject:** Re:

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/08/2003 12:07 PM -----

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/08/2003 12:07:10 PM

Record Type: Record

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

cc:

Subject: Re:

Markup postponed until after cloture votes which are now 1:45

.

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 8:07:05 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 12:07:05.00  
SUBJECT:: Re:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Markup postponed until after cloture votes which are now 1:45

.

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 12:07:10 PM  
**Subject:** Re:

Markup postponed until after cloture votes which are now 1:45

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 5/8/2003 8:17:24 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 12:17:24.00  
SUBJECT:: Re:  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/08/2003 12:07 PM -----

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/08/2003 12:07:10 PM  
Record Type: Record

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

Markup postponed until after cloture votes which are now 1:45  
.

---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Jeanie L. Figg/WHO/EOP@Exchange@EOP [ WHO ] <Jeanie L. Figg>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 8:29:07 AM  
**Subject:** : Forecast

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 12:29:07.00  
SUBJECT:: Forecast  
TO:Jeanie L. Figg ( CN=Jeanie L. Figg/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Forecast calls for rain in the afternoon.

Brett - now maybe a good time for you to start going back to church.



---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 12:36:30 PM  
**Subject:** : RE: why aren't Dole and Hutchison coming?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 16:36:30.00  
SUBJECT:: RE: why aren't Dole and Hutchison coming?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett, you crack me up. I assume they are going home.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, May 08, 2003 4:23 PM  
To: Grubbs, Wendy J.  
Subject: why aren't Dole and Hutchison coming?

---

**From:** Kristi.L.Remington@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 8:57:55 AM  
**Subject:** : Re: DOJ response to NYT story on Priscilla Owen

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (  
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 8-MAY-2003 12:57:55.00  
SUBJECT:: Re: DOJ response to NYT story on Priscilla Owen  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : Re: DOJ response to NYT story on  
Priscilla Owen  
Was Read By : Kristi.L.Remington@usdoj.gov  
On : Thu, 8 May 2003 12:56:28 -0400

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** McGavock D. Reed/OMB/EOP@EOP [ OMB ] <McGavock D. Reed>  
**Sent:** 5/8/2003 9:01:28 AM  
**Subject:** : Re: WHC cover memo

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 13:01:28.00  
SUBJECT:: Re: WHC cover memo  
TO:McGavock D. Reed ( CN=McGavock D. Reed/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

should have shortly

McGavock D. Reed  
05/08/2003 12:01:28 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: WHC cover memo

Brett, Were you able to prepare a cover memo from Gonzales to Daniels proposing the order? Thank you, Mac

---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/8/2003 1:09:54 PM  
**Subject:** : Briefing paper

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 17:09:54.00  
SUBJECT:: Briefing paper  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Make sure Jeanie Figg and Erin Healy see a copy of the briefing paper.

**From:** CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Erin A. Vargo/WHO/EOP@EOP [ WHO ] <Erin A. Vargo>; Gretchen P. Steen/WHO/EOP@EOP [ WHO ] <Gretchen P. Steen>; Christie Parell/WHO/EOP@EOP [ WHO ] <Christie Parell>; Carrie B. Loy/WHO/EOP@EOP [ WHO ] <Carrie B. Loy>; Lindsey C. Kozberg/WHO/EOP@EOP [ WHO ] <Lindsey C. Kozberg>; Adam B. Ingols/WHO/EOP@Exchange [ WHO ] <Adam B. Ingols>; Taylor A. Hughes/WHO/EOP@Exchange [ WHO ] <Taylor A. Hughes>; Henry C Hager/WHO/EOP@Exchange [ UNKNOWN ] <Henry C Hager>; Eleanor L. Gillmor/OPD/EOP@Exchange [ OPD ] <Eleanor L. Gillmor>; Carolyn E. Cleveland/WHO/EOP@Exchange [ WHO ] <Carolyn E. Cleveland>; Debra D. Bird/WHO/EOP@Exchange [ WHO ] <Debra D. Bird>; Brian R. Besanceney/WHO/EOP@EOP [ WHO ] <Brian R. Besanceney>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/E3cc9430-ad683d99-852569db-51f012@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/9a92fb8d-28223eb3-852569dc-630dcd@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/19127f32-8fd61fa5-85256bac-472950@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; Karin B. Torgerson/WHO/EOP@Exchange [ WHO ] <Karin B. Torgerson>; Jeannette B. Reilly/WHO/EOP@EOP [ WHO ] <Jeannette B. Reilly>; Kathleen Mynster/WHO/EOP@EOP [ WHO ] <Kathleen Mynster>; Emily L. Kropp/WHO/EOP@EOP [ WHO ] <Emily L. Kropp>; Brian C. Jones/WHO/EOP@EOP [ WHO ] <Brian C. Jones>; Edward Ingle/WHO/EOP@EOP [ WHO ] <Edward Ingle>; Israel Hernandez/WHO/EOP@Exchange [ WHO ] <Israel Hernandez>; Britt Grant/OPD/EOP@EOP [ OPD ] <Britt Grant>; Rory S. Cooper/WHO/EOP@EOP [ WHO ] <Rory S. Cooper>; Jonathan W. Burks/WHO/EOP@Exchange [ WHO ] <Jonathan W. Burks>; Todd W. Beyer/WHO/EOP@EOP [ WHO ] <Todd W. Beyer>; Barbara A. Barclay/WHO/EOP@Exchange [ WHO ] <Barbara A. Barclay>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B2e77f63-672509fb-852569d9-6d71fd@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/485b63e8-18b851de-852569dd-61845a@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; Christal R. West/WHO/EOP@Exchange [ WHO ] <Christal R. West>  
**CC:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 1:09:34 PM  
**Subject:** : Tomorrow's acknowledgments

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Anne E. Campbell ( CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 17:09:34.00  
SUBJECT:: Tomorrow's acknowledgments  
TO: Erin A. Vargo ( CN=Erin A. Vargo/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Gretchen P. Steen ( CN=Gretchen P. Steen/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Christie Parell ( CN=Christie Parell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Carrie B. Loy ( CN=Carrie B. Loy/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Lindsey C. Kozberg ( CN=Lindsey C. Kozberg/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Adam B. Ingols ( CN=Adam B. Ingols/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Taylor A. Hughes ( CN=Taylor A. Hughes/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Henry C Hager ( CN=Henry C Hager/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
READ: UNKNOWN  
TO: Eleanor L. Gillmor ( CN=Eleanor L. Gillmor/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ: UNKNOWN  
TO: Carolyn E. Cleveland ( CN=Carolyn E. Cleveland/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Debra D. Bird ( CN=Debra D. Bird/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Brian R. Besanceney ( CN=Brian R. Besanceney/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: RECIPIENTS ( EX@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=E3cc9430-ad683d99-852569db-51f012@EX@Exchange [ UNKNOWN ] )

READ:UNKNOWN  
TO:RECIPIENTS ( EX@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=9a92fb8d-28223eb3-852569dc-630dcd@EX@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
TO:RECIPIENTS ( EX@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=19127f32-8fd61fa5-85256bac-472950@EX@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Karin B. Torgerson ( CN=Karin B. Torgerson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jeannette B. Reilly ( CN=Jeannette B. Reilly/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kathleen Mynster ( CN=Kathleen Mynster/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Emily L. Kropp ( CN=Emily L. Kropp/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brian C. Jones ( CN=Brian C. Jones/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Britt Grant ( CN=Britt Grant/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Rory S. Cooper ( CN=Rory S. Cooper/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jonathan W. Burks ( CN=Jonathan W. Burks/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Todd W. Beyer ( CN=Todd W. Beyer/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Barbara A. Barclay ( CN=Barbara A. Barclay/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:RECIPIENTS ( EX@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B2e77f63-672509fb-852569d9-6d71fd@EX@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
TO:RECIPIENTS ( EX@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=485b63e8-18b851de-852569dd-61845a@EX@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Christal R. West ( CN=Christal R. West/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Please review tomorrow's acknowledgments for the Judicial Independence Event.; If you are aware of any changes or additions please let me know asap.  
Thank you.

;

Acknowledgments

ú;;;;;;;;; Attorney General John Ashcroft, Department of Justice

ú;;;;;;;;; Members of Congress

ú;;;;;;;;; Names TK

ú;;;;;;;;; Counsel Al Gonzales

ú;;;;;;;;; Deputy Attorney General Larry Thompson, Department of Justice

ú;;;;;;;;; Solicitor General Ted Olson

ú;;;;;;;;; A.P. Carlton, President, American Bar Association President

ú;;;;;;;;; Duard Bradshaw, President, Hispanic National Bar Association

ú;;;;;;;;; Former Attorney General Dick Thornburgh

ú;;;;;;;;; Former Attorney General Bill Barr

ú;;;;;;;;; Former Counsel Boyden Gray

ú;;;;;;;;; Former Counsel Lloyd Cutler, to President,s Clinton and Carter  
Former Attorney General Bill Barr

ú;;;;;;;;; Dick Wiley, Law Day Chair, American Bar Association

;

;

;

---

**From:** CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** ashley snee/who/eop@exchange@eop [ WHO ] <ashley snee>  
**Sent:** 5/8/2003 9:29:01 AM  
**Subject:** : Re: web site

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 13:29:01.00  
SUBJECT:: Re: web site  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:ashley snee ( CN=ashley snee/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I will take care of the three things today. Any luck on photos?

Brett M. Kavanaugh  
05/08/2003 01:25:05 PM  
Record Type: Record

To: Christopher J. Orr/WHO/EOP@EOP, Ashley  
Snee/WHO/EOP@Exchange@EOP  
cc:  
Subject: web site

I reviewed tape and had 3 small (but important) things to edit out.  
Looked pretty nice.



---

**From:** Monica.Goodling@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 9:29:26 AM  
**Subject:** : Re: DOJ response to NYT story on Priscilla Owen

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Monica.Goodling@usdoj.gov" <Monica.Goodling@usdoj.gov> (  
"Monica.Goodling@usdoj.gov" <Monica.Goodling@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 8-MAY-2003 13:29:26.00  
SUBJECT:: Re: DOJ response to NYT story on Priscilla Owen  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : Re: DOJ response to NYT story on  
Priscilla Owen  
Was Read By : Monica.Goodling@usdoj.gov  
On : Thu, 8 May 2003 13:27:35 -0400

---

**From:** CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Kara G. Figg/WHO/EOP@Exchange [ WHO ] <Kara G. Figg>  
**Sent:** 5/8/2003 9:37:40 AM  
**Subject:** : Judicial Event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 13:37:40.00  
SUBJECT:: Judicial Event  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Kara G. Figg ( CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes, Karl said we should meet with the Senators prior to the meeting.  
But, David Hobbs said there may be votes on the Hill and if Senator Miller  
cancels then we should not initiate a meeting with only GOP Senators.

;  
At this point I would have the Senators listed in the Sequence of going  
straight to their seats but insert a note of a possible meeting prior to  
the event.

;  
Iz  
;  
;

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Karin B. Torgerson/WHO/EOP@Exchange@EOP [ WHO ] <Karin B. Torgerson>;Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/8/2003 9:38:25 AM  
**Subject:** : Judicial Event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 13:38:25.00  
SUBJECT:: Judicial Event  
TO:Karin B. Torgerson ( CN=Karin B. Torgerson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

fyi

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/08/2003 01:37 PM -----

From: Israel Hernandez/WHO/EOP@Exchange on 05/08/2003 01:38:19 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Kara G. Figg/WHO/EOP@Exchange  
Subject: Judicial Event

Yes, Karl said we should meet with the Senators prior to the meeting.  
But, David Hobbs said there may be votes on the Hill and if Senator Miller  
cancels then we should not initiate a meeting with only GOP Senators.

;

At this point I would have the Senators listed in the Sequence of going  
straight to their seats but insert a note of a possible meeting prior to  
the event.

;

Iz

;

;

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Christopher J. Orr/WHO/EOP@EOP [ WHO ] <Christopher J. Orr>  
**CC:** ashley snee/who/eop@exchange@eop [ WHO ] <ashley snee>  
**Sent:** 5/8/2003 9:41:48 AM  
**Subject:** : Re: web site

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 13:41:48.00  
SUBJECT:: Re: web site  
TO:Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:ashley snee ( CN=ashley snee/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

No. Did photo office get the individual ones from May 9 with President?

From: Christopher J. Orr on 05/08/2003 01:28:25 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: ashley snee/who/eop@exchange@eop  
bcc:  
Subject: Re: web site

I will take care of the three things today. Any luck on photos?

Brett M. Kavanaugh  
05/08/2003 01:25:05 PM  
Record Type: Record

To: Christopher J. Orr/WHO/EOP@EOP, Ashley  
Snee/WHO/EOP@Exchange@EOP  
cc:  
Subject: web site

I reviewed tape and had 3 small (but important) things to edit out.  
Looked pretty nice.

---

**From:** CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 9:52:10 AM  
**Subject:** : possible mtg times

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 13:52:10.00  
SUBJECT:: possible mtg times  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I need times from that you are available tomorrow and Monday for the meeting with David, Judge, Brad, and Dan Bartlett.

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 10:12:10 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 14:12:10.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I am so swamped and have not gotten to it yet. I have what went out last year and the basic out line of what it will be. My plan is to get it into staffing tonight - definitely. Just not sure when.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, May 08, 2003 1:50 PM  
To: Snee, Ashley  
Subject:

Hate to be more of a pest, but how's draft fact sheet. Ask because that will have to go through staffing before tomorrow a.m. presumably.

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>  
**Sent:** 5/8/2003 2:22:27 PM  
**Subject:**

also they should invite Ken Starr at 879-5130.

---

**From:** CN=Colleen M. Carroll/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 10:25:17 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen M. Carroll ( CN=Colleen M. Carroll/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 14:25:17.00  
SUBJECT:: Re:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,  
If the numbers change, let me (and Anne) know and we can adjust.  
I'd like to hear him deliver this in person -- do I need to be on a list,  
or can I just show up tomorrow?  
Colleen

Brett M. Kavanaugh  
05/08/2003 02:11:35 PM  
Record Type: Record

To: Colleen M. Carroll/WHO/EOP@EOP  
cc: John P. McConnell/WHO/EOP@EOP  
Subject:

Thank you for all your help! We/I are lawyers and we/I can be a  
constitutional pain. And alas, we may have to adjust statistics again if  
Roberts gets confirmed later today.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange [ WHO ] <Ashley Snee>  
**Sent:** 5/8/2003 2:43:07 PM  
**Subject:** : RE: send me draft #6

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 18:43:07.00  
SUBJECT:: RE: send me draft #6  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

what do we say?

From: Ashley Snee/WHO/EOP@Exchange on 05/08/2003 06:42:14 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: send me draft #6

I'm getting calls saying that people are hearing from the hill we are going to endorse Frist's rule change idea.

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Thursday, May 08, 2003 6:34 PM  
To: Snee, Ashley  
Subject: send me draft #6

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/8/2003 10:51:37 AM  
**Subject:** : Judiciary Markup

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 8-MAY-2003 14:51:37.00

SUBJECT:: Judiciary Markup

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Kuhl.; 10-9

Roberts. 16-2, Kennedy and Durbin no, Schumer not voting

Callahan. 18-0, Schumer not voting

Hicks. 19-0

Moschella and Rapadas done by UC

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/8/2003 3:02:34 PM  
**Subject:** : White House Global Messenger - 5/9/03  
**Attachments:** P\_YO9AG003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 8-MAY-2003 19:02:34.00  
SUBJECT:: White House Global Messenger - 5/9/03  
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(See attached file: GM 5-09-03 FINAL.doc)

THE GLOBAL MESSENGER  
Friday, May 9, 2003

\*\*\*\*\*KEY POINTS FROM THE PRESIDENT'S REMARKS ON NATO AND CENTRAL EUROPEAN COUNTRIES\*\*\*\*\*

\*The heroic nations of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia have survived tyranny, won their liberty and earned their place among free nations. We urge all current members of NATO to welcome these new members as quickly as possible.

\*Nearly two years ago, President Bush called upon all NATO allies to renew their mission and meet the great challenges of the world beyond Europe. And following the terrorist attacks of September 11th, NATO invoked its commitment to the collective defense for the first time in its history.

\*In the battle of Afghanistan, nations from central and eastern Europe supplied soldiers, special forces and peacekeepers to help defeat the Taliban and bring freedom to the Afghan people.

\*In the battle of Iraq, central and eastern European countries have stood with America and our Coalition to end a grave threat to peace, and to rid Iraq of a brutal regime.

\*NATO must develop new military capabilities to meet the emerging dangers of a new era. We must help the people of the Balkans to become full partners in the progress of Europe. We welcome the commitment of Albania, Croatia and Macedonia to

REV\_00117569

the values and principles of NATO, and will help them as they move forward with reform.

\*We have work ahead in bringing order and security to Iraq, so the Iraqi people can build the institutions of freedom and provide an example of democracy to other Arab nations.

\*Just as NATO has stood for the freedom of all of Europe, we must stand with people everywhere who strive for greater freedom, tolerance, development and opportunity, including those in the Middle East and Africa.

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Daylight. Subject to Change

11:15 am Defense Department Briefing

2:50 pm President Bush remarks at University of South Carolina

TBD State Department Briefing

\*\*\*\*\*IN THE PRESIDENT'S WORDS: U.S.-QATAR RELATIONS, 5/8/03\*\*\*\*\*

"The Amir [of Qatar] has shown great leadership. He has led his country to join in a vast coalition to make the world more peaceful, to make the world more free...[and] has served as a strong example of what is possible in his part of the world.

"He is a reformer. He's promoted a new constitution, which allows women to vote. He's promoted women into his cabinet. He is a strong leader. He believes strongly in education, an educated populous is one more likely to realize their dreams."

\*\*\*\*\*LIBERATION UPDATE\*\*\*\*\*

The voices of freedom, now heard across Iraq

For more reactions to Operation Iraqi Freedom, visit "Liberation Update" at:  
<http://www.whitehouse.gov/liberation>

\*\*\*

"It wasn't the fall of Baghdad. It was the rise."  
Hasem Ali, 52, an Iraqi in London, Los Angeles Times, 5/7/03

\*\*\*

"We cover local religious activities in the city and nearby provinces as far as we can. But we hope to improve and widen our coverage to include all such activities across Iraq. We need such productions. The Iraqis have been deprived over 35 years from watching religious programs."  
Hassan Aday, Karbala TV channel's religious program producer, Abu Dhabi TV, 5/7/03

THE WHITE HOUSE

REV\_00117570

Office of Global Communications

For more information log on to <http://www.whitehouse.gov/ogc>

\*\*\*\*\*

You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.

- GM 5-09-03 FINAL.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_YO9AG003\_WHO.TXT\_1>



# THE GLOBAL MESSENGER

Friday, May 9, 2003



## **TODAY'S SCHEDULE**

*All Times Eastern Daylight. Subject to Change*

11:15 am Defense Department Briefing  
2:50 pm President Bush remarks at University  
of South Carolina  
TBD State Department Briefing

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## **LIBERATION UPDATE**

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<http://www.whitehouse.gov/liberation>

\*\*\*

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**Hasem Ali, 52, an Iraqi in London,**

***Los Angeles Times*, 5/7/03**

\*\*\*

"We cover local religious activities in the city and nearby provinces as far as we can. But we hope to improve and widen our coverage to include all such activities across Iraq. We need such productions. The Iraqis have been deprived over 35 years from watching religious programs."

**Hassan Aday, Karbala TV channel's religious  
program producer, *Abu Dhabi TV*, 5/7/03**

## **KEY POINTS FROM THE PRESIDENT'S REMARKS ON NATO AND CENTRAL EUROPEAN COUNTRIES**

- The heroic nations of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia have survived tyranny, won their liberty and earned their place among free nations. We urge all current members of NATO to welcome these new members as quickly as possible.
- Nearly two years ago, President Bush called upon all NATO allies to renew their mission and meet the great challenges of the world beyond Europe. And following the terrorist attacks of September 11th, NATO invoked its commitment to the collective defense for the first time in its history.
- In the battle of Afghanistan, nations from central and eastern Europe supplied soldiers, special forces and peacekeepers to help defeat the Taliban and bring freedom to the Afghan people.
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- Just as NATO has stood for the freedom of all of Europe, we must stand with people everywhere who strive for greater freedom, tolerance, development and opportunity, including those in the Middle East and Africa.

**THE WHITE HOUSE**

**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00117572

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**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>  
**Sent:** 5/8/2003 3:10:29 PM  
**Subject:**

Do we have an up to date MASTER list of who's coming?

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Lynden R. Steele/WHO/EOP@EOP [ WHO ] <Lynden R. Steele>  
**Sent:** 5/8/2003 11:11:06 AM  
**Subject:** : FW:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 15:11:06.00  
SUBJECT:: FW:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Lynden R. Steele ( CN=Lynden R. Steele/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett - Can you tell lynden which one Owen is.

Lynden - Estrada is bottom row center. (right Brett?)

-----Original Message-----

From: Orr, Christopher J.  
Sent: Thursday, May 08, 2003 3:04 PM  
To: Snee, Ashley  
Subject:

Here is the URL -- just tell Lynden where Estrada and Owen are

[www.whitehouse.gov/news/releases/2001/05/images/20010509-3.html](http://www.whitehouse.gov/news/releases/2001/05/images/20010509-3.html)  
<[www.whitehouse.gov/news/releases/2001/05/images/20010509-3.html](http://www.whitehouse.gov/news/releases/2001/05/images/20010509-3.html)>



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/8/2003 11:11:19 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 15:11:19.00  
SUBJECT:  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Do we have an up to date MASTER list of who's coming?

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>  
**CC:** <Steele, Lynden R.>  
**Sent:** 5/8/2003 3:11:42 PM  
**Subject:** FW:

Brett - Can you tell lynden which one Owen is.

Lynden - Estrada is bottom row center. (right Brett?)

-----Original Message-----

**From:** Orr, Christopher J.  
**Sent:** Thursday, May 08, 2003 3:04 PM  
**To:** Snee, Ashley  
**Subject:**

Here is the URL -- just tell Lynden where Estrada and Owen are

[www.whitehouse.gov/news/releases/2001/05/images/20010509-3.html](http://www.whitehouse.gov/news/releases/2001/05/images/20010509-3.html)

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 3:22:44 PM  
**Subject:** call me

I just got off the phone with Kara.

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/8/2003 11:36:26 AM  
**Subject:** : rose garden  
**Attachments:** P\_ZDX9G003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 8-MAY-2003 15:36:26.00  
SUBJECT:: rose garden  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I know we mortals are supposed to be there tomorrow at 9:30, but what time can Senators roll in?

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_ZDX9G003\_WHO.TXT\_1>

I know we mortals are supposed to be there tomorrow at 9:30, but what time can Senators roll in?

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 11:37:36 AM  
**Subject:** : RE: Judiciary Markup

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 15:37:36.00  
SUBJECT:: RE: Judiciary Markup  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

So John got Leahy,s vote? Amazing.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, May 08, 2003 2:51 PM  
To: Gonzales, Alberto R.; Leitch, David G.; Brosnahan, Jennifer R.;  
Newstead, Jennifer G.; Bartolomucci, H. Christopher; Sampson, Kyle;  
Francisco, Noel J.; Powell, Benjamin A.; Ulliot, Theodore W.  
Subject: Judiciary Markup

Kuhl. 10-9  
Roberts. 16-2, Kennedy and Durbin no, Schumer not voting  
Callahan. 18-0, Schumer not voting  
Hicks. 19-0  
Moschella and Rapadas done by UC

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Estrada, Miguel A. <MEstrada@gibsondunn.com>  
**Sent:** 5/8/2003 11:37:13 AM  
**Subject:** : Re: The wages of boredom

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 15:37:13.00  
SUBJECT:: Re: The wages of boredom  
TO:"Estrada, Miguel A." <MEstrada@gibsondunn.com> ( "Estrada, Miguel A."  
<MEstrada@gibsondunn.com> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

1 R absence. You got 54 and Owen got 52.

"Estrada, Miguel A." <MEstrada@gibsondunn.com>  
05/08/2003 03:32:48 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: The wages of boredom

So how many people were too bored to attend the sixth cloture vote? Which  
is to say, what was the tally?

=====  
===

This message may contain confidential and privileged information. If it  
has been sent to you in error, please reply to advise the sender of the  
error and then immediately delete this message.

=====  
===

---

**From:** Estrada, Miguel A. <MEstrada@gibsondunn.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 11:40:42 AM  
**Subject:** : Re: The wages of boredom

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Estrada, Miguel A." <MEstrada@gibsondunn.com> ( "Estrada, Miguel A."  
<MEstrada@gibsondunn.com> [ UNKNOWN ] )  
CREATION DATE/TIME: 8-MAY-2003 15:40:42.00  
SUBJECT:: Re: The wages of boredom  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Who was absent?

What were the Dem votes?

-----Original Message-----

From: Brett\_M.\_Kavanaugh@who.eop.gov <Brett\_M.\_Kavanaugh@who.eop.gov>  
To: Estrada, Miguel A. <MEstrada@gibsondunn.com>  
Sent: Thu May 08 15:36:44 2003  
Subject: Re: The wages of boredom

1 R absence. You got 54 and Owen got 52.

(Embedded  
image moved "Estrada, Miguel A." <MEstrada@gibsondunn.com>  
to file: 05/08/2003 03:32:48 PM  
pic26939.pcx)

Record Type: Record

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

cc:  
Subject: The wages of boredom

So how many people were too bored to attend the sixth cloture vote? Which  
is to  
say, what was the tally?

=====  
===

This message may contain confidential and privileged information. If it  
has  
been sent to you in error, please reply to advise the sender of the error  
and

REV\_00117594



then immediately delete this message.

=====  
===

=====  
===

This message may contain confidential and privileged information. If it  
has been sent to you in error, please reply to advise the sender of the  
error and then immediately delete this message.

=====  
===

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/8/2003 11:44:24 AM  
**Subject:** : Re: I asked for the Pickering package they are distributing

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 15:44:24.00  
SUBJECT:: Re: I asked for the Pickering package they are distributing  
TO: Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

who is "they"  
,

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/08/2003 03:44:23 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: I asked for the Pickering package they are distributing

and I am sending it your way to review. We should do a notebook if anything is distributed, right?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>  
**Sent:** 5/8/2003 11:49:27 AM  
**Subject:** : Re: possible mtg times

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 15:49:27.00  
SUBJECT:: Re: possible mtg times  
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

maybe 3:00? I have to fly out late tomorrow.

From: Charlotte L. Montiel/WHO/EOP@Exchange on 05/08/2003 01:52:49  
PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: possible mtg times

I need times from that you are available tomorrow and Monday for the meeting with David, Judge, Brad, and Dan Bartlett.

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 3:50:38 PM  
**Subject:** RE: FW: Updated - Judicial Independence

They are confirmed- I handled myself.

I'll get the final list from Matt so there isn't any confusion, but I am 100% certain that they are good to go.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Thursday, May 08, 2003 3:47 PM  
**To:** Nelson, Carolyn  
**Subject:** Re: FW: Updated - Judicial Independence

WHAT ABOUT ALL THE OTHER PEOPLE FROM DOJ??????

From: Carolyn Nelson/WHO/EOP@Exchange on 05/08/2003 03:47:36 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: FW: Updated - Judicial Independence

-----Original Message-----

**From:** Loy, Carrie B.  
**Sent:** Thursday, May 08, 2003 2:15 PM  
**To:** Nelson, Carolyn; Smith, Matthew E.  
**Subject:** Updated - Judicial Independence

<< OLE Object: Picture (Metafile) >>

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/8/2003 3:51:18 PM  
**Subject:** : IMPORTANT: Specter statement at markup today on Kuhl

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 19:51:18.00  
SUBJECT:: IMPORTANT: Specter statement at markup today on Kuhl  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From New York Times:

All 10 of the committee's Republicans voted in her favor today while all 9 Democrats voted no. But Senator Arlen Specter, a Pennsylvania Republican, said he had not yet decided if he would vote for her confirmation when her nomination comes to the floor because he was troubled by her record.

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Kara G. Figg/WHO/EOP@Exchange [ WHO ] <Kara G. Figg>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Israel Hernandez/WHO/EOP@Exchange [ WHO ] <Israel Hernandez>  
**Sent:** 5/8/2003 11:57:26 AM  
**Subject:** : AG

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 15:57:26.00  
SUBJECT:: AG  
TO:Kara G. Figg ( CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The AG WILL come tomorrow. I'm going to ask the Judge if he'd like to include him in the pre-brief @ 10:20. If not, he'll go directly to his seat. He will be mentioned in the remarks.

---

**From:** Estrada, Miguel A. <MEstrada@gibsondunn.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 12:06:03 PM  
**Subject:** : Re: The wages of boredom

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Estrada, Miguel A." <MEstrada@gibsondunn.com> ( "Estrada, Miguel A."  
<MEstrada@gibsondunn.com> [ UNKNOWN ] )  
CREATION DATE/TIME: 8-MAY-2003 16:06:03.00  
SUBJECT:: Re: The wages of boredom  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Bummer. I was counting on Teddy.

What's up with Lisa?

-----Original Message-----

From: Brett\_M.\_Kavanaugh@who.eop.gov <Brett\_M.\_Kavanaugh@who.eop.gov>  
To: Estrada, Miguel A. <MEstrada@gibsondunn.com>  
Sent: Thu May 08 15:45:01 2003  
Subject: Re: The wages of boredom

Kennedy, Lieberman, and Lisa Murkowski were absent.

(Embedded  
image moved "Estrada, Miguel A." <MEstrada@gibsondunn.com>  
to file: 05/08/2003 03:38:50 PM  
pic18473.pcx)

Record Type: Record

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

cc:  
Subject: Re: The wages of boredom

Who was absent?

What were the Dem votes?

-----Original Message-----

From: Brett\_M.\_Kavanaugh@who.eop.gov <Brett\_M.\_Kavanaugh@who.eop.gov>  
To: Estrada, Miguel A. <MEstrada@gibsondunn.com>  
Sent: Thu May 08 15:36:44 2003  
Subject: Re: The wages of boredom

1 R absence. You got 54 and Owen got 52.

(Embedded  
image moved "Estrada, Miguel A." <MEstrada@gibsondunn.com>  
to file: 05/08/2003 03:32:48 PM  
pic26939.pcx)

Record Type: Record

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

cc:  
Subject: The wages of boredom

So how many people were too bored to attend the sixth cloture vote? Which  
is to  
say, what was the tally?

=====  
===

This message may contain confidential and privileged information. If it  
has  
been sent to you in error, please reply to advise the sender of the error  
and  
then immediately delete this message.

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been sent to you in error, please reply to advise the sender of the error  
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then immediately delete this message.

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This message may contain confidential and privileged information. If it  
has been sent to you in error, please reply to advise the sender of the  
error and then immediately delete this message.  
=====  
===

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 12:14:21 PM  
**Subject:** : wsj

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 16:14:21.00  
SUBJECT:: wsj  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

unless you object, you are meeting off-the-record with bob greenburg of  
the wsj tomorrow at 2pm.; he covers legal issues for them and wants to  
meet you.; work for you?;

---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 12:17:25 PM  
**Subject:** : Seating

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 16:17:25.00  
SUBJECT:: Seating  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,

Can you send to Jeanie a list of VIPs you want priority seating for?

I also think that the four coalition leaders should get good seats  
[Leonard, Jay Sekulow, Boyden]

Matt

---

**From:** CN=Paul Perkins/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 12:17:21 PM  
**Subject:** : Re: Judges List  
**Attachments:** P\_PUZ9G003\_WHO.TXT\_1.xlw

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 16:17:21.00  
SUBJECT:: Re: Judges List  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes, this is the confirmation list.

Brett M. Kavanaugh  
05/08/2003 04:07:37 PM  
Record Type: Record

To: Paul Perkins/WHO/EOP@EOP  
cc: carolyn nelson/who/eop@exchange@eop, matthew e.  
smith/who/eop@eop  
bcc:  
Subject: Re: Judges List

These people are all confirmed as coming?

Paul Perkins  
05/08/2003 04:05:54 PM  
Record Type: Record

To: Carolyn Nelson/WHO/EOP@Exchange@EOP  
cc: Matthew E. Smith/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP  
Subject: Judges List

Here is the most up to date list.  
Thanks,  
Paul.

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_PUZ9G003\_WHO.TXT\_1>

REV\_00117619

**Document Produced Natively**

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Anne E. Campbell/WHO/EOP@Exchange@EOP [ WHO ] <Anne E. Campbell>  
**CC:** Colleen M. Carroll/WHO/EOP@EOP [ WHO ] <Colleen M. Carroll>  
**Sent:** 5/8/2003 12:17:24 PM  
**Subject:** : acknowledgements

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 16:17:24.00  
SUBJECT:: acknowledgements  
TO:Anne E. Campbell ( CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Colleen M. Carroll ( CN=Colleen M. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Do you need our help on that?

Right now the possible "long list" seems to be Senators TBD, Counsel Al Gonzales, Attorney General John Ashcroft, Deputy Attorney General Larry Thompson, Solicitor General Ted Olson, American Bar Association President A.P. Carlton, President of Hispanic National Bar Association Duard Bradshaw, former Attorney General Dick Thornburgh, former Counsel Boyden Gray, and former Clinton and Carter Counsel Lloyd Cutler.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>  
**CC:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>;Carolyn Nelson/WHO  
/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/8/2003 12:17:26 PM  
**Subject:** : Re: Judges List  
**Attachments:** P\_B00AG003\_WHO.TXT\_1.xlw

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 16:17:26.00  
SUBJECT:: Re: Judges List  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can we make sure Ken Starr was invited. 879-5130.

Matthew E. Smith

05/08/2003 04:08:15 PM

Record Type: Record

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

correct

Brett M. Kavanaugh  
05/08/2003 04:07:37 PM  
Record Type: Record

To: Paul Perkins/WHO/EOP@EOP  
cc: carolyn nelson/who/eop@exchange@eop, matthew e.  
smith/who/eop@eop  
bcc:  
Subject: Re: Judges List

These people are all confirmed as coming?

Paul Perkins  
05/08/2003 04:05:54 PM

REV\_00117622

Record Type: Record

To: Carolyn Nelson/WHO/EOP@Exchange@EOP  
cc: Matthew E. Smith/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP  
Subject: Judges List

Here is the most up to date list.  
Thanks,  
Paul.

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_B00AG003\_WHO.TXT\_1>



**Document Produced Natively**

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jeannette B. Reilly/WHO/EOP@EOP [ WHO ] <Jeannette B. Reilly>  
**Sent:** 5/8/2003 4:18:42 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 20:18:42.00  
SUBJECT: :  
TO:Jeannette B. Reilly ( CN=Jeannette B. Reilly/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

<http://rpc.senate.gov/~rpc/releases/Freshmenletter.pdf>

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Patrick J. Bumatay/WHO/EOP@Exchange@EOP [ WHO ] <Patrick J. Bumatay>  
**Sent:** 5/8/2003 4:18:42 PM  
**Subject:** : who has the New Mexico remarks for Monday?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 20:18:42.00  
SUBJECT:: who has the New Mexico remarks for Monday?  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/8/2003 12:23:33 PM  
**Subject:** : why aren't Dole and Hutchison coming?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 16:23:33.00  
SUBJECT:: why aren't Dole and Hutchison coming?  
TO: Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Judge Carolyn Kuhl <ckuhl@LASuperiorCourt.org>  
**Sent:** 5/8/2003 4:26:48 PM  
**Subject:** : from AP story

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 20:26:48.00  
SUBJECT:: from AP story  
TO:Judge Carolyn Kuhl <ckuhl@LASuperiorCourt.org> ( Judge Carolyn Kuhl  
<ckuhl@LASuperiorCourt.org> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Democrats said they have made no decision about a filibuster in the full Senate. "We have two filibusters going. Maybe that's enough," said Sen. Dianne Feinstein, D-Calif.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** colleen m. carroll/who/eop@eop [ WHO ] <colleen m. carroll>; anne e. campbell/who/eop@exchange@eop [ WHO ] <anne e. campbell>  
**Sent:** 5/8/2003 12:30:05 PM  
**Subject:** : Re: acknowledgements

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 16:30:05.00  
SUBJECT:: Re: acknowledgements  
TO: colleen m. carroll ( CN=colleen m. carroll/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
TO: anne e. campbell ( CN=anne e. campbell/OU=who/O=eop@exchange@eop [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

additions to list below:

former Attorney General Bill Barr  
Dick Wiley, Law Day Chair for the American Bar Association

Brett M. Kavanaugh  
05/08/2003 04:07:04 PM  
Record Type: Record

To: Anne E. Campbell/WHO/EOP@Exchange@EOP  
cc: Colleen M. Carroll/WHO/EOP@EOP  
Subject: acknowledgements

Do you need our help on that?

Right now the possible "long list" seems to be Senators TBD, Counsel Al Gonzales, Attorney General John Ashcroft, Deputy Attorney General Larry Thompson, Solicitor General Ted Olson, American Bar Association President A.P. Carlton, President of Hispanic National Bar Association Duard Bradshaw, former Attorney General Dick Thornburgh, former Counsel Boyden Gray, and former Clinton and Carter Counsel Lloyd Cutler.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Erin E. Healy/WHO/EOP@EOP [ WHO ] <Erin E. Healy>  
**CC:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/8/2003 12:33:58 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 16:33:58.00  
SUBJECT::  
TO:Erin E. Healy ( CN=Erin E. Healy/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Erin: Carrie will send new briefing paper when we have. Also, we are talking to Judge about standing behind.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/8/2003 12:34:18 PM  
**Subject:** : WHAT VOTES ARE OCCURRING TODAY?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 16:34:18.00  
SUBJECT:: WHAT VOTES ARE OCCURRING TODAY?  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####



---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 12:36:46 PM  
**Subject:** : RE: why aren't Dole and Hutchison coming?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 16:36:46.00  
SUBJECT:: RE: why aren't Dole and Hutchison coming?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

They like you, really, they do.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, May 08, 2003 4:23 PM  
To: Grubbs, Wendy J.  
Subject: why aren't Dole and Hutchison coming?

---

**From:** CN=Jenica Baldwin/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Charlotte L. Montiel/WHO/EOP@Exchange@EOP [ WHO ] <Charlotte L. Montiel>  
**Sent:** 5/8/2003 12:37:33 PM  
**Subject:** : Friday

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jenica Baldwin ( CN=Jenica Baldwin/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 16:37:33.00  
SUBJECT:: Friday  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I am sorry to keep bugging you, I need to know if this works since the briefing is tomorrow. Please let me know at your earliest convenience. Thank you!

----- Forwarded by Jenica Baldwin/WHO/EOP on 05/08/2003  
04:36 PM -----

Jenica Baldwin 05/07/2003 06:25:35 PM

Record Type: Record

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

I understand from Lezlee that you will speak on Friday! Thank you!  
I have you down from 1:20pm - 1:40pm  
Please let me know if this works

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 12:37:46 PM  
**Subject:** : RE: WHAT VOTES ARE OCCURRING TODAY?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 16:37:46.00  
SUBJECT:: RE: WHAT VOTES ARE OCCURRING TODAY?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

FISA passage and a Feinstein amendment (and likely Roberts, but not set yet.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, May 08, 2003 4:34 PM  
To: Grubbs, Wendy J.  
Subject: WHAT VOTES ARE OCCURRING TODAY?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ho, James (Judiciary) <James\_Ho@Judiciary.senate.gov>  
**Sent:** 5/8/2003 4:37:25 PM  
**Subject:** : RE: WH comment on the hearing, on Senator Cornyn

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 8-MAY-2003 20:37:25.00

SUBJECT:: RE: WH comment on the hearing, on Senator Cornyn

TO: "Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> ( "Ho, James (Judiciary)"  
<James\_Ho@Judiciary.senate.gov> [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

I would expect a mention.

"Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov>

05/08/2003 05:21:49 PM

Record Type: Record

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

cc:

Subject: RE: WH comment on the hearing, on Senator Cornyn

Hope you thought the hearing was helpful. Just wanted to confirm -- is the President planning to mention Senator Cornyn or the hearing tomorrow?

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov

[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]

Sent: Monday, May 05, 2003 2:25 PM

To: Ho, James (Judiciary)

Subject: Re: WH comment on the hearing, on Senator Cornyn

no doubt afterwards (eg on Friday by President); will also try before. I plan to come.

Record Type: Record

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

Subject: WH comment on the hearing, on Senator Cornyn

Any chance that the White House will give some sort of positive comment about Senator Cornyn and his desire to call this hearing, either before or after the hearing? Any chance someone from the WH (perhaps you) will be there? Thanks for any info!

James C. Ho

Chief Counsel

U.S. Senate Subcommittee on the Constitution, Civil Rights & Property Rights

U.S. Senator John Cornyn, Chairman

<mailto:James\_Ho@judiciary.senate.gov> James\_Ho@judiciary.senate.gov

<mailto:James\_Ho@judiciary.senate.gov>

REV\_00117650

(202) 224-9614 (direct line)

(202) 224-2934 (general office number)

**PRA 6**

(mobile)

**PRA 6**

(home)

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 4:37:26 PM  
**Subject:** RE: why aren't Dole and Hutchison coming?

They like you, really, they do.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Thursday, May 08, 2003 4:23 PM  
**To:** Grubbs, Wendy J.  
**Subject:** why aren't Dole and Hutchison coming?

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 4:39:37 PM  
**Subject:** FW: Addition

Fyi- does he need a name marker?

-----Original Message-----

**From:** Loy, Carrie B.  
**Sent:** Thursday, May 08, 2003 4:37 PM  
**To:** Smith, Matthew E.; Nelson, Carolyn  
**Subject:** Addition



---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jeanie L. Figg/WHO  
/EOP@Exchange@EOP [ WHO ] <Jeanie L. Figg>  
**Sent:** 5/8/2003 12:55:58 PM  
**Subject:** : Number

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 16:55:58.00  
SUBJECT:: Number  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeanie L. Figg ( CN=Jeanie L. Figg/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Keeping in mind the Senators, Government/Administration Officials, and  
invited guests my count is at 242 tomorrow.



---

**From:** CN=Jeannette B. Reilly/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 12:56:46 PM  
**Subject:** : Questions

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jeannette B. Reilly ( CN=Jeannette B. Reilly/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 16:56:46.00  
SUBJECT:: Questions  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can I give you a call around 6 to mop up any remaining details re: the  
judicial speech? If you're busy that's fine. I have a conference call at  
5, but I am hoping to be off by 6. If you will not be around, let me know.  
Thanks! -J

---

**From:** CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 12:57:31 PM  
**Subject:** : Proposed EO entitled "facilitating the Administration of Justice in the Federal courts"

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Melissa S. Bennett ( CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 8-MAY-2003 16:57:31.00

SUBJECT:: Proposed EO entitled "facilitating the Administration of Justice in the Federal courts

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Sec. Card = OK

---

**From:** Bennett, Melissa S.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 4:58:06 PM  
**Subject:** Proposed EO entitled "facilitating the Administration of Justice in the Federal courts"

Sec. Card = OK

---

**From:** Ho, James (Judiciary) <James\_Ho@Judiciary.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 5:03:31 PM  
**Subject:** : RE: WH comment on the hearing, on Senator Cornyn

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> ( "Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 8-MAY-2003 21:03:31.00

SUBJECT:: RE: WH comment on the hearing, on Senator Cornyn

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Thanks for the info, Brett!

-----Original Message-----

From: Brett\_M.\_Kavanaugh@who.eop.gov

[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]

Sent: Thursday, May 08, 2003 8:37 PM

To: Ho, James (Judiciary)

Subject: RE: WH comment on the hearing, on Senator Cornyn

I would expect a mention.

(Embedded

image moved "Ho, James (Judiciary)"

to file: <James\_Ho@Judiciary.senate.gov>

pic19579.pcx) 05/08/2003 05:21:49 PM

Record Type: Record

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

cc:

Subject: RE: WH comment on the hearing, on Senator Cornyn

Hope you thought the hearing was helpful. Just wanted to confirm -- is the President planning to mention Senator Cornyn or the hearing tomorrow?

-----Original Message-----

From: Brett\_M.\_Kavanaugh@who.eop.gov

[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]

Sent: Monday, May 05, 2003 2:25 PM

To: Ho, James (Judiciary)

Subject: Re: WH comment on the hearing, on Senator Cornyn

no doubt afterwards (eg on Friday by President); will also try before. I plan to come.

Record Type: Record

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

REV\_00117661

Subject: WH comment on the hearing, on Senator Cornyn

Any chance that the White House will give some sort of positive comment about Senator Cornyn and his desire to call this hearing, either before or after the hearing? Any chance someone from the WH (perhaps you) will be there? Thanks for any info!

James C. Ho  
Chief Counsel

U.S. Senate Subcommittee on the Constitution, Civil Rights & Property Rights

U.S. Senator John Cornyn, Chairman

<mailto:James\_Ho@judiciary.senate.gov> James\_Ho@judiciary.senate.gov  
<mailto:James\_Ho@judiciary.senate.gov>

(202) 224-9614 (direct line)

(202) 224-2934 (general office number)

**PRA 6**

(mobile)

**PRA 6**

(home)

---

**From:** Miranda, Manuel \(\Frist\) <Manuel\_Miranda@frist.senate.gov>  
**To:** <Grubbs, Wendy J.>;<Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 5:07:51 PM  
**Subject:** Miller

Have you considered inviting Senator Zell Miller?

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**Sent:** 5/8/2003 1:08:51 PM  
**Subject:** : RE: Miller

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 8-MAY-2003 17:08:51.00

SUBJECT:: RE: Miller

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov>@SMTP@Exchange ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov>@SMTP@Exchange [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Done

-----Original Message-----

From: Miranda, Manuel (Frist) [mailto:Manuel\_Miranda@frist.senate.gov]

Sent: Thursday, May 08, 2003 5:08 PM

To: Grubbs, Wendy J.; Kavanaugh, Brett M.

Subject: Miller

Have you considered inviting Senator Zell Miller?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** ho, james (judiciary) <james\_ho@judiciary.senate.gov>  
**Sent:** 5/8/2003 5:08:02 PM  
**Subject:** : RE: WH comment on the hearing, on Senator Cornyn

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 8-MAY-2003 21:08:02.00

SUBJECT:: RE: WH comment on the hearing, on Senator Cornyn

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

CC: "ho, james (judiciary)" <james\_ho@judiciary.senate.gov> ( "ho, james (judiciary)"  
<james\_ho@judiciary.senate.gov> [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

I obviously meant "doing" not "dealing." Getting late.

Brett M. Kavanaugh  
05/08/2003 09:06:55 PM  
Record Type: Record

To: "Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov>  
cc:  
bcc: Records Management@EOP  
Subject: RE: WH comment on the hearing, on Senator Cornyn

Great. To state the obvious, you are dealing a helluva job. See you in  
a.m.

"Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov>  
05/08/2003 09:05:33 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: WH comment on the hearing, on Senator Cornyn

Yes, definitely -- thanks!!!

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Thursday, May 08, 2003 9:04 PM  
To: Ho, James (Judiciary)  
Subject: RE: WH comment on the hearing, on Senator Cornyn

You are coming, right??

REV\_00117665



(Embedded  
image moved "Ho, James (Judiciary)"  
to file: <James\_Ho@Judiciary.senate.gov>  
pic19760.pcx) 05/08/2003 09:02:34 PM

Record Type: Record

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

cc:  
Subject: RE: WH comment on the hearing, on Senator Cornyn

Thanks for the info, Brett!

-----Original Message-----  
From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Thursday, May 08, 2003 8:37 PM  
To: Ho, James (Judiciary)  
Subject: RE: WH comment on the hearing, on Senator Cornyn

I would expect a mention.

(Embedded  
image moved "Ho, James (Judiciary)"  
to file: <James\_Ho@Judiciary.senate.gov>  
pic19579.pcx) 05/08/2003 05:21:49 PM

Record Type: Record

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

cc:  
Subject: RE: WH comment on the hearing, on Senator Cornyn

Hope you thought the hearing was helpful. Just wanted to confirm -- is  
the President planning to mention Senator Cornyn or the hearing  
tomorrow?

-----Original Message-----  
From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Monday, May 05, 2003 2:25 PM  
To: Ho, James (Judiciary)  
Subject: Re: WH comment on the hearing, on Senator Cornyn

no doubt afterwards (eg on Friday by President); will also try before.  
I plan to come.

Record Type: Record

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

Subject: WH comment on the hearing, on Senator Cornyn

Any chance that the White House will give some sort of positive comment about Senator Cornyn and his desire to call this hearing, either before or after the hearing? Any chance someone from the WH (perhaps you) will be there? Thanks for any info!

James C. Ho

Chief Counsel

U.S. Senate Subcommittee on the Constitution, Civil Rights & Property Rights

U.S. Senator John Cornyn, Chairman

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(202) 224-9614 (direct line)

(202) 224-2934 (general office number)

(202) 491-8227 (mobile)

(703) 812-8152 (home)

---

**From:** Smith, Matthew E.  
**To:** <Nelson, Carolyn>;<Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 5:08:43 PM  
**Subject:** Briefing paper

Make sure Jeanie Figg and Erin Healy see a copy of the briefing paper.

---

**From:** Miranda, Manuel \(\Frist\) <Manuel\_Miranda@frist.senate.gov>  
**To:** <Grubbs, Wendy J.>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 5:08:47 PM  
**Subject:** RE: Miller

Sorry, I just saw it on the list.

-----Original Message-----

**From:** Grubbs, Wendy J. [mailto:Wendy\_J.\_Grubbs@who.eop.gov]  
**Sent:** Thursday, May 08, 2003 5:09 PM  
**To:** Miranda, Manuel (Frist); Kavanaugh, Brett M.  
**Subject:** RE: Miller

Done

-----Original Message-----

**From:** Miranda, Manuel (Frist) [mailto:Manuel\_Miranda@frist.senate.gov]  
**Sent:** Thursday, May 08, 2003 5:08 PM  
**To:** Grubbs, Wendy J.; Kavanaugh, Brett M.  
**Subject:** Miller

Have you considered inviting Senator Zell Miller?

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/8/2003 1:09:11 PM  
**Subject:** : Miller  
**Attachments:** P\_8W3AG003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 8-MAY-2003 17:09:11.00  
SUBJECT:: Miller  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Have you considered inviting Senator Zell Miller?  
- att1.htm  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_8W3AG003\_WHO.TXT\_1>

Have you considered inviting Senator Zell Miller?

---

**From:** Campbell, Anne E.  
**To:** <West, Christal R.>;</o=EOP/ou=First Administrative Group/cn=Recipients/cn=19127f32-8fd61fa5-85256bac-472950>;</o=EOP/ou=First Administrative Group/cn=Recipients/cn=485b63e8-18b851de-852569dd-61845a>;</o=EOP/ou=First Administrative Group/cn=Recipients/cn=9a92fb8d-28223eb3-852569dc-630dcd>;</o=EOP/ou=First Administrative Group/cn=Recipients/cn=b2e77f63-672509fb-852569d9-6d71fd>;</o=EOP/ou=First Administrative Group/cn=Recipients/cn=e3cc9430-ad683d99-852569db-51f012>;<Barclay, Barbara A.>;<Besanceney, Brian R.>;<Beyer, Todd W.>;<Bird, Debra D.>;<Burks, Jonathan W.>;<Cleveland, Carolyn E.>;<Cooper, Rory S.>;<Gillmor, Eleanor L.>;<Grant, Britt>;<Hager, Henry C>;<Hernandez, Israel>;<Hughes, Taylor A.>;<Ingle, Edward>;<Ingols, Adam B.>;<Jones, Brian C.>;<Kozberg, Lindsey C.>;<Kropp, Emily L.>;<Loy, Carrie B.>;<Mynster, Kathleen>;<Parell, Christie>;<Reilly, Jeannette B.>;<Steen, Gretchen P.>;<Torgerson, Karin B.>;<Vargo, Erin A.>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 5:09:53 PM  
**Subject:** Tomorrow's acknowledgments

**Please review tomorrow's acknowledgments for the Judicial Independence Event. If you are aware of any changes or additions please let me know asap.  
Thank you.**

## **Acknowledgments**

- Attorney General John Ashcroft, Department of Justice
- Members of Congress
- Names TK
- Counsel Al Gonzales
- Deputy Attorney General Larry Thompson, Department of Justice
- Solicitor General Ted Olson
- A.P. Carlton, President, American Bar Association President
- Duard Bradshaw, President, Hispanic National Bar Association
- Former Attorney General Dick Thornburgh
- Former Attorney General Bill Barr
- Former Counsel Boyden Gray
- Former Counsel Lloyd Cutler, to President's Clinton and Carter
- Former Attorney General Bill Barr
- Dick Wiley, Law Day Chair, American Bar Association

---

**From:** Campbell, Anne E.  
**To:** <West, Christal R.>;</o=EOP/ou=First Administrative Group/cn=Recipients/cn=19127f32-8fd61fa5-85256bac-472950>;</o=EOP/ou=First Administrative Group/cn=Recipients/cn=485b63e8-18b851de-852569dd-61845a>;</o=EOP/ou=First Administrative Group/cn=Recipients/cn=9a92fb8d-28223eb3-852569dc-630dcd>;</o=EOP/ou=First Administrative Group/cn=Recipients/cn=b2e77f63-672509fb-852569d9-6d71fd>;</o=EOP/ou=First Administrative Group/cn=Recipients/cn=e3cc9430-ad683d99-852569db-51f012>;<Barclay, Barbara A.>;<Besanceney, Brian R.>;<Beyer, Todd W.>;<Bird, Debra D.>;<Burks, Jonathan W.>;<Cleveland, Carolyn E.>;<Cooper, Rory S.>;<Gillmor, Eleanor L.>;<Grant, Britt>;<Hager, Henry C>;<Hernandez, Israel>;<Hughes, Taylor A.>;<Ingle, Edward>;<Ingols, Adam B.>;<Jones, Brian C.>;<Kozberg, Lindsey C.>;<Kropp, Emily L.>;<Loy, Carrie B.>;<Mynster, Kathleen>;<Parell, Christie>;<Reilly, Jeannette B.>;<Steen, Gretchen P.>;<Torgerson, Karin B.>;<Vargo, Erin A.>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 5:09:53 PM  
**Subject:** Tomorrow's acknowledgments

**Please review tomorrow's acknowledgments for the Judicial Independence Event. If you are aware of any changes or additions please let me know asap.  
Thank you.**

## **Acknowledgments**

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- Duard Bradshaw, President, Hispanic National Bar Association
- Former Attorney General Dick Thornburgh
- Former Attorney General Bill Barr
- Former Counsel Boyden Gray
- Former Counsel Lloyd Cutler, to President's Clinton and Carter
- Former Attorney General Bill Barr
- Dick Wiley, Law Day Chair, American Bar Association



**From:** CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Erin A. Vargo/WHO/EOP@EOP [ WHO ] <Erin A. Vargo>; Gretchen P. Steen/WHO/EOP@EOP [ WHO ] <Gretchen P. Steen>; Christie Parell/WHO/EOP@EOP [ WHO ] <Christie Parell>; Carrie B. Loy/WHO/EOP@EOP [ WHO ] <Carrie B. Loy>; Lindsey C. Kozberg/WHO/EOP@EOP [ WHO ] <Lindsey C. Kozberg>; Adam B. Ingols/WHO/EOP@Exchange [ WHO ] <Adam B. Ingols>; Taylor A. Hughes/WHO/EOP@Exchange [ WHO ] <Taylor A. Hughes>; Henry C Hager/WHO/EOP@Exchange [ UNKNOWN ] <Henry C Hager>; Eleanor L. Gillmor/OPD/EOP@Exchange [ OPD ] <Eleanor L. Gillmor>; Carolyn E. Cleveland/WHO/EOP@Exchange [ WHO ] <Carolyn E. Cleveland>; Debra D. Bird/WHO/EOP@Exchange [ WHO ] <Debra D. Bird>; Brian R. Besanceney/WHO/EOP@EOP [ WHO ] <Brian R. Besanceney>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/E3cc9430-ad683d99-852569db-51f012@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/9a92fb8d-28223eb3-852569dc-630dcd@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/19127f32-8fd61fa5-85256bac-472950@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; Karin B. Torgerson/WHO/EOP@Exchange [ WHO ] <Karin B. Torgerson>; Jeannette B. Reilly/WHO/EOP@EOP [ WHO ] <Jeannette B. Reilly>; Kathleen Mynster/WHO/EOP@EOP [ WHO ] <Kathleen Mynster>; Emily L. Kropp/WHO/EOP@EOP [ WHO ] <Emily L. Kropp>; Brian C. Jones/WHO/EOP@EOP [ WHO ] <Brian C. Jones>; Edward Ingle/WHO/EOP@EOP [ WHO ] <Edward Ingle>; Israel Hernandez/WHO/EOP@Exchange [ WHO ] <Israel Hernandez>; Britt Grant/OPD/EOP@EOP [ OPD ] <Britt Grant>; Rory S. Cooper/WHO/EOP@EOP [ WHO ] <Rory S. Cooper>; Jonathan W. Burks/WHO/EOP@Exchange [ WHO ] <Jonathan W. Burks>; Todd W. Beyer/WHO/EOP@EOP [ WHO ] <Todd W. Beyer>; Barbara A. Barclay/WHO/EOP@Exchange [ WHO ] <Barbara A. Barclay>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B2e77f63-672509fb-852569d9-6d71fd@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/485b63e8-18b851de-852569dd-61845a@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; Christal R. West/WHO/EOP@Exchange [ WHO ] <Christal R. West>  
**CC:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 1:09:20 PM  
**Subject:** : Tomorrow's acknowledgments

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Anne E. Campbell ( CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 17:09:20.00  
SUBJECT:: Tomorrow's acknowledgments  
TO: Erin A. Vargo ( CN=Erin A. Vargo/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Gretchen P. Steen ( CN=Gretchen P. Steen/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Christie Parell ( CN=Christie Parell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Carrie B. Loy ( CN=Carrie B. Loy/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Lindsey C. Kozberg ( CN=Lindsey C. Kozberg/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Adam B. Ingols ( CN=Adam B. Ingols/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Taylor A. Hughes ( CN=Taylor A. Hughes/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Henry C Hager ( CN=Henry C Hager/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
READ: UNKNOWN  
TO: Eleanor L. Gillmor ( CN=Eleanor L. Gillmor/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ: UNKNOWN  
TO: Carolyn E. Cleveland ( CN=Carolyn E. Cleveland/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Debra D. Bird ( CN=Debra D. Bird/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Brian R. Besanceney ( CN=Brian R. Besanceney/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: RECIPIENTS ( EX@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=E3cc9430-ad683d99-852569db-51f012@EX@Exchange [ UNKNOWN ] )

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READ:UNKNOWN  
TO:Karin B. Torgerson ( CN=Karin B. Torgerson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jeannette B. Reilly ( CN=Jeannette B. Reilly/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kathleen Mynster ( CN=Kathleen Mynster/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Emily L. Kropp ( CN=Emily L. Kropp/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brian C. Jones ( CN=Brian C. Jones/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Britt Grant ( CN=Britt Grant/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Rory S. Cooper ( CN=Rory S. Cooper/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jonathan W. Burks ( CN=Jonathan W. Burks/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Todd W. Beyer ( CN=Todd W. Beyer/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Barbara A. Barclay ( CN=Barbara A. Barclay/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:RECIPIENTS ( EX@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B2e77f63-672509fb-852569d9-6d71fd@EX@Exchange [ UNKNOWN ] )  
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READ:UNKNOWN  
TO:Christal R. West ( CN=Christal R. West/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Please review tomorrow's acknowledgments for the Judicial Independence Event.; If you are aware of any changes or additions please let me know asap.  
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;

Acknowledgments

ú;;;;;;;;; Attorney General John Ashcroft, Department of Justice

ú;;;;;;;;; Members of Congress

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ú;;;;;;;;; Former Counsel Boyden Gray

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Former Attorney General Bill Barr

ú;;;;;;;;; Dick Wiley, Law Day Chair, American Bar Association

;

;

;

**From:** CN=Jonathan W. Burks/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Erin A. Vargo/WHO/EOP@EOP [ WHO ] <Erin A. Vargo>; Gretchen P. Steen/WHO/EOP@EOP [ WHO ] <Gretchen P. Steen>; Christie Parell/WHO/EOP@EOP [ WHO ] <Christie Parell>; Carrie B. Loy/WHO/EOP@EOP [ WHO ] <Carrie B. Loy>; Lindsey C. Kozberg/WHO/EOP@EOP [ WHO ] <Lindsey C. Kozberg>; Adam B. Ingols/WHO/EOP@Exchange [ WHO ] <Adam B. Ingols>; Taylor A. Hughes/WHO/EOP@Exchange [ WHO ] <Taylor A. Hughes>; Henry C Hager/WHO/EOP@Exchange [ UNKNOWN ] <Henry C Hager>; Eleanor L. Gillmor/OPD/EOP@Exchange [ OPD ] <Eleanor L. Gillmor>; Carolyn E. Cleveland/WHO/EOP@Exchange [ WHO ] <Carolyn E. Cleveland>; Todd W. Beyer/WHO/EOP@EOP [ WHO ] <Todd W. Beyer>; Barbara A. Barclay/WHO/EOP@Exchange [ WHO ] <Barbara A. Barclay>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B2e77f63-672509fb-852569d9-6d71fd@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/485b63e8-18b851de-852569dd-61845a@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; Christal R. West/WHO/EOP@Exchange [ WHO ] <Christal R. West>; Karin B. Torgerson/WHO/EOP@Exchange [ WHO ] <Karin B. Torgerson>; Jeannette B. Reilly/WHO/EOP@EOP [ WHO ] <Jeannette B. Reilly>; Kathleen Mynster/WHO/EOP@EOP [ WHO ] <Kathleen Mynster>; Emily L. Kropp/WHO/EOP@EOP [ WHO ] <Emily L. Kropp>; Brian C. Jones/WHO/EOP@EOP [ WHO ] <Brian C. Jones>; Edward Ingle/WHO/EOP@EOP [ WHO ] <Edward Ingle>; Israel Hernandez/WHO/EOP@Exchange [ WHO ] <Israel Hernandez>; Britt Grant/OPD/EOP@EOP [ OPD ] <Britt Grant>; Rory S. Cooper/WHO/EOP@EOP [ WHO ] <Rory S. Cooper>; Debra D. Bird/WHO/EOP@Exchange [ WHO ] <Debra D. Bird>; Brian R. Besanceney/WHO/EOP@EOP [ WHO ] <Brian R. Besanceney>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/E3cc9430-ad683d99-852569db-51f012@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/9a92fb8d-28223eb3-852569dc-630dcd@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/19127f32-8fd61fa5-85256bac-472950@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; Anne E. Campbell/WHO/EOP@Exchange [ WHO ] <Anne E. Campbell>  
**CC:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 1:10:48 PM  
**Subject:** : RE: Tomorrow's acknowledgments

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jonathan W. Burks ( CN=Jonathan W. Burks/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 8-MAY-2003 17:10:48.00

SUBJECT:: RE: Tomorrow's acknowledgments

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TO:Gretchen P. Steen ( CN=Gretchen P. Steen/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Christie Parell ( CN=Christie Parell/OU=WHO/O=EOP@EOP [ WHO ] )

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TO:Carrie B. Loy ( CN=Carrie B. Loy/OU=WHO/O=EOP@EOP [ WHO ] )

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TO:Lindsey C. Kozberg ( CN=Lindsey C. Kozberg/OU=WHO/O=EOP@EOP [ WHO ] )

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TO:Adam B. Ingols ( CN=Adam B. Ingols/OU=WHO/O=EOP@Exchange [ WHO ] )

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TO:Taylor A. Hughes ( CN=Taylor A. Hughes/OU=WHO/O=EOP@Exchange [ WHO ] )

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TO:Henry C Hager ( CN=Henry C Hager/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )

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TO:Eleanor L. Gillmor ( CN=Eleanor L. Gillmor/OU=OPD/O=EOP@Exchange [ OPD ] )

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TO:Todd W. Beyer ( CN=Todd W. Beyer/OU=WHO/O=EOP@EOP [ WHO ] )

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TO:Barbara A. Barclay ( CN=Barbara A. Barclay/OU=WHO/O=EOP@Exchange [ WHO ] )

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TO:RECIPIENTS ( EX@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B2e77f63-672509fb-852569d9-6d71fd@EX@Exchange [ UNKNOWN ] )

REV\_00117678

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 TO:Anne E. Campbell ( CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
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Extra president on the ABA President and the Cutler/Barr lines run together.

-----Original Message-----

From: Campbell, Anne E.  
 Sent: Thursday, May 08, 2003 5:10 PM  
 To: West, Christal R.; /o=EOP/ou=First Administrative Group/cn=Recipients/cn=19127f32-8fd61fa5-85256bac-472950; /o=EOP/ou=First Administrative Group/cn=Recipients/cn=485b63e8-18b851de-852569dd-61845a; /o=EOP/ou=First Administrative Group/cn=Recipients/cn=9a92fb8d-28223eb3-852569dc-630dcd; /o=EOP/ou=First Administrative Group/cn=Recipients/cn=b2e77f63-672509fb-852569d9-6d71fd; /o=EOP/ou=First Administrative Group/cn=Recipients/cn=e3cc9430-ad683d99-852569db-51f012; Barclay, Barbara A.; Besanceney, Brian R.; Beyer, Todd W.; Bird, Debra D.; Burks, Jonathan W.; Cleveland, Carolyn E.; Cooper, Rory S.; Gillmor, Eleanor L.; Grant, Britt; Hager, Henry C.; Hernandez, Israel; Hughes, Taylor A.; Ingle, Edward; Ingols, Adam B.; Jones, Brian C.; Kozberg, Lindsey C.; Kropp, Emily L.; Loy, Carrie B.; Mynster, Kathleen; Parell, Christie; Reilly, Jeannette B.; Steen, Gretchen P.; Torgerson, Karin B.; Vargo, Erin A.  
 Cc: Kavanaugh, Brett M.  
 Subject: Tomorrow's acknowledgments

Please review tomorrow's acknowledgments for the Judicial Independence Event.; If you are aware of any changes or additions please let me know asap.  
Thank you.

;

#### Acknowledgments

ú;;;;;;;;; Attorney General John Ashcroft, Department of Justice

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ú;;;;;;;;; Former Counsel Lloyd Cutler, to President,s Clinton and Carter  
Former Attorney General Bill Barr

ú;;;;;;;;; Dick Wiley, Law Day Chair, American Bar Association

;

;

;

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 1:11:01 PM  
**Subject:** : we need to speak  
**Attachments:** P\_O04AG003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 8-MAY-2003 17:11:01.00

SUBJECT:: we need to speak

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

We need to speak. Will you be around in 30 minutes?

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_O04AG003\_WHO.TXT\_1>

We need to speak. Will you be around in 30 minutes?



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**From:** Burks, Jonathan W.  
**To:** <Campbell, Anne E.>; <West, Christal R.>; </o=EOP/ou=First Administrative Group/cn=Recipients/cn=19127f32-8fd61fa5-85256bac-472950>; </o=EOP/ou=First Administrative Group/cn=Recipients/cn=485b63e8-18b851de-852569dd-61845a>; </o=EOP/ou=First Administrative Group/cn=Recipients/cn=9a92fb8d-28223eb3-852569dc-630dcd>; </o=EOP/ou=First Administrative Group/cn=Recipients/cn=b2e77f63-672509fb-852569d9-6d71fd>; </o=EOP/ou=First Administrative Group/cn=Recipients/cn=e3cc9430-ad683d99-852569db-51f012>; <Barclay, Barbara A.>; <Besanceney, Brian R.>; <Beyer, Todd W.>; <Bird, Debra D.>; <Cleveland, Carolyn E.>; <Cooper, Rory S.>; <Gillmor, Eleanor L.>; <Grant, Britt>; <Hager, Henry C>; <Hernandez, Israel>; <Hughes, Taylor A.>; <Ingle, Edward>; <Ingols, Adam B.>; <Jones, Brian C.>; <Kozberg, Lindsey C.>; <Kropp, Emily L.>; <Loy, Carrie B.>; <Mynster, Kathleen>; <Parell, Christie>; <Reilly, Jeannette B.>; <Steen, Gretchen P.>; <Torgerson, Karin B.>; <Vargo, Erin A.>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 5:11:20 PM  
**Subject:** RE: Tomorrow's acknowledgments

Extra president on the ABA President and the Cutler/Barr lines run together.

-----Original Message-----

**From:** Campbell, Anne E.

**Sent:** Thursday, May 08, 2003 5:10 PM

**To:** West, Christal R.; /o=EOP/ou=First Administrative Group/cn=Recipients/cn=19127f32-8fd61fa5-85256bac-472950; /o=EOP/ou=First Administrative Group/cn=Recipients/cn=485b63e8-18b851de-852569dd-61845a; /o=EOP/ou=First Administrative Group/cn=Recipients/cn=9a92fb8d-28223eb3-852569dc-630dcd; /o=EOP/ou=First Administrative Group/cn=Recipients/cn=b2e77f63-672509fb-852569d9-6d71fd; /o=EOP/ou=First Administrative Group/cn=Recipients/cn=e3cc9430-ad683d99-852569db-51f012; Barclay, Barbara A.; Besanceney, Brian R.; Beyer, Todd W.; Bird, Debra D.; Burks, Jonathan W.; Cleveland, Carolyn E.; Cooper, Rory S.; Gillmor, Eleanor L.; Grant, Britt; Hager, Henry C; Hernandez, Israel; Hughes, Taylor A.; Ingle, Edward; Ingols, Adam B.; Jones, Brian C.; Kozberg, Lindsey C.; Kropp, Emily L.; Loy, Carrie B.; Mynster, Kathleen; Parell, Christie; Reilly, Jeannette B.; Steen, Gretchen P.; Torgerson, Karin B.; Vargo, Erin A.  
**Cc:** Kavanaugh, Brett M.

**Subject:** Tomorrow's acknowledgments

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- Duard Bradshaw, President, Hispanic National Bar Association
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- Former Attorney General Bill Barr
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**From:** Burks, Jonathan W.  
**To:** <Campbell, Anne E.>; <West, Christal R.>; </o=EOP/ou=First Administrative Group/cn=Recipients/cn=19127f32-8fd61fa5-85256bac-472950>; </o=EOP/ou=First Administrative Group/cn=Recipients/cn=485b63e8-18b851de-852569dd-61845a>; </o=EOP/ou=First Administrative Group/cn=Recipients/cn=9a92fb8d-28223eb3-852569dc-630dcd>; </o=EOP/ou=First Administrative Group/cn=Recipients/cn=b2e77f63-672509fb-852569d9-6d71fd>; </o=EOP/ou=First Administrative Group/cn=Recipients/cn=e3cc9430-ad683d99-852569db-51f012>; <Barclay, Barbara A.>; <Besanceney, Brian R.>; <Beyer, Todd W.>; <Bird, Debra D.>; <Cleveland, Carolyn E.>; <Cooper, Rory S.>; <Gillmor, Eleanor L.>; <Grant, Britt>; <Hager, Henry C>; <Hernandez, Israel>; <Hughes, Taylor A.>; <Ingle, Edward>; <Ingols, Adam B.>; <Jones, Brian C.>; <Kozberg, Lindsey C.>; <Kropp, Emily L.>; <Loy, Carrie B.>; <Mynster, Kathleen>; <Parell, Christie>; <Reilly, Jeannette B.>; <Steen, Gretchen P.>; <Torgerson, Karin B.>; <Vargo, Erin A.>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 5:11:20 PM  
**Subject:** RE: Tomorrow's acknowledgments

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**From:** Campbell, Anne E.

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**Cc:** Kavanaugh, Brett M.

**Subject:** Tomorrow's acknowledgments

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- Former Attorney General Dick Thornburgh

- Former Attorney General Bill Barr
  - Former Counsel Boyden Gray
  - Former Counsel Lloyd Cutler, to President's Clinton and Carter
- Former Attorney General Bill Barr
- Dick Wiley, Law Day Chair, American Bar Association

---

**From:** Monica.Goodling@usdoj.gov  
**To:** Ashley Snee/WHO/EOP@EOP [ WHO ] <Ashley Snee>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; David G. Leitch/WHO/EOP@EOP [ WHO ] <David G. Leitch>  
**CC:** Barbara.Comstock@usdoj.gov  
<Barbara.Comstock@usdoj.gov>; Brian.A.Benczkowski@usdoj.gov  
<Brian.A.Benczkowski@usdoj.gov>; Viet.Dinh@usdoj.gov  
<Viet.Dinh@usdoj.gov>; Kristi.L.Remington@usdoj.gov  
<Kristi.L.Remington@usdoj.gov>; Adam.Charnes@usdoj.gov <Adam.Charnes@usdoj.gov>  
**Sent:** 5/8/2003 1:16:55 PM  
**Subject:** : DOJ response to NYT story on Priscilla Owen

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Monica.Goodling@usdoj.gov" <Monica.Goodling@usdoj.gov> (  
"Monica.Goodling@usdoj.gov" <Monica.Goodling@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 8-MAY-2003 17:16:55.00  
SUBJECT:: DOJ response to NYT story on Priscilla Owen  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:"Barbara.Comstock@usdoj.gov" <Barbara.Comstock@usdoj.gov> (Receipt Notification  
Requested) (IPM Return Requested) ( "Barbara.Comstock@usdoj.gov"  
<Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
CC:"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> (Receipt Notification  
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<Brian.A.Benczkowski@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
CC:"Viet.Dinh@usdoj.gov" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return  
Requested) ( "Viet.Dinh@usdoj.gov" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested)  
(IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
CC:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (Receipt Notification  
Requested) (IPM Return Requested) ( "Kristi.L.Remington@usdoj.gov"  
<Kristi.L.Remington@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
CC:"Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov> (Receipt Notification Requested) (IPM  
Return Requested) ( "Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov> (Receipt Notification  
Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

All - This is the final NYT will run tomorrow. They refused to use the first part of the letter I submitted, insisting that it was the responsibility of the news dept to consider that for a correction (no indication that they will issue one). I did at least get them to add one sentence about Judge Gonzalez, for what it's worth.... Best, Monica

To the Editor:

Given the debate over Priscilla R. Owen's nomination to the Fifth Circuit Court of Appeals (news article, May 2), the most important point is that Justice Owen's record as a person, a lawyer and a judge demonstrates that she is well within the mainstream of American law. Justice Owen has been in the majority in 11 of the 14 parental-notice abortion cases that the Texas Supreme Court has decided. She has voted to allow the minor to obtain an abortion without parental notice in two cases and voted to remand to the trial court in two others, demonstrating that

she does not have a result-oriented approach in these matters. Moreover, she has not questioned Roe v. Wade in her writings. Instead, she testified that as a lower-court judge, she would adhere to her duty to follow Roe. Alberto R. Gonzales, the White House counsel and a former Texas Supreme Court justice, has said Justice Owen is ``an outstanding jurist'' and will perform ``superbly as a federal appeals court judge.'' Her record has been distorted by some Senate Democrats and single-issue interest groups. Priscilla Owen will be an outstanding judge once confirmed.

VIET D. DINH  
Assistant Attorney General for Legal Policy, Justice Dept.  
Washington, May 7, 2003

**From:** Ho, James (Judiciary) <James\_Ho@Judiciary.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 1:23:11 PM  
**Subject:** : RE: WH comment on the hearing, on Senator Cornyn

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> ( "Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 8-MAY-2003 17:23:11.00

SUBJECT:: RE: WH comment on the hearing, on Senator Cornyn

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Hope you thought the hearing was helpful. Just wanted to confirm -- is the President planning to mention Senator Cornyn or the hearing tomorrow?

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov

[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]

Sent: Monday, May 05, 2003 2:25 PM

To: Ho, James (Judiciary)

Subject: Re: WH comment on the hearing, on Senator Cornyn

no doubt afterwards (eg on Friday by President); will also try before. I plan to come.

Record Type: Record

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

Subject: WH comment on the hearing, on Senator Cornyn

Any chance that the White House will give some sort of positive comment about Senator Cornyn and his desire to call this hearing, either before or after the hearing? Any chance someone from the WH (perhaps you) will be there? Thanks for any info!

James C. Ho

Chief Counsel

U.S. Senate Subcommittee on the Constitution, Civil Rights & Property Rights

U.S. Senator John Cornyn, Chairman

<mailto:James\_Ho@judiciary.senate.gov> James\_Ho@judiciary.senate.gov

<mailto:James\_Ho@judiciary.senate.gov>

(202) 224-9614 (direct line)

(202) 224-2934 (general office number)

PRA 6

(mobile)

PRA 6

(home)

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Eric C. Pelletier/WHO/EOP@Exchange [ WHO ] <Eric C. Pelletier>;Ziad Ojakli/WHO/EOP@Exchange [ UNKNOWN ] <Ziad Ojakli>;David W. Hobbs/WHO/EOP@Exchange [ WHO ] <David W. Hobbs>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 1:24:25 PM  
**Subject:** : Plan is to voice vote roberts tonight

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 17:24:25.00  
SUBJECT:: Plan is to voice vote roberts tonight  
TO:Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Ziad Ojakli ( CN=Ziad Ojakli/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
TO:David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;



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**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 1:28:01 PM  
**Subject:** : FW: Judges Event  
**Attachments:** P\_225AG003\_WHO.TXT\_1.xlw

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 17:28:01.00  
SUBJECT:: FW: Judges Event  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

latest version  
-----Original Message-----  
From: Holbrook, Ashley  
Sent: Thursday, May 08, 2003 5:28 PM  
To: West, Christal R.  
Cc: Nelson, Carolyn  
Subject: Judges Event

;  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_225AG003\_WHO.TXT\_1>

**Document Produced Natively**

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**From:** Walker, Helgi <HWalker@wrf.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 1:30:44 PM  
**Subject:** : EDPA  
**Attachments:** P\_UA5AG003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Walker, Helgi" <HWalker@wrf.com> ( "Walker, Helgi" <HWalker@wrf.com> [ UNKNOWN ] )

CREATION DATE/TIME: 8-MAY-2003 17:30:44.00

SUBJECT:: EDPA

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Hey, I just read a pretty good opinion by a EDPA judge named "Dalzell."  
FYI.

- attl.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_UA5AG003\_WHO.TXT\_1>

Hey, I just read a pretty good opinion by a EDPA judge named "Dalzell." FYI.

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Eric C. Pelletier/WHO/EOP@Exchange [ WHO ] <Eric C. Pelletier>;Ziad Ojakli/WHO  
/EOP@Exchange [ UNKNOWN ] <Ziad Ojakli>;David W. Hobbs/WHO/EOP@Exchange [ WHO ]  
<David W. Hobbs>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 1:50:41 PM  
**Subject:** : roberts confirmed

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 17:50:41.00  
SUBJECT:: roberts confirmed  
TO:Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Ziad Ojakli ( CN=Ziad Ojakli/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
TO:David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;

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**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>;<Ojakli, Ziad>;<Hobbs, David W.>;<Pelletier, Eric C.>  
**Sent:** 5/8/2003 5:51:17 PM  
**Subject:** roberts confirmed

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 2:17:26 PM  
**Subject:** : RE: roberts confirmed

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 18:17:26.00  
SUBJECT:: RE: roberts confirmed  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

voice

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, May 08, 2003 6:16 PM  
To: Grubbs, Wendy J.  
Subject: Re: roberts confirmed

what vote?

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/08/2003 05:51:17 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Ziad Ojakli/WHO/EOP@Exchange,  
David W. Hobbs/WHO/EOP@Exchange, Eric C. Pelletier/WHO/EOP@Exchange  
cc:  
Subject: roberts confirmed

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/8/2003 2:17:18 PM  
**Subject:** : RE: Special cloture rule

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 18:17:18.00  
SUBJECT:: RE: Special cloture rule  
TO: Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

I suggested to Speechwriting that they include mention of the Specter and Miller proposals. I think it may be in. Should it be???

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/08/2003 06:16:15 PM  
Record Type: Record

To: "Miranda, Manuel (Frist)"  
<Manuel\_Miranda@frist.senate.gov>@SMTP@Exchange  
cc: Brett M. Kavanaugh/WHO/EOP@EOP  
Subject: RE: Special cloture rule

Z has a lot on his plate and he forgot to mention it...it is too bad because we could have highlighted it at the event. Oh well, try to tell me next time along with Z. thanks.

-----Original Message-----

From: Miranda, Manuel (Frist) [mailto:Manuel\_Miranda@frist.senate.gov]  
Sent: Thursday, May 08, 2003 6:14 PM  
To: Grubbs, Wendy J.  
Cc: Kavanaugh, Brett M.  
Subject: FW: Special cloture rule

Just so you know, I mentioned yesterady to Frist that we should tell the WH once we decided.; Marty said he did tell Zee that we were considering it for today or tomorrow.

<<JEN03\_353.pdf>>



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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/8/2003 2:17:16 PM  
**Subject:** : Re: roberts confirmed

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 18:17:16.00  
SUBJECT:: Re: roberts confirmed  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

what vote?

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/08/2003 05:51:17 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Ziad Ojakli/WHO/EOP@Exchange,  
David W. Hobbs/WHO/EOP@Exchange, Eric C. Pelletier/WHO/EOP@Exchange  
cc:  
Subject: roberts confirmed

;

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**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 6:17:56 PM  
**Subject:** RE: roberts confirmed

voice

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Thursday, May 08, 2003 6:16 PM  
**To:** Grubbs, Wendy J.  
**Subject:** Re: roberts confirmed

what vote?

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/08/2003 05:51:17 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Ziad Ojakli/WHO/EOP@Exchange, David W. Hobbs/WHO/EOP@Exchange, Eric C. Pelletier/WHO/EOP@Exchange

cc:  
Subject: roberts confirmed

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>  
**Sent:** 5/8/2003 6:18:34 PM  
**Subject:** : get ready . . .

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 22:18:34.00  
SUBJECT: : get ready . . .  
TO: Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

<http://www.washingtonpost.com/wp-dyn/articles/A27709-2003May7.html>

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 2:20:00 PM  
**Subject:** : call me - we're doing a conference call at 6:45 to talk about the event tomorrow. need your confirmation you can do.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 18:20:00.00  
SUBJECT:: call me - we're doing a conference call at 6:45 to talk about the event tomorrow.  
need your confirmation you can do.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange [ WHO ] <Ashley Snee>  
**Sent:** 5/8/2003 2:20:37 PM  
**Subject:** : Re: call me - we're doing a conference call at 6:45 to talk about the event tomorrow. need your confirmation you can do.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 18:20:37.00  
SUBJECT:: Re: call me - we're doing a conference call at 6:45 to talk about the event tomorrow. need your confirmation you can do.  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

yes; how about 6:50

From: Ashley Snee/WHO/EOP@Exchange on 05/08/2003 06:20:42 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
CC:  
Subject: call me - we're doing a conference call at 6:45 to talk about the event tomorrow. need your confirmation you can do.

;

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 2:21:16 PM  
**Subject:** : FW: Coleman just declined - going to MN for a funeral

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 18:21:16.00  
SUBJECT:: FW: Coleman just declined - going to MN for a funeral  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

fyi

-----Original Message-----

From: Holbrook, Ashley  
Sent: Thursday, May 08, 2003 6:13 PM  
To: West, Christal R.  
Cc: Grubbs, Wendy J.; Nelson, Carolyn  
Subject: Coleman just declined - going to MN for a funeral

;

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**From:** CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 2:22:53 PM  
**Subject:** : Per Diem

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 18:22:53.00  
SUBJECT:: Per Diem  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

See Kathy's email re: determining the percentage of my per diem.; I had one day of political events w/ KR and one day of Asian outreach meetings.; I stayed 2 nights.; Do you want the detailed schedule to figure out the percentage?;;;

;

-----Original Message-----

From: Prendergast, Katherine M.  
Sent: Thursday, May 08, 2003 6:00 PM  
To: Ralston, Susan B.  
Subject: RE: travel authorizations

When you say "mixed" I assume you mean part political/part official.; You can get per diem for the official portion of your trip.; If you need guidance in how to figure out how much of it was official, ask WH Counsel and they will determine the percentage.

;

If we did your TA(s) already for the Asian outreach meetings, it probably gives you per diem for the whole trip.; If we did a political TA for you, it will give you no per diem.

;

Hope this is helpful.; I am taking off at 6 tonight to attend an event so let's talk tomorrow if you need help.; Thanks.; Kathy

;

Kathy Prendergast  
White House Management  
ph: (202) 456-5106  
fx: (202) 456-6472  
kprender@who.eop.gov

-----Original Message-----

From: Ralston, Susan B.  
Sent: Thursday, May 08, 2003 5:50 PM  
To: Prendergast, Katherine M.  
Subject: RE: travel authorizations

On my trip to Chicago, I staffed Karl for his events, but then I assumed a separate schedule for Asian outreach meetings.; I was in Chicago 2 days.; For a mixed trip, do I get a per diem?

-----Original Message-----

From: Prendergast, Katherine M.  
Sent: Thursday, May 01, 2003 10:16 AM  
To: Armstead, Elisabeth; Shayegan, Morad; Bobenrieth, Matias; Vashisht, Satya; Lindahl, Susan D.  
Cc: Alleyne, Janet J.; Morgan, Judy R.; Beard, Glenda S.; Douglass, Kimberly A.; McMaster, David; Nelson, Carolyn; Montiel, Charlotte L.; Campbell, Anne E.; Gorordo, Leonardo F.; Ralston, Susan B.; Fricks III, Joseph W.; Rachelson, David B.; Johnson, Collister W.; Bush, Adriel M.; Teague, Randal C.

Subject: travel authorizations

T3B01027 Alberto R. Gonzales 04/30/03 (mil air both directions)  
T3B01028 David Leitch 04/30/03 (mil air both directions)  
T3B01029 Michael Gerson 05/01/03 (via AF One - commercial return 5/2-5/3)  
T3B01030 Karl Rove 05/01/03 (political - outside source)  
T3B01031 Susan Ralston 05/01/03 (political - outside source)  
T3B01032 Paul Dyck 05/04/03 (official - commercial outbound - return via  
AF One)  
T3B01033 Cuddy Johnson 05/15/03 (political - outside source)  
T3B01034 Karl Rove 05/15/03 (political - outside source)  
T3B01035 Heather Graham 05/27/03

;  
Kathy Prendergast  
White House Management  
ph: (202) 456-5106  
fx: (202) 456-6472  
kprender@who.eop.gov

;



---

**From:** West, Christal R.  
**To:** <Figg, Jeanie L.>;<Nelson, Carolyn>  
**CC:** <Kavanaugh, Brett M.>;<Healy, Erin E.>  
**Sent:** 5/8/2003 6:25:34 PM  
**Subject:** Members for Judicial Event

Jeanie -- can we please get the following seat cards for tomorrow's event? THANKS!

Senator Corynyn  
Senator Dole  
Senator Frist  
Senator Graham  
Senator Hatch  
Senator McConnell  
Senator Miller  
Senator Specter

Thanks so much!  
cw

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Harriet Miers/WHO/EOP@Exchange [ WHO ] <Harriet Miers>  
**CC:** David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/8/2003 2:27:01 PM  
**Subject:** : Re: EO

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 18:27:01.00  
SUBJECT:: Re: EO  
TO:Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
CC:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Understood. We will have it to you asap.

From: Harriet Miers/WHO/EOP@Exchange on 05/08/2003 06:24:13 PM  
Record Type: Record

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

Brett, I understand that the EO is changing.; To the extent we are making substantive changes, I know you know we will have to recirculate the EO through the WH.; On this EO, we should send it to the President this evening with his materials so he knows what we will be asking him to do tomorrow.; What is the status?

---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**Sent:** 5/8/2003 6:34:22 PM  
**Subject:** send me draft #6

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 5/8/2003 2:35:33 PM  
**Subject:** : send me draft #6

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 18:35:33.00  
SUBJECT:: send me draft #6  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 2:41:36 PM  
**Subject:** : RE: send me draft #6

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 18:41:36.00  
SUBJECT:: RE: send me draft #6  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I'm getting calls saying that people are hearing from the hill we are going to endorse Frist's rule change idea.

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Thursday, May 08, 2003 6:34 PM  
To: Snee, Ashley  
Subject: send me draft #6

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 6:42:14 PM  
**Subject:** RE: send me draft #6

I'm getting calls saying that people are hearing from the hill we are going to endorse Frist's rule change idea.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Thursday, May 08, 2003 6:34 PM  
**To:** Snee, Ashley  
**Subject:** send me draft #6

---

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 2:44:18 PM  
**Subject:** : Ari's Briefing

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 18:44:18.00  
SUBJECT:: Ari's Briefing  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Query: Does the "interminable delays as a result of lack of judges" and "too high a vacancy rate" still a persuasive talker? I notice the Dems (e.g., Daschle on the NewHour the other night) are pounding away on "120+ confirmed and only 2 not moving" and "120+ to 2, I'll stand by that record." I guess it just doesn't seem persuasive to me, given the number of confirmations that we now have secured, to say that courts are suffering.

Q Two questions about the President's judicial nominations. To what degree do you think people in America, citizens, are following the to-and-fro over this issue between Republicans and Democrats at the Capitol?

MR. FLEISCHER: I think, like a lot of issues that come before Washington -- issues, obviously, like the war I think the entire country pays attention to. But there's a whole series of issues that slices of America pay attention to. And I think when it comes to judicial issues, there are, indeed, a lot of Americans, a fairly large slice, who have a care about our constitutional system and about the judiciary being filled, because many people depend on courts for justice, and when they go to court they want to know that they won't have interminable delays as a result of a lack of judges sitting in the chairs, and too high a vacancy rate, which is the present condition, particularly in the circuit court.

So I do think this is one of those issues that many people do pay attention to. It's a good government issue. Failure by the Senate to ratify judges, to engage in filibuster against judges who have been nominated for more than two years, is just a failure to engage in a good government process. Every judicial nominee, in the President's judgment, deserves an up or down vote.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Joel D. Kaplan/WHO/EOP@Exchange@EOP [ WHO ] <Joel D. Kaplan>  
**Sent:** 5/8/2003 2:44:12 PM  
**Subject:** : from speech of 10-30

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 18:44:12.00  
SUBJECT:: from speech of 10-30  
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Second, I propose that Presidents submit a nomination to the Senate within 180 days of receiving notice of a federal court vacancy or intended retirement. In other words, we have a responsibility as well to make sure the judiciary is sound and whole. This will speed up the sometimes time-consuming process of obtaining recommendations and evaluations from home-state senators and representatives and governors and bar leaders, while leaving ample time for Presidents to vet and choose nominees of the highest quality.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>  
**Sent:** 5/8/2003 2:44:52 PM  
**Subject:** : Re: Ari's Briefing

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 18:44:52.00  
SUBJECT:: Re: Ari's Briefing  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

only half the appeals court nominees have received votes. appeals courts  
are 13% vacant

Kyle Sampson  
05/08/2003 06:43:43 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Ari's Briefing

Query: Does the "interminable delays as a result of lack of judges" and  
"too high a vacancy rate" still a persuasive talker? I notice the Dems  
(e.g., Daschle on the NewHour the other night) are pounding away on "120+  
confirmed and only 2 not moving" and "120+ to 2, I'll stand by that  
record." I guess it just doesn't seem persuasive to me, given the number  
of confirmations that we now have secured, to say that courts are  
suffering.

Q Two questions about the President's judicial  
nominations. To what degree do you think people in America, citizens, are  
following the to-and-fro over this issue between Republicans and Democrats  
at the Capitol?

MR. FLEISCHER: I think, like a lot of issues that come before  
Washington -- issues, obviously, like the war I think the entire country  
pays attention to. But there's a whole series of issues that slices of  
America pay attention to. And I think when it comes to judicial issues,  
there are, indeed, a lot of Americans, a fairly large slice, who have a  
care about our constitutional system and about the judiciary being filled,  
because many people depend on courts for justice, and when they go to  
court they want to know that they won't have interminable delays as a  
result of a lack of judges sitting in the chairs, and too high a vacancy  
rate, which is the present condition, particularly in the circuit court.

So I do think this is one of those issues that many people do pay  
attention to. It's a good government issue. Failure by the Senate to  
ratify judges, to engage in filibuster against judges who have been  
nominated for more than two years, is just a failure to engage in a good  
government process. Every judicial nominee, in the President's judgment,  
deserves an up or down vote.



---

**From:** CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 2:49:58 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 18:49:58.00  
SUBJECT: :  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The MA GOP (without consent) used "a message from former State Representative Andy Card on the piece." Is this problematic? There is no mention of the White House or Washington, D.C. on the piece.

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 2:54:51 PM  
**Subject:** : FW: your conference call

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 18:54:51.00  
SUBJECT:: FW: your conference call  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Call me when you can

-----Original Message-----  
From: Donnan, Elizabeth H.  
Sent: Thursday, May 08, 2003 6:26 PM  
To: Snee, Ashley  
Subject: your conference call

The confirmation number is # 612

dial in number is: (202) 395-6392  
conference call code: 275805

---

**From:** CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 2:54:53 PM  
**Subject:** : RE: from speech of 10-30

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
CREATION DATE/TIME: 8-MAY-2003 18:54:53.00  
SUBJECT:: RE: from speech of 10-30  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Damn that was inspiring.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, May 08, 2003 6:44 PM  
To: Kaplan, Joel  
Subject: from speech of 10-30

Second, I propose that Presidents submit a nomination to the Senate within 180 days of receiving notice of a federal court vacancy or intended retirement. In other words, we have a responsibility as well to make sure the judiciary is sound and whole. This will speed up the sometimes time-consuming process of obtaining recommendations and evaluations from home-state senators and representatives and governors and bar leaders, while leaving ample time for Presidents to vet and choose nominees of the highest quality.

---

**From:** Kristi.L.Remington@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 2:55:36 PM  
**Subject:** : Campbell (AZ)

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (  
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 8-MAY-2003 18:55:36.00  
SUBJECT:: Campbell (AZ)  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,

Bruce Cohen wanted to speak with someone about the Honeywell Motorola case that Campbell handled. The issue was about the timing of his production of the report on contamination of the water table in this superfund case. One of the state assistant AGs complained about it. Are you familiar with this issue? Is this an issue we want to let Campbell discuss with him?

Kristi

---

**From:** Kaplan, Joel  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 6:55:31 PM  
**Subject:** RE: from speech of 10-30

Damn that was inspiring.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Thursday, May 08, 2003 6:44 PM  
**To:** Kaplan, Joel  
**Subject:** from speech of 10-30

Second, I propose that Presidents submit a nomination to the Senate within 180 days of receiving notice of a federal court vacancy or intended retirement. In other words, we have a responsibility as well to make sure the judiciary is sound and whole. This will speed up the sometimes time-consuming process of obtaining recommendations and evaluations from home-state senators and representatives and governors and bar leaders, while leaving ample time for Presidents to vet and choose nominees of the highest quality.

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 7:11:59 PM  
**Subject:** You said three of those who were nominated on 9/11 are still waiting. Shouldn't it be 4?

-----Original Message-----

**From:** Donnan, Elizabeth H.  
**Sent:** Thursday, May 08, 2003 6:30 PM  
**Subject:** SCHEDULE UPDATE: CONFERENCE CALL ON BACKGROUND

THERE WILL BE A CONFERENCE CALL ON BACKGROUND WITH A SENIOR ADMINISTRATION OFFICIAL AT 6:55PM  
RE: THE PRESIDENT'S REMARKS TOMORROW ON JUDICIAL INDEPENDENCE AND JUDICIAL CONFIRMATION  
PROCESS. CALL (202) 395-6392, CODE: 275805 TO PARTICIPATE



---

**From:** Gottesman, Blake  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/8/2003 7:32:51 PM  
**Subject:** campaign-related items // pres. records act

can we pls receive guidance from your ofc re: how the pres. records act applies to documents which are related to a political campaign?

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Grubbs, Wendy J.>  
**Sent:** 5/8/2003 7:49:54 PM  
**Subject:** IMPORTANT: Specter statement at markup today on Kuhl

From New York Times:

All 10 of the committee's Republicans voted in her favor today while all 9 Democrats voted no. **But Senator Arlen Specter, a Pennsylvania Republican, said he had not yet decided if he would vote for her confirmation when her nomination comes to the floor because he was troubled by her record.**

---

**From:** CN=Christal R. West/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>  
**Sent:** 5/8/2003 3:57:06 PM  
**Subject:** : no votes in the senate tomorrow...

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Christal R. West ( CN=Christal R. West/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 19:57:06.00  
SUBJECT:: no votes in the senate tomorrow...  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

could lose some in the morning (maybe miller)...will let you know.  
thanks  
cw

---

**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>;<Bartolomucci, H. Christopher>  
**Sent:** 5/8/2003 8:06:17 PM  
**Subject:** re Roberts from Bashman  
**Attachments:** ~~DLNK0.URL; ~~DLNK1.URL; ~~DLNK2.URL; ~~DLNK3.URL

**By unanimous consent, the U.S. Senate <> has confirmed John G. Roberts, Jr. to serve on the D.C. Circuit <> :** Congratulations to **John G. Roberts, Jr. <>** , whom I referred to the other day as "one of the most highly qualified candidates imaginable to join the U.S. Court of Appeals for the D.C. Circuit." It's heartening to see that 100 high-powered Washingtonians have agreed. Tomorrow marks the two-year anniversary of **President Bush <>** 's first crop of judicial nominations, and Roberts was a part of that group. Finally, thanks to everyone who took the time to email news of this development.

[InternetShortcut]  
URL=http://www.senate.gov/

[InternetShortcut]  
URL=http://www.cadc.uscourts.gov/

[InternetShortcut]

URL=<http://www.usdoj.gov/olp/robertsbio.htm>

[InternetShortcut]  
URL=http://www.whitehouse.gov/



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/8/2003 4:18:41 PM  
**Subject:** : no votes in the senate tomorrow...

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 20:18:41.00  
SUBJECT:: no votes in the senate tomorrow...  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Is Miller still coming?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/08/2003 08:05 PM -----

From: Christal R. West/WHO/EOP@Exchange on 05/08/2003 07:57:43 PM  
Record Type: Record

To: Carolyn Nelson/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: no votes in the senate tomorrow...

could lose some in the morning (maybe miller)...will let you know.  
thanks  
CW

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>  
**CC:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 5/8/2003 4:19:45 PM  
**Subject:** : Re: Campbell (AZ)

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 20:19:45.00  
SUBJECT:: Re: Campbell (AZ)  
TO:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (  
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I am not very familiar. I believe that Viet and David Leitch are. I  
cc'ed David on this.

"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington  
05/08/2003 06:52:45 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Campbell (AZ)

Brett,

Bruce Cohen wanted to speak with someone about the Honeywell Motorola  
case that Campbell handled. The issue was about the timing of his  
production of the report on contamination of the water table in this  
superfund case. One of the state assistant AGs complained about it. Are  
you familiar with this issue? Is this an issue we want to let Campbell  
discuss with him?

Kristi

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jenica Baldwin/WHO/EOP@EOP [ WHO ] <Jenica Baldwin>  
**CC:** charlotte l. montiel/who/eop@exchange@eop [ WHO ] <charlotte l. montiel>  
**Sent:** 5/8/2003 4:40:58 PM  
**Subject:** : Re: Friday

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 20:40:58.00  
SUBJECT:: Re: Friday  
TO:Jenica Baldwin ( CN=Jenica Baldwin/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:charlotte l. montiel ( CN=charlotte l. montiel/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

yes, thanks.

Jenica Baldwin 05/08/2003 04:37:00 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Charlotte L. Montiel/WHO/EOP@Exchange@EOP  
Subject: Friday

I am sorry to keep bugging you, I need to know if this works since the briefing is tomorrow. Please let me know at your earliest convenience. Thank you!

----- Forwarded by Jenica Baldwin/WHO/EOP on 05/08/2003  
04:36 PM -----

Jenica Baldwin 05/07/2003 06:25:35 PM

Record Type: Record

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

I understand from Lezlee that you will speak on Friday! Thank you!  
I have you down from 1:20pm - 1:40pm  
Please let me know if this works

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/8/2003 4:42:07 PM  
**Subject:** : RE: why aren't Dole and Hutchison coming?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 20:42:07.00  
SUBJECT:: RE: why aren't Dole and Hutchison coming?  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Well, I asked since one of the remaining May 9 noms is from North Carolina and one from Texas, and seemed like they should be there.  
Thanks!

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/08/2003 04:37:26 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: why aren't Dole and Hutchison coming?

They like you, really, they do.

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Thursday, May 08, 2003 4:23 PM  
To: Grubbs, Wendy J.  
Subject: why aren't Dole and Hutchison coming?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ho, James (Judiciary) <James\_Ho@Judiciary.senate.gov>  
**Sent:** 5/8/2003 5:04:57 PM  
**Subject:** : RE: WH comment on the hearing, on Senator Cornyn

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 21:04:57.00  
SUBJECT:: RE: WH comment on the hearing, on Senator Cornyn  
TO: "Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> ( "Ho, James (Judiciary)"  
<James\_Ho@Judiciary.senate.gov> [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

You are coming, right??

"Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov>  
05/08/2003 09:02:34 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: WH comment on the hearing, on Senator Cornyn

Thanks for the info, Brett!

-----Original Message-----

From: Brett\_M.\_Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Thursday, May 08, 2003 8:37 PM  
To: Ho, James (Judiciary)  
Subject: RE: WH comment on the hearing, on Senator Cornyn

I would expect a mention.

(Embedded  
image moved "Ho, James (Judiciary)"  
to file: <James\_Ho@Judiciary.senate.gov>  
pic19579.pcx) 05/08/2003 05:21:49 PM

Record Type: Record

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

REV\_00117767

cc:  
Subject: RE: WH comment on the hearing, on Senator Cornyn

Hope you thought the hearing was helpful. Just wanted to confirm -- is the President planning to mention Senator Cornyn or the hearing tomorrow?

-----Original Message-----

From: Brett\_M.\_Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Monday, May 05, 2003 2:25 PM  
To: Ho, James (Judiciary)  
Subject: Re: WH comment on the hearing, on Senator Cornyn

no doubt afterwards (eg on Friday by President); will also try before.  
I plan to come.

Record Type: Record  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Subject: WH comment on the hearing, on Senator Cornyn

Any chance that the White House will give some sort of positive comment about Senator Cornyn and his desire to call this hearing, either before or after the hearing? Any chance someone from the WH (perhaps you) will be there? Thanks for any info!

James C. Ho  
Chief Counsel  
U.S. Senate Subcommittee on the Constitution, Civil Rights & Property Rights

U.S. Senator John Cornyn, Chairman

<mailto:James\_Ho@judiciary.senate.gov> James\_Ho@judiciary.senate.gov  
<mailto:James\_Ho@judiciary.senate.gov>

(202) 224-9614 (direct line)

(202) 224-2934 (general office number)

**PRA 6**

(mobile)

**PRA 6**

(home)

REV\_00117768

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ho, James (Judiciary) <James\_Ho@Judiciary.senate.gov>  
**Sent:** 5/8/2003 5:07:24 PM  
**Subject:** : RE: WH comment on the hearing, on Senator Cornyn

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 21:07:24.00  
SUBJECT:: RE: WH comment on the hearing, on Senator Cornyn  
TO: "Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> ( "Ho, James (Judiciary)"  
<James\_Ho@Judiciary.senate.gov> [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Great. To state the obvious, you are dealing a helluva job. See you in  
a.m.

"Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov>  
05/08/2003 09:05:33 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: WH comment on the hearing, on Senator Cornyn

Yes, definitely -- thanks!!!

-----Original Message-----  
From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Thursday, May 08, 2003 9:04 PM  
To: Ho, James (Judiciary)  
Subject: RE: WH comment on the hearing, on Senator Cornyn

You are coming, right??

(Embedded  
image moved "Ho, James (Judiciary)"  
to file: <James\_Ho@Judiciary.senate.gov>  
pic19760.pcx) 05/08/2003 09:02:34 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: WH comment on the hearing, on Senator Cornyn

REV\_00117769

Thanks for the info, Brett!

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Thursday, May 08, 2003 8:37 PM  
To: Ho, James (Judiciary)  
Subject: RE: WH comment on the hearing, on Senator Cornyn

I would expect a mention.

(Embedded  
image moved "Ho, James (Judiciary)"  
to file: <James\_Ho@Judiciary.senate.gov>  
pic19579.pcx) 05/08/2003 05:21:49 PM

Record Type: Record

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

cc:  
Subject: RE: WH comment on the hearing, on Senator Cornyn

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-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Monday, May 05, 2003 2:25 PM  
To: Ho, James (Judiciary)  
Subject: Re: WH comment on the hearing, on Senator Cornyn

no doubt afterwards (eg on Friday by President); will also try before. I plan to come.

Record Type: Record  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Subject: WH comment on the hearing, on Senator Cornyn

Any chance that the White House will give some sort of positive comment about Senator Cornyn and his desire to call this hearing, either before or after the hearing? Any chance someone from the WH (perhaps you) will be there? Thanks for any info!

James C. Ho  
Chief Counsel  
U.S. Senate Subcommittee on the Constitution, Civil Rights & Property Rights

U.S. Senator John Cornyn, Chairman

<mailto:James\_Ho@judiciary.senate.gov> James\_Ho@judiciary.senate.gov

REV\_00117770



<mailto:James\_Ho@judiciary.senate.gov>

(202) 224-9614 (direct line)

(202) 224-2934 (general office number)

(202) 491-8227 (mobile)

(703) 812-8152 (home)

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Patrick J. Bumatay/WHO/EOP@Exchange@EOP [ WHO ] <Patrick J. Bumatay>;Charlotte L. Montiel/WHO/EOP@Exchange@EOP [ WHO ] <Charlotte L. Montiel>;Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/8/2003 5:21:28 PM  
**Subject:** : THANK YOU

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 21:21:28.00  
SUBJECT:: THANK YOU  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks for all the great help today. Little crazy with a speech, event planning, briefing paper, invite coordination, statement by the President, Executive order, online chat, web video, background press briefing, and the like -- all when Senate was still holding judicial votes during the day. Thanks again.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>  
**Sent:** 5/8/2003 5:38:01 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 21:38:01.00  
SUBJECT:  
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

John Roberts confirmed to DC Circuit.

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 5:43:21 PM  
**Subject:** : Re: from speech -- ok?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 21:43:21.00  
SUBJECT:: Re: from speech -- ok?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Great.

.

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 5:44:16 PM  
**Subject:** : Re: why aren't Dole and Hutchison coming?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 21:44:16.00  
SUBJECT:: Re: why aren't Dole and Hutchison coming?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yup, I agree, but you know where this ultimately ranks.

.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/8/2003 5:44:35 PM  
**Subject:** : Re: why aren't Dole and Hutchison coming?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 21:44:35.00  
SUBJECT:: Re: why aren't Dole and Hutchison coming?  
TO: Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Dole is apparently coming. That's good.

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/08/2003 09:44:53 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: why aren't Dole and Hutchison coming?

Yup, I agree, but you know where this ultimately ranks.

.

---

**From:** Kavanaugh, Brett M.  
**To:** <Baldwin, Jenica>  
**CC:** <Montiel, Charlotte L.>  
**Sent:** 5/8/2003 9:46:53 PM  
**Subject:** Re: Tomorrow  
**Attachments:** bio short 2.doc; Brett K Invite.doc

Not all of this would be necessary, but here it is for you to select from.

<>

**Jenica Baldwin** 05/08/2003 06:32:01 PM

Record Type: Record

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

cc: Charlotte L. Montiel/WHO/EOP@Exchange@EOP

Subject: Tomorrow

<>

I am counting on you Brett, thank you for doing this. They just want to hear generally about Judicial nominations- more Q&A than anything

Do you have a bio?

## **Brett M. Kavanaugh**

Since January 2001, Brett Kavanaugh has served as Associate Counsel to President Bush in the office of Judge Alberto Gonzales, Counsel to the President.

Mr. Kavanaugh graduated from Yale College in 1987 and from Yale Law School in 1990. He clerked for Judge Walter Stapleton on the United States Court of Appeals for the Third Circuit and for Judge Alex Kozinski on the United States Court of Appeals for the Ninth Circuit. He worked in 1992-93 as an attorney in the Office of Solicitor General at the Department of Justice. Mr. Kavanaugh clerked for Justice Anthony M. Kennedy on the Supreme Court of the United States in 1993-94. After his clerkship with Justice Kennedy, Mr. Kavanaugh worked for the Office of Independent Counsel Kenneth W. Starr from 1994 to 1997 and again in 1998. Mr. Kavanaugh was a partner in the Washington office of Kirkland & Ellis from 1997 to 1998 and from 1999 to January 2001.



TO: Brett Kavanaugh  
Special Assistant to the President  
Associate Counsel

FROM: Lezlee Westine  
Deputy Assistant to the President  
Director of the Office of Public Liaison

REQUEST: White House Briefing for the Corporate Council on Africa and  
Liberty Education Forum

BACKGROUND: Corporate Council on Africa:

The Corporate Council on Africa (CCA), established in 1992, is at the forefront of strengthening and facilitating the commercial relationship between the United States and the African continent. CCA works closely with governments, multilateral groups and business to improve the African continent's trade and investment climate, and to raise the profile of Africa in the US business community.

CCA programs are designed to bring together potential business partners and raise Africa's investment profile in the US by developing critical contacts and business relationships and providing a forum for the exchange of information and ideas.

Liberty Education Forum

Liberty Education Forum (LEF) was originally established to provide a non-partisan education and research component to complement the work of the Log Cabin Republicans. But with a full-scale launching on July 21, 2001, the Liberty Education Forum is a brand new educational think tank - based in Washington, D.C. - that is dedicated to new ideas and new directions for the gay community, with a centrist approach. The mission of the Liberty Education Forum is to work toward achieving individual freedom and fairness for gay Americans by applying the principles of individual rights, individual responsibilities, free markets and limited government.

The Log Cabin Republicans are a part of the White House Judicial Coalition as well as the AIDS Coalition.

DATE AND TIME: Friday, May 9, 2003  
1:00 pm – 2:00 pm

LOCATION: Old Executive Office Building, Room 474

SIZE AND TYPE  
OF AUDIENCE: 100 -125 members of the Corporate Council on Africa and the  
Liberty Education Forum.

PROPOSED  
OUTLINE OF EVENT: Standard White House Briefing, Remarks and Question/Answer

1:00pm – 1:20pm Holly Kuzmich  
1:20pm – 1:40pm Brett Kavanaugh  
1:40pm – 2:00pm Joseph O’Neill  
\* Schedule open to Change\*

MEDIA: Closed

STAFF CONTACT: Jenica Baldwin X66641

---

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/8/2003 7:34:12 PM  
**Subject:** : Re: Fact Sheet for Friday Morning

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-MAY-2003 23:34:12.00  
SUBJECT:: Re: Fact Sheet for Friday Morning  
TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Ok

.

----- Original Message -----  
From: Brett M. Kavanaugh/WHO/EOP  
To: Kyle Sampson/WHO/EOP@EOP  
Cc:  
Date: 05/08/2003 11:20:30 PM  
Subject: Fact Sheet for Friday Morning

let me know any thoughts you have in a.m.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/08/2003 11:20 PM -----

From: Ashley Snee/WHO/EOP@Exchange on 05/08/2003 11:16:10 PM  
Record Type: Record

To: Staff Secretary@EOP  
cc: Lawrence A. Fleischer/WHO/EOP@Exchange, Brett M.  
Kavanaugh/WHO/EOP@EOP  
Subject: Fact Sheet for Friday Morning

Please put me down for the contact.; Please send remarks; by 9:30 AM; ph:  
62115 fax: 60126

;  
Thank you!

---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/9/2003 1:21:56 AM  
**Subject:** : OpinionJournal - On the Editorial Page - May 9, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME: 9-MAY-2003 05:21:56.00  
SUBJECT:: OpinionJournal - On the Editorial Page - May 9, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003474>

John V. Bloomberg threatens New York City with disaster.  
12:01 a.m. EDT

Wonder Land BY DANIEL HENNINGER  
<http://www.opinionjournal.com/columnists/dhenninger/?id=110003475>

Big bad decisions have created big bad schools.  
12:01 a.m. EDT

On the Taste Page  
<http://opinionjournal.com/taste/>

Women voters agree: President Bush is a hottie!  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Mayor John V. Bloomberg  
New Yorkers see the ghost of tax-raisers past.  
May 09 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105244622939077200,00.html%3Fmod%3Dopinion>

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Sorry, Stanley  
Why Washington owes a Connecticut company an apology.  
May 09 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105244680743595000,00.html%3Fmod%3Dopinion>

~~~~~

Santa Spitzer  
Guess who gets the Wall Street settlement money?  
May 09 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105244694145716800,00.html%3Fmod%3Dopinion>

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#### Commentary

##### Save Our City

Mike Bloomberg tries to tax his way out of hard times.

By HUGH CAREY, RICHARD GILDER, H. DALE HEMMERDINGER, ROGER HERTOGE, FELIX G. ROHATYN and WALTER B. WRISTON

May 09 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105244932294660400,00.html%3Fmod%3Dopinion>

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##### Negotiate, Don't Posture

Developing countries need freer trade.

By SUPACHAI PANITCHPAKDI

May 09 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB10524500439872300,00.html%3Fmod%3Dopinion>

~~~~~

#### Wonder Land

##### Big Bad Decisions Created Big Bad Schools

Politics matters, no matter how aimless it may seem.

By DANIEL HENNINGER

May 09 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB10524486931167500,00.html%3Fmod%3Dopinion>

~~~~~

#### The Americas

##### Giving 'Little Guys' a Better Deal

The private sector may have just wiped away one justification for keeping the IMF.

By MARY ANASTASIA O'GRADY

May 09 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105244827514843200,00.html%3Fmod%3Dopinion>

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#### International

##### The 'Bad' Europeans

Poland wants to help mediate differences between Europe and America.

From The Wall Street Journal Europe

May 09 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105243126892681300,00.html%3Fmod%3Dopinion>

~~~~~

##### Putin Risks Widening the Rift

He should repair the damage done to relations with the U.S., not increase

the tension.  
By OKSANA ANTONENKO  
From The Wall Street Journal Europe  
May 09 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105243003069603200,00.html%3Fmod%3Dopinion>

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The Final Battle of the Yugoslav War  
The West should support Belgrade's efforts to reform.  
By JAMES GOW  
From The Wall Street Journal Europe  
May 09 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10524290835227000,00.html%3Fmod%3Dopinion>

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Koizumi Runs Out the Clock  
Koizumi has one more shot at changing Japan's system.  
By HUGO RESTALL  
From The Wall Street Journal Europe  
May 09 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105242181648837400,00.html%3Fmod%3Dopinion>

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Telling the Truth About SARS From Inside China  
Chinese citizens are frustrated with a government that has put their lives at risk.  
By JENNIFER CHOU  
From The Asian Wall Street Journal  
May 09 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105243236088606100,00.html%3Fmod%3Dopinion>

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<http://cj.careercast.com/taxis/jm/jobPostForm.html?lookid=cj&jp=C>

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[http://opinionjournal.com/forms/get\\_email\\_page.html](http://opinionjournal.com/forms/get_email_page.html).

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Karin B. Torgerson/WHO/EOP@Exchange@EOP [ WHO ] <Karin B. Torgerson>;Harriet Miers/WHO/EOP@Exchange@EOP [ WHO ] <Harriet Miers>  
**Sent:** 5/9/2003 2:48:25 AM  
**Subject:** : Judges EO

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 06:48:25.00  
SUBJECT:: Judges EO  
TO:Karin B. Torgerson ( CN=Karin B. Torgerson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Just checking in to make sure we are ok on the Judges EO. If any questions, I am here at 67984. Thanks.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>;Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/9/2003 3:00:51 AM  
**Subject:** : if you have master final list of people coming, please email; thanks

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 9-MAY-2003 07:00:51.00

SUBJECT:: if you have master final list of people coming, please email; thanks

TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

---

**From:** CN=Harriet Miers/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 3:04:11 AM  
**Subject:** : RE: Judges EO

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 07:04:11.00  
SUBJECT:: RE: Judges EO  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

We are waiting to get it from the Clerk in final form. Thanks.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Friday, May 09, 2003 6:45 AM  
To: Miers, Harriet; Torgerson, Karin B.  
Subject: Judges EO

Just checking in to make sure we are ok on the Judges EO. If any questions, I am here at 67984. Thanks.

**From:** CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Erin A. Vargo/WHO/EOP@EOP [ WHO ] <Erin A. Vargo>; Gretchen P. Steen/WHO/EOP@EOP [ WHO ] <Gretchen P. Steen>; Christie Parell/WHO/EOP@EOP [ WHO ] <Christie Parell>; Carrie B. Loy/WHO/EOP@EOP [ WHO ] <Carrie B. Loy>; Lindsey C. Kozberg/WHO/EOP@EOP [ WHO ] <Lindsey C. Kozberg>; Adam B. Ingols/WHO/EOP@Exchange [ WHO ] <Adam B. Ingols>; Taylor A. Hughes/WHO/EOP@Exchange [ WHO ] <Taylor A. Hughes>; Henry C Hager/WHO/EOP@Exchange [ UNKNOWN ] <Henry C Hager>; Eleanor L. Gillmor/OPD/EOP@Exchange [ OPD ] <Eleanor L. Gillmor>; Carolyn E. Cleveland/WHO/EOP@Exchange [ WHO ] <Carolyn E. Cleveland>; Debra D. Bird/WHO/EOP@Exchange [ WHO ] <Debra D. Bird>; Brian R. Besanceney/WHO/EOP@EOP [ WHO ] <Brian R. Besanceney>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/E3cc9430-ad683d99-852569db-51f012@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/9a92fb8d-28223eb3-852569dc-630dcd@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/19127f32-8fd61fa5-85256bac-472950@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; Karin B. Torgerson/WHO/EOP@Exchange [ WHO ] <Karin B. Torgerson>; Jeannette B. Reilly/WHO/EOP@EOP [ WHO ] <Jeannette B. Reilly>; Kathleen Mynster/WHO/EOP@EOP [ WHO ] <Kathleen Mynster>; Emily L. Kropp/WHO/EOP@EOP [ WHO ] <Emily L. Kropp>; Brian C. Jones/WHO/EOP@EOP [ WHO ] <Brian C. Jones>; Edward Ingle/WHO/EOP@EOP [ WHO ] <Edward Ingle>; Israel Hernandez/WHO/EOP@Exchange [ WHO ] <Israel Hernandez>; Britt Grant/OPD/EOP@EOP [ OPD ] <Britt Grant>; Rory S. Cooper/WHO/EOP@EOP [ WHO ] <Rory S. Cooper>; Jonathan W. Burks/WHO/EOP@Exchange [ WHO ] <Jonathan W. Burks>; Todd W. Beyer/WHO/EOP@EOP [ WHO ] <Todd W. Beyer>; Barbara A. Barclay/WHO/EOP@Exchange [ WHO ] <Barbara A. Barclay>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B2e77f63-672509fb-852569d9-6d71fd@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/485b63e8-18b851de-852569dd-61845a@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; Christal R. West/WHO/EOP@Exchange [ WHO ] <Christal R. West>  
**CC:** Colleen M. Carroll/WHO/EOP@EOP [ WHO ] <Colleen M. Carroll>; Emily L. Kropp/WHO/EOP@EOP [ WHO ] <Emily L. Kropp>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 3:33:20 AM  
**Subject:** : Today's Event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Anne E. Campbell ( CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 07:33:20.00  
SUBJECT:: Today's Event  
TO: Erin A. Vargo ( CN=Erin A. Vargo/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Gretchen P. Steen ( CN=Gretchen P. Steen/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Christie Parell ( CN=Christie Parell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Carrie B. Loy ( CN=Carrie B. Loy/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Lindsey C. Kozberg ( CN=Lindsey C. Kozberg/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Adam B. Ingols ( CN=Adam B. Ingols/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Taylor A. Hughes ( CN=Taylor A. Hughes/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Henry C Hager ( CN=Henry C Hager/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
READ: UNKNOWN  
TO: Eleanor L. Gillmor ( CN=Eleanor L. Gillmor/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ: UNKNOWN  
TO: Carolyn E. Cleveland ( CN=Carolyn E. Cleveland/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Debra D. Bird ( CN=Debra D. Bird/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Brian R. Besanceney ( CN=Brian R. Besanceney/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN  
TO:RECIPIENTS ( EX@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=E3cc9430-ad683d99-852569db-51f012@EX@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
TO:RECIPIENTS ( EX@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=9a92fb8d-28223eb3-852569dc-630dcd@EX@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
TO:RECIPIENTS ( EX@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS /CN=19127f32-8fd61fa5-85256bac-472950@EX@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Karin B. Torgerson ( CN=Karin B. Torgerson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jeannette B. Reilly ( CN=Jeannette B. Reilly/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kathleen Mynster ( CN=Kathleen Mynster/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Emily L. Kropp ( CN=Emily L. Kropp/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brian C. Jones ( CN=Brian C. Jones/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Britt Grant ( CN=Britt Grant/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Rory S. Cooper ( CN=Rory S. Cooper/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jonathan W. Burks ( CN=Jonathan W. Burks/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Todd W. Beyer ( CN=Todd W. Beyer/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Barbara A. Barclay ( CN=Barbara A. Barclay/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:RECIPIENTS ( EX@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B2e77f63-672509fb-852569d9-6d71fd@EX@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
TO:RECIPIENTS ( EX@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=485b63e8-18b851de-852569dd-61845a@EX@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Christal R. West ( CN=Christal R. West/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Colleen M. Carroll ( CN=Colleen M. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Emily L. Kropp ( CN=Emily L. Kropp/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Please review today's acknowledgments.; If you are aware of any changes or additions please let Blake, Harriet and me know as soon as possible.  
Thank you.

;

Remarks on Judicial Independence and Judicial Confirmation Process

Acknowledgments

ú;;;;;;;;; Judge Al Gonzales, Counsel to the President (will introduce the President)

ú;;;;;;;;; Attorney General John Ashcroft, Department of Justice

ú;;;;;;;;; Members of Congress

ú;;;;;;;;; Senator Bill Frist (R-TN)

REV\_00117802

ú;;;;;;;;; Senator Orrin Hatch (R-UT)  
ú;;;;;;;;; Senator John Cornyn (R-TX)  
ú;;;;;;;;; Senator Elizabeth Dole (R-NC)  
ú;;;;;;;;; Senator Lindsey Graham (R-SC)  
ú;;;;;;;;; Senator Mitch McConnell (R-KY)  
ú;;;;;;;;; Senator Zell Miller (D-GA)  
\* Senator Arlen Specter (R-PA)  
ú;;;;;;;;; Deputy Attorney General Larry Thompson, Department of Justice  
ú;;;;;;;;; Solicitor General Ted Olson  
ú;;;;;;;;; A.P. Carlton, President, American Bar Association  
ú;;;;;;;;; Duard Bradshaw, President, Hispanic National Bar Association  
ú;;;;;;;;; Former Attorney General Dick Thornburgh  
ú;;;;;;;;; Former Attorney General Bill Barr  
ú;;;;;;;;; Former Counsel Boyden Gray to President George Bush  
ú;;;;;;;;; Former Counsel Lloyd Cutler, to Presidents Clinton and Carter  
ú;;;;;;;;; Dick Wiley, Law Day Chair, American Bar Association  
ú;;;;;;;;; Ralph Mecham, Director, Administrative Office of the U.S. Courts  
ú;;;;;;;;; Bar leaders, Justice Department officials, lawyers, and guests

**From:** CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Karin B. Torgerson/WHO/EOP@Exchange [ WHO ] <Karin B. Torgerson>; Jeannette B. Reilly/WHO/EOP@EOP [ WHO ] <Jeannette B. Reilly>; Kathleen Mynster/WHO/EOP@EOP [ WHO ] <Kathleen Mynster>; Emily L. Kropp/WHO/EOP@EOP [ WHO ] <Emily L. Kropp>; Brian C. Jones/WHO/EOP@EOP [ WHO ] <Brian C. Jones>; Edward Ingle/WHO/EOP@EOP [ WHO ] <Edward Ingle>; Israel Hernandez/WHO/EOP@Exchange [ WHO ] <Israel Hernandez>; Britt Grant/OPD/EOP@EOP [ OPD ] <Britt Grant>; Rory S. Cooper/WHO/EOP@EOP [ WHO ] <Rory S. Cooper>; Jonathan W. Burks/WHO/EOP@Exchange [ WHO ] <Jonathan W. Burks>; Todd W. Beyer/WHO/EOP@EOP [ WHO ] <Todd W. Beyer>; Barbara A. Barclay/WHO/EOP@Exchange [ WHO ] <Barbara A. Barclay>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /B2e77f63-672509fb-852569d9-6d71fd@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /485b63e8-18b851de-852569dd-61845a@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; Christal R. West/WHO/EOP@Exchange [ WHO ] <Christal R. West>; Erin A. Vargo/WHO/EOP@EOP [ WHO ] <Erin A. Vargo>; Gretchen P. Steen/WHO/EOP@EOP [ WHO ] <Gretchen P. Steen>; Christie Parell/WHO/EOP@EOP [ WHO ] <Christie Parell>; Carrie B. Loy/WHO/EOP@EOP [ WHO ] <Carrie B. Loy>; Lindsey C. Kozberg/WHO/EOP@EOP [ WHO ] <Lindsey C. Kozberg>; Adam B. Ingols/WHO/EOP@Exchange [ WHO ] <Adam B. Ingols>; Taylor A. Hughes/WHO/EOP@Exchange [ WHO ] <Taylor A. Hughes>; Henry C Hager/WHO/EOP@Exchange [ UNKNOWN ] <Henry C Hager>; Eleanor L. Gillmor/OPD/EOP@Exchange [ OPD ] <Eleanor L. Gillmor>; Carolyn E. Cleveland/WHO/EOP@Exchange [ WHO ] <Carolyn E. Cleveland>; Debra D. Bird/WHO/EOP@Exchange [ WHO ] <Debra D. Bird>; Brian R. Besanceney/WHO/EOP@EOP [ WHO ] <Brian R. Besanceney>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/E3cc9430-ad683d99-852569db-51f012@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/9a92fb8d-28223eb3-852569dc-630dcd@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /19127f32-8fd61fa5-85256bac-472950@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; Anne E. Campbell/WHO/EOP@Exchange [ WHO ] <Anne E. Campbell>  
**CC:** Erin E. Healy/WHO/EOP@EOP [ WHO ] <Erin E. Healy>; Colleen M. Carroll/WHO/EOP@EOP [ WHO ] <Colleen M. Carroll>; Tracy Young/WHO/EOP@EOP [ WHO ] <Tracy Young>; Emily L. Kropp/WHO/EOP@EOP [ WHO ] <Emily L. Kropp>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 3:49:03 AM  
**Subject:** : USC - today's other event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Anne E. Campbell ( CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 07:49:03.00  
SUBJECT: : USC - today's other event  
TO: Karin B. Torgerson ( CN=Karin B. Torgerson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Jeannette B. Reilly ( CN=Jeannette B. Reilly/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Kathleen Mynster ( CN=Kathleen Mynster/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Emily L. Kropp ( CN=Emily L. Kropp/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Brian C. Jones ( CN=Brian C. Jones/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Britt Grant ( CN=Britt Grant/OU=OPD/O=EOP@EOP [ OPD ] )  
READ: UNKNOWN  
TO: Rory S. Cooper ( CN=Rory S. Cooper/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Jonathan W. Burks ( CN=Jonathan W. Burks/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Todd W. Beyer ( CN=Todd W. Beyer/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN  
 TO:Barbara A. Barclay ( CN=Barbara A. Barclay/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 TO:RECIPIENTS ( EX@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B2e77f63-672509fb-852569d9-6d71fd@EX@Exchange [ UNKNOWN ] )  
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 TO:RECIPIENTS ( EX@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=485b63e8-18b851de-852569dd-61845a@EX@Exchange [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:Christal R. West ( CN=Christal R. West/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 TO:Erin A. Vargo ( CN=Erin A. Vargo/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Gretchen P. Steen ( CN=Gretchen P. Steen/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Christie Parell ( CN=Christie Parell/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Carrie B. Loy ( CN=Carrie B. Loy/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Lindsey C. Kozberg ( CN=Lindsey C. Kozberg/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Adam B. Ingols ( CN=Adam B. Ingols/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 TO:Taylor A. Hughes ( CN=Taylor A. Hughes/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 TO:Henry C Hager ( CN=Henry C Hager/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:Eleanor L. Gillmor ( CN=Eleanor L. Gillmor/OU=OPD/O=EOP@Exchange [ OPD ] )  
 READ:UNKNOWN  
 TO:Carolyn E. Cleveland ( CN=Carolyn E. Cleveland/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 TO:Debra D. Bird ( CN=Debra D. Bird/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 TO:Brian R. Besanceney ( CN=Brian R. Besanceney/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:RECIPIENTS ( EX@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=E3cc9430-ad683d99-852569db-51f012@EX@Exchange [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:RECIPIENTS ( EX@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=9a92fb8d-28223eb3-852569dc-630dcd@EX@Exchange [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:RECIPIENTS ( EX@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=19127f32-8fd61fa5-85256bac-472950@EX@Exchange [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:Anne E. Campbell ( CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ] )  
 READ:UNKNOWN  
 CC:Erin E. Healy ( CN=Erin E. Healy/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 CC:Colleen M. Carroll ( CN=Colleen M. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 CC:Tracy Young ( CN=Tracy Young/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 CC:Emily L. Kropp ( CN=Emily L. Kropp/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 ##### End Original ARMS Header #####

We are only using a general introduction for today's commencement address.

Thank you.

;

Commencement Address at the University of South Carolina

;

President Sorensen, Governor Sanford, members of the faculty, trustees, families, distinguished guests, and members of the class of 2003:

;

-----Original Message-----

From: Campbell, Anne E.

Sent: Friday, May 09, 2003 7:34 AM

To: West, Christal R.; /o=EOP/ou=First Administrative

Group/cn=Recipients/cn=19127f32-8fd61fa5-85256bac-472950; /o=EOP/ou=First

Administrative Group/cn=Recipients/cn=485b63e8-18b851de-852569dd-61845a;

/o=EOP/ou=First Administrative

Group/cn=Recipients/cn=9a92fb8d-28223eb3-852569dc-630dcd; /o=EOP/ou=First

Administrative Group/cn=Recipients/cn=b2e77f63-672509fb-852569d9-6d71fd;

/o=EOP/ou=First Administrative

Group/cn=Recipients/cn=e3cc9430-ad683d99-852569db-51f012; Barclay, Barbara

A.; Besanceney, Brian R.; Beyer, Todd W.; Bird, Debra D.; Burks, Jonathan

W.; Cleveland, Carolyn E.; Cooper, Rory S.; Gillmor, Eleanor L.; Grant,

Britt; Hager, Henry C.; Hernandez, Israel; Hughes, Taylor A.; Ingle,

Edward; Ingols, Adam B.; Jones, Brian C.; Kozberg, Lindsey C.; Kropp,

Emily L.; Loy, Carrie B.; Mynster, Kathleen; Parell, Christie; Reilly,

Jeannette B.; Steen, Gretchen P.; Torgerson, Karin B.; Vargo, Erin A.

Cc: Kavanaugh, Brett M.; Carroll, Colleen M.; Kropp, Emily L.

Subject: Today's Event

Please review today's acknowledgments.; If you are aware of any changes or additions please let Blake, Harriet and me know as soon as possible.  
Thank you.

;

Remarks on Judicial Independence and Judicial Confirmation Process

Acknowledgments

ú;;;;;;;;; Judge Al Gonzales, Counsel to the President (will introduce the President)

ú;;;;;;;;; Attorney General John Ashcroft, Department of Justice

ú;;;;;;;;; Members of Congress

ú;;;;;;;;; Senator Bill Frist (R-TN)

ú;;;;;;;;; Senator Orrin Hatch (R-UT)

ú;;;;;;;;; Senator John Cornyn (R-TX)

ú;;;;;;;;; Senator Elizabeth Dole (R-NC)

ú;;;;;;;;; Senator Lindsey Graham (R-SC)

ú;;;;;;;;; Senator Mitch McConnell (R-KY)

ú;;;;;;;;; Senator Zell Miller (D-GA)

\* Senator Arlen Specter (R-PA)

ú;;;;;;;;; Deputy Attorney General Larry Thompson, Department of Justice

ú;;;;;;;;; Solicitor General Ted Olson

ú;;;;;;;;; A.P. Carlton, President, American Bar Association

ú;;;;;;;;; Duard Bradshaw, President, Hispanic National Bar Association



ú;;;;;;;;; Former Attorney General Dick Thornburgh

ú;;;;;;;;; Former Attorney General Bill Barr

ú;;;;;;;;; Former Counsel Boyden Gray to President George Bush

ú;;;;;;;;; Former Counsel Lloyd Cutler, to Presidents Clinton and Carter

ú;;;;;;;;; Dick Wiley, Law Day Chair, American Bar Association

ú;;;;;;;;; Ralph Mecham, Director, Administrative Office of the U.S. Courts

ú;;;;;;;;; Bar leaders, Justice Department officials, lawyers, and guests

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange [ WHO ] <Ashley Snee>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 4:50:12 AM  
**Subject:** : RE: Fact Sheet for Friday Morning

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 08:50:12.00  
SUBJECT:: RE: Fact Sheet for Friday Morning  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Don,t know if this is too late, but we should use the same font throughout.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, May 08, 2003 11:21 PM  
To: Gonzales, Alberto R.; Leitch, David G.  
Subject: Fact Sheet for Friday Morning

fyi -- draft Fact Sheet.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/08/2003 11:20 PM -----

From: Ashley Snee/WHO/EOP@Exchange on 05/08/2003 11:16:10 PM  
Record Type: Record

To: Staff Secretary@EOP  
cc: Lawrence A. Fleischer/WHO/EOP@Exchange, Brett M.  
Kavanaugh/WHO/EOP@EOP  
Subject: Fact Sheet for Friday Morning

Please put me down for the contact. Please send remarks by 9:30 AM ph:  
62115 fax: 60126

Thank you! << File: judges 5 9 03 #2.doc >>

---

**From:** Kristi.L.Remington@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 5:20:07 AM  
**Subject:** : RE: Feinstein quote on Kuhl

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (  
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 9-MAY-2003 09:20:07.00  
SUBJECT:: RE: Feinstein quote on Kuhl  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

great minds . . .

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Friday, May 09, 2003 9:14 AM  
To: Remington, Kristi L  
Subject: Re: Feinstein quote on Kuhl

I sent that to her!

(Embedded  
image moved "Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington  
to file: 05/09/2003 09:12:19 AM  
pic12654.pcx)

Record Type: Record

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

cc:  
Subject: Feinstein quote on Kuhl

From AP and the LA Times, May 9, 2003:  
Democrats said today that they have made no decision about a filibuster in  
the  
full Senate.  
"We have two filibusters going. Maybe that's enough," said Sen. Dianne  
Feinstein  
(D-Calif.).

---

**From:** CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 5:26:10 AM  
**Subject:** : Re: from a widely read legal "blog" re Judge's online chat

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 09:26:10.00  
SUBJECT:: Re: from a widely read legal "blog" re Judge's online chat  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

You cool with the video?

---

**From:** Manus Cooney <Manus.Cooney@potomaccounsel.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>  
**Sent:** 5/9/2003 6:49:22 AM  
**Subject:** : Way to go.  
**Attachments:** P\_M5QAG003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Manus Cooney <Manus.Cooney@potomaccounsel.com> ( Manus Cooney  
<Manus.Cooney@potomaccounsel.com> [ UNKNOWN ] )  
CREATION DATE/TIME: 9-MAY-2003 10:49:22.00  
SUBJECT:: Way to go.  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Manus Cooney

CEO

Potomac Counsel LLC

227 Massachusettes Ave. NE

Suite #1

Washington, DC 20002

www.potomaccounsel.com

Tel-202-543-2800

Fax-202-544-6770

Mobile: PRA 6

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_M5QAG003\_WHO.TXT\_1>

Manus Cooney  
CEO  
Potomac Counsel LLC  
227 Massachusettes Ave. NE  
Suite #1  
Washington, DC< font size=2 face=Arial> 20002

[www.potomaccounsel.c om](http://www.potomaccounsel.c om)  
Tel-202-543-2800  
Fax-202-544-6770  
Mobile-4 PRA 6

ii

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>;<Smith, Matthew E.>  
**Sent:** 5/9/2003 6:59:43 AM  
**Subject:** if you have master final list of people coming, please email; thanks

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Paul Perkins/WHO/EOP@EOP [ WHO ] <Paul Perkins>  
**Sent:** 5/9/2003 3:00:59 AM  
**Subject:** : if you have master final list of people coming, please email; thanks

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 07:00:59.00  
SUBJECT:: if you have master final list of people coming, please email; thanks  
TO:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/09/2003 07:00 AM -----

Brett M. Kavanaugh  
05/09/2003 07:00:22 AM  
Record Type: Record

To: Carolyn Nelson/WHO/EOP@Exchange@EOP, Matthew E.  
Smith/WHO/EOP@EOP  
cc:  
Subject: if you have master final list of people coming, please  
email; thanks



---

**From:** CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 7:14:34 AM  
**Subject:** : great speech and event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 11:14:34.00  
SUBJECT:: great speech and event  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

**From:** CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Erin A. Vargo/WHO/EOP@EOP [ WHO ] <Erin A. Vargo>; Gretchen P. Steen/WHO/EOP@EOP [ WHO ] <Gretchen P. Steen>; Christie Parell/WHO/EOP@EOP [ WHO ] <Christie Parell>; Carrie B. Loy/WHO/EOP@EOP [ WHO ] <Carrie B. Loy>; Lindsey C. Kozberg/WHO/EOP@EOP [ WHO ] <Lindsey C. Kozberg>; Adam B. Ingols/WHO/EOP@Exchange [ WHO ] <Adam B. Ingols>; Taylor A. Hughes/WHO/EOP@Exchange [ WHO ] <Taylor A. Hughes>; Henry C Hager/WHO/EOP@Exchange [ UNKNOWN ] <Henry C Hager>; Eleanor L. Gillmor/OPD/EOP@Exchange [ OPD ] <Eleanor L. Gillmor>; Carolyn E. Cleveland/WHO/EOP@Exchange [ WHO ] <Carolyn E. Cleveland>; Debra D. Bird/WHO/EOP@Exchange [ WHO ] <Debra D. Bird>; Brian R. Besanceney/WHO/EOP@EOP [ WHO ] <Brian R. Besanceney>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/E3CC9430-AD683D99-852569DB-51F012@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/9A92FB8D-28223EB3-852569DC-630DCD@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/19127F32-8FD61FA5-85256BAC-472950@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; Karin B. Torgerson/WHO/EOP@Exchange [ WHO ] <Karin B. Torgerson>; Jeannette B. Reilly/WHO/EOP@EOP [ WHO ] <Jeannette B. Reilly>; Kathleen Mynster/WHO/EOP@EOP [ WHO ] <Kathleen Mynster>; Emily L. Kropp/WHO/EOP@EOP [ WHO ] <Emily L. Kropp>; Brian C. Jones/WHO/EOP@EOP [ WHO ] <Brian C. Jones>; Edward Ingle/WHO/EOP@EOP [ WHO ] <Edward Ingle>; Israel Hernandez/WHO/EOP@Exchange [ WHO ] <Israel Hernandez>; Britt Grant/OPD/EOP@EOP [ OPD ] <Britt Grant>; Rory S. Cooper/WHO/EOP@EOP [ WHO ] <Rory S. Cooper>; Jonathan W. Burks/WHO/EOP@Exchange [ WHO ] <Jonathan W. Burks>; Todd W. Beyer/WHO/EOP@EOP [ WHO ] <Todd W. Beyer>; Barbara A. Barclay/WHO/EOP@Exchange [ WHO ] <Barbara A. Barclay>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B2E77F63-672509FB-852569D9-6D71FD@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; EX@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/485B63E8-18B851DE-852569DD-61845A@EX@Exchange [ UNKNOWN ] <RECIPIENTS>; Christal R. West/WHO/EOP@Exchange [ WHO ] <Christal R. West>  
**CC:** Colleen M. Carroll/WHO/EOP@EOP [ WHO ] <Colleen M. Carroll>; Emily L. Kropp/WHO/EOP@EOP [ WHO ] <Emily L. Kropp>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 3:33:11 AM  
**Subject:** : Today's Event

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CREATION DATE/TIME: 9-MAY-2003 07:33:11.00  
SUBJECT:: Today's Event  
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READ: UNKNOWN  
TO: Gretchen P. Steen ( CN=Gretchen P. Steen/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Christie Parell ( CN=Christie Parell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Carrie B. Loy ( CN=Carrie B. Loy/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Lindsey C. Kozberg ( CN=Lindsey C. Kozberg/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Adam B. Ingols ( CN=Adam B. Ingols/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Taylor A. Hughes ( CN=Taylor A. Hughes/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Henry C Hager ( CN=Henry C Hager/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
READ: UNKNOWN  
TO: Eleanor L. Gillmor ( CN=Eleanor L. Gillmor/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ: UNKNOWN  
TO: Carolyn E. Cleveland ( CN=Carolyn E. Cleveland/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Debra D. Bird ( CN=Debra D. Bird/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Brian R. Besanceney ( CN=Brian R. Besanceney/OU=WHO/O=EOP@EOP [ WHO ] )

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READ:UNKNOWN  
TO:Jeannette B. Reilly ( CN=Jeannette B. Reilly/OU=WHO/O=EOP@EOP [ WHO ] )  
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TO:Kathleen Mynster ( CN=Kathleen Mynster/OU=WHO/O=EOP@EOP [ WHO ] )  
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TO:Emily L. Kropp ( CN=Emily L. Kropp/OU=WHO/O=EOP@EOP [ WHO ] )  
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TO:Brian C. Jones ( CN=Brian C. Jones/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Britt Grant ( CN=Britt Grant/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Rory S. Cooper ( CN=Rory S. Cooper/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jonathan W. Burks ( CN=Jonathan W. Burks/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Todd W. Beyer ( CN=Todd W. Beyer/OU=WHO/O=EOP@EOP [ WHO ] )  
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TO:Barbara A. Barclay ( CN=Barbara A. Barclay/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Colleen M. Carroll ( CN=Colleen M. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )  
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CC:Emily L. Kropp ( CN=Emily L. Kropp/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
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Please review today's acknowledgments.; If you are aware of any changes or additions please let Blake, Harriet and me know as soon as possible.  
Thank you.

;

Remarks on Judicial Independence and Judicial Confirmation Process

Acknowledgments

ú;;;;;;;;; Judge Al Gonzales, Counsel to the President (will introduce the President)

ú;;;;;;;;; Attorney General John Ashcroft, Department of Justice

ú;;;;;;;;; Members of Congress

ú;;;;;;;;; Senator Bill Frist (R-TN)

REV\_00117823

ú;;;;;;;;; Senator Orrin Hatch (R-UT)  
ú;;;;;;;;; Senator John Cornyn (R-TX)  
ú;;;;;;;;; Senator Elizabeth Dole (R-NC)  
ú;;;;;;;;; Senator Lindsey Graham (R-SC)  
ú;;;;;;;;; Senator Mitch McConnell (R-KY)  
ú;;;;;;;;; Senator Zell Miller (D-GA)  
\* Senator Arlen Specter (R-PA)  
ú;;;;;;;;; Deputy Attorney General Larry Thompson, Department of Justice  
ú;;;;;;;;; Solicitor General Ted Olson  
ú;;;;;;;;; A.P. Carlton, President, American Bar Association  
ú;;;;;;;;; Duard Bradshaw, President, Hispanic National Bar Association  
ú;;;;;;;;; Former Attorney General Dick Thornburgh  
ú;;;;;;;;; Former Attorney General Bill Barr  
ú;;;;;;;;; Former Counsel Boyden Gray to President George Bush  
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ú;;;;;;;;; Dick Wiley, Law Day Chair, American Bar Association  
ú;;;;;;;;; Ralph Mecham, Director, Administrative Office of the U.S. Courts  
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**CC:** Colleen M. Carroll/WHO/EOP@EOP [ WHO ] <Colleen M. Carroll>; Emily L. Kropp/WHO /EOP@EOP [ WHO ] <Emily L. Kropp>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 3:33:16 AM  
**Subject:** : Today's Event

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CREATION DATE/TIME: 9-MAY-2003 07:33:16.00  
SUBJECT:: Today's Event  
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TO: Carolyn E. Cleveland ( CN=Carolyn E. Cleveland/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Debra D. Bird ( CN=Debra D. Bird/OU=WHO/O=EOP@Exchange [ WHO ] )  
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CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
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Remarks on Judicial Independence and Judicial Confirmation Process

Acknowledgments

REV\_00117826

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ú;;;;;;;;; Attorney General John Ashcroft, Department of Justice

ú;;;;;;;;; Members of Congress

ú;;;;;;;;; Senator Bill Frist (R-TN)

ú;;;;;;;;; Senator Orrin Hatch (R-UT)

ú;;;;;;;;; Senator John Cornyn (R-TX)

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ú;;;;;;;;; Senator Mitch McConnell (R-KY)

ú;;;;;;;;; Senator Zell Miller (D-GA)

\* Senator Arlen Specter (R-PA)

ú;;;;;;;;; Deputy Attorney General Larry Thompson, Department of Justice

ú;;;;;;;;; Solicitor General Ted Olson

ú;;;;;;;;; A.P. Carlton, President, American Bar Association

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**CC:** Colleen M. Carroll/WHO/EOP@EOP [ WHO ] <Colleen M. Carroll>; Emily L. Kropp/WHO/EOP@EOP [ WHO ] <Emily L. Kropp>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 3:33:20 AM  
**Subject:** : Today's Event

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CREATOR: Anne E. Campbell ( CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 07:33:20.00  
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READ: UNKNOWN  
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TO:Rory S. Cooper ( CN=Rory S. Cooper/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jonathan W. Burks ( CN=Jonathan W. Burks/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Todd W. Beyer ( CN=Todd W. Beyer/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Barbara A. Barclay ( CN=Barbara A. Barclay/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:RECIPIENTS ( EX@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B2e77f63-672509fb-852569d9-6d71fd@EX@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
TO:RECIPIENTS ( EX@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=485b63e8-18b851de-852569dd-61845a@EX@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Christal R. West ( CN=Christal R. West/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Colleen M. Carroll ( CN=Colleen M. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Emily L. Kropp ( CN=Emily L. Kropp/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Please review today's acknowledgments.; If you are aware of any changes or additions please let Blake, Harriet and me know as soon as possible.  
Thank you.

;

Remarks on Judicial Independence and Judicial Confirmation Process

Acknowledgments

ú;;;;;;;;; Judge Al Gonzales, Counsel to the President (will introduce the President)

ú;;;;;;;;; Attorney General John Ashcroft, Department of Justice

ú;;;;;;;;; Members of Congress

ú;;;;;;;;; Senator Bill Frist (R-TN)

REV\_00117829

ú;;;;;;;;; Senator Orrin Hatch (R-UT)  
ú;;;;;;;;; Senator John Cornyn (R-TX)  
ú;;;;;;;;; Senator Elizabeth Dole (R-NC)  
ú;;;;;;;;; Senator Lindsey Graham (R-SC)  
ú;;;;;;;;; Senator Mitch McConnell (R-KY)  
ú;;;;;;;;; Senator Zell Miller (D-GA)  
\* Senator Arlen Specter (R-PA)  
ú;;;;;;;;; Deputy Attorney General Larry Thompson, Department of Justice  
ú;;;;;;;;; Solicitor General Ted Olson  
ú;;;;;;;;; A.P. Carlton, President, American Bar Association  
ú;;;;;;;;; Duard Bradshaw, President, Hispanic National Bar Association  
ú;;;;;;;;; Former Attorney General Dick Thornburgh  
ú;;;;;;;;; Former Attorney General Bill Barr  
ú;;;;;;;;; Former Counsel Boyden Gray to President George Bush  
ú;;;;;;;;; Former Counsel Lloyd Cutler, to Presidents Clinton and Carter  
ú;;;;;;;;; Dick Wiley, Law Day Chair, American Bar Association  
ú;;;;;;;;; Ralph Mecham, Director, Administrative Office of the U.S. Courts  
ú;;;;;;;;; Bar leaders, Justice Department officials, lawyers, and guests

---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 7:47:06 AM  
**Subject:** : Do you have that fact sheet ready?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 11:47:06.00  
SUBJECT:: Do you have that fact sheet ready?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Blake Gottesman/WHO/EOP@Exchange [ WHO ] <Blake Gottesman>  
**Sent:** 5/9/2003 3:54:36 AM  
**Subject:** : Judicial Event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kara G. Figg ( CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 07:54:36.00  
SUBJECT:: Judicial Event  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Blake Gottesman ( CN=Blake Gottesman/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Per Brad, they decided in Sr Staff to use Room 450 for the event.  
Check in;w/David Hobbs - he mentioned that if Sen;Zell;Miller attends, the  
Members will be in;a holding room;in EEOB.  
;

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**From:** CN=David S. Addington/OU=OVP/O=EOP [ OVP ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 4:01:25 AM  
**Subject:** : Re: Status of EO

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP [ OVP ] )  
CREATION DATE/TIME: 9-MAY-2003 08:01:25.00  
SUBJECT:: Re: Status of EO  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

receives notice is good change

---

**From:** Sampson, Kyle  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Kavanaugh, Brett M.>; <Snee, Ashley>; <Lisaius, Kenneth A.>; kristi.remington@usdoj.gov <kristi.remington@usdoj.gov>  
**Sent:** 5/9/2003 8:03:46 AM  
**Subject:** Mosman

## Mosman selected for federal judgeship

05/09/03

The Oregonian

**JIM BARNETT**

WASHINGTON -- The White House on Thursday nominated U.S. Attorney Michael Mosman for a federal judgeship in Oregon, ending suspense but not questions over its choice to fill the 3-year-old vacancy.

Mosman, 46, has been considered the top candidate since January, when he was selected as one of three contenders by U.S. Sen. Gordon Smith, R-Ore. Next, Mosman must be confirmed by the Senate before taking the lifetime appointment.

"He has done an outstanding job, and he will be a credit to the federal bench," Smith said.

Law enforcement and crime victims' groups support the nomination, but Mosman has had to address questions about his views on gay rights and abortion that grew out of his service as a Supreme Court clerk in 1986.

Mosman met with political leaders and activists in recent weeks to allay concerns. On Wednesday, he wrote a letter assuring Sen. Ron Wyden, D-Ore., that he would abide by the precedent of *Roe v. Wade*, the 1973 case that established the right to abortion.

"Indeed, in my view, it is wholly inappropriate and inconsistent with the judicial oath to uphold the Constitution for district judges to depart from precedents of higher courts," Mosman said in the letter, provided by Wyden's office. "*Roe v. Wade* is settled law."

Wyden has endorsed Mosman, and gay rights groups have pledged neutrality. But abortion rights advocates said they will continue to study Mosman's record after learning of a 1998 interview in which Mosman said he would "trim back" the *Roe v. Wade* decision.

"I'm not going to take his word on it," said Caroline Fitchett, executive director of Oregon Nalal. "I'm going to take his past actions. We're going to continue our legal research because we want to make sure he's not part of Bush's court-packing strategy."

Nalal's national office in Washington plans to release a report today showing that appellate judges appointed by Republican presidents are four times more likely to issue opinions against abortion rights than judges named by Democrats.

While many nominees of President Bush have strong anti-abortion records, "these same nominees argue that their anti-choice records are irrelevant because they will follow the 'settled law' of *Roe v. Wade*," the report concludes.

Josh Kardon, chief of staff to Wyden, said the senator would continue his support despite recent disclosures of Mosman's views on abortion rights, which are grounded in privacy rights under the due process clause of the Constitution.

"President Bush only appoints anti-abortion candidates to the federal bench, so there's no surprise here regarding Mr. Mosman's personal views," Kardon said. "The question for Senator Wyden is whether Mr. Mosman is a far-right activist like so many other Bush appointees. There is no record that suggests Mr. Mosman would seek to overturn decades of established law."

Public scrutiny heightened in March, when Basic Rights Oregon publicized "bench memos" Mosman wrote in 1986 as a clerk to Justice Lewis Powell, urging him to cast his tie-breaking vote to uphold Georgia's anti-sodomy law.

In the memos, Mosman warns Powell against expanding the reach of the due process clause, arguing that society's history

**REV\_00117837**

and tradition "indicate that homosexual sodomy does not fit within the right of privacy."

In recent interviews with advocacy groups, Wyden and the editorial board of The Oregonian, Mosman has said that his opinions were purely legal and did not reflect a personal prejudice.

"I'd like to do what I can in any appropriate setting to repudiate the idea that I have anti-gay views," Mosman told The Oregonian editorial board on April 28.

Gay rights groups consider the 1986 decision in Bowers v. Hardwick as a major setback for their cause. Mosman's role in the episode was chronicled in the book "Courting Justice: Gay Men and Lesbians v. the Supreme Court" by Joyce Murdoch and Deb Price.

Mosman discussed his views on abortion rights in a 1998 interview with Murdoch, who provided her verbatim notes to The Oregonian. Mosman told Murdoch he would vote to cut back the Roe v. Wade decision because the due-process basis of the decision was weak.

"I think Roe v. Wade is wrongly decided," Mosman said in the interview. "So I'd trim that back."

Fitchett said the 1998 statement alone would not prompt abortion rights groups to oppose Mosman. But if Naral finds other indications that Mosman would rule against abortion rights, its national office might try to block him, she said.

"We're looking at all of them, not just Mosman," she said. "We're fighting what we see as a national strategy."

Wyden's support is crucial to getting Mosman through the politicized confirmation process. While dozens of Bush nominees have cleared the Senate, Democrats have blocked some they believe would follow conservative ideals rather than constitutional precedents.

A native of Eugene, Mosman grew up in Lewiston, Idaho, and received his law degree from Brigham Young University. He joined the U.S. attorney's office in Portland in 1988 and was named as its leader in August 2001.

Mosman, who lives in West Linn, is a Republican and has voted regularly, according to state registration records. He would replace U.S. District Judge Robert E. Jones, who took senior status in 2000.

---

**From:** CN=Jeanie L. Figg/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 4:11:21 AM  
**Subject:** : RE: Judicial Event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Jeanie L. Figg ( CN=Jeanie L. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 08:11:21.00  
SUBJECT:: RE: Judicial Event  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Yikes! I'll bring the seat cards over asap.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Friday, May 09, 2003 8:06 AM  
To: Smith, Matthew E.; Perkins, Paul; Healy, Erin E.; Figg, Jeanie L.  
Cc: Nelson, Carolyn  
Subject: Judicial Event

If this is truly final decision, we will need to scramble.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/09/2003 08:06 AM -----

From: Kara G. Figg/WHO/EOP@Exchange on 05/09/2003 07:54:58 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Carolyn Nelson/WHO/EOP@Exchange  
cc: Blake Gottesman/WHO/EOP@Exchange  
Subject: Judicial Event

Per Brad, they decided in Sr Staff to use Room 450 for the event.  
Check in w/David Hobbs - he mentioned that if Sen Zell Miller attends, the  
Members will be in a holding room in EEOB.



---

**From:** CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>;Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Ashley Estes/WHO/EOP@Exchange [ WHO ] <Ashley Estes>;Jeanie L. Figg/WHO/EOP@Exchange [ WHO ] <Jeanie L. Figg>;Blake Gottesman/WHO/EOP@Exchange [ WHO ] <Blake Gottesman>  
**Sent:** 5/9/2003 4:16:51 AM  
**Subject:** : RE: Judicial Event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kara G. Figg ( CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 08:16:51.00  
SUBJECT:: RE: Judicial Event  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Jeanie L. Figg ( CN=Jeanie L. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Blake Gottesman ( CN=Blake Gottesman/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Per Dan;- the weather call will now be made 45 min out.

-----Original Message-----

From: Figg, Kara G.  
Sent: Friday, May 09, 2003 7:55 AM  
To: Kavanaugh, Brett M.; Nelson, Carolyn  
Cc: Gottesman, Blake  
Subject: Judicial Event

Per Brad, they decided in Sr Staff to use Room 450 for the event.  
Check in;w/David Hobbs - he mentioned that if Sen;Zell;Miller attends, the  
Members will be in;a holding room;in EEOB.  
;

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** kristi.remington@usdoj.gov @ inet [ UNKNOWN ] <kristi.remington@usdoj.gov @ inet>; Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Kenneth A. Lisaius/WHO/EOP@EOP [ WHO ] <Kenneth A. Lisaius>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/9/2003 4:17:54 AM  
**Subject:** : Mosman

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 08:17:54.00  
SUBJECT:: Mosman  
TO: kristi.remington@usdoj.gov @ inet ( kristi.remington@usdoj.gov @ inet [ UNKNOWN ] )  
READ: UNKNOWN  
TO: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Kenneth A. Lisaius ( CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Mosman selected for federal judgeship

05/09/03

The Oregonian

JIM BARNETT

WASHINGTON -- The White House on Thursday nominated U.S. Attorney Michael Mosman for a federal judgeship in Oregon, ending suspense but not questions over its choice to fill the 3-year-old vacancy.

Mosman, 46, has been considered the top candidate since January, when he was selected as one of three contenders by U.S. Sen. Gordon Smith, R-Ore. Next, Mosman must be confirmed by the Senate before taking the lifetime appointment.

"He has done an outstanding job, and he will be a credit to the federal bench," Smith said.

Law enforcement and crime victims' groups support the nomination, but Mosman has had to address questions about his views on gay rights and abortion that grew out of his service as a Supreme Court clerk in 1986. Mosman met with political leaders and activists in recent weeks to allay concerns. On Wednesday, he wrote a letter assuring Sen. Ron Wyden, D-Ore., that he would abide by the precedent of Roe v. Wade, the 1973 case that established the right to abortion.

"Indeed, in my view, it is wholly inappropriate and inconsistent with the judicial oath to uphold the Constitution for district judges to depart from precedents of higher courts," Mosman said in the letter, provided by Wyden's office. "Roe v. Wade is settled law."

Wyden has endorsed Mosman, and gay rights groups have pledged neutrality. But abortion rights advocates said they will continue to study Mosman's record after learning of a 1998 interview in which Mosman said he would "trim back" the Roe v. Wade decision.

"I'm not going to take his word on it," said Caroline Fitchett, executive director of Oregon Naral. "I'm going to take his past actions. We're going to continue our legal research because we want to make sure he's not part of Bush's court-packing strategy."

Naral's national office in Washington plans to release a report today showing that appellate judges appointed by Republican presidents are four times more likely to issue opinions against abortion rights than judges named by Democrats.

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"these same nominees argue that their anti-choice records are irrelevant because they will follow the 'settled law' of Roe v. Wade," the report concludes.

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---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jeanie L. Figg/WHO/EOP@Exchange@EOP [ WHO ] <Jeanie L. Figg>; Paul Perkins/WHO/EOP@EOP [ WHO ] <Paul Perkins>; Erin E. Healy/WHO/EOP@EOP [ WHO ] <Erin E. Healy>; Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>  
**CC:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/9/2003 4:17:54 AM  
**Subject:** : Judicial Event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 08:17:54.00  
SUBJECT:: Judicial Event  
TO: Jeanie L. Figg ( CN=Jeanie L. Figg/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Erin E. Healy ( CN=Erin E. Healy/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
CC: Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

If this is truly final decision, we will need to scramble.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/09/2003 08:06 AM -----

From: Kara G. Figg/WHO/EOP@Exchange on 05/09/2003 07:54:58 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Carolyn Nelson/WHO/EOP@Exchange  
cc: Blake Gottesman/WHO/EOP@Exchange  
Subject: Judicial Event

Per Brad, they decided in Sr Staff to use Room 450 for the event.  
Check in;w/David Hobbs - he mentioned that if Sen;Zell;Miller attends, the  
Members will be in;a holding room;in EEOB.  
;

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen M. Carroll/WHO/EOP@EOP [ WHO ] <Colleen M. Carroll>  
**Sent:** 5/9/2003 4:17:54 AM  
**Subject:** : Judge has nothing written; said it will be very short

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 08:17:54.00  
SUBJECT:: Judge has nothing written; said it will be very short  
TO:Colleen M. Carroll ( CN=Colleen M. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Charlotte L. Montiel/WHO/EOP@Exchange@EOP [ WHO ] <Charlotte L. Montiel>  
**Sent:** 5/9/2003 8:18:08 AM  
**Subject:** : Corporate Council on Africa

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 12:18:08.00  
SUBJECT:: Corporate Council on Africa  
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This is the group, I believe???

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/09/2003 12:17 PM -----

Jenica Baldwin 05/05/2003 05:41:00 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Joseph F. O'Neill/OPD/EOP@EOP  
cc:  
Subject: Corporate Council on Africa

I am following up to see if you all are available to speak to the  
Corporate Council on Africa and Liberty Education Forum this Friday  
morning.  
Please let me know,  
Thank you.

---

**From:** CN=Edward McNally/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 4:43:10 AM  
**Subject:** : Re: get ready . . .

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 08:43:10.00  
SUBJECT:: Re: get ready . . .  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

unlike you Kavanaugh not to use exclamation points for sports news like  
this

Brett M. Kavanaugh  
05/08/2003 10:02:45 PM  
Record Type: Record

To: Edward McNally/WHO/EOP@EOP  
cc:  
Subject: get ready . . .

<http://www.washingtonpost.com/wp-dyn/articles/A27709-2003May7.html>

---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 4:45:32 AM  
**Subject:** : Re: if you have master final list of people coming, please email; thanks

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 08:45:32.00  
SUBJECT:: Re: if you have master final list of people coming, please email; thanks  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

We did not add anyone else...with the exception of one LULAC guy after  
what was sent over last night around 5

Brett M. Kavanaugh  
05/09/2003 07:00:22 AM  
Record Type: Record

To: Carolyn Nelson/WHO/EOP@Exchange@EOP, Matthew E.  
Smith/WHO/EOP@EOP  
cc:  
Subject: if you have master final list of people coming, please  
email; thanks



---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 4:46:08 AM  
**Subject:** : Re: Judicial Event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 08:46:08.00  
SUBJECT:: Re: Judicial Event  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Is this the final decision?

Brett M. Kavanaugh  
05/09/2003 08:07:32 AM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP, Paul Perkins/WHO/EOP@EOP, Erin E. Healy/WHO/EOP@EOP, Jeanie L. Figg/WHO/EOP@Exchange@EOP  
cc: Carolyn Nelson/WHO/EOP@Exchange@EOP  
Subject: Judicial Event

If this is truly final decision, we will need to scramble.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/09/2003 08:06 AM -----

From: Kara G. Figg/WHO/EOP@Exchange on 05/09/2003 07:54:58 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Carolyn Nelson/WHO/EOP@Exchange  
cc: Blake Gottesman/WHO/EOP@Exchange  
Subject: Judicial Event

Per Brad, they decided in Sr Staff to use Room 450 for the event.  
Check in;w/David Hobbs - he mentioned that if Sen;Zell;Miller attends, the  
Members will be in;a holding room;in EEOB.

;

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>  
**Sent:** 5/9/2003 4:49:37 AM  
**Subject:** : Re: Judicial Event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 08:49:37.00  
SUBJECT:: Re: Judicial Event  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

NO!! see other emails

Matthew E. Smith

05/09/2003 08:45:34 AM

Record Type: Record

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

Is this the final decision?

Brett M. Kavanaugh  
05/09/2003 08:07:32 AM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP, Paul Perkins/WHO/EOP@EOP, Erin E. Healy/WHO/EOP@EOP, Jeanie L. Figg/WHO/EOP@Exchange@EOP  
cc: Carolyn Nelson/WHO/EOP@Exchange@EOP  
Subject: Judicial Event

If this is truly final decision, we will need to scramble.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/09/2003 08:06 AM -----

From: Kara G. Figg/WHO/EOP@Exchange on 05/09/2003 07:54:58 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Carolyn Nelson/WHO/EOP@Exchange  
cc: Blake Gottesman/WHO/EOP@Exchange  
Subject: Judicial Event

Per Brad, they decided in Sr Staff to use Room 450 for the event.  
Check in;w/David Hobbs - he mentioned that if Sen;Zell;Miller attends, the  
Members will be in;a holding room;in EEOB.  
;

REV\_00117853



---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 4:50:08 AM  
**Subject:** : Re: Judicial Event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 08:50:08.00  
SUBJECT:: Re: Judicial Event  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Good. I'm too young to have a heart attack this morning

Brett M. Kavanaugh  
05/09/2003 08:49:07 AM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Judicial Event

NO!! see other emails

Matthew E. Smith  
05/09/2003 08:45:34 AM

Record Type: Record  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Judicial Event

Is this the final decision?

Brett M. Kavanaugh  
05/09/2003 08:07:32 AM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP, Paul Perkins/WHO/EOP@EOP, Erin E. Healy/WHO/EOP@EOP, Jeanie L. Figg/WHO/EOP@Exchange@EOP  
cc: Carolyn Nelson/WHO/EOP@Exchange@EOP  
Subject: Judicial Event

If this is truly final decision, we will need to scramble.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/09/2003 08:06 AM -----

From: Kara G. Figg/WHO/EOP@Exchange on 05/09/2003 07:54:58 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Carolyn Nelson/WHO/EOP@Exchange  
cc: Blake Gottesman/WHO/EOP@Exchange  
Subject: Judicial Event

Per Brad, they decided in Sr Staff to use Room 450 for the event.  
Check in;w/David Hobbs - he mentioned that if Sen;Zell;Miller attends, the  
Members will be in;a holding room;in EEOB.  
;

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>  
**Sent:** 5/9/2003 4:50:29 AM  
**Subject:** : NEW FOR WEATHER DECISION RE: Judicial Event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 08:50:29.00  
SUBJECT:: NEW FOR WEATHER DECISION RE: Judicial Event  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/09/2003 08:49 AM -----

From: Kara G. Figg/WHO/EOP@Exchange on 05/09/2003 08:17:31 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Carolyn  
Nelson/WHO/EOP@Exchange, Charlotte L. Montiel/WHO/EOP@Exchange  
cc: Blake Gottesman/WHO/EOP@Exchange, Ashley  
Estes/WHO/EOP@Exchange, Jeanie L. Figg/WHO/EOP@Exchange  
Subject: RE: Judicial Event

Per Dan;- the weather call will now be made 45 min out.

-----Original Message-----

From: Figg, Kara G.  
Sent: Friday, May 09, 2003 7:55 AM  
To: Kavanaugh, Brett M.; Nelson, Carolyn  
Cc: Gottesman, Blake  
Subject: Judicial Event

Per Brad, they decided in Sr Staff to use Room 450 for the event.  
Check in;w/David Hobbs - he mentioned that if Sen;Zell;Miller attends, the  
Members will be in;a holding room;in EEOB.  
;

---

**From:** CN=Colleen M. Carroll/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 4:53:29 AM  
**Subject:** : Re: Judge has nothing written; said it will be very short

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen M. Carroll ( CN=Colleen M. Carroll/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 08:53:29.00  
SUBJECT:: Re: Judge has nothing written; said it will be very short  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

OK, thanks.

Brett M. Kavanaugh  
05/09/2003 08:06:10 AM  
Record Type: Record

To: Colleen M. Carroll/WHO/EOP@EOP  
cc:  
Subject: Judge has nothing written; said it will be very short

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 4:54:01 AM  
**Subject:** : RE: Fact Sheet for Friday Morning

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 08:54:01.00  
SUBJECT:: RE: Fact Sheet for Friday Morning  
TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Agreed. It should all be the same - I'll check it.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Friday, May 09, 2003 8:50 AM  
To: Leitch, David G.  
Cc: Snee, Ashley  
Subject: RE: Fact Sheet for Friday Morning

not too late; agreed

From: David G. Leitch/WHO/EOP@Exchange on 05/09/2003 08:50:46 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Ashley Snee/WHO/EOP@Exchange  
Cc:  
Subject: RE: Fact Sheet for Friday Morning

Don,t know if this is too late, but we should use the same font throughout.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, May 08, 2003 11:21 PM  
To: Gonzales, Alberto R.; Leitch, David G.  
Subject: Fact Sheet for Friday Morning

fyi -- draft Fact Sheet.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/08/2003 11:20 PM -----

From: Ashley Snee/WHO/EOP@Exchange on 05/08/2003 11:16:10 PM  
Record Type: Record

To: Staff Secretary@EOP  
cc: Lawrence A. Fleischer/WHO/EOP@Exchange, Brett M.  
Kavanaugh/WHO/EOP@EOP  
Subject: Fact Sheet for Friday Morning

Please put me down for the contact. Please send remarks by 9:30 AM ph:  
62115 fax: 60126

Thank you! << File: judges 5 9 03 #2.doc >>

REV\_00117860





---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/9/2003 5:02:07 AM  
**Subject:** : Specter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 09:02:07.00  
SUBJECT:: Specter  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Senator Specter's proposal had no specific time frames but rather provided for Judiciary Committee Chair and Ranking Member to establish such time frames.

---

**From:** Kristi.L.Remington@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 5:13:22 AM  
**Subject:** : Feinstein quote on Kuhl

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (  
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 9-MAY-2003 09:13:22.00  
SUBJECT:: Feinstein quote on Kuhl  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From AP and the LA Times, May 9, 2003:  
Democrats said today that they have made no decision about a filibuster in  
the full Senate.  
"We have two filibusters going. Maybe that's enough," said Sen. Dianne  
Feinstein (D-Calif.).

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>  
**Sent:** 5/9/2003 5:14:38 AM  
**Subject:** : Re: Feinstein quote on Kuhl

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 09:14:38.00  
SUBJECT:: Re: Feinstein quote on Kuhl  
TO: "Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (  
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

I sent that to her!

"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington  
05/09/2003 09:12:19 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Feinstein quote on Kuhl

From AP and the LA Times, May 9, 2003:  
Democrats said today that they have made no decision about a filibuster in  
the full Senate.  
"We have two filibusters going. Maybe that's enough," said Sen. Dianne  
Feinstein (D-Calif.).

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** kristi.l.remington@usdoj.gov @ inet [ UNKNOWN ] <kristi.l.remington@usdoj.gov @ inet>  
**Sent:** 5/9/2003 5:21:38 AM  
**Subject:** : Re: from AP story

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 9-MAY-2003 09:21:38.00

SUBJECT:: Re: from AP story

TO:kristi.l.remington@usdoj.gov @ inet ( kristi.l.remington@usdoj.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/09/2003 09:20 AM -----

Judge Carolyn Kuhl <ckuhl@LASuperiorCourt.org>

05/09/2003 12:37:51 AM

Record Type: Record

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

cc:

Subject: Re: from AP story

We'll wait & see. Seat belt is fastened. Looking forward to the  
President's event tomorrow.

I was delighted to see that John Roberts is through!

>>> <Brett\_M.\_Kavanaugh@who.eop.gov> 05/08/03 17:26 PM >>>

Democrats said they have made no decision about a filibuster in the  
full

Senate. "We have two filibusters going. Maybe that's enough," said  
Sen.

Dianne Feinstein, D-Calif.

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 5:47:21 AM  
**Subject:** : Have you proofed fact sheet?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 09:47:21.00  
SUBJECT:: Have you proofed fact sheet?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 6:21:21 AM  
**Subject:** : he's going with his own remarks.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 10:21:21.00  
SUBJECT:: he's going with his own remarks.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/9/2003 10:21:56 AM  
**Subject:** he's going with his own remarks.



---

**From:** Alicia W. Davis <adavis@georgewbush.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 10:47:16 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Alicia W. Davis" <adavis@georgewbush.com> ( "Alicia W. Davis"  
<adavis@georgewbush.com> [ UNKNOWN ] )  
CREATION DATE/TIME: 9-MAY-2003 14:47:16.00  
SUBJECT: :  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The PA GOP has asked if Mike Fisher can record a GOTV message for them.  
They have a primary on Tuesday for judicial candidates.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Theodore W. Ulliot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliot>  
**Sent:** 5/9/2003 10:56:38 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 14:56:38.00  
SUBJECT::  
TO:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

\* Detroit Free Press: U.S. 6TH CIRCUIT COURT:  
[http://www.freep.com/news/politics/court9\\_20030509.htm](http://www.freep.com/news/politics/court9_20030509.htm)

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/9/2003 11:15:36 AM  
**Subject:** : NARA REMARKS FOR THE JUDGE

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 15:15:36.00  
SUBJECT:: NARA REMARKS FOR THE JUDGE  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I cannot believe I suggested this.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/09/2003 03:14 PM -----

From: Carolyn Nelson/WHO/EOP@Exchange on 05/09/2003 03:14:58 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
CC:  
Subject: NARA REMARKS FOR THE JUDGE

remarks from 8:45-9:30 (including 10 mins Q&A), Tuesday, May 13  
;  
;  
"....audience would be interested in hearing your thoughts about the  
importance of records in both documenting the decisions and actions of the  
federal government as well as providing an historical legacy for future  
generations."  
;  
Have fun!!!!

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 11:37:21 AM  
**Subject:** : i'm going to call cnbc and tell them that they are wrong and to stop reporting vicious lies. (really)

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 9-MAY-2003 15:37:21.00

SUBJECT:: i'm going to call cnbc and tell them that they are wrong and to stop reporting vicious lies. (really)

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

;

---

**From:** CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 8:17:47 AM  
**Subject:** : Re: letter re Boyle

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 12:17:47.00  
SUBJECT:: Re: letter re Boyle  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

excellent.. thanks..

---

**From:** CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 8:17:06 AM  
**Subject:** : Re: AP

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 12:17:06.00  
SUBJECT:: Re: AP  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

thank you..

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange [ WHO ] <Ashley Snee>  
**Sent:** 5/9/2003 12:18:14 PM  
**Subject:** : Re: i'm going to call cnbc and tell them that they are wrong and to stop reporting vicious lies.  
(really)

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 16:18:14.00  
SUBJECT:: Re: i'm going to call cnbc and tell them that they are wrong and to stop  
reporting vicious lies. (really)  
TO: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Good.

From: Ashley Snee/WHO/EOP@Exchange on 05/09/2003 03:37:55 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: i'm going to call cnbc and tell them that they are wrong  
and to stop reporting vicious lies. (really)

;

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 9:05:12 AM  
**Subject:** : Today was great!

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 13:05:12.00  
SUBJECT:: Today was great!  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

You did an outstanding job on the remarks. Thanks.

.



---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/9/2003 1:05:52 PM  
**Subject:** Today was great!

You did an outstanding job on the remarks. Thanks.

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Lawrence A. Fleischer/WHO/EOP@Exchange [ WHO ] <Lawrence A. Fleischer>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Daniel J. Bartlett/WHO/EOP@Exchange [ WHO ] <Daniel J. Bartlett>; Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>  
**Sent:** 5/9/2003 9:10:36 AM  
**Subject:** : Fox News Today - OFF

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 13:10:36.00  
SUBJECT:: Fox News Today - OFF  
TO: Lawrence A. Fleischer ( CN=Lawrence A. Fleischer/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Daniel J. Bartlett ( CN=Daniel J. Bartlett/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Fox just called.; We got bumped.; They are instead going to be focusing on the President's commencement address.; I told them they were obstructing the process of us getting our message out.; They may still want to do next week.; I'll keep you posted.; Thanks

;  
;  
;

---

**From:** Seidel, Rebecca (Judiciary) <Rebecca\_Seidel@Judiciary.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 1:23:27 PM  
**Subject:** : FW: The Democrats didn't like this ...  
**Attachments:** P\_LLEBG003\_WHO.TXT\_1.ppt

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Seidel, Rebecca (Judiciary)" <Rebecca\_Seidel@Judiciary.senate.gov> ( "Seidel, Rebecca (Judiciary)" <Rebecca\_Seidel@Judiciary.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 9-MAY-2003 17:23:27.00

SUBJECT:: FW: The Democrats didn't like this ...

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

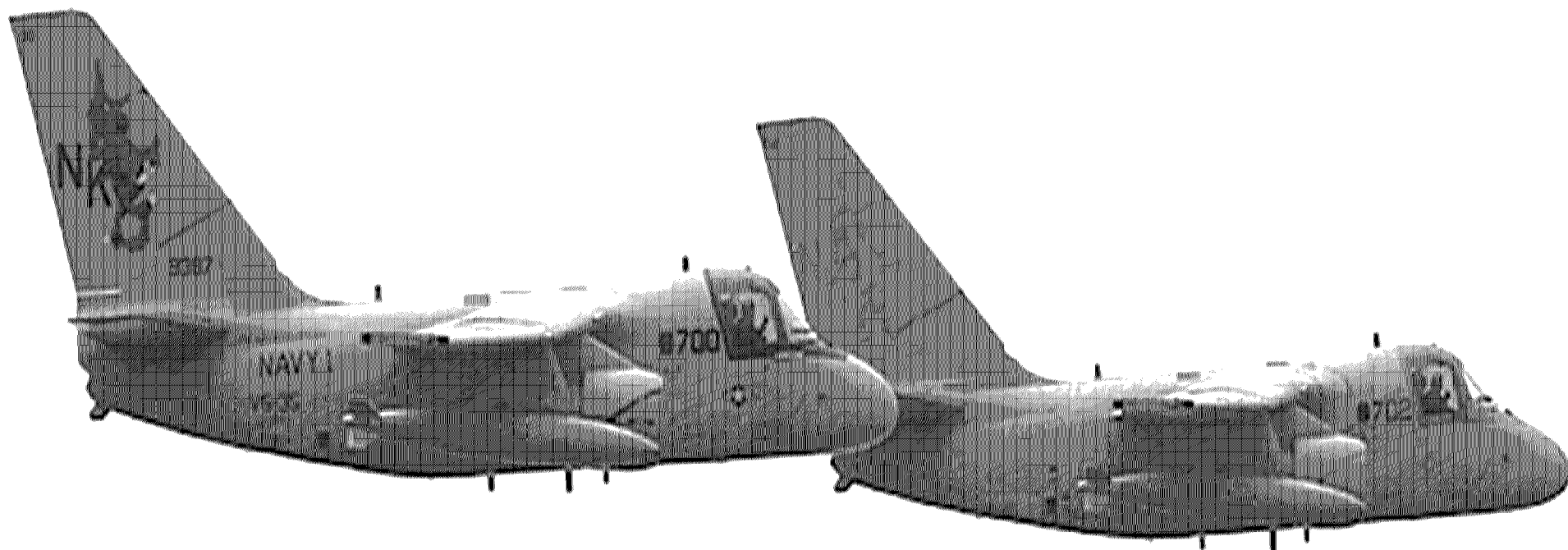
##### End Original ARMS Header #####

You may have already gotten these, but in case not....

- Commander in Chief - Bush.pps

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_LLEBG003\_WHO.TXT\_1>



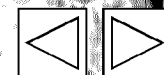




**GEORGE W. BUSH**  
**COMMANDER-IN-CHIEF**



















---

**From:** Kristi.L.Remington@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 1:37:16 PM  
**Subject:** : Re: "Pick"

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (  
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 9-MAY-2003 17:37:16.00  
SUBJECT:: Re: "Pick"  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : Re: "Pick"  
Was Read By : Kristi.L.Remington@usdoj.gov  
On : Fri, 9 May 2003 17:31:10 -0400

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Ashley Snee/WHO/EOP@EOP [ WHO ] <Ashley Snee>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 1:47:57 PM  
**Subject:** : FW: FYI -- Estrada withdrawal story

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 9-MAY-2003 17:47:57.00  
SUBJECT:: FW: FYI -- Estrada withdrawal story  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Please note below and confirm again when you can.

-----Original Message-----

From: Ueland, Eric (Frist)  
Sent: Friday, May 09, 2003 5:40 PM  
Subject: Re: FYI -- Estrada withdrawal story  
Importance: High

Manny, as I told you earlier, this started with someone travelling with the president this afternoon, as the reportwr who called me explained.

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 9:59:53 AM  
**Subject:** : greenburg is here - sitting outside of my office

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 13:59:53.00  
SUBJECT:: greenburg is here - sitting outside of my office  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;

---

**From:** Vestewig, Lauren J.  
**To:** <Perry, Philip J.>;<Schacht, Diana L.>;<Kavanaugh, Brett M.>;<Wood, John F.>  
**CC:** <Winland, Emily>;<Weaver, Bessie M.>;<Stone, Carla B.>  
**Sent:** 5/9/2003 1:59:34 PM  
**Subject:** Meeting re. Victims of International Terror

This meeting has been rescheduled for 9 am on Wed, May 14 in Jay's office. Thanks.



---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 10:01:52 AM  
**Subject:** : FW: Judges Rule Change  
**Attachments:** P\_U82BG003\_WHO.TXT\_1.wpd

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 14:01:52.00  
SUBJECT:: FW: Judges Rule Change  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I'm assuming you guys got this - but just in case.

-----Original Message-----

From: Wichterman, Bill (Frist) [mailto:Bill\_Wichterman@frist.senate.gov]  
Sent: Friday, May 09, 2003 10:43 AM  
Subject: Judges Rule Change

This morning, Senate Majority Leader Bill Frist made the below statement on the Senate Floor proposing a rules change on the judicial nominations process. Also, attached is a link to the Matt Drudge story.

Bill Wichterman  
Policy Advisor  
Senate Majority Leader's Office  
S-230 U.S. Capitol  
Washington, DC 20510  
202-224-3135

<http://drudgereport.com>

Mr. President:

With regret but determination, and along with my Senate colleague, I introduce today a resolution to amend the Senate Rules. This amendment will change the way the Senate concludes debate on Presidential nominees. No longer will it be necessary to overcome a 60 vote barrier before Senators can exercise their power to consent to a nomination.

Five months into the 108th Congress, we confront multiple filibusters of highly qualified and intellectually superior judicial nominees, filibusters that are unfair to the nominees, unfair to the President, and unfair to the majority of Senators who stand ready to confirm them. I fully respect and honor the views of any Senator who differs

with my assessment on the quality of these nominations, and think if he or she finds those nominees unfit for any reason, they should vote to reject. Because they have chosen to filibuster, they deny the Senate and each Senator the right to vote at all.

The remedy, Mr. President, is filibuster reform. Over time, many Democrats as well as many Republicans have proposed changes to introduce greater fairness in the Senate rules, and it is to those proposals I have looked in crafting this resolution.

Mr. President, my proposal is similar to S. Res. 85, introduced in March by my distinguished Democratic colleague from Georgia, Senator Zell Miller. It also tracks a recommendation offered in 1995 by the distinguished Democratic Senators from Iowa and Connecticut, Tom Harkin and Joe Lieberman. Both the Harkin-Lieberman and Miller resolutions provide for declining cloture requirements of 60, 57, 54, and 51 on successive cloture motions. They represent a wholesale reform of the cloture rule, applying to every debatable proposition.

My resolution, by contrast, is more narrowly tailored to respond to the problem at hand. It applies to nominations alone, and leaves the rest of Rule XXII unamended. It addresses only a defect that needs repair.

There are other differences, however minor, from these other cloture reform efforts. Unlike those proposals, mine would not allow a cloture motion to be filed until a nomination has been pending before the Senate for at least 12 hours. This provision tracks language that the distinguished

Democratic Leader inserted in S. Res. 8, the power sharing resolution he introduced in the last Congress. I share his purpose to ensure there exists an adequate foundation of debate before cloture can be sought.

My resolution also provides for a step below the constitutional majority of

51 votes on the fourth cloture attempt. Under my proposal, further cloture

motions will require a majority of all Senators present and voting. This

provision is included in response to colleagues who believe that supermajority voting requirements on nominations are unconstitutional. If 95 Senators are present, a 51 vote threshold is still a supermajority.

Cloture by a majority of Senators present and voting has deep historical roots among Senate Democrats. In past years, such a change was offered by eminent and distinguished Senators such as Hubert Humphrey of Minnesota, Paul Douglas of Illinois, and Wayne Morse of Oregon, and these Senators proposed to reach all Senate debate, not just nominations.

Under these new procedures, cloture cannot be precipitously invoked. Not only is there a 12 hour waiting period, the resolution tracks a provision from the Harkin-Lieberman and Miller initiatives that one cloture motion cannot be filed until disposition of a prior cloture vote. This is contrary to the present operation of Rule XXII, which permits multiple cloture motions to be advanced without waiting for the outcome of a cloture motion previously filed. Between the time a nomination is brought to the floor and the moment it can be confirmed by a simple majority vote, the elapsed time would be 13 session days.

Mr. President, I have stated that I regret having to introduce this resolution.

The right to debate is not unlimited but it is precious and important. My first vote as a Senator was to table the Harkin-Lieberman resolution in 1995, even though I was a freshman in a newly elected majority and the cloture amendment they proposed would have advantaged our party. By contrast, nine Democratic Senators now sitting voted in favor of the sweeping Harkin-Lieberman reform. Will they now support this narrow remedy?

I was presiding when the distinguished Democratic Senator from West Virginia, Robert C. Byrd took to the floor to contend that Harkin-Lieberman was unnecessary because it was primarily aimed at controlling

filibusters on motions to proceed. No need to change the rules, said the Senator, because a Leader could avoid such filibusters by offering non-debatable motions in the Morning Hour. The Senator did not argue the absence of a problem, but rather the presence of an alternative solution, a safety valve, so further limiting of debate was not required.

I was persuaded by his logic. I opposed then, and would oppose now, a comprehensive change in rules governing Senate debate.

In the case of nominations, Mr. President, the safety valve of an alternative

solution is not as readily at hand. Under existing cloture rules, the filibuster

of a nomination is the last word and it is fatal.

Filibustering nominations is a relatively new phenomenon, even as to nominees for the Executive Branch, and it has emerged in this Congress as a

particular problem relative to federal judges. Prior to this year, the record

number of cloture votes on any nominee was three, and on a judicial

nominee, the record was two. Already, we have had six cloture votes on the

nomination of Miguel Estrada to the D.C. Circuit Court of Appeals, two

cloture votes on the nomination of Priscilla Owen to the Fifth Circuit

Court of Appeals, and threats from the minority of additional filibusters on

other nominees. We have entered upon a new era, damaging to the Senate

as an institution, where a majority will be denied its right to consent to a

nomination because a minority will filibuster to hold that nomination

hostage. The need to reform the filibuster on nominations is obvious and it

is now urgent.

Many will contend that the Senate should not rubber stamp Presidential

appointments. I fully concur. The Senate's responsibility under Article II to

advise and consent is critical to maintaining the checks and balances of our

constitutional system. For reasons sufficient unto itself, the Senate may reject any nominee. Brought forward to a vote, the Supreme Court nominations of Clement Haynsworth, G. Harrold Carswell, and Robert Bork all failed on the Senate floor, and not by filibuster. Scholars

may argue whether these nominees should have been turned aside, but no one can dispute the Senate's right to reject them. The Senate's constitutional role must never be diminished.

In the case of Miguel Estrada and Priscilla Owen, it is plain that the votes to

confirm are present. But the votes to confirm cannot be taken, because these debates have been tainted by filibuster. Without filibuster reform, a disciplined minority can cast an ever lengthening shadow over the confirmation process. Through reform, we will respect the right of all Senators to act upon a nomination brought to the floor. In doing this, we will strengthen the Senate as an institution and enhance its constitutional purpose.

Mr. President, it is unfortunate we have come to this point. I would have far

preferred that nominations be given a floor vote after full and free debate.

As the filibuster strategy emerged, I tried many times without success to secure agreements to vote at a time certain. Wanting to respect minority rights and, indeed, the rights of all Senators, I withheld filing for cloture until the Estrada nomination had been pending for 13 session days.

But just as I act with regret, I act with determination. For almost all our

nation's history, filibustering nominations was unheard of and unknown. It

was unknown when the cloture rule was adopted in 1917. It was unknown when the rule was extended to nominations in 1949. The renowned filibusters of the 1950's and 1960's never involved filibustering a judge.

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a

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and  
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uncontrolled filibusters. The 1949 expansion reflected frustration that  
the original rule  
was too narrow, and applied only to pending measures. In 1959 and 1975,  
the rule was amended because the hurdle for cloture was thought to be too  
high. In 1979, Senator Byrd successfully amended the rule to eliminate  
the abuse of the post-cloture filibuster.

Before the practice of filibustering nominations takes deeper root, and  
damages the Senate even more, it is time to amend our rules again. I act  
now as a first step to ensure we have a confirmation process that is fair  
to nominees, fair to the President, and fair to all Senators. If we  
achieve that, we will also be fair to the American people.

<<Floor Statement ML.wpd>>  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_U82BG003\_WHO.TXT\_1>

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Before the practice of filibustering nominations takes deeper root, and damages the Senate even more, it is time to amend our rules again. I act now as a first step to ensure we have a confirmation process that is fair to nominees, fair to the President, and fair to all Senators. If we achieve that, we will also be fair to the American people.

---

**From:** CN=Philip J. Perry/OU=OMB/O=EOP [ OMB ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 10:17:19 AM  
**Subject:** : Emailing: 57503

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP [ OMB ] )  
CREATION DATE/TIME: 9-MAY-2003 14:17:19.00  
SUBJECT:: Emailing: 57503  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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Has your bar or restaurant been fined or warned for having patrons smoke?  
Give The Post a call at 212 930-8500 and tell us your story.

9/11 PAYOUT SUITS GET TOSSED OUT

By JOHN LEHMANN

May 9, 2003 -- A federal judge yesterday tossed out lawsuits by families

of high-earning Sept. 11 victims who claimed the compensation fund's special master, Kenneth Feinberg, was "short-changing" them by capping payouts at \$6 million.

Judge Alvin Hellerstein ruled that Feinberg's policies in setting awards were "reasonable and proper" and pointed out Congress had given him "considerable discretion."

The families of 10 people killed at the World Trade Center filed three separate lawsuits in Manhattan federal court.

They claimed Feinberg was acting in an "arbitrary and capricious" manner by failing to fairly compensate victims who were among America's highest 2 percent of income earners.

At a hearing, lawyers for the families claimed the special master backed away from his own confidential study that predicted payouts of as much as \$24.5 million by imposing a de facto cap of about \$6 million.

But Hellerstein said in his 43-page ruling that Congress invested the Department of Justice and the special master with discretion to decide how to account for "individual circumstances."

He said the fund had been set up to provide "some measure of recompense for the irreparable loss of the thousands who died and were injured."

It was not meant to replicate damages that may be awarded by courts in wrongful-death actions, he said.

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@EOP [ WHO ] <Ashley Snee>  
**Sent:** 5/9/2003 10:44:11 AM  
**Subject:** : Can we get transcript of sticks. The zell miller quote was priceless.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 14:44:11.00  
SUBJECT:: Can we get transcript of sticks. The zell miller quote was priceless.  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/9/2003 11:01:50 AM  
**Subject:** : interesting tidbt from ny times web site story

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 15:01:50.00  
SUBJECT:: interesting tidbt from ny times web site story  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The president shrewdly alluded to the fact that Democratic presidents have also had their problems getting nominees confirmed. "During the administration of former Presidents Bush and Clinton," Mr. Bush said, "many appeals court nominees never received votes. And today the situation is worse than ever, making the need for reform greater than ever."



---

**From:** CN=Theodore W. Ulliyot/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Scott Stanzel/WHO/EOP@EOP [ WHO ] <Scott Stanzel>  
**Sent:** 5/9/2003 11:03:21 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Theodore W. Ulliyot ( CN=Theodore W. Ulliyot/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 15:03:21.00  
SUBJECT:: Re:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Scott Stanzel ( CN=Scott Stanzel/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Scott -- Good work. You are completely on message. I think this story came out well.

Brett M. Kavanaugh  
05/09/2003 02:56:09 PM  
Record Type: Record

To: Theodore W. Ulliyot/WHO/EOP@EOP  
cc:  
Subject:

\* Detroit Free Press: U.S. 6TH CIRCUIT COURT:  
[http://www.freep.com/news/politics/court9\\_20030509.htm](http://www.freep.com/news/politics/court9_20030509.htm)

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>  
**Sent:** 5/9/2003 11:12:37 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 15:12:37.00  
SUBJECT:: Re:  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I'll get the story

From: David G. Leitch/WHO/EOP@Exchange on 05/09/2003 03:12:43 PM  
Record Type: Record

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

Know this isn't as interesting to you as it is to me, but Judge is hear now and leaving within about a 1/2 hour or so, if you want to talk to him about CA4.; It can, of course, wait until next week.;

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/9/2003 3:14:58 PM  
**Subject:** NARA REMARKS FOR THE JUDGE

remarks from 8:45-9:30 (including 10 mins Q&A), Tuesday, May 13

"....audience would be interested in hearing your thoughts about the importance of records in both documenting the decisions and actions of the federal government as well as providing an historical legacy for future generations."

Have fun!!!!

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/9/2003 3:30:12 PM  
**Subject:** RE: NARA REMARKS FOR THE JUDGE

You are sooooo lucky LCR hasn't posted an article on their website.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Friday, May 09, 2003 3:14 PM  
**To:** Gonzales, Alberto R.; Leitch, David G.; Nelson, Carolyn  
**Subject:** NARA REMARKS FOR THE JUDGE

I cannot believe I suggested this.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/09/2003 03:14 PM -----

From: Carolyn Nelson/WHO/EOP@Exchange on 05/09/2003 03:14:58 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: NARA REMARKS FOR THE JUDGE

remarks from 8:45-9:30 (including 10 mins Q&A), Tuesday, May 13

"....audience would be interested in hearing your thoughts about the importance of records in both documenting the decisions and actions of the federal government as well as providing an historical legacy for future generations."

Have fun!!!!

---

**From:** CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 11:32:11 AM  
**Subject:** : that is not funny

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 9-MAY-2003 15:32:11.00

SUBJECT:: that is not funny

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

PLEASE tell me when you are available monday and tuesday.

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/9/2003 3:37:55 PM  
**Subject:** i'm going to call cnbc and tell them that they are wrong and to stop reporting vicious lies. (really)

---

**From:** Kavanaugh, Brett M.  
**To:** <Montiel, Charlotte L.>  
**Sent:** 5/9/2003 4:12:17 PM  
**Subject:** Re: that is not funny

Tuesday afternoon.

From: Charlotte L. Montiel/WHO/EOP@Exchange on 05/09/2003 03:32:47 PM

Record Type: Record

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

cc:

Subject: that is not funny

PLEASE tell me when you are available monday and tuesday.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>  
**Sent:** 5/9/2003 12:18:15 PM  
**Subject:** : Re: that is not funny

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 16:18:15.00  
SUBJECT:: Re: that is not funny  
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Tuesday afternoon.

From: Charlotte L. Montiel/WHO/EOP@Exchange on 05/09/2003 03:32:47  
PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: that is not funny

PLEASE tell me when you are available monday and tuesday.



---

**From:** Monica.Goodling@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 1:34:01 PM  
**Subject:** : Re: "Pick"

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Monica.Goodling@usdoj.gov" <Monica.Goodling@usdoj.gov> (  
"Monica.Goodling@usdoj.gov" <Monica.Goodling@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 9-MAY-2003 17:34:01.00  
SUBJECT:: Re: "Pick"  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : Re: "Pick"  
Was Read By : Monica.Goodling@usdoj.gov  
On : Fri, 9 May 2003 17:31:22 -0400

---

**From:** Brian.A.Benczkowski@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 1:35:02 PM  
**Subject:** : Out of Office AutoReply: Estrada?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> (  
"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 9-MAY-2003 17:35:02.00  
SUBJECT:: Out of Office AutoReply: Estrada?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I will be out of the office until Monday, May 12. If this message is urgent, please call Heather McNaught at 202-514-4601. Thank you.

Brian

---

**From:** CN=Henry C Hager/OU=WHO/O=EOP@Exchange [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/9/2003 1:45:36 PM  
**Subject:** : two things

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Henry C Hager ( CN=Henry C Hager/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
CREATION DATE/TIME: 9-MAY-2003 17:45:36.00  
SUBJECT:: two things  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

hey just following up on:

- 1) Video for Heroes and Legends of the Texas Cemetery
- 2) Center for Democracy request that arrived interoffice with Iz suggesting declined. He wanted your opinion before sending back to scheduling.

;

thanks man

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Henry C Hager/WHO/EOP@Exchange [ UNKNOWN ] <Henry C Hager>  
**Sent:** 5/9/2003 2:15:54 PM  
**Subject:** : Re: two things

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-MAY-2003 18:15:54.00  
SUBJECT:: Re: two things  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Henry C Hager ( CN=Henry C Hager/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Ok on 1 and agree with Iz on 2.

.

----- Original Message -----  
From: Henry C Hager/WHO/EOP@Exchange  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/09/2003 05:46:12 PM  
Subject: two things

hey just following up on:  
1) Video for Heroes and Legends of the Texas Cemetery  
2) Center for Democracy request that arrived interoffice with Iz suggesting declined. He wanted your opinion before sending back to scheduling.  
;  
thanks man

---

**From:** Kavanaugh, Brett M.  
**To:** <Hager, Henry C>;<Kavanaugh, Brett M.>  
**Sent:** 5/9/2003 6:15:11 PM  
**Subject:** Re: two things

Ok on 1 and agree with lz on 2.

.

----- Original Message -----

From: Henry C Hager/WHO/EOP@Exchange

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

Cc:

Date: 05/09/2003 05:46:12 PM

Subject: two things

hey just following up on:

1) Video for Heroes and Legends of the Texas Cemetery

2) Center for Democracy request that arrived interoffice with lz suggesting declined. He wanted your opinion before sending back to scheduling.

thanks man

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; bberenson@sidley.com [ UNKNOWN ] <bberenson@sidley.com>  
**Sent:** 5/9/2003 8:51:36 PM  
**Subject:** : Re: Tomorrow's event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 10-MAY-2003 00:51:36.00  
SUBJECT:: Re: Tomorrow's event  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: bberenson@sidley.com ( bberenson@sidley.com [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

I just got this email late friday night for some reason and sorry you were not here. It would not have been too late. Anyway, definitely will have you on list for next year's may 9 event!!! Hope all is well.

.

----- Original Message -----  
From: <bberenson@sidley.com>  
To: Brett M. Kavanaugh/WHO/EOP@EOP,  
Kyle Sampson/WHO/EOP@EOP  
Cc:  
Date: 05/08/2003 11:45:35 AM  
Subject: Tomorrow's event

I gather the President is doing a judges event tomorrow. It's probably too late for me to get on the list for this one, but in the future, if you think of it as similar things are planned, I'd love to be included, if only to stay in contact with the issues, the players, and the WH. (My partner, George Jones, a Dem, is going -- I suppose because he's the President of the D.C. Bar.) If there's some mechanism for notifying the Social Office of my interest, I'd be much obliged if you'd let them know.

Hope all is going well. I'll catch up with you soon.

Regards,

Brad

Bradford A. Berenson  
Sidley Austin Brown & Wood LLP  
1501 K Street, N.W.  
Washington, D.C. 20005  
(202) 736-8971  
(202) 736-8711 (fax)  
bberenson@sidley.com

REV\_00117971

"<mail.sidley.com>" made the following  
annotations on 05/08/2003 10:45:44 AM

-----  
---  
-----  
-----  
-----  
-----

-----  
This e-mail is sent by a law firm and may contain information that is  
privileged or confidential. If you are not the intended recipient, please  
delete the e-mail and any attachments and notify us immediately.

- att1.htm

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/10/2003 6:47:37 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:10-MAY-2003 10:47:37.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

2d half:

.



---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/10/2003 10:47:56 AM  
**Subject:**

2d half:

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Katherine M. Walters/WHO/EOP@EOP [ WHO ] <Katherine M. Walters>  
**Sent:** 5/10/2003 8:56:02 PM  
**Subject:** : Re: AIPAC Baltimore Event Invitation

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:11-MAY-2003 00:56:02.00  
SUBJECT:: Re: AIPAC Baltimore Event Invitation  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katherine M. Walters ( CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

That is best.

.

----- Original Message -----  
From:Katherine M. Walters/WHO/EOP  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/10/2003 02:43:07 PM  
Subject: AIPAC Baltimore Event Invitation

Should I tell them no bio at all is permissible?

----- Forwarded by Katherine M. Walters/WHO/EOP on  
05/08/2003 08:53 AM -----

Katherine M. Walters  
05/07/2003 10:37:16 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: AIPAC Baltimore Event Invitation

Brett- I asked AIPAC to remove Ken's official title from the invite, and they did. They want to include a short bio on Ken as well, which I just found out. Is that possible or no? thanks

----- Forwarded by Katherine M. Walters/WHO/EOP on  
05/07/2003 10:36 AM -----

Marcie Brecher <mbrecher@aipac.org>  
05/07/2003 10:06:48 AM  
Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP  
cc:  
Subject: Re: 6.30.03 AIPAC Baltimore Event Invitation

Kate,

Thank you for your ongoing assistance with this. I attach below the

REV\_00117982

inside text of the June 30th AIPAC invitation for final review and approval. Per our conversation yesterday, I have updated the title of the event. I would also love to be able to include some biographical information on Ken Mehlman - please advise if this is permissible.

If possible, I would love to hear back from you by the end of the day today. Again, thank you for your help.

Sincerely,

Marcie

Marcie Brecher  
Area Director, Baltimore and Greater Washington  
American Israel Public Affairs Committee  
410-444-8365 (Baltimore tel)  
202-639-5231 (Washington tel)  
202-347-4918 (fax)

Consistently ranked as the most influential foreign policy lobbying organization on Capitol Hill, AIPAC is a non-partisan American membership organization that seeks to strengthen the relationship between Israel and the United States. Please visit our website [www.aipac.org](http://www.aipac.org)

>>> <Katherine\_M.\_Walters@who.eop.gov> 05/06/03 12:10PM >>>  
Can you please send me the final version? Thanks.

(Embedded  
image moved Marcie Brecher <mbrecher@aipac.org>  
to file: 05/06/2003 12:01:36 PM  
pic16767.pcx)

Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP

cc:  
Subject: Re: 6.30.03 AIPAC Baltimore Event Invitation

Kate,  
Thanks so much for getting this to me today. I very much appreciate your assistance in turning this around.

Have a great day,  
Marcie

>>> <Katherine\_M.\_Walters@who.eop.gov> 05/06/03 11:52AM >>>  
Marcie- sorry about the late response. Our Counsel has been swamped. This invitation is ok as long as you remove Ken's official title. Please have it say "The Honorable Ken Mehlman". (no White House Political Director.) Counsel prohibits using official titles for events. Thanks.  
----- Forwarded by Katherine M. Walters/WHO/EOP on  
05/06/2003  
07:35 AM -----

REV\_00117983

(Embedded  
image moved Marcie Brecher <mbrecher@aipac.org>  
to file: 04/29/2003 10:07:59 AM  
pic22535.pcx)

Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP

cc:  
Subject: 6.30.03 AIPAC Baltimore Event Invitation

Dear Kate,

I attach below the text of the invitation for AIPAC's Baltimore kick-off event with Ken Mehlman on June 30, 2003 for approval by your office. In addition to the attached, I will include the resume information you shared with me for Ken and for Congressman Hoyer, as well as an insert with the Host Committee (currently in formation). It is my hope to send the invitation to print on Monday, May 5th. Please advise if this is an unrealistic timeline based on your schedule.

I very much appreciate your assistance with this. Please feel free to contact me with any questions.

Sincerely,

Marcie

Marcie Brecher  
Area Director, Baltimore and Greater Washington  
American Israel Public Affairs Committee  
202-639-5231 (phone)  
202-347-4918 (fax)

Consistently ranked as the most influential foreign policy lobbying organization on Capitol Hill, AIPAC is a non-partisan American membership organization that seeks to strengthen the relationship between Israel and the United States. Please visit our website [www.aipac.org](http://www.aipac.org)

(See attached file: 6.30.03 Invitation Text.doc)

- 6.30.03 Invitation Text.doc
- 6.30.03 Speaker Bios for invitation.doc

---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/12/2003 1:44:54 AM  
**Subject:** : OpinionJournal - On the Editorial Page - May 12, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME:12-MAY-2003 05:44:54.00  
SUBJECT:: OpinionJournal - On the Editorial Page - May 12, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY PETER BEINART  
<http://www.opinionjournal.com/editorial/?id=110003483>

Lieberman is the Democrats' best hope--but he has to pick a fight.  
12:01 a.m. EDT

Thinking Things Over BY ROBERT L. BARTLEY  
<http://www.opinionjournal.com/columnists/rbartley/?id=110003482>

Bloomberg to New York: Drop dead.  
12:01 a.m. EDT

Extra BY MICHAEL J. TOTTEN  
<http://www.opinionjournal.com/extra/?id=110003467>

Why aren't liberals interested in the outside world?

12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

What Tax Cut?  
We're still waiting for the first Bush tax cut phase-ins.  
May 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105270153745672800,00.html%3Fmod%3Dopinion>

~~~~~

A Deal Is Hatched  
A few Republicans could've helped the states. Instead they helped trial lawyers.  
May 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10527041603081700,00.html%3Fmod%3Dopinion>

~~~~~

Commentary

Run, Joe, Run

Lieberman needs to pick a fight with teachers' unions.

By PETER BEINART

May 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105270183289647200,00.html%3Fmod%3Dopinion>

~~~~~

Jihad.org

Peace between Pakistan and India is a fantasy until the cross-border terrorism stops.

By ALYSSA AYRES

May 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105270485923508900,00.html%3Fmod%3Dopinion>

~~~~~

The Toomey Specter

Why Pennsylvania will have a second conservative senator for one year.

By JASON RILEY

May 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105270563951048500,00.html%3Fmod%3Dopinion>

~~~~~

Thinking Things Over

Bloomberg to New York: Drop Dead

No need to destroy the city in order to save it.

By ROBERT L. BARTLEY

May 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10527021218692800,00.html%3Fmod%3Dopinion>

~~~~~

International

Mind Your Mayors

The mayors of New York and London seem to be in competition to see which can do more harm to his city's interests in the shortest time.

From The Wall Street Journal Europe

May 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105268930912818700,00.html%3Fmod%3Dopinion>

~~~~~

The Euro-Sky Is Not Falling II

If euro weakness was bad before, why isn't its rise good now?

From The Wall Street Journal Europe

May 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105268951831219400,00.html%3Fmod%3Dopinion>

~~~~~

An Old Demon Anew on the Prowl

When it comes to anti-Semitism, Britain is defiantly European.

By STEPHEN POLLARD

From The Wall Street Journal Europe  
May 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105268975221712600,00.html%3Fmod%3Dopinion>

~~~~~

Will the ECB Learn From Its Mistakes?  
In the absence of further monetary easing, the improvement in euro area growth in the coming quarters will be fairly modest.  
By DAVID MACKIE  
From The Wall Street Journal Europe  
May 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105269019569685900,00.html%3Fmod%3Dopinion>

~~~~~

Burma Shows U.N.'s Failure  
The United Nations is hopeless in dealing with dictators.  
By TIN MAUNG THAN  
From The Asian Wall Street Journal  
May 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105268856860873900,00.html%3Fmod%3Dopinion>

~~~~~

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---

**From:** CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>;David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/12/2003 3:45:27 AM  
**Subject:** : Sen. Breaux remarks on filibustered judicial nominees

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:12-MAY-2003 07:45:27.00  
SUBJECT:: Sen. Breaux remarks on filibustered judicial nominees  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From Fox News Sunday:  
HUME: Let's concede that point. Presumably, you don't think these two should be filibustered endlessly and then blocked by a filibuster?  
BREAUX: I think eventually we should vote on it, and I think eventually we will.  
HUME: You think eventually they'll both get an up or down vote?  
BREAUX: I think eventually they'll both get an up or down vote.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/12/2003 8:35:09 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
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CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:12-MAY-2003 12:35:09.00  
SUBJECT::  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Posted on Sat, May. 10, 2003

Gay GOP Group Readies for 2004 Elections  
Associated Press

WASHINGTON - A gay Republicans group says it is trying to get beyond the flap over Sen. Rick Santorum's derogatory remarks about homosexual behavior, yet it is that very controversy that helped double the attendance at its annual convention.

Comments by the conservative Republican from Pennsylvania, the GOP takeover of the Senate last year and the upcoming presidential race were the main topics that lured more than 200 people to the Log Cabin Republicans' annual convention, which ends here Saturday night. That's more than twice the attendance of last year's meeting.

Santorum has been a center of attention since an April 7 interview with The Associated Press in which he brought up a pending Supreme Court case over a Texas sodomy law and likened gay behavior to incest and polygamy. "It was a reminder to all that we had work to do," Patrick Guerriero, director of the group, said Saturday about the increased attendance.

On Friday, about 200 gay members of the GOP met for more than an hour with three White House officials at the Eisenhower Executive Office Building - Joseph O'Neill, the White House AIDS czar, Brett Kavanaugh, associate White House counsel, and Holly Kuzmich, associate director of the White House domestic policy council.

Ken Lisaius, a White House spokesman, downplayed the meeting, saying it was one of many policy meetings requested by groups looking for ways to further the president's initiatives. The group talked about AIDS, education and judicial nominees for the federal bench, he said.

Guerriero said the Bush administration has invited gay Republicans to discussions about AIDS, judicial nominations and other policy issues. Still, the Log Cabin Republicans believe the White House could have distanced itself further from the Santorum controversy.

"If we were completely satisfied that the Republican Party was as inclusive as we wished, we would cease to exist," Guerriero said. "It's obvious that the issue of inclusiveness in the Republican Party is going to be a major issue."

An estimated 1 million gay and lesbian Americans voted for President Bush in 2000, he said. The gay Republicans attending the annual convention, complete with get-out-the-vote workshops and congressional briefings, are convinced that gays and lesbians, if they don't vote for Bush, could be partly responsible for "losing the White House," he said.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** G. Timothy Saunders/WHO/EOP [ WHO ] <G. Timothy Saunders>  
**Sent:** 5/12/2003 4:36:57 AM  
**Subject:** RECEIVED: Re:

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RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:12-MAY-2003 08:36:57.00  
SUBJECT:RECEIVED: Re:  
TO:G. Timothy Saunders ( CN=G. Timothy Saunders/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

RETURN RECEIPT

Your Document:  
Re:  
was successfully received by:  
CN=Brett M. Kavanaugh/OU=WHO/O=EOP  
at:  
05/12/2003 08:36:15 AM

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**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/12/2003 4:50:29 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:12-MAY-2003 08:50:29.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

do you need this tape of the Judge's remarks for the website, or can he  
keep it??

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/12/2003 9:41:29 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:12-MAY-2003 13:41:29.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Are you in the loop on the mtg. with the AG, the Judge and a group of newspaper editors? They'll meet later this month to discuss FOIA.

---

**From:** CN=Paul B. Dyck/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/12/2003 6:17:12 AM  
**Subject:** : AR Newsletter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Paul B. Dyck ( CN=Paul B. Dyck/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:12-MAY-2003 10:17:12.00  
SUBJECT:: AR Newsletter  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

A little bit of further explanation on the Arkansas piece we dropped off on Friday (it has a picture of the President in Little Rock last week and texts from his speech) in case it is unclear - the newsletter is not a fundraising piece, but is being sent to both grassroots leaders as well as donors to the party. Thanks.

---

**From:** CN=Theodore W. Ulliot/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>  
**Sent:** 5/12/2003 10:35:07 AM  
**Subject:** : Anyone handling Newdow -- CA9 pledge of allegiance case?

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:12-MAY-2003 14:35:07.00

SUBJECT:: Anyone handling Newdow -- CA9 pledge of allegiance case?

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

If so, I just received a copy of McCallum's (old) memo to the SG recommending seeking cert, and I will pass it on to you for files.



---

**From:** Robert McConnell <RMcConnell@hyi-usa.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/12/2003 10:48:24 AM  
**Subject:** : FW: Houston Chronicle-Anderson op-ed

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Robert McConnell <RMcConnell@hyi-usa.com> ( Robert McConnell <RMcConnell@hyi-usa.com> [ UNKNOWN ] )  
CREATION DATE/TIME:12-MAY-2003 14:48:24.00  
SUBJECT:: FW: Houston Chronicle-Anderson op-ed  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This is the op-ed placed for Stan Anderson in the Houston Chronicle.  
HoustonChronicle.com -- [http://www.HoustonChronicle.com??|??Section:Viewpoints, Outlook](http://www.HoustonChronicle.com??|??Section:Viewpoints,Outlook)

May 11, 2003, 6:14PM  
Class-action lawsuits trample over state lines, laws

By STANTON D. ANDERSON

Texas is a fiercely independent state that doesn't like anyone telling it what to do. But did you know that a judge from New York (or any other state) can make a decision that effectively overrides the sovereign laws of Texas? One might call this "messing with Texas."

If a Texas resident is injured in a car accident in New York and sues for damages, the case involving parties from two different states can be heard by a federal court. But under the current system, if thousands of people from around the country are injured by a product and sue for damages in a class-action lawsuit, the case likely cannot be heard by a federal court. Does this make any sense? Why should you care?

You should care because this quirk in the civil justice system means that if you are part of a class of consumers injured by a product, your rights could be determined by a state court judge anywhere in the country. That judge does not have to take into consideration any other state's laws nor how any verdict or settlement will affect consumers in those other states. It is this current class-action system that offends basic federalism principles -- where a judge elected by the voters of one county in one state will dictate the laws of residents of other states.

Consider a recent national class-action lawsuit against State Farm involving class members, 4.7 million of them, from all 50 states. Because the Illinois trial judge decided to apply Illinois law to each class member, the case resulted in a \$1.18 billion verdict against the insurer for using nonoriginal equipment manufacturers' parts or "generic parts" to fix accident-damaged vehicles. The decision means that State Farm can no longer use these parts anywhere in the country, even though they have been certified to be comparable to manufacturers' original parts and in some cases are even made by the same manufacturer. Consumer activists and most states encourage their use and Massachusetts and Hawaii require these parts be made available to consumers because they hold down the price of all replacement parts and, thus, auto insurance premiums. Several states, including North Carolina, Arkansas, Nevada and Colorado have filed briefs objecting to the decision. Texas should be equally appalled.

Allowing national class-action lawsuits to be heard in state courts has also encouraged rampant venue shopping by plaintiffs' lawyers in places such as Madison County, Ill., (the site of the State Farm case). That county now attracts large numbers of class actions wildly inconsistent with its relatively small population and minimal business activity, a condition replicated in other counties around the nation. The cozy relationships between plaintiffs' lawyers and judges in some of these state courts have led to the approval of class-action settlements that provide coupons or something else of little value to consumers and millions of dollars to the lawyers.

Take for example, a class-action lawsuit filed in California that accused more than 50 well-known computer manufacturers and distributors of misrepresenting the screen size of their computer monitors. Under the settlement agreement, it was the class members who came up short. The nationwide class of an estimated 40 million consumers received \$13 rebates on new computers and monitors or \$6 in cash. The lawyers received almost \$6 million in legal fees.

The advocacy group Public Citizen objected to this settlement, writing, "the settlement can either be viewed as a cheap resolution of class members' valuable claims or else a convenient vehicle for churning essentially worthless claims into a gargantuan fee of \$5.8 million for the plaintiffs' attorneys."

The Framers of our Constitution foresaw this potential affront to our federalism principles and inserted the concept of "diversity jurisdiction" in Article III of the Constitution. As a result, major disputes between citizens of different states may be heard in a neutral federal court before a judge nominated by the president of the United States and confirmed by the Senate. Unfortunately, a glitch in our current federal diversity jurisdiction statute prevents federal courts from hearing most large, interstate class actions. This occurs in spite of the fact that these cases are exactly the kind that the Framers had in mind, since class actions involve more citizens in more states, more money and more interstate commerce ramifications than any other type of civil litigation.

There is a solution to this problem. The Class Action Fairness Act of 2003 will help curb many of the abuses in the current class-action system by allowing federal courts to more easily hear national class-action lawsuits involving plaintiffs and defendants from different states. The legislation also contains a "Class Action Plaintiffs' Bill of Rights" that:

???Ensures that judges review the fairness of proposed settlements that provide only coupons to the plaintiffs.

???Prevents higher settlement payments to plaintiffs recruited to file the lawsuit.

???Bans settlements that actually impose costs on class members.

???Requires that all settlement notices be written in "plain English."

Congress has been considering class-action reform legislation for several years. During that time, there have been 10 congressional hearings in the House and the Senate, including one before the Senate Judiciary Committee last July. It was that hearing that helped convince Sen. Dianne Feinstein, D-Calif., that something had to be done. Feinstein and four other Democrats

have joined to support the Senate bill. Sen. John Cornyn, R-Texas, is a co-sponsor of the legislation and voted to report the measure out of the Senate Judiciary Committee.

Class-action lawsuits were designed to protect consumers, and federal courts were designed to hear cases involving plaintiffs and defendants from different states. It is time to fix the class-action lawsuit system. The U.S. Senate should pass the Class Action Fairness Act. It's one sure way to keep other states from messing with Texas.

Anderson is executive vice president and chief legal officer of the U.S. Chamber of Commerce.

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**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>; Brett M. Kavanaugh/WHO /EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Smith, William (Judiciary) <William\_Smith@Judiciary.senate.gov>; Delrahim, Makan (Judiciary) <Makan\_Delrahim@Judiciary.senate.gov>; Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] <Brian.A.Benczkowski@usdoj.gov>; Pai, Ajit (Judiciary) <Ajit\_Pai@Judiciary.senate.gov>; Dahl, Alex (Judiciary) <Alex\_Dahl@Judiciary.senate.gov>; Comisac, RenaJohnson (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
**CC:** Sean Rushton <SRushton@CommitteeforJustice.org>  
**Sent:** 5/12/2003 6:54:29 AM  
**Subject:** : pryor/neas  
**Attachments:** P\_9K9CG003\_WHO.TXT\_1.html

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CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:12-MAY-2003 10:54:29.00  
SUBJECT:: pryor/neas  
TO:"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Smith, William (Judiciary)" <William\_Smith@Judiciary.senate.gov> ( "Smith, William (Judiciary)" <William\_Smith@Judiciary.senate.gov> [ UNKNOWN ] )  
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TO:"Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> ( "Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brian.A.Benczkowski@usdoj.gov ( Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] )  
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TO:"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> ( "Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
CC:Sean Rushton <SRushton@CommitteeforJustice.org> ( Sean Rushton <SRushton@CommitteeforJustice.org> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

FYI, another Register editorial on Pryor(it ran today), plus two Sunday Insight pieces that ran yesterday:  
(written by me)

The truth about Pryor is, he's well qualified  
05/12/03

ALMOST EACH week since President George W. Bush nominated Alabama Attorney General Bill Pryor for a seat on the 11th U.S. Circuit Court of Appeals, leftist groups have thrown a new and scurrilous kind of character assassination at Mr. Pryor.

<<...OLE\_Obj...>> Differing opinions are one thing, but when opponents resort to cheap shots and rank inaccuracies, the facts demand to be laid bare.

The latest attack was led last week by Martin Luther King III, who ignored wide black support for Mr. Pryor within Alabama to make a ludicrous charge that the AG "cannot comprehend the continuing need for voting rights protections for African-Americans in the Deep South, and is unlikely to fairly evaluate and firmly enforce the provisions of the Voting Rights Act

in cases that come before him."

That's hogwash. As was noted in yesterday's Register Insight section by former assistant U.S. Attorney Willie Huntley, a Mobile African-American, Mr. Pryor has actually defended black interests, under the Voting Rights Act, against attack from plaintiffs of Mr. Pryor's own Republican Party. Mr. Pryor has complained of just one section of the act that requires "pre-clearance" from Justice Department bureaucrats for voting changes as minor as moving polling places from one street corner to the next. Far from being extreme, Mr. Pryor's position is in line with the official stance taken by Georgia Attorney General Thurbert Baker, a black Democrat, in a case now pending before the U.S. Supreme Court. Mr. Baker wrote in his brief that the pre-clearance provision is "a grave intrusion into the authority of the states."

News reports also consistently mischaracterize Mr. Pryor as having "compared" or "equated" homosexual sex with bestiality and incest. He did neither.

What he has written is that extending the limited right to privacy now recognized in the Constitution to cover all private consensual acts in the home, as is effectively requested by plaintiffs seeking to overthrow a Texas anti-sodomy statute, could have the effect of providing a constitutional right for other sexual practices such as "prostitution .... bestiality ... and even incest."

Mr. Pryor's position is nothing more than the current law of the land, as explained in a still-standing 1986 Supreme Court precedent that specifically included "incest" as one of the acts that would be decriminalized if such a bogus constitutional right were invented by judicial fiat.

In fact, one of the liberal stalwarts of the current Supreme Court, Ruth Bader Ginsburg, made the same argument back in 1977, writing that "prostitution as a consensual act between adults is arguably within the zone of privacy protected by recent constitutional decisions."

Similarly, liberal activists have targeted Mr. Pryor for opposing the federal Violence Against Women Act. But all he did was argue against one small provision that puts the act of rape under the legal category of -- amazingly -- interstate commerce. Again, the Supreme Court upheld Mr. Pryor's position. And his record in protecting women from violence is so strong that Penelope House, a battered women's shelter, has honored him in its Hall of Fame.

Bill Pryor is a principled public servant with an impressive resum? and a brilliant legal mind. The false attacks ought to be ignored, and he should be confirmed to the federal bench.

Here's the link to today's:

[http://www.al.com/opinion/mobileregister/index.ssf?/xml/story.ssf/html\\_standard.xsl?/base/opinion/105273110763860.xml](http://www.al.com/opinion/mobileregister/index.ssf?/xml/story.ssf/html_standard.xsl?/base/opinion/105273110763860.xml)

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here's the text of the Ralph Neas screed: How Pryor would interpret the Constitution is questionable Harmful 'states' rights' advocate By Ralph G. Neas Special to the Register Sunday, May 11, 2003 Edition: 05, Section: D, Page 04

How Pryor would interpret the Constitution is questionable  
Harmful 'states' rights' advocate

By RALPH G. NEAS

Special to the Register

Ralph G. Neas is president of People for the American Way, a national organization that espouses the principles of diversity and freedom of thought, expression and religion. 8How Pryor T

he case against Alabama Attorney General William Pryor's nomination to the U.S. Court of Appeals for the 11th Circuit is a simple one: Despite the denials of his friends and admirers, Pryor has consistently used the power of his office to try to change the law to suit his ideology.

In doing so, he has jeopardized the rights of Alabamians and all Americans. Giving him a lifetime seat on the federal appeals court would further jeopardize those rights.

Pryor's devotion to a "states' rights" philosophy has already contributed to a weakening of federal protections for those most in need. In reviewing his record in the office of the attorney general and his extensive speeches and writings, even a casual observer must conclude that, for William Pryor, his states' rights ideology conquers all.

Over the past half-dozen years, Pryor has urged the Supreme Court - often in cases where Alabama's interests were not at stake - to advance the states' rights interpretation of the Constitution. In the process, he has helped to weaken civil rights protections for millions of Americans. Alabama's argument before the court in *Garrett vs. Alabama* was that key remedies provided in the Americans With Disabilities Act do not apply to state employees, because the Constitution shields states from such suits. Although it was based on the once-discredited states' rights interpretation of the Constitution, Alabama won the case, effectively ending protections against age discrimination for millions of state employees across the country.

In another case, Pryor successfully argued that congressional efforts to end age discrimination - and provide a remedy for victims of such discrimination - were not appropriate with respect to state employees. Pushing this same states' rights philosophy, Pryor has filed a brief before the U.S. Supreme Court supporting the state of Nevada in a case that would leave state employees with no real recourse for violations of the Family and Medical Leave Act. The outcome of this case is pending. Although Pryor has praised the Supreme Court's rulings in favor of states' rights, he has been critical when his interpretation of the Constitution has been rebuked.

For instance, the court rejected as "cruel and unusual punishment" Alabama prison guards' practice of handcuffing a prisoner to a hitching post and denying him clothing, water and even bathroom breaks. Pryor had defended these barbarous actions, and complained that the high court was using "its own subjective views on appropriate methods of prison discipline."

Yet interpreting the Constitution and enforcing its protections is exactly what the Supreme Court is supposed to do.

As a veteran observer of judicial nomination hearings, I can recall more than one of President Bush's nominees grudgingly asserting to a panel of senators that he or she would follow the Supreme Court's *Roe vs. Wade* ruling, because it was "the law of the land." But Bill Pryor has called the ruling "the worst abomination of constitutional law in our history." Indeed, at an April 1997 rally, he decried the decades-old precedent of *Roe*. He said, "I will never forget Jan. 22, 1973, the day seven members of our highest court ripped the Constitution."

In a survey of state attorneys general on the issue, Pryor said, "Abortion is murder and *Roe vs. Wade* is an abominable decision." He opposes abortion even in cases of rape or incest.

One of Pryor's most memorable efforts to move the law closer to his ideology is seen through Alabama Chief Justice Roy Moore's crusade to defy a federal court order and display the Ten Commandments in his courtroom and on other state property. Moore parlayed his refusal to remove such a display - even after a court ordered him to do so - into a successful campaign for the state's top judgeship.

In Montgomery, he again displayed his Ten Commandments, this time on a granite monument in the rotunda of the Alabama Judicial Building. Pryor has backed Judge Moore, even though the judge's actions plainly violate the Constitution's requirement of the separation of church and state. Bill Pryor, like Roy Moore, fails to understand the purpose of the "Establishment clause" of the Constitution. It is not hostility to people of faith, but respect for the beliefs of every person that underpins the separation of church and state, which Pryor seems to hold in such low regard.

Out of respect for freedom of conscience, government officials are prevented from using their power to promote specific religious beliefs. Pryor flouts the spirit of the Establishment Clause. Speaking at a rally in support of Judge Moore in 1997, he said, "God has chosen, through his son Jesus Christ, this time and this place for all Christians to save our country and save our courts."

His efforts to push the law in the direction of his own ideology have also damaged the interests of the people of Alabama. In fact, Pryor's ideology may have cost the people of Alabama millions in the settlement from the suit by state attorneys general against tobacco companies.

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It is disturbing that Pryor apparently cannot draw those distinctions. These are just some of the reasons why his confirmation would pose a threat to the rights of the Americans who seek justice every year in the 11th Circuit. The federal appeals court is almost always the last best chance for justice for the citizens of Alabama, Florida and Georgia, considering that the Supreme Court hears fewer than 90 cases each year. Pryor is far from being, as one supporter stated, "utterly fair and demonstrably nonpartisan." He has demonstrated that he uses his position to remake the law in order to suit his extreme ideological beliefs. For these reasons, he is, as the Atlanta Constitution wrote recently, "unfit to judge."

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Special to the Register

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Our attorney general also took the side of the NAACP in successfully defending majority-minority voting districts - all the way to the U.S. Supreme Court - against a challenge by white Alabama Republicans.

Bill Pryor further opposed a white Republican redistricting proposal that would have hurt African-American voters. He did not back down to criticism from his own party - not one inch.

He then played a key role in the successful prosecution of former Ku Klux Klansmen Bobby Frank Cherry and Thomas Blanton Jr. for the 1963 bombing of the Sixteenth Street Baptist Church in Birmingham. In fact, he will personally argue to uphold Blanton's murder conviction before the Alabama Court of Criminal Appeals later this month.

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Because Bill Pryor has a civil rights record that very few can equal, it is no wonder that African-American leaders who know and have worked with him - like Artur Davis, Joe Reed, Cleo Thomas and Alvin Holmes - support his nomination to the 11th Circuit Court of Appeals.

Ignoring Pryor's defense of voting rights for African-Americans, PFAW charges that he opposes the landmark Voting Rights Act. The truth is, he has dutifully enforced all of the Voting Rights Act every time a case has come up. Pryor has simply stated that a procedural part of the Voting Rights Act - Section 5 - has problems that Congress should fix. Section 5 requires federal officials in Washington to approve even minor changes in voting practices that have nothing to do with discrimination.

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Thurbert Baker, the African-American Democratic attorney general of Georgia, has voiced similar concerns about Section 5 before the U.S. Supreme Court.

Undeterred, PFAW and its allies also charge that Pryor believes in "states' rights" - their code words for racism. The truth is that he believes in the Constitution. He has fought to protect the state's treasury from lawsuits that would have taken our tax dollars away from the state - away from salaries for teachers and medical care for poor people. It is the job of an attorney general to defend his client - the state. In fact, the key Supreme Court case on defending a state from lawsuits was won not by Pryor, but by Democratic Attorney General Bob Butterworth of Florida.

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But even though he disagrees with abortion, he instructed Alabama's district attorneys to apply Alabama's partial-birth abortion law in a moderate way that was consistent with U.S. Supreme Court precedent. Again, he was criticized by Republicans; pro-life activists accused him of gutting the statute. Again, he didn't back down.

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The truth and the record show that Bill Pryor has fought for the civil rights and voting rights of African-Americans in Alabama when PFAW was nowhere to be found. Now that President Bush has nominated Pryor to a federal judgeship, PFAW assumes that it can come here and attack him.

I, for one, suggest that PFAW pack up its pro-pornography, flag-burning, anti-religious, attack-dog tactics and go back to Hollywood and Washington. We who actually know Bill Pryor support him 100 percent.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_9K9CG003\_WHO.TXT\_1>

REV\_00118040





FYI, another Register editorial on Pryor(it ran today), plus two Sunday Insight pieces that ran yesterday:

(written by me)

### **The truth about Pryor is, he's well qualified </b>**

05/12/03 <br> ALMOST EACH week since President George W. Bush nominated Alabama Attorney General Bill Pryor for a seat on the 11th U.S. Circuit Court of Appeals, leftist groups have thrown a new and scurrilous kind of character assassination at Mr. Pryor.

<<...OLE\_Obj...>> &nbs p; Differ ing opinions are one thing, but when opponents resort to cheap shots and rank inaccuracies, the facts demand to be laid bare.

The latest attack was led last week by Martin Luther King III, who ignored wide black support for Mr. Pryor within Alabama to make a ludicrous charge that the AG "cannot comprehend the continuing need for voting rights protections for African-Americans in the Deep South, and is unlikely to fairly evaluate and firmly enforce the provisions of the Voting Rights Act in cases that come before him."

Tha t's hogwash. As was noted in yesterday's Register Insight section by former assistant U.S. Attorney Willie Huntley, a Mobile African-American, Mr. Pryor has actually defended black interests, under the Voting Rights Act, against attack from plaintiffs of Mr. Pryor's own Republican Party.

Mr. Pryor has complained of just one section of the act that requires "pre-clearance" from Justice Department bureaucrats for voting changes as minor as moving polling places from one street corner to the next. </span>

Far from being extreme, Mr. Pryor's position is in line with the official stance taken by Georgia Attorney General Thurbert Baker, a black Democrat, in a case now pending before the U.S. Supreme Court. Mr. Baker wrote in his brief that the pre-clearance provision is "a grave intrusion into the authority of the states."

New s reports also consistently mischaracterize Mr. Pryor as having "compared" or "equated" homosexual sex with bestiality and incest. He did neither.

Wha t he has written is that extending the limited right to privacy now recognized in the Constitution to cover all private consensual acts in the home, as is effectively requested by plaintiffs seeking to overthrow a Texas anti-sodomy statute, could have the effect of providing a constitutional right for other sexual practices such as "prostitution ... bestiality ... and even incest."

Mr. Pryor's position is nothing more than the current law of the land, as explained in a still-standing 1986 Supreme Court precedent that specifically included "incest" as one of the acts that would be decriminalized if such a bogus constitutional right were invented by judicial fiat. </o:p>

In fact, one of the liberal stalwarts of the current Supreme Court, Ruth Bader Ginsburg, made the same argument back in 1977, writing that "prostitution as a consensual act between adults is arguably within the zone of privacy protected by recent constitutional decisions."

Sim ilarly, liberal activists have targeted Mr. Pryor for opposing the federal Violence Aga inst Women Act. But all he did was argue against one small provision that puts the act of rape under the legal category of -- amazingly -- interstate commerce. Again, the Supreme Court upheld Mr. Pryor's position. And his record in protecting women from violence is so strong that Penelope House, a battered women's shelter, has honored him in its Hall of Fame.

Bil l Pryor is a principled public servant with an impressive resum and a brilliant legal mind. The false attacks ought to be ignored, and he should be confirmed to the federal bench.

Here's the link to today's: [http://www.al.com/opinion/mobileregister/index.ssf?/xml/story.ssf/html\\_standard.xml?/base/opinion/105273110763860.xml](http://www.al.com/opinion/mobileregister/index.ssf?/xml/story.ssf/html_standard.xml?/base/opinion/105273110763860.xml)

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here's the text of the Ralph Neas screed: How Pryor would interpret the Constitution is questionable Harmful 'states' rights' advocate By Ralph G. Neas Special to the Register Sunday, May 11, 2003 Edition: 05, Section: D, Page 04

How Pryor would interpret the Constitution is questionable  
Harmful 'states' rights' advocate  
By RALPH G. NEAS  
Special to the Register

Ralph G. Neas is president of People for the American Way, a national organization that espouses the principles of diversity and freedom of thought, expression and religion. 8How < font color=red>Pryor T

he case against Alabama Attorney General William Pryor's nomination to the U.S. Court of Appeals for the 11th Circuit is a simple one: Despite the denials of his friends and admirers, Pryor has consistently used the power of his office to try to change the law to suit his ideology.

In doing so, he has jeopardized the rights of Alabamians and all Americans. Giving him a lifetime seat on the federal appeals court would further jeopardize those rights.

Pryor's devotion to a "states' rights" philosophy has already contributed to a weakening of federal protections for those most in need. In reviewing his record in the office of the attorney general and his extensive speeches and writings, even a casual observer must conclude that, for William Pryor , his states' rights ideology conquers all.

Over the past half-dozen years, Pryor has urged the Supreme Court - often in cases where Alabama's interests were not at stake - to advance the states' rights interpretation of the Constitution. In the process, he has helped to weaken civil rights protections for millions of Americans.

Alabama's argument before the court in Garrett vs. Alabama was that key remedies provided in the Americans With Disabilities Act do not apply to state employees, because the Constitution shields states from such suits. Although it was based on the once-discredited states' rights interpretation of the Constitution, Alabama won the case, effectively ending protections against age discrimination for millions of state employees across the country.

In another case, Pryor successfully argued that congressional efforts to end age discrimination - and provide a remedy for victims of such discrimination - were not appropriate with respect to state employees.

Pushing this same states' rights philosophy, Pryor has filed a brief before the U.S. Supreme Court supporting the state of Nevada in a case that would leave state employees with no real recourse for violations of the Family and Medical Leave Act. The outcome of this case is pending.

Although Pryor has praised the Supreme Court's rulings in favor of states' rights, he has been critical when his interpretation of the Constitution has been rebuked. </p>

For instance, the court rejected as "cruel and unusual punishment" Alabama prison guards' practice of handcuffing a prisoner to a hitching post and denying him clothing, water and even bathroom breaks. Pryor had defended these barbarous actions, and complained that the high court was using "its own subjective views on appropriate methods of prison discipline."

**Yet interpreting the Constitution and enforcing its protections is exactly what the Supreme Court is supposed to do.**

**As a veteran observer of judicial nomination hearings, I can recall more than one of President Bush's nominees grudgingly asserting to a panel of senators that he or she would follow the Supreme Court's Roe vs. Wade ruling, because it was "the law of the land." But Bill Pryor has called the ruling "the worst abomination of constitutional law in our history."**

**Indeed, at an April 1997 rally, he decried the decades-old precedent of Roe. He said, "I will never forget Jan. 22, 1973, the day seven members of our highest court ripped the Constitution."**

**In a survey of state attorneys general on the issue, Pryor said, "Abortion is murder and Roe vs. Wade is an abominable decision." He opposes abortion even in cases of rape or incest.**

**One of Pryor's most memorable efforts to move the law closer to his ideology is seen through Alabama Chief Justice Roy Moore's crusade to defy a federal court order and display the Ten Commandments in his courtroom and on other state property. Moore parlayed his refusal to remove such a display - even after a court ordered him to do so - into a successful campaign for the state's top judgeship.**

**In Montgomery, he again displayed his Ten Commandments, this time on a granite monument in the rotunda of the Alabama Judicial Building. Pryor has backed Judge Moore, even though the judge's actions plainly violate the Constitution's requirement of the separation of church and state.**

**Bill Pryor, like Roy Moore, fails to understand the purpose of the "Establishment clause" of the Constitution. It is not hostility to people of faith, but respect for the beliefs of every person that underpins the separation of church and state, which Pryor seems to hold in such low regard.**

**Out of respect for freedom of conscience, government officials are prevented from using their power to promote specific religious beliefs.**

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Pryor initiated mentoring program

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Special to the Register

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---

**From:** CN=Theodore W. Ulliot/OU=WHO/O=EOP [ WHO ]  
**To:** brett m. kavanaugh/who/eop@eop [ WHO ] <brett m. kavanaugh>; kyle sampson/who/eop@eop [ WHO ] <kyle sampson>; jennifer r. brosnahan/who/eop@eop [ WHO ] <jennifer r. brosnahan>; benjamin a. powell/who/eop@eop [ WHO ] <benjamin a. powell>; h. christopher bartolomucci/who/eop@eop [ WHO ] <h. christopher bartolomucci>; noel j. francisco/who/eop@eop [ WHO ] <noel j. francisco>; jennifer g. newstead/who/eop@eop [ WHO ] <jennifer g. newstead>  
**Sent:** 5/12/2003 11:09:40 AM  
**Subject:** : Questions re WH expenditures

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:12-MAY-2003 15:09:40.00

SUBJECT:: Questions re WH expenditures

TO:brett m. kavanaugh ( CN=brett m. kavanaugh/OU=who/O=eop@eop [ WHO ] )

READ:UNKNOWN

TO:kyle sampson ( CN=kyle sampson/OU=who/O=eop@eop [ WHO ] )

READ:UNKNOWN

TO:jennifer r. brosnahan ( CN=jennifer r. brosnahan/OU=who/O=eop@eop [ WHO ] )

READ:UNKNOWN

TO:benjamin a. powell ( CN=benjamin a. powell/OU=who/O=eop@eop [ WHO ] )

READ:UNKNOWN

TO:h. christopher bartolomucci ( CN=h. christopher bartolomucci/OU=who/O=eop@eop [ WHO ] )

READ:UNKNOWN

TO:noel j. francisco ( CN=noel j. francisco/OU=who/O=eop@eop [ WHO ] )

READ:UNKNOWN

TO:jennifer g. newstead ( CN=jennifer g. newstead/OU=who/O=eop@eop [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Does anyone in this office have primary responsibility for questions of, "Can expense X be paid out of White House funds"? If so, I have a small question to pass on to you, relating to reimbursement of employee expenses.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/12/2003 7:13:56 AM  
**Subject:** : timing

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CREATION DATE/TIME:12-MAY-2003 11:13:56.00  
SUBJECT:: timing  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

If you all agree with general idea, we should try to get Daschle letter out today.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** adam.charnes@usdoj.gov @ inet [ UNKNOWN ] <adam.charnes@usdoj.gov @ inet>  
**Sent:** 5/12/2003 7:23:48 AM  
**Subject:** : can we get transcript of roberts hearing #2

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CREATION DATE/TIME:12-MAY-2003 11:23:48.00  
SUBJECT:: can we get transcript of roberts hearing #2  
TO:adam.charnes@usdoj.gov @ inet ( adam.charnes@usdoj.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** mestrada@gibsondunn.com @ inet [ UNKNOWN ] <mestrada@gibsondunn.com @ inet>  
**Sent:** 5/12/2003 7:27:20 AM  
**Subject:** : Sen. Breaux remarks on filibustered judicial nominees

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:12-MAY-2003 11:27:20.00  
SUBJECT:: Sen. Breaux remarks on filibustered judicial nominees  
TO:mestrada@gibsondunn.com @ inet ( mestrada@gibsondunn.com @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
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From Fox News Sunday:  
HUME: Let's concede that point. Presumably, you don't think these two  
should be filibustered endlessly and then blocked by a filibuster?  
BREAUX: I think eventually we should vote on it, and I think eventually we  
will.  
HUME: You think eventually they'll both get an up or down vote?  
BREAUX: I think eventually they'll both get an up or down vote.

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/12/2003 7:29:20 AM  
**Subject:** : RE: timing

##### Begin Original ARMS Header #####  
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CREATION DATE/TIME:12-MAY-2003 11:29:20.00  
SUBJECT:: RE: timing  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I sent you a few suggestions, but the bigger question to me is whether we continue to respond to every stray comment by the leadership and if so whether the letters should continue to go out over the Judge's signature. On balance, I think we should continue current practice, but perhaps it's worth the three of us having a conversation with Hobbs & Bartlett to make sure.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Monday, May 12, 2003 11:13 AM  
To: Gonzales, Alberto R.; Leitch, David G.  
Subject: timing

If you all agree with general idea, we should try to get Daschle letter out today.

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>  
**Sent:** 5/12/2003 11:39:40 AM  
**Subject:** tomorrow

How long do they want him to speak? Did they indicate a preference on subject? Any q and a? Who exactly and how many people are in audience?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/12/2003 7:40:51 AM  
**Subject:** : tomorrow

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:12-MAY-2003 11:40:51.00  
SUBJECT:: tomorrow  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

How long do they want him to speak? Did they indicate a preference on  
subject? Any q and a? Who exactly and how many people are in audience?

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/12/2003 7:42:19 AM  
**Subject:** : RE: tomorrow

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:12-MAY-2003 11:42:19.00  
SUBJECT:: RE: tomorrow  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Did you read the email I sent you Friday??? I'll resend- it has all the particulars.

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Monday, May 12, 2003 11:40 AM  
To: Nelson, Carolyn  
Subject: tomorrow

How long do they want him to speak? Did they indicate a preference on subject? Any q and a? Who exactly and how many people are in audience?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>  
**Sent:** 5/12/2003 7:42:55 AM  
**Subject:** : RE: tomorrow

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:12-MAY-2003 11:42:55.00  
SUBJECT:: RE: tomorrow  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

No.

From: Carolyn Nelson/WHO/EOP@Exchange on 05/12/2003 11:42:54 AM  
Record Type: Record

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

Did you read the email I sent you Friday??? I'll resend- it has all the particulars.

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Monday, May 12, 2003 11:40 AM  
To: Nelson, Carolyn  
Subject: tomorrow

How long do they want him to speak? Did they indicate a preference on subject? Any q and a? Who exactly and how many people are in audience?



---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/12/2003 11:42:54 AM  
**Subject:** RE: tomorrow

Did you read the email I sent you Friday??? I'll resend- it has all the particulars.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, May 12, 2003 11:40 AM  
**To:** Nelson, Carolyn  
**Subject:** tomorrow

How long do they want him to speak? Did they indicate a preference on subject? Any q and a? Who exactly and how many people are in audience?

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>  
**Sent:** 5/12/2003 11:45:32 AM  
**Subject:** yes, I am preparing remarks

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/12/2003 7:46:15 AM  
**Subject:** : yes, I am preparing remarks

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:12-MAY-2003 11:46:15.00  
SUBJECT:: yes, I am preparing remarks  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brian.A.Benczkowski@usdoj.gov <Brian.A.Benczkowski@usdoj.gov>  
**CC:** adam.charnes@usdoj.gov <adam.charnes@usdoj.gov>  
**Sent:** 5/12/2003 8:29:31 AM  
**Subject:** : RE: can we get transcript of roberts hearing #2

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:12-MAY-2003 12:29:31.00

SUBJECT:: RE: can we get transcript of roberts hearing #2

TO:"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> (

"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )

READ:UNKNOWN

CC:"adam.charnes@usdoj.gov" <adam.charnes@usdoj.gov> ( "adam.charnes@usdoj.gov"

<adam.charnes@usdoj.gov> [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Please also messenger one to Miguel. Thanks.

"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski

05/12/2003 12:18:54 PM

Record Type: Record

To: "Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov>, Brett M.  
Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: can we get transcript of roberts hearing #2

Sheila is messengering over a paper copy. We do not have the electronic version.

-----Original Message-----

From: Charnes, Adam

Sent: Monday, May 12, 2003 11:44 AM

To: Benczkowski, Brian A

Subject: FW: can we get transcript of roberts hearing #2

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov

[mailto:Brett M. Kavanaugh@who.eop.gov]

Sent: Monday, May 12, 2003 11:23 AM

To: Charnes, Adam

Subject: can we get transcript of roberts hearing #2

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alicia P. Clark/WHO/EOP@EOP [ WHO ] <Alicia P. Clark>  
**Sent:** 5/12/2003 8:37:16 AM  
**Subject:** : Re: Follow Up to Question on Phone

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:12-MAY-2003 12:37:16.00  
SUBJECT:: Re: Follow Up to Question on Phone  
TO:Alicia P. Clark ( CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes, that is all permissible.

Alicia P. Clark  
05/12/2003 11:55:46 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Follow Up to Question on Phone

Thanks for calling me back. Just to make sure I understand our phone conversation correctly--

It is permissible to give to the NSC documents that list public campaign commitments Governor Bush made in their policy areas and to ask for a status report of those particular commitments. Secondly, we may ask for a list of public governing commitments and the status of those as well.

Is this accurate? Thanks for your guidance on this.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Viet.Dinh@usdoj.gov <Viet.Dinh@usdoj.gov>  
**Sent:** 5/12/2003 9:00:57 AM  
**Subject:** : RE: Invites

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 12-MAY-2003 13:00:57.00  
SUBJECT: RE: Invites  
TO: "Viet.Dinh@usdoj.gov" <Viet.Dinh@usdoj.gov> ( "Viet.Dinh@usdoj.gov"  
<Viet.Dinh@usdoj.gov> [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

no problem. just wanted to be clear because your voice mail was weird.

"Viet.Dinh@usdoj.gov" <Viet.Dinh  
05/12/2003 11:54:50 AM  
Record Type: Record

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

thanks

-----Original Message-----  
From: Brett\_M.\_Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Thursday, May 08, 2003 2:38 PM  
To: Charnes, Adam; Remington, Kristi L; Dinh, Viet  
Subject: Invites

Please make clear to everyone there that our intention from the  
get-go was  
to invite any and all comers from OLP for the precise purpose of expressing  
President's and WH appreciation of the hard work. The problem was that  
Cabinet  
Affairs does DOJ invites and does not usually make calls until 2-3 days  
before  
event. Meanwhile, Public Liaison handles outside groups and has to give  
more  
advance notice. Pub Liaison had called Fed Soc late last week and told  
them to  
round up 25-50 people. Fed Soc then stupidly called people in your office  
and  
some Senate staffers instead of calling people on the outside. Sorry for  
confusion, but please make sure people in OLP and FBI unit understand they  
always were to be invited by us.

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/12/2003 9:10:11 AM  
**Subject:** : Do you need the transcript ASAP, or can it wait until around 2:00?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:12-MAY-2003 13:10:11.00  
SUBJECT:: Do you need the transcript ASAP, or can it wait until around 2:00?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Lefkowitz, Jay P.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/12/2003 1:51:08 PM  
**Subject:** RE:

Smothered is more like it.

Guess Hatch is chicken on this one.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, May 12, 2003 10:56 AM  
**To:** Lefkowitz, Jay P.  
**Subject:**

guess Hatch scuttled Kyl-Cornyn?



---

**From:** CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/12/2003 9:52:35 AM  
**Subject:** : Ari is asking for some talking points via blackberry and for us to call him

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:12-MAY-2003 13:52:35.00  
SUBJECT:: Ari is asking for some talking points via blackberry and for us to call him  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

are you available?  
c

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>  
**Sent:** 5/12/2003 2:26:32 PM  
**Subject:** : Re: the meeting before the meeting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:12-MAY-2003 18:26:32.00  
SUBJECT:: Re: the meeting before the meeting  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

1 is best; 11 is also ok

From: Colleen Litkenhaus/WHO/EOP@Exchange on 05/12/2003 06:26:20 PM  
Record Type: Record

To: Kimberly A. Douglass/WHO/EOP@Exchange, Michael J.  
Boisvenue/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: the meeting before the meeting

Let's please get together to discuss political travel.; We will try to  
identify all the questions that we need to answer before meeting with  
Linda, Joe, Political and Advance.

;  
I am available on Wednesday at the following times:

;  
11am  
12pm  
1pm  
2pm

;  
Do any of these times work for the three of you?

;  
;

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange@EOP [ WHO ] <Colleen Litkenhaus>  
**Sent:** 5/12/2003 10:39:57 AM  
**Subject:** : returned your call

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:12-MAY-2003 14:39:57.00  
SUBJECT:: returned your call  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>  
**Sent:** 5/12/2003 2:39:11 PM  
**Subject:** returned your call

---

**From:** Boasberg, James E. <boasberg@DCSC.GOV>  
**To:** steven.h.hartmann@verizon.com [ UNKNOWN ] <steven.h.hartmann@verizon.com>; Boasberg, James E. <boasberg@DCSC.GOV>; pharris@omm.com [ UNKNOWN ] <pharris@omm.com>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; 'James Brochin' <JBrochin@paulweiss.com>  
**Sent:** 5/12/2003 10:59:01 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Boasberg, James E." <boasberg@DCSC.GOV> ( "Boasberg, James E." <boasberg@DCSC.GOV> [ UNKNOWN ] )  
CREATION DATE/TIME:12-MAY-2003 14:59:01.00  
SUBJECT:: RE:  
TO:steven.h.hartmann@verizon.com ( steven.h.hartmann@verizon.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Boasberg, James E." <boasberg@DCSC.GOV> ( "Boasberg, James E." <boasberg@DCSC.GOV> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:pharris@omm.com ( pharris@omm.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:'James Brochin' <JBrochin@paulweiss.com> ( 'James Brochin' <JBrochin@paulweiss.com> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

It's about time you got down here, Jimboni. I could do something later in the evening, starting around 8:45 or 9. Let me know if that works.

Jeb

-----Original Message-----

From: James Brochin [mailto:JBrochin@paulweiss.com]  
Sent: Monday, May 12, 2003 1:40 PM  
To: boasberg@dcsc.gov; brett\_m.\_kavanaugh@who.eop.gov; steven.h.hartmann@verizon.com; pharris@omm.com  
Subject:

I will be in DC Wed. through Fri. of this week for work, assuming I can get a hotel room, which is proving to be more of a challenge than I had anticipated.  
Anyone available for drinks/dinner Wed. night?

---

This message is intended only for the use of the Addressee and may contain information that is PRIVILEGED and CONFIDENTIAL.

If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.

Thank You.

---

REV\_00118111

---

**From:** Skelly, Layton  
**To:** tcordaro@osophs.dhhs.gov <Gilbert, Alan>;tcordaro@osophs.dhhs.gov <Hall, Philo D.>;paula.stannard@hhs.gov <paula.stannard@hhs.gov>;peter.urbanowicz@hhs.gov <peter.urbanowicz@hhs.gov>;viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>;alex.azar@hhs.gov <alex.azar@hhs.gov>;john.hoff@hhs.gov <john.hoff@hhs.gov>;jennifer.young@hhs.gov <jennifer.young@hhs.gov>;jennifer.young@hhs.gov <Schacht, Diana L.>;jennifer.young@hhs.gov <Jensen, Amy>;jennifer.young@hhs.gov <Loper, Ginger G.>;jennifer.young@hhs.gov <Lefkowitz, Jay P.>;jennifer.young@hhs.gov <Perry, Philip J.>;jennifer.young@hhs.gov <Deleire, Thomas C.>;jennifer.young@hhs.gov <Kavanaugh, Brett M.>;zurawski-paul@dol.gov <zurawski-paul@dol.gov>;zurawski-paul@dol.gov <Young, Tracy>;zurawski-paul@dol.gov <Besanceney, Brian R.>;marc.kesselman@usdoj.gov <marc.kesselman@usdoj.gov>;marc.kesselman@usdoj.gov <Ackerly, Dana>;marc.kesselman@usdoj.gov <Cowdry, Rex>;hazucker@osophs.dhhs.gov <hazucker@osophs.dhhs.gov>;jafar.karim@hhs.gov <jafar.karim@hhs.gov>;jafar.karim@hhs.gov <Kupfer, Jeffrey F.>;jafar.karim@hhs.gov <Lineberry, Stephen M.>  
**CC:** <Grubbs, Wendy J.>;pamela.roller@hhs.gov <pamela.roller@hhs.gov>;joyce.b-moore@hhs.gov <joyce.b-moore@hhs.gov>;marie.belt@hhs.gov <marie.belt@hhs.gov>;marie.belt@hhs.gov <Winland, Emily>;marie.belt@hhs.gov <Vestewig, Lauren J.>;dana.ceasar@hhs.gov <dana.ceasar@hhs.gov>;india.luckett@hhs.gov <india.luckett@hhs.gov>;scrivener-langford-lat@dol.gov <scrivener-langford-lat@dol.gov>;heather.mcnaught@usdoj.gov <heather.mcnaught@usdoj.gov>;stephanie.wilson@hhs.gov <stephanie.wilson@hhs.gov>;stephanie.wilson@hhs.gov <Stone, Carla B.>;hrobowski-rosita@dol.gov <hrobowski-rosita@dol.gov>;tcordaro@osophs.dhhs.gov <tcordaro@osophs.dhhs.gov>;tcordaro@osophs.dhhs.gov <Skelly, Layton>  
**Sent:** 5/12/2003 3:51:29 PM  
**Subject:** NO Medical Liability Working Group tomorrow

There will be no Medical Liability working group meeting or call tomorrow. Thank you.

Layton

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/12/2003 12:25:54 PM  
**Subject:** : RE:  
**Attachments:** P\_9SQCG003\_WHO.TXT\_1.jpeg

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:12-MAY-2003 16:25:54.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Need your picture here:

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Monday, May 12, 2003 12:34 PM  
To: Gonzales, Alberto R.; Leitch, David G.; Nelson, Carolyn  
Subject:

Posted on Sat, May. 10, 2003

Gay GOP Group Readies for 2004 Elections  
Associated Press

WASHINGTON - A gay Republicans group says it is trying to get beyond the flap over Sen. Rick Santorum's derogatory remarks about homosexual behavior, yet it is that very controversy that helped double the attendance at its annual convention. Comments by the conservative Republican from Pennsylvania, the GOP takeover of the Senate last year and the upcoming presidential race were the main topics that lured more than 200 people to the Log Cabin Republicans' annual convention, which ends here Saturday night. That's more than twice the attendance of last year's meeting. Santorum has been a center of attention since an April 7 interview with The Associated Press in which he brought up a pending Supreme Court case over a Texas sodomy law and likened gay behavior to incest and polygamy. "It was a reminder to all that we had work to do," Patrick Guerriero, director of the group, said Saturday about the increased attendance. On Friday, about 200 gay members of the GOP met for more than an hour with three White House officials at the Eisenhower Executive Office Building - Joseph O'Neill, the White House AIDS czar, Brett Kavanaugh, associate White House counsel, and Holly Kuzmich, associate director of the White

REV\_00118120

House domestic policy council.

Ken Lisaius, a White House spokesman, downplayed the meeting, saying it was one of many policy meetings requested by groups looking for ways to further the president's initiatives. The group talked about AIDS, education and judicial nominees for the federal bench, he said.

Guerriero said the Bush administration has invited gay Republicans to discussions about AIDS, judicial nominations and other policy issues.

Still, the Log Cabin Republicans believe the White House could have distanced itself further from the Santorum controversy.

"If we were completely satisfied that the Republican Party was as inclusive as we wished, we would cease to exist," Guerriero said. "It's obvious that the issue of inclusiveness in the Republican Party is going to be a major issue."

An estimated 1 million gay and lesbian Americans voted for President Bush in 2000, he said. The gay Republicans attending the annual convention, complete with get-out-the-vote workshops and congressional briefings, are convinced that gays and lesbians, if they don't vote for Bush, could be partly responsible for "losing the White House," he said.

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_9SQCG003\_WHO.TXT\_1>





---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/12/2003 2:00:42 PM  
**Subject:** : Ari comment at briefing today re Dems on tax plan seems potentially applicable in other areas

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 12-MAY-2003 18:00:42.00  
SUBJECT:: Ari comment at briefing today re Dems on tax plan seems potentially applicable in other areas  
TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

"I mean, there are -- you know, the Democratic Party and the Senate particularly can be broken down to three groups. There's the leadership, which is very liberal and will oppose the President. There are the candidates who, of course, will never support the President. And then there's a small group of potential swing voters. They are very small. And it only takes one or two of them to make the difference."

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Michael J. Boisvenue/WHO/EOP@Exchange [ WHO ] <Michael J. Boisvenue>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>  
**Sent:** 5/12/2003 2:25:44 PM  
**Subject:** : the meeting before the meeting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:12-MAY-2003 18:25:44.00  
SUBJECT:: the meeting before the meeting  
TO:Michael J. Boisvenue ( CN=Michael J. Boisvenue/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Let's please get together to discuss political travel.; We will try to identify all the questions that we need to answer before meeting with Linda, Joe, Political and Advance.

;  
I am available on Wednesday at the following times:

;  
11am  
12pm  
1pm  
2pm

;  
Do any of these times work for the three of you?

;  
;

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brian Reardon/OPD/EOP@EOP [ OPD ] <Brian Reardon>  
**Sent:** 5/12/2003 2:45:10 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:12-MAY-2003 18:45:10.00  
SUBJECT: :  
TO:Brian Reardon ( CN=Brian Reardon/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Understand Senate will vote this week on debt ceiling, correct?

---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>;<Gonzales, Alberto R.>  
**Sent:** 5/12/2003 7:23:23 PM  
**Subject:** Re: Consuelo Callahan got 1 question at her hearing

Ah, but did she refuse to answer it?

.  
  
-----Original Message-----

From: Kavanaugh, Brett M.  
To: Gonzales, Alberto R. : Leitch, David G.  
Sent: Mon May 12 19:19:55 2003  
Subject: Consuelo Callahan got 1 question at her hearing

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>;<Kavanaugh, Brett M.>  
**Sent:** 5/12/2003 9:59:15 PM  
**Subject:** Re: Call me asap

Will do in a few minutes. Just got this.

.

----- Original Message -----

From: Carolyn Nelson/WHO/EOP@Exchange

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

Cc:

Date: 05/12/2003 08:47:56 PM

Subject: Call me asap

494 6016

---

**From:** CN=Michael J. Boisvenue/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>  
**Sent:** 5/13/2003 4:03:55 AM  
**Subject:** : RE: the meeting before the meeting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Michael J. Boisvenue ( CN=Michael J. Boisvenue/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 08:03:55.00  
SUBJECT:: RE: the meeting before the meeting  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I'm free Wed at 1:00 and 2:00

-----Original Message-----

From: Litkenhaus, Colleen  
Sent: Monday, May 12, 2003 6:26 PM  
To: Douglass, Kimberly A.; Boisvenue, Michael J.; Kavanaugh, Brett M.  
Subject: the meeting before the meeting

Let's please get together to discuss political travel.; We will try to identify all the questions that we need to answer before meeting with Linda, Joe, Political and Advance.

;  
I am available on Wednesday at the following times:

;  
11am  
12pm  
1pm  
2pm

;  
Do any of these times work for the three of you?

;  
;

---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/13/2003 1:22:30 AM  
**Subject:** : OpinionJournal - On the Editorial Page - May 13, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME:13-MAY-2003 05:22:30.00  
SUBJECT:: OpinionJournal - On the Editorial Page - May 13, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003487>

Democrats are abusing the filibuster. Has anyone noticed?

12:01 a.m. EDT

The Western Front BY BRENDAN MINITER  
<http://www.opinionjournal.com/columnists/bminiter/?id=110003485>

High taxes are only one reason to hate New York.  
12:01 a.m. EDT

Leisure & Arts BY LEE ROSENBAUM  
<http://www.opinionjournal.com/la/?id=110003486>

Antarctica: the Guggenheim's final frontier? Don't bet on it.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

The Politics of Filibusters  
Republicans figure out that confirming judges is a political process.  
May 13 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105278973686670200,00.html%3Fmod%3Dopinion>

~~~~~

San Francisco's Cookie Monster  
Forget about smoking, drugs or drinking and driving. Beware of Oreos.  
May 13 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105279000281512700,00.html%3Fmod%3Dopinion>

~~~~~

The Mighty Poles  
The French and Germans are suddenly jealous of Warsaw.  
May 13 2003



<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB10527901609316500,00.html%3Fmod%3Dopinion>

~~~~~

#### Commentary

##### The Metaphor of Blight

We need to recognize that SARS doesn't recognize national boundaries.

By ABRAHAM VERGHESE

May 13 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105278837343638600,00.html%3Fmod%3Dopinion>

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##### Empire State? Try Banana Republic!

Send in Tommy Franks. Albany needs regime change.

By JOHN STEELE GORDON

May 13 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105278761751269500,00.html%3Fmod%3Dopinion>

~~~~~

##### Accelerate the Recovery

President Bush's tax cuts will get the economy moving again.

By BILL FORD

May 13 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105279267495747100,00.html%3Fmod%3Dopinion>

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#### Global View

##### Chirac's Bungling Gaullism

How the French are fanning nationalistic hatreds.

By GEORGE MELLOAN

May 13 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105279036434926400,00.html%3Fmod%3Dopinion>

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#### Leisure & Arts

##### Music

This Fiddler Is Doing Fine, Thank You

Ashley MacIsaac's music is a blend of Celtic country punk, rock, pop and even Delta guitar blues.

By EARLE HITCHNER

May 13 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105278836092013300,00.html%3Fmod%3Dopinion>

~~~~~

##### The Gallery

Perpetual Motion

Despite skating on financial thin ice, the Guggenheim sees worlds left to conquer.

By LEE ROSENBAUM

May 13 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105278796315634400,00.html%3Fmod%3Dopinion>

~~~~~

#### The Muppets Come Home

Jim Henson Co. has been bought back by the Henson family.

By DAN ACKMAN

May 13 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105278873985849400,00.html%3Fmod%3Dopinion>

~~~~~

#### Books

Pain and the President

"An Unfinished Life"

By JONATHAN KARL

May 13 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105278743021160800,00.html%3Fmod%3Dopinion>

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#### Time Off

Diversions

Pacifika -- New York Hawaiian Film Festival

May 13 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105278776351999800,00.html%3Fmod%3Dopinion>

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#### International

##### A Striking Proposal

Thousands of transport protestors will walk off the job to protest the government's plan to tinker with the nation's pension system.

From The Wall Street Journal Europe

May 13 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105278304091020300,00.html%3Fmod%3Dopinion>

~~~~~

##### Modified Food Fight

Bush risks being seen as a unilateralist if the U.S. files a complaint over the EU's policy banning new genetically modified crops.

From The Wall Street Journal Europe

May 13 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105278382691202900,00.html%3Fmod%3Dopinion>

~~~~~

##### Time for the GM Moratorium to Go

Farmers in less developed countries stand to win big if the U.S. decides to file a complaint.

By GREGORY CONKO and C.S. PRAKASH

From The Wall Street Journal Europe

May 13 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105278159845412000,00.html%3Fmod%3Dopinion>

~~~~~

#### The Euro Also Rises

The war in Iraq and higher interest rates helped strengthen the euro and make Europe more attractive to aggressive investors.

By MELVYN KRAUSS

From The Wall Street Journal Europe

May 13 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105278224534809400,00.html%3Fmod%3Dopinion>

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#### Five Myths About China and SARS

It's not the lies that the Chinese government tells that most frightens the Chinese public -- it's the truth.

By BAOPU LIU

From The Asian Wall Street Journal

May 13 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105277463664267200,00.html%3Fmod%3Dopinion>

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**From:** Leitch, David G.  
**To:** <Snee, Ashley>;<Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<Grubbs, Wendy J.>;<Mamo, Jeanie S.>;<Bartlett, Daniel J.>;<Rove, Karl C.>  
**Sent:** 5/13/2003 7:22:06 AM  
**Subject:** From the Weekly Standard

Filibuster Again! And Again!  
by Terry Eastland, for the Editors  
05/19/2003, Volume 008, Issue 35

SIX TIMES NOW Senate Democrats have blocked a vote on Miguel Estrada's nomination to the U.S. Court of Appeals for the District of Columbia. And twice Senate Democrats have blocked a vote on Priscilla Owen's nomination to the U.S. Court of Appeals for the Fifth Circuit. Republicans are outraged by the filibusters. And they are outrageous. But permit us to invite the Democrats to stay their stupid course: Filibuster again! And again!

Okay, if you're Miguel or Priscilla or Carolyn Kuhl, a Ninth Circuit nominee who may be the next to be filibustered, it's no fun watching Republicans move to cut off debate and then seeing Democrats again muster more than the 40 votes needed (a supermajority of 60 being necessary under Senate rules to end debate) to keep you from being voted on. Which is to say from being confirmed, since you know just as the rest of the world does that there is a Senate majority that includes the few sensible Democrats still remaining in the upper chamber, like Zell Miller of Georgia, who would say yes if only the roll were called.

But if the Democrats are going to persist in what Sen. Russell Feingold has conceded is "an extreme step," then by all means the nominees should allow, and the Republican Senate should create, opportunities for them to be extreme. Majority Leader Bill Frist: Keep calling those cloture votes. And you Democrats: Keep voting no.

Is there any better way to publicize the message about "Democratic obstruction on judges" (a principal Republican talking point) than by repeated votes by Senate minorities made up exclusively of Democrats that prevent Senate majorities from approving the president's nominees? Keep in mind that we're not talking here about less visible means of obstruction. We're not talking about what the Democratic-run Judiciary Committee did in 2001-02 --when it failed to hold, or unreasonably delayed, hearings, or when it held a hearing but declined to vote on the nominee. No, here we're talking about quite public blocking actions--recorded votes. If the Democrats keep committing them, the Republicans should gleefully advertise them throughout the country.

Right now, the Republicans are trying to find ways to fix "the broken confirmation process" (another Republican talking point). Some Republicans have suggested that the president should sue filibustering Democrats on account of the Appointments Clause injury he is suffering by not having his nominees voted on; or that Estrada or Owen should complain because of some (unspecified) injury they have endured by not being voted on; or that some Republican senators should file a suit, since they are part of a majority that would confirm but for the bad Dems, and that therefore they are being denied their constitutional "right to consent," a right found somewhere in the spilt ink between the lines of the original text. Of course, any judge worth his clerk would throw out any such lawsuit on the understanding that the Senate should work out its own rules. Speaking of which, the Republicans do have lots of ways to change the rules so as to overcome or prevent filibusters of nominations, and there is a good proposal or two among them. But no changes in Senate rules can be made except by a two-thirds vote--an even bigger hill to climb.

The truth is that there is no way other than ordinary politics truly to "fix" the process. Not incidentally, the Senate Republican leadership could force the Democrats to conduct a real filibuster--marathon, stay-up-all-night sessions like those of yesteryear. That might fix the process real quick. A larger Republican majority--obtained through electoral politics--could also fix the process. Consider that a majority of 56 Republicans--five

more than now--is all that would be needed (since four Democrats would join them) to force a vote on the Estrada nomination.

The chief utility, we suppose, of the loud search for ways to "fix" the process is to draw media attention to the Democrats' extremism. And of course the Republicans know that. (Maybe that's why they haven't forced a classic filibuster.) The wonder is that the Democrats seem clueless about the degree to which their blocking votes on nominees could hurt their chances for retaking the Senate in 2004.

Have they not seen, have they not heard, that in 2002 Republicans won the Senate in part because Bush made the Democrats' treatment of his nominees an issue? "And I'll tell you another big issue, . . ." he said on election eve in Missouri. "I have a responsibility to name good people to the bench. I've named a lot of really good people . . . but the bunch running the Senate [the Democrats] has done a lousy job on my nominees."

In 2004, 19 of the 34 seats at stake in the Senate are Democratic, and independent observers believe Democrats can be confident of retaining no more than 9 of the 19, while Republicans can count on holding at least 10 of their 15. Can Democrats really relish the prospect of President Bush's campaigning in states like Georgia, South Carolina, North Carolina, Florida, Arkansas, Nevada, North Dakota, and South Dakota, and talking, as he did in Rose Garden remarks last week, about the "crisis in our Senate" and "therefore . . . in our judiciary" produced by Democratic filibusters designed "to prevent an up-or-down vote on an appeals court nominee"? The vote-blocking Democrats are not only hurting their own party's chances of recapturing the Senate but also handicapping their presidential nominee. What's that person going to say--"I favor filibusters of Bush's nominees, but not of my own"? Come to think of it, what are Joe Lieberman, Bob Graham, John Edwards, and John Kerry--vote-blockers all--going to say?

If the Democrats were smart, they would quit standing in the way of votes on nominees right now. They would see that what is sauce for the Republican goose could someday be sauce for their gander, and they shouldn't like that prospect one bit. More important, they would recognize that blocking votes on nominees who enjoy majority support, while not exactly unconstitutional, shows disrespect for the exclusive authority of the president to nominate judges.

Democrats once understood the nominating power. Maybe they can recall the example of FDR. But then again, maybe they can't. And maybe they really do think that their filibustering is good for the country. If so, no one--tongue in cheek or not--need admonish them to keep on filibustering. They'll do it anyway, borrowing trouble all the way through Election Day.

*--Terry Eastland, for the Editors*

---

**From:** CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/13/2003 3:25:35 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 07:25:35.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

My friend

Very sorry I missed your call; can you ring me this a.m.? I am back from Karl's at 9 a.m.

Cheers

tsg

---

**From:** CN=Douglas L. Hoelscher/OU=WHO/O=EOP [ WHO ]  
**To:** Camp, Libby <Libby.Camp@DHS.GOV>  
**CC:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/13/2003 7:37:18 AM  
**Subject:** : question from Kavanaugh

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Douglas L. Hoelscher ( CN=Douglas L. Hoelscher/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:13-MAY-2003 11:37:18.00

SUBJECT:: question from Kavanaugh

TO:"Camp, Libby" <Libby.Camp@DHS.GOV> ( "Camp, Libby" <Libby.Camp@DHS.GOV> [ UNKNOWN ] )

READ:UNKNOWN

CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Libby,

What is DHS's policy on political activity? Is it the same as other department's? i.e. can you volunteer your time (non-work time) to help a political candidate, political party, or engage in a political cause?

Thanks,

Doug

---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**Sent:** 5/13/2003 8:06:10 AM  
**Subject:** Re: The Politics Of Filibusters (WSJournal) - Editorial Today -

Has dan looked at judge's op ed?

.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@EOP [ WHO ] <Ashley Snee>  
**Sent:** 5/13/2003 4:07:05 AM  
**Subject:** : Re: The Politics Of Filibusters (WSJournal) - Editorial Today -

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 08:07:05.00  
SUBJECT:: Re: The Politics Of Filibusters (WSJournal) - Editorial Today -  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Has dan looked at judge's op ed?

.

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/13/2003 4:16:21 AM  
**Subject:** : RE: The Politics Of Filibusters (WSJournal) - Editorial Today -

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 08:16:21.00  
SUBJECT:: RE: The Politics Of Filibusters (WSJournal) - Editorial Today -  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yeah, he is fine with it. But, I think it should be a little shorter.  
I'll work with it after the morning meetings and show you before I start  
calling around.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, May 13, 2003 8:06 AM  
To: Snee, Ashley  
Subject: Re: The Politics Of Filibusters (WSJournal) - Editorial  
Today -

Has dan looked at judge's op ed?

.

---

**From:** CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Michael J. Boisvenue/WHO/EOP@Exchange [ WHO ] <Michael J. Boisvenue>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>  
**Sent:** 5/13/2003 4:28:51 AM  
**Subject:** : RE: the meeting before the meeting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 13-MAY-2003 08:28:51.00  
SUBJECT:: RE: the meeting before the meeting  
TO: Michael J. Boisvenue ( CN=Michael J. Boisvenue/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

any time is good for me

-----Original Message-----

From: Litkenhaus, Colleen  
Sent: Monday, May 12, 2003 6:26 PM  
To: Douglass, Kimberly A.; Boisvenue, Michael J.; Kavanaugh, Brett M.  
Subject: the meeting before the meeting

Let's please get together to discuss political travel.; We will try to identify all the questions that we need to answer before meeting with Linda, Joe, Political and Advance.

;  
I am available on Wednesday at the following times:

;  
11am  
12pm  
1pm  
2pm

;  
Do any of these times work for the three of you?

;  
;

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Michael J. Boisvenue/WHO/EOP@Exchange [ WHO ] <Michael J. Boisvenue>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>  
**Sent:** 5/13/2003 4:29:35 AM  
**Subject:** : RE: the meeting before the meeting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 13-MAY-2003 08:29:35.00  
SUBJECT:: RE: the meeting before the meeting  
TO: Michael J. Boisvenue ( CN=Michael J. Boisvenue/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

1 pm on Wednesday it is.; Should we come to you Brett or do you want to go to Room One?

-----Original Message-----

From: Douglass, Kimberly A.  
Sent: Tuesday, May 13, 2003 8:29 AM  
To: Litkenhaus, Colleen; Boisvenue, Michael J.; Kavanaugh, Brett M.  
Subject: RE: the meeting before the meeting

any time is good for me

-----Original Message-----

From: Litkenhaus, Colleen  
Sent: Monday, May 12, 2003 6:26 PM  
To: Douglass, Kimberly A.; Boisvenue, Michael J.; Kavanaugh, Brett M.  
Subject: the meeting before the meeting

Let's please get together to discuss political travel.; We will try to identify all the questions that we need to answer before meeting with Linda, Joe, Political and Advance.

;  
I am available on Wednesday at the following times:

;  
11am  
12pm  
1pm  
2pm

;  
Do any of these times work for the three of you?  
;  
;

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange [ WHO ] <Ashley Snee>  
**Sent:** 5/13/2003 4:50:07 AM  
**Subject:** : RE: The Politics Of Filibusters (WSJournal) - Editorial Today -

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 13-MAY-2003 08:50:07.00  
SUBJECT: : RE: The Politics Of Filibusters (WSJournal) - Editorial Today -  
TO: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Great. It's 950 words now.

From: Ashley Snee/WHO/EOP@Exchange on 05/13/2003 08:16:58 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: The Politics Of Filibusters (WSJournal) - Editorial Today -

Yeah, he is fine with it. But, I think it should be a little shorter.  
I'll work with it after the morning meetings and show you before I start calling around.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, May 13, 2003 8:06 AM  
To: Snee, Ashley  
Subject: Re: The Politics Of Filibusters (WSJournal) - Editorial Today -

Has dan looked at judge's op ed?

.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** boasberg@DCSC.GOV <boasberg@DCSC.GOV>; JBrochin@paulweiss.com [ UNKNOWN ]  
<JBrochin@paulweiss.com>  
**CC:** pharris@omm.com [ UNKNOWN ] <pharris@omm.com>; steven.h.hartmann@verizon.com [ UNKNOWN ] <steven.h.hartmann@verizon.com>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ]  
<Brett M. Kavanaugh>  
**Sent:** 5/13/2003 9:46:44 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 13-MAY-2003 13:46:44.00  
SUBJECT:: Re:  
TO: <boasberg@DCSC.GOV> ( <boasberg@DCSC.GOV> [ UNKNOWN ] )  
READ: UNKNOWN  
TO: JBrochin@paulweiss.com ( JBrochin@paulweiss.com [ UNKNOWN ] )  
READ: UNKNOWN  
CC: pharris@omm.com ( pharris@omm.com [ UNKNOWN ] )  
READ: UNKNOWN  
CC: steven.h.hartmann@verizon.com ( steven.h.hartmann@verizon.com [ UNKNOWN ] )  
READ: UNKNOWN  
CC: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Alive and well and available. What's plan?

.

----- Original Message -----  
From: JBrochin@paulweiss.com  
To: <boasberg@DCSC.GOV>  
Cc: <boasberg@DCSC.GOV>,  
Brett M. Kavanaugh/WHO/EOP@EOP,  
pharris@omm.com,  
steven.h.hartmann@verizon.com  
Date: 05/13/2003 12:04:50 PM  
Subject: RE:

Any word from BK, or is he in Baghdad somewhere, out of e-mail range?

---

This message is intended only for the use of the Addressee and may contain information that is PRIVILEGED and CONFIDENTIAL.

If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.

Thank You.

---

REV\_00118175

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matal, Joe (Judiciary) <Joe\_Matal@Judiciary.senate.gov>  
**Sent:** 5/13/2003 5:58:37 AM  
**Subject:** : Re: FW: Please Oppose S.887

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 09:58:37.00  
SUBJECT:: Re: FW: Please Oppose S.887  
TO:"Matal, Joe (Judiciary)" <Joe\_Matal@Judiciary.senate.gov> ( "Matal, Joe (Judiciary)"  
<Joe\_Matal@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

what happened in committee?

---

**From:** CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/13/2003 6:28:40 AM  
**Subject:** : Victims of International Terror Meeting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Lauren J. Vestewig ( CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange [ OPD ] )  
CREATION DATE/TIME:13-MAY-2003 10:28:40.00  
SUBJECT:: Victims of International Terror Meeting  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Jay, Phil Perry and John Wood are meeting tomorrow at 9 am re. victims of international terror.; Can you make it?; (Did I already ask you?)



---

**From:** Kavanaugh, Brett M.  
**To:** <Vestewig, Lauren J.>  
**Sent:** 5/13/2003 10:28:40 AM  
**Subject:** Re: Victims of International Terror Meeting

I'll be there.

From: Lauren J. Vestewig/OPD/EOP@Exchange on 05/13/2003 10:29:20 AM

Record Type: Record

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

cc:

Subject: Victims of International Terror Meeting

Jay, Phil Perry and John Wood are meeting tomorrow at 9 am re. victims of international terror. Can you make it?  
(Did I already ask you?)

---

**From:** Kavanaugh, Brett M.  
**To:** <Bumatay, Patrick J.>  
**Sent:** 5/13/2003 10:49:11 AM  
**Subject:**

Can I see remarks for Natl Hispanic Prayer Breakfast?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Patrick J. Bumatay/WHO/EOP@Exchange@EOP [ WHO ] <Patrick J. Bumatay>  
**Sent:** 5/13/2003 6:50:11 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 10:50:11.00  
SUBJECT: :  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can I see remarks for Natl Hispanic Prayer Breakfast?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/13/2003 6:51:03 AM  
**Subject:** : clement

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 13-MAY-2003 10:51:03.00  
SUBJECT:: clement  
TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Clement is member of Wisconsin bar according to Viet.

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/13/2003 6:53:11 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 10:53:11.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

It hasn't come through in staffing yet. I'll forward to you as soon as it comes.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, May 13, 2003 10:49 AM  
To: Bumatay, Patrick J.  
Subject:

Can I see remarks for Natl Hispanic Prayer Breakfast?

---

**From:** Camp, Libby <Libby.Camp@DHS.GOV>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/13/2003 7:47:10 AM  
**Subject:** : Fw: question from Kavanaugh

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Camp, Libby" <Libby.Camp@DHS.GOV> ( "Camp, Libby" <Libby.Camp@DHS.GOV> [ UNKNOWN ] )

CREATION DATE/TIME:13-MAY-2003 11:47:10.00

SUBJECT:: Fw: question from Kavanaugh

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

I will call you about this shortly...

-----  
Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Douglas\_L.\_Hoelscher@who.eop.gov <Douglas\_L.\_Hoelscher@who.eop.gov>

To: Camp, Libby <Libby.Camp@HQ.DHS.GOV>

CC: Brett\_M.\_Kavanaugh@who.eop.gov <Brett\_M.\_Kavanaugh@who.eop.gov>

Sent: Tue May 13 11:36:39 2003

Subject: question from Kavanaugh

Libby,

What is DHS's policy on political activity? Is it the same as other department's? i.e. can you volunteer your time (non-work time) to help a political candidate, political party, or engage in a political cause?

Thanks,

Doug

---

**From:** Ben Wittes <wittesb@washpost.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/13/2003 11:57:10 AM  
**Subject:** : Re: from The Hill newspaper

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ben Wittes <wittesb@washpost.com> ( Ben Wittes <wittesb@washpost.com> [ UNKNOWN ] )  
CREATION DATE/TIME:13-MAY-2003 15:57:10.00  
SUBJECT:: Re: from The Hill newspaper  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Is the Hill piece just for my info or is there something in it you meant  
for me to notice specifically?

---

Benjamin Wittes  
Editorial Writer  
The Washington Post  
1150 15th Street, NW  
Washington DC 20071  
phone: 202-334-4134  
fax: 202-334-5269

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** sheila.joy@usdoj.gov @ inet [ UNKNOWN ] <sheila.joy@usdoj.gov @ inet>  
**Sent:** 5/13/2003 7:58:22 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 11:58:22.00  
SUBJECT:  
TO:sheila.joy@usdoj.gov @ inet ( sheila.joy@usdoj.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

We received a notice from Gex (SD Miss) from March 24.



---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/13/2003 12:12:15 PM  
**Subject:** : RE: We are checking re breakfast

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:13-MAY-2003 16:12:15.00

SUBJECT:: RE: We are checking re breakfast

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Great. The organizers are on board as is Frist if you want him to be the host. Of course the if Pres, even better.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Tuesday, May 13, 2003 3:50 PM  
To: Miranda, Manuel (Frist)  
Subject: We are checking re breakfast

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 5/13/2003 12:17:20 PM  
**Subject:** : has op-ed been submitted?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 16:17:20.00  
SUBJECT:: has op-ed been submitted?  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 5/13/2003 8:18:43 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 12:18:43.00  
SUBJECT: :  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

please call re op-ed and calling Jonathan Groner at Legal Times. Thanks.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 5/13/2003 8:27:39 AM  
**Subject:** : Gex retirement letter from NF

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 12:27:39.00  
SUBJECT:: Gex retirement letter from NF  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

can you get one for me and FAX one to Sheila

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/13/2003 8:32:56 AM  
**Subject:** : Re: Gex retirement letter from NF

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 12:32:56.00  
SUBJECT:: Re: Gex retirement letter from NF  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Will do as soon as Noel gets back to his office.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>  
**Sent:** 5/13/2003 8:37:55 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 12:37:55.00  
SUBJECT:: RE:  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

No. Just a permanent tab at front of book each week.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 05/13/2003 12:32:16 PM  
Record Type: Record

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

Should it be it's own item on the agenda?

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Tuesday, May 13, 2003 9:29 AM  
To: Bumatay, Patrick J.  
Subject:

Please put this in a separate tab at front of book. Tab should say  
"Status Report on Current and Future Vacancies Without Nominees"

<< File: judges status report on unfilled vacancies 5 14 03.doc >>

---

**From:** Kavanaugh, Brett M.  
**To:** <Vestewig, Lauren J.>  
**Sent:** 5/13/2003 12:37:48 PM  
**Subject:** Re: Victims of International Terror Meeting

coming

From: Lauren J. Vestewig/OPD/EOP@Exchange on 05/13/2003 10:29:20 AM

Record Type: Record

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

cc:

Subject: Victims of International Terror Meeting

Jay, Phil Perry and John Wood are meeting tomorrow at 9 am re. victims of international terror. Can you make it?  
(Did I already ask you?)

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 5/13/2003 8:38:07 AM  
**Subject:** : Re: Gex retirement letter from NF

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 12:38:07.00  
SUBJECT:: Re: Gex retirement letter from NF  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

thx

Jonathan F. Ganter  
05/13/2003 12:32:22 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: Gex retirement letter from NF

Will do as soon as Noel gets back to his office.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>; Michael J. Boisvenue/WHO/EOP@Exchange [ WHO ] <Michael J. Boisvenue>; Colleen Litkenhaus/WHO/EOP@EOP [ WHO ] <Colleen Litkenhaus>  
**Sent:** 5/13/2003 9:47:21 AM  
**Subject:** : Re: the meeting before the meeting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 13-MAY-2003 13:47:21.00  
SUBJECT:: Re: the meeting before the meeting  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Michael J. Boisvenue ( CN=Michael J. Boisvenue/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Room 1

.

----- Original Message -----  
From: Colleen Litkenhaus/WHO/EOP@Exchange  
To: Kimberly A. Douglass/WHO/EOP@Exchange,  
Michael J. Boisvenue/WHO/EOP@Exchange,  
Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/13/2003 08:30:04 AM  
Subject: RE: the meeting before the meeting

1 pm on Wednesday it is.; Should we come to you Brett or do you want to go to Room One?

-----Original Message-----  
From: Douglass, Kimberly A.  
Sent: Tuesday, May 13, 2003 8:29 AM  
To: Litkenhaus, Colleen; Boisvenue, Michael J.; Kavanaugh, Brett M.  
Subject: RE: the meeting before the meeting

any time is good for me

-----Original Message-----  
From: Litkenhaus, Colleen  
Sent: Monday, May 12, 2003 6:26 PM  
To: Douglass, Kimberly A.; Boisvenue, Michael J.; Kavanaugh, Brett M.  
Subject: the meeting before the meeting

Let's please get together to discuss political travel.; We will try to identify all the questions that we need to answer before meeting with Linda, Joe, Political and Advance.

;  
I am available on Wednesday at the following times:

;  
11am  
12pm  
1pm  
2pm

REV\_00118254

;  
Do any of these times work for the three of you?  
;  
;

---

**From:** Bartolomucci, H. Christopher  
**To:** <Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ulyot, Theodore W.>  
**Sent:** 5/13/2003 1:58:36 PM  
**Subject:** Ark. Dem.-Gaz. article supporting Leon Holmes and criticizing Wash. Post editorial against Holmes

Here's the highlight: "That borking has become a Washington tradition by now-indeed, an addiction-is illustrated by the sharp but impressively mean-spirited editorial we reprint on today's page from the Washington Post. It's a textbook example of borking; students in political science classes should cut it out and save it, like a ripe specimen of that low art."

*The Arkansas Democrat-Gazette, May 13, 2003, Tuesday*

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Arkansas Democrat-Gazette (Little Rock, AR)

May 13, 2003, Tuesday

**SECTION:** ARKANSAS; Pg. 14

**LENGTH:** 613 words

**HEADLINE:** EDITORIALS : How to bork a nominee Leon Holmes gets the treatment

**BODY:**

BORK IS no longer a proper noun in Washington, as in Judge Robert Bork, but a verb. It means to launch a vicious, irrelevant, roundhouse campaign against a judicial nominee, throwing in everything, including a couple of kitchen sinks.

The term stems from the treatment of Judge Bork when he was nominated to the Supreme Court. Not satisfied with relevant criticisms, the judge's more partisan critics reached back to criticize everything he'd said or done from approximately the age of three, and quite a few things he hadn't.

That borking has become a Washington tradition by now-indeed, an addiction-is illustrated by the sharp but impressively mean-spirited editorial we reprint on today's page from the Washington Post. It's a textbook example of borking; students in political science classes should cut it out and save it, like a ripe specimen of that low art.

Notice that, unable to find anything contemporary to criticize about Little Rock's Leon Holmes-an outstanding scholar, advocate and thinker who has just been nominated to the federal bench-the Post has had to go back years and even decades to dig up any utterance it could use against him, including one that went back to 1980-yes, 1980-and for which he apologized as soon as it was brought to his attention.

The other citation-a quote from Scripture in an article co-written with his wife in April of 1997-is so wrenched out of context that you might never guess it was a philosophical rumination on the Book of Ephesians.

As any smear artist knows, there's no need to go into detail. Especially relevant detail. In this case the innocent reader would be left with no idea of what kind of nominee, or man, Leon Holmes really is. Which is the whole purpose of borking: to make the nominee look like the biggest, scariest menace that ever came down confirmation road. Instead, to quote an informal recommendation from a colleague, Leon

Holmes is the kind of guy he'd be willing to shoot dice with over the phone.

The charge that Mr. Holmes is in favor of the subjugation of women would amuse anyone who's ever met Susan Holmes, his wife and co-author, or any of the women in the law for whom he has been mentor, role model, supporter and encourager.

But we're glad to see that the Post has not lost its talent for irony. Alas, in this case it's unintended irony.

For the Post accuses the president of radicalizing judicial nominations by his choice of Leon Holmes for the bench, when it is the one being radical, going back or decades to find words from a much younger Leon Holmes that fail to show the proper reverence for the politically correct gods of today.

In the process, the Post has ignored the legal acumen and philosophical learning that the mature Leon Holmes has demonstrated day after day, year after year, in his career and life. Forget all that; the Post is determined to crucify this nominee even if it has to use old, rusty nails. It takes a couple of stray quotes and equates them with the man's whole career. A neat trick, if a low one.

A confession: In recent years we've found ourselves growing soft on the Post's editorial page; on its good days it started to look like one of those old-fashioned liberal organs not beyond the reach of reason. Clearly we were mistaken.

When the chance to do a little borking came up, the Post has leaped at it. As if it couldn't help itself. Even if it means using low means to attain a purely ideological end. Which may be the worst thing about borking; it's habit-forming. Once it becomes ingrained in a paper's character, there's no telling when it will seep out again.

---

**From:** CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>;David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/13/2003 10:01:09 AM  
**Subject:** : Ark. Dem.-Gaz. article supporting Leon Holmes and criticizing Wash. Post editorial against Holmes

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 14:01:09.00  
SUBJECT:: Ark. Dem.-Gaz. article supporting Leon Holmes and criticizing Wash. Post editorial against Holmes  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Here's the highlight: "That borking has become a Washington tradition by now--indeed, an addiction--is illustrated by the sharp but impressively mean-spirited editorial we reprint on today's page from the Washington Post. It's a textbook example of borking; students in political science classes should cut it out and save it, like a ripe specimen of that low art."

The Arkansas Democrat-Gazette, May 13, 2003, Tuesday

Copyright 2003 Little Rock Newspapers, Inc.  
Arkansas Democrat-Gazette (Little Rock, AR)

May 13, 2003, Tuesday

SECTION: ARKANSAS; Pg. 14

LENGTH: 613 words

HEADLINE: EDITORIALS : How to bork a nominee Leon Holmes gets the treatment

BODY:

BORK IS no longer a proper noun in Washington, as in Judge Robert Bork, but a verb. It means to launch a vicious, irrelevant, roundhouse campaign against a judicial nominee, throwing in everything, including a couple of

REV\_00118260

kitchen sinks.

The term stems from the treatment of Judge Bork when he was nominated to the Supreme Court. Not satisfied with relevant criticisms, the judge's more partisan critics reached back to criticize everything he'd said or done from approximately the age of three, and quite a few things he hadn't.

That borking has become a Washington tradition by now--indeed, an addiction--is illustrated by the sharp but impressively mean-spirited editorial we reprint on today's page from the Washington Post. It's a textbook example of borking; students in political science classes should cut it out and save it, like a ripe specimen of that low art.

Notice that, unable to find anything contemporary to criticize about Little Rock's Leon Holmes--an outstanding scholar, advocate and thinker who has just been nominated to the federal bench--the Post has had to go back years and even decades to dig up any utterance it could use against him, including one that went back to 1980--yes, 1980--and for which he apologized as soon as it was brought to his attention.

The other citation--a quote from Scripture in an article co-written with his wife in April of 1997--is so wrenched out of context that you might never guess it was a philosophical rumination on the Book of Ephesians.

As any smear artist knows, there's no need to go into detail. Especially relevant detail. In this case the innocent reader would be left with no idea of what kind of nominee, or man, Leon Holmes really is. Which is the whole purpose of borking: to make the nominee look like the biggest, scariest menace that ever came down confirmation road. Instead, to quote an informal recommendation from a colleague, Leon Holmes is the kind of guy he'd be willing to shoot dice with over the phone.

The charge that Mr. Holmes is in favor of the subjugation of women would amuse anyone who's ever met Susan Holmes, his wife and co-author, or any of the women in the law for whom he has been mentor, role model, supporter and encourager.

But we're glad to see that the Post has not lost its talent for irony. Alas, in this case it's unintended irony.

For the Post accuses the president of radicalizing judicial nominations by his choice of Leon Holmes for the bench, when it is the one being radical, going back or decades to find words from a much younger Leon Holmes that fail to show the proper reverence for the politically correct gods of today.

In the process, the Post has ignored the legal acumen and philosophical learning that the mature Leon Holmes has demonstrated day after day, year after year, in his career and life. Forget all that; the Post is determined to crucify this nominee even if it has to use old, rusty nails. It takes a couple of stray quotes and equates them with the man's whole career. A neat trick, if a low one.

A confession: In recent years we've found ourselves growing soft on the Post's editorial page; on its good days it started to look like one of those old-fashioned liberal organs not beyond the reach of reason. Clearly we were mistaken.

When the chance to do a little borking came up, the Post has leaped at it. As if it couldn't help itself. Even if it means using low means to attain a purely ideological end. Which may be the worst thing about borking; it's habit-forming. Once it becomes ingrained in a paper's character, there's no telling when it will seep out again.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 5/13/2003 11:47:31 AM  
**Subject:** : Kyl's office just called; really eager to have Campbell on markup Thursday; please try to call Cohen asap

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 15:47:31.00  
SUBJECT:: Kyl's office just called; really eager to have Campbell on markup Thursday;  
please try to call Cohen asap  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ben Wittes <wittesb@washpost.com>  
**Sent:** 5/13/2003 12:00:53 PM  
**Subject:** : Re: from The Hill newspaper

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 16:00:53.00  
SUBJECT:: Re: from The Hill newspaper  
TO:Ben Wittes <wittesb@washpost.com> ( Ben Wittes <wittesb@washpost.com> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

just fyi and thought you would enjoy

Ben Wittes <wittesb@washpost.com>  
05/13/2003 03:38:40 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: from The Hill newspaper

Is the Hill piece just for my info or is there something in it you meant for me to notice specifically?

---

Benjamin Wittes  
Editorial Writer  
The Washington Post  
1150 15th Street, NW  
Washington DC 20071  
phone: 202-334-4134  
fax: 202-334-5269



---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**Sent:** 5/13/2003 4:10:22 PM  
**Subject:** has op-ed been submitted?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**Sent:** 5/13/2003 12:17:21 PM  
**Subject:** : RE: We are checking re breakfast

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 13-MAY-2003 16:17:21.00

SUBJECT: : RE: We are checking re breakfast

TO: "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)"  
<Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

He cannot go.

"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov>

05/13/2003 04:09:51 PM

Record Type: Record

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

cc:

Subject: RE: We are checking re breakfast

Great. The organizers are on board as is Frist if you want him to be the host. Of course the if Pres, even better.

-----Original Message-----

From: Brett\_M.\_Kavanaugh@who.eop.gov

[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]

Sent: Tuesday, May 13, 2003 3:50 PM

To: Miranda, Manuel (Frist)

Subject: We are checking re breakfast

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/13/2003 12:19:00 PM  
**Subject:** : RE: has op-ed been submitted?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 16:19:00.00  
SUBJECT:: RE: has op-ed been submitted?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Have left a message for Gigot and the NYT op-ed page editor(.

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Tuesday, May 13, 2003 4:10 PM  
To: Snee, Ashley  
Subject: has op-ed been submitted?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 5/13/2003 12:36:19 PM  
**Subject:** : can you get me copy of S.878

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 16:36:19.00  
SUBJECT:: can you get me copy of S.878  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Ben Wittes <wittesb@washpost.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/13/2003 12:55:40 PM  
**Subject:** : Re: from The Hill newspaper

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ben Wittes <wittesb@washpost.com> ( Ben Wittes <wittesb@washpost.com> [ UNKNOWN ] )  
CREATION DATE/TIME:13-MAY-2003 16:55:40.00  
SUBJECT:: Re: from The Hill newspaper  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Do you guys have a position on the balanced budget amendment, by the way?

---

Benjamin Wittes  
Editorial Writer  
The Washington Post  
1150 15th Street, NW  
Washington DC 20071  
phone: 202-334-4134  
fax: 202-334-5269

---

**From:** CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/13/2003 1:14:00 PM  
**Subject:** : Chief denies emergency stay

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 17:14:00.00  
SUBJECT:: Chief denies emergency stay  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

FYI, the latest on the campaign finance litigation. The district court's ruling on the stay motions is expected tomorrow at the earliest, according to this article. I am awaiting an update from Paul.

#### Supreme Court Denies Request to Stay Campaign Finance Ruling

Tuesday, May 13, 2003

WASHINGTON—The Supreme Court declined to intervene Tuesday to block part of a lower court's long-delayed ruling on the new campaign finance law, but the move is almost certainly not the high court's last word on the subject.

Chief Justice William H. Rehnquist turned down a request from the National Rifle Association, which had asked the high court to suspend what it calls unconstitutional restrictions on political advertisements by interest groups.

Rehnquist's action was not a ruling on the merits of the NRA's argument, or on the entire lower court pronouncement on the campaign finance law. The Supreme Court is expected to rule eventually on whether the entire law violates the constitutional principle of free speech. Because of unexplained delays in the lower court, that ruling is now unlikely to come before this fall.

Rehnquist did not give a reason for rejecting the NRA's emergency request for a stay, or suspension of a May 2 ruling by lower court judges.

Numerous groups with a stake in campaign fund raising have asked the lower court to put part or all of its ruling on hold, pending a full review by the Supreme Court. The lower court is not expected to rule on those requests until Wednesday at the earliest.

The NRA tried to jump ahead on Monday by asking the Supreme Court to get involved. Rehnquist said the NRA could renew the high court request if the lower court has not acted by May 20.

The NRA says the lower court isn't moving quickly enough, and it has ads it wants to air now.

The lower court ruled unconstitutional a provision of the law barring a range of interest groups, including those financed with corporate and union money, from airing political ads mentioning federal candidates in those candidates' districts the month before a primary and within two months of a general election.

It upheld fallback rules that bar the same groups from airing ads that promote, support, attack or oppose a candidate at any time. It's unclear how far interest groups can go when featuring candidates in ads because the law doesn't define what it means to promote, support, attack or oppose.

If the NRA wins a stay from either court, the 30-60 day ad restrictions would be in effect. The group opposes those too, but says it prefers them to the fallback rules because it's not a congressional election year.

---

**From:** CN=Lauren C. Lobrano/OU=OMB/O=EOP [ OMB ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/13/2003 5:40:10 PM  
**Subject:** : Re: ok on veto message; defer to Leg and DPC

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Lauren C. Lobrano ( CN=Lauren C. Lobrano/OU=OMB/O=EOP [ OMB ] )  
CREATION DATE/TIME:13-MAY-2003 21:40:10.00  
SUBJECT:: Re: ok on veto message; defer to Leg and DPC  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thx

.



---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/13/2003 2:18:25 PM  
**Subject:** : Can you speak to a group of Hispanics on Judges at 2 tomorrow?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 18:18:25.00  
SUBJECT:: Can you speak to a group of Hispanics on Judges at 2 tomorrow?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Kavanaugh, Brett M.  
**To:** <Grubbs, Wendy J.>  
**Sent:** 5/13/2003 8:11:23 PM  
**Subject:** Kuhl

Just talked to Kuhl. When exactly is best day for her to be here?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Lauren C. Lohrano/OMB/EOP@EOP [ OMB ] <Lauren C. Lohrano>  
**Sent:** 5/13/2003 4:52:27 PM  
**Subject:** : ok on veto message; defer to Leg and DPC

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:13-MAY-2003 20:52:27.00  
SUBJECT:: ok on veto message; defer to Leg and DPC  
TO:Lauren C. Lohrano ( CN=Lauren C. Lohrano/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 5/14/2003 4:46:59 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 08:46:59.00  
SUBJECT: :  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

any word about WSJ??

---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/14/2003 1:24:55 AM  
**Subject:** : OpinionJournal - On the Editorial Page - May 14, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME:14-MAY-2003 05:24:55.00  
SUBJECT:: OpinionJournal - On the Editorial Page - May 14, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003490>

Terror strikes in its breeding ground, Saudi Arabia.  
12:01 a.m. EDT

The Real World BY CLAUDIA ROSETT  
<http://www.opinionjournal.com/columnists/cRosett/?id=110003489>

How communism gave us SARS.  
12:01 a.m. EDT

Extra BY JASON L. RILEY  
<http://www.opinionjournal.com/extra/?id=110003493>

Jayson Blair and the cost of racial preferences.  
12:01 a.m. EDT

Leisure & Arts BY JOHN J. MILLER  
<http://www.opinionjournal.com/la/?id=110003492>

Ray Bradbury's "Fahrenheit 451," 50 years later.  
12:00 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

House of Terror  
There's a reason those bombings took place in Saudi Arabia.  
May 14 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105287455695293500,00.html%3Fmod%3Dopinion>

~~~~~

Euro Up, Dollar Down  
Relax, the common currency is doing fine.  
May 14 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105287503834936500,00.html%3Fmod%3Dopinion>

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Leaving South Korea  
Our Asian friends can't have it both ways any more.  
May 14 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105287522322788000,00.html%3Fmod%3Dopinion>

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#### Commentary

Shut Down North Korea's Nuclear Wal-Mart  
This is the most serious nuclear threat since the Cuban missile crisis.  
By SAMUEL R. BERGER and ROBERT L. GALLUCCI  
May 14 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105287561189646500,00.html%3Fmod%3Dopinion>

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Pirates We Be  
Democratic filibuster treachery ought to be stopped.  
By STEPHEN G. CALABRESI  
May 14 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105287594162194800,00.html%3Fmod%3Dopinion>

~~~~~

Diversity's Stigma  
Jayson Blair and the cost of racial preferences.  
By JASON L. RILEY  
May 14 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105287625043437900,00.html%3Fmod%3Dopinion>

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#### Business World

How to Lift the Curse of Iraqi Oil  
Sell the rights to international companies and give the people stock.  
By HOLMAN W. JENKINS JR.  
May 14 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB10528765546840100,00.html%3Fmod%3Dopinion>

~~~~~

#### Leisure & Arts

The Man Who Sounded the Fire Alarm  
"Fahrenheit 451," 50 years later.  
By JOHN J. MILLER  
May 14 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105288055761123900,00.html%3Fmod%3Dopinion>

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Model Suzy Parker Defined Elegance  
RIP, icon of '50s fashion, Suzy Parker.

By WOODY HOCHSWENDER  
May 14 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105287408523247700,00.html%3Fmod%3Dopinion>

~~~~~

Books  
A Lot of Trouble When He Began to Fight  
"John Paul Jones"  
By ARTHUR HERMAN  
May 14 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105287628144963900,00.html%3Fmod%3Dopinion>

~~~~~

Time Off  
Diversions  
Uncommon Legacies: Native American Art from the Peabody Essex Museum;  
Pacifika -- New York Hawaiian Film Festival.  
May 14 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105278776351999800,00.html%3Fmod%3Dopinion>

~~~~~

International

SARS Backlash at Berkeley  
Irrational actions born of fear have been a hallmark of SARS.  
From The Wall Street Journal Europe  
May 14 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105286780264458700,00.html%3Fmod%3Dopinion>

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The Costs of Not Joining . . .  
There are substantial and growing costs for the U.K. in not joining the euro.  
By RICHARD PORTES  
From The Wall Street Journal Europe  
May 14 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105286393060147200,00.html%3Fmod%3Dopinion>

~~~~~

. . . . Are Nothing to Worry About  
By not joining the euro, Britain avoids a step that would inevitably end in disaster.  
By NORMAN LAMONT  
From The Wall Street Journal Europe  
May 14 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105286496268661700,00.html%3Fmod%3Dopinion>

~~~~~

Arabia's Civil War: Saudis vs. Extremists  
The West must help the Saudi family win this dispute, while putting

pressure on it to reform.  
By DANIEL PIPES  
From The Wall Street Journal Europe  
May 14 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105286569996715600,00.html%3Fmod%3Dopinion>

~~~~~

End of the Line -- or Thin End of the Wedge?  
The foundation hospitals are more toe-in-the-water health-care reform.  
By THERESE RAPHAEL  
From The Wall Street Journal Europe  
May 14 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105286218581649900,00.html%3Fmod%3Dopinion>

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Farewell to a Courageous Thinker  
Li was a leading voice in the movement for democratization in China.  
By LIU JUNNING  
From The Asian Wall Street Journal  
May 14 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105286703936880300,00.html%3Fmod%3Dopinion>

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<http://RealEstateJournal.com>

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**From:** CN=Douglas L. Hoelscher/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/14/2003 6:00:36 AM  
**Subject:** : DHS political activities

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Douglas L. Hoelscher ( CN=Douglas L. Hoelscher/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 10:00:36.00  
SUBJECT:: DHS political activities  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

talked to Libby and she may have talked to you, but the short answer is that they have not yet set their policy. long answer is that it will resemble the policies of DOD, DOS, and DOJ.

---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/14/2003 7:45:10 AM  
**Subject:** : Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 11:45:10.00  
SUBJECT:: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Great. thanks. What time?

Brett M. Kavanaugh  
05/14/2003 11:44:19 AM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

still need this? I can do.

Matthew E. Smith  
05/13/2003 06:16:29 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/14/2003 4:06:02 AM  
**Subject:** : can you come over now?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 08:06:02.00  
SUBJECT:: can you come over now?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;

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**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/14/2003 4:53:21 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 08:53:21.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

No, not yet. However, when there is word, you will be the first to know,  
promise.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, May 14, 2003 8:46 AM  
To: Snee, Ashley  
Subject:

any word about WSJ??

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/14/2003 6:17:12 AM  
**Subject:** : Senate action on Frist proposal

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 14-MAY-2003 10:17:12.00  
SUBJECT: : Senate action on Frist proposal  
TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Lott as Chair of Rules Committee will hold hearing on it on June 5.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 5/14/2003 10:25:28 AM  
**Subject:** : Re: Can you spell Ben's last name for me

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 14:25:28.00  
SUBJECT:: Re: Can you spell Ben's last name for me  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Wittes

Jonathan F. Ganter  
05/14/2003 02:24:41 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Can you spell Ben's last name for me

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/14/2003 10:35:04 AM  
**Subject:** : A courier will take the materials over soon

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 14:35:04.00  
SUBJECT:: A courier will take the materials over soon  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Higgins, Stephen (Judiciary) <Stephen\_Higgins@Judiciary.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/14/2003 6:39:26 AM  
**Subject:** : rush  
**Attachments:** P\_AOLEG003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Higgins, Stephen (Judiciary)" <Stephen\_Higgins@Judiciary.senate.gov> ( "Higgins, Stephen (Judiciary)" <Stephen\_Higgins@Judiciary.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:14-MAY-2003 10:39:26.00

SUBJECT:: rush

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Has Leach called Cohen?

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_AOLEG003\_WHO.TXT\_1>



Has Leach called Cohen?

---

**From:** CN=Leonard B. Rodriguez/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/14/2003 7:08:43 AM  
**Subject:** : Esparza

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Leonard B. Rodriguez ( CN=Leonard B. Rodriguez/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 11:08:43.00  
SUBJECT:: Esparza  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Where are we with this?

----- Forwarded by Leonard B. Rodriguez/WHO/EOP on  
05/14/2003 11:07 AM -----

Leonard B. Rodriguez  
05/13/2003 10:02:53 AM  
Record Type: Record

To: Carolyn Nelson/WHO/EOP@Exchange  
cc:  
bcc: Records Management@EOP  
Subject: Re:

Coming...

Do you know if Brett and the Judge spoke RE: Moctesuma Esparza??

From: Carolyn Nelson/WHO/EOP@Exchange on 05/13/2003 09:43:46 AM  
Record Type: Record

To: Leonard B. Rodriguez/WHO/EOP@EOP  
cc:  
Subject:

Sorry to be a pest, but any luck on dates for the June naturalization  
ceremonies?  
;

---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/14/2003 11:41:34 AM  
**Subject:** RE: campbell/cohen

Any idea what they mean by "touch base"? Call him to see if he needs anything from us re Campbell? He'll be very hostile but I'm happy to do it if it helps.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Wednesday, May 14, 2003 11:32 AM  
**To:** Leitch, David G.  
**Subject:** campbell/cohen

Sen. Kyl's position is that we should not wait for something that is really nothing anyway even in worst-case scenario. Dem Governor is calling Leahy today and former Dem Senator Deconcini is calling Leahy today. Kyl would like us just to touch base with Cohen and then it will be up to Hatch.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>  
**Sent:** 5/14/2003 7:44:47 AM  
**Subject:** : Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 11:44:47.00  
SUBJECT:: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

still need this? I can do.

Matthew E. Smith

05/13/2003 06:16:29 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Brosnahan, Jennifer R.>; <Newstead, Jennifer G.>; <Bartolomucci, H. Christopher>; <Sampson, Kyle>; <Francisco, Noel J.>; <Powell, Benjamin A.>; <Ulyot, Theodore W.>  
**Sent:** 5/14/2003 12:53:50 PM  
**Subject:** Roll Call editorial

Roll Call - EDITORIAL

'Fresh Start?' Nah!

14 May 2003

It would be great if, as President Bush recommended last week, Republicans and Democrats made a "fresh start" on the issue of judicial nominations. Unfortunately, his call for new procedures for nominating and confirming federal judges came on what Republicans were calling "Obstruction Day," and his Rose Garden remarks clearly were designed to put pressure on Democrats who are filibustering two of his appellate court nominees. For these, and other reasons, the chance of a "fresh start" is zero.

The blame for the current impasse rests more heavily on Democrats than on Republicans. It's the Democrats who have escalated the judicial war by making it party policy to filibuster nominations they oppose. So far, they've used the tactic against two Bush selections, Miguel Estrada and Priscilla Owen, but they've indicated they may do so against two more, Carolyn Kuhl and Charles Pickering. Moreover, they defend their right to do so, indicating that what once was regarded as an extraordinary step now will be regular policy.

There's no question that Republicans also bear a share of the blame for politicizing the judicial nomination process. They blocked 60 Clinton nominees by denying them hearings in the Judiciary Committee or by placing "holds" on them to prevent a floor vote. In two cases, some Republicans tried to filibuster but lost cloture votes. Bush, if he were truly interested in making peace in the Senate, could have covered this history in more than one sentence of his Rose Garden statement.

Part of what Bush has proposed to do about what he called "a crisis in the Senate" and "a crisis in our judiciary" makes some sense: Judges planning to retire would give a year's notice, the president would nominate a successor within 180 days and the Senate would process the nomination within another 180 days. However, other procedural reforms being put forward - mainly by Republicans - make no sense in the present environment.

Some GOP Senators want to sue the Senate on the grounds that filibustering nominees is an unconstitutional imposition of a "super-majority" requirement. The courts will never accept the case.

Republicans wisely dropped the so-called "nuclear" option of changing Senate rules on the filibuster question not by the two-thirds vote called for in the rules, but by a majority vote on a ruling from the Parliamentarian. That would have led to total chaos, with Democrats blocking action on any legislation. Republicans now are pushing a third option - a rules change allowing the number of votes required to end a filibuster to fall from 60 to 51 on a fourth cloture vote.

The 60-vote requirement for cloture is not sacrosanct. It was adopted in 1949 to replace a two-thirds requirement. But in the present Senate atmosphere, no rules change will be passed. So, this crisis will continue. It's going to take a decisive election to break it - or a genuine agreement between the parties to make a "fresh start."

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/14/2003 9:02:31 AM  
**Subject:** : Is leonartd leo cleared to see me at 230? Can you.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 13:02:31.00  
SUBJECT:: Is leonartd leo cleared to see me at 230? Can you.  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>  
**Sent:** 5/14/2003 9:02:42 AM  
**Subject:** : Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 13:02:42.00  
SUBJECT:: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Have to cancel. Huge problem??

.

----- Original Message -----  
From:Matthew E. Smith/WHO/EOP  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/14/2003 11:44:33 AM  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

Great. thanks. What time?

Brett M. Kavanaugh  
05/14/2003 11:44:19 AM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

still need this? I can do.

Matthew E. Smith  
05/13/2003 06:16:29 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Can you speak to a group of Hispanics on Judges at 2 tomorrow?





---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** brett m. kavanaugh/who/eop@eop [ WHO ] <brett m. kavanaugh>  
**Sent:** 5/14/2003 9:03:11 AM  
**Subject:** : Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 13:03:11.00  
SUBJECT:: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:brett m. kavanaugh ( CN=brett m. kavanaugh/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can anyone else come over?

Brett M. Kavanaugh  
05/14/2003 01:02:03 PM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

Have to cancel. Huge problem??

.

----- Original Message -----  
From:Matthew E. Smith/WHO/EOP  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/14/2003 11:44:33 AM  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

Great. thanks. What time?

Brett M. Kavanaugh  
05/14/2003 11:44:19 AM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

still need this? I can do.

Matthew E. Smith

05/13/2003 06:16:29 PM

Record Type: Record

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

cc:

Subject: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/14/2003 9:06:35 AM  
**Subject:** : RE: Is leonartd leo cleared to see me at 230? Can you.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 13:06:35.00  
SUBJECT:: RE: Is leonartd leo cleared to see me at 230? Can you.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I'll clear him for you.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, May 14, 2003 1:02 PM  
To: Nelson, Carolyn  
Subject: Is leonartd leo cleared to see me at 230? Can you.

.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>  
**Sent:** 5/14/2003 9:35:59 AM  
**Subject:** : Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 13:35:59.00  
SUBJECT:: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I can come for 15 minutes at 2. Ok?

Matthew E. Smith

05/14/2003 01:02:35 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: brett m. kavanaugh/who/eop@eop  
bcc:  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

Can anyone else come over?

Brett M. Kavanaugh  
05/14/2003 01:02:03 PM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

Have to cancel. Huge problem??

.

----- Original Message -----  
From:Matthew E. Smith/WHO/EOP  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/14/2003 11:44:33 AM  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

Great. thanks. What time?

Brett M. Kavanaugh  
05/14/2003 11:44:19 AM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2  
tomorrow?

still need this? I can do.

Matthew E. Smith

05/13/2003 06:16:29 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Can you speak to a group of Hispanics on Judges at 2  
tomorrow?

---

**From:** Kavanaugh, Brett M.  
**To:** <Bumatay, Patrick J.>  
**Sent:** 5/14/2003 1:35:35 PM  
**Subject:**

Do you have Haines' number?

---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/14/2003 9:36:41 AM  
**Subject:** : Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 13:36:41.00  
SUBJECT:: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

great

Brett M. Kavanaugh  
05/14/2003 01:35:31 PM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

I can come for 15 minutes at 2. Ok?

Matthew E. Smith  
  
05/14/2003 01:02:35 PM  
  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: brett m. kavanaugh/who/eop@eop  
bcc:  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

Can anyone else come over?

Brett M. Kavanaugh  
05/14/2003 01:02:03 PM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

Have to cancel. Huge problem??



.  
----- Original Message -----

From: Matthew E. Smith/WHO/EOP

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

Cc:

Date: 05/14/2003 11:44:33 AM

Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

Great. thanks. What time?

Brett M. Kavanaugh

05/14/2003 11:44:19 AM

Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP

cc:

bcc:

Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

still need this? I can do.

Matthew E. Smith

05/13/2003 06:16:29 PM

Record Type: Record

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

cc:

Subject: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Patrick J. Bumatay/WHO/EOP@Exchange@EOP [ WHO ] <Patrick J. Bumatay>  
**Sent:** 5/14/2003 9:36:22 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 13:36:22.00  
SUBJECT::  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Do you have Haines' number?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>  
**Sent:** 5/14/2003 9:37:28 AM  
**Subject:** : Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 13:37:28.00  
SUBJECT:: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

what room?

Matthew E. Smith

05/14/2003 01:36:06 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

great

Brett M. Kavanaugh  
05/14/2003 01:35:31 PM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

I can come for 15 minutes at 2. Ok?

Matthew E. Smith

05/14/2003 01:02:35 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: brett m. kavanaugh/who/eop@eop  
bcc:  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

Can anyone else come over?

Brett M. Kavanaugh  
05/14/2003 01:02:03 PM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

Have to cancel. Huge problem??

.

----- Original Message -----

From: Matthew E. Smith/WHO/EOP  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/14/2003 11:44:33 AM  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

Great. thanks. What time?

Brett M. Kavanaugh  
05/14/2003 11:44:19 AM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

still need this? I can do.

Matthew E. Smith  
05/13/2003 06:16:29 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Can you speak to a group of Hispanics on Judges at 2 tomorrow?



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Katherine M. Walters/WHO/EOP@EOP [ WHO ] <Katherine M. Walters>  
**Sent:** 5/14/2003 9:39:17 AM  
**Subject:** : agree on not doing the Univision meeting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 13:39:17.00  
SUBJECT:: agree on not doing the Univision meeting  
TO:Katherine M. Walters ( CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/14/2003 9:40:17 AM  
**Subject:** : FW: Memorial Day & Message Meeting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 13:40:17.00  
SUBJECT:: FW: Memorial Day & Message Meeting  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;  
-----Original Message-----  
From: Ritacco, Krista L.  
Sent: Wednesday, May 14, 2003 1:39 PM  
To: Yunker, Jacob H.; Allgood, Lauren K.; Ball, Andrea G.; Barrales, Ruben S.; Bennett, Melissa S.; Besanceney, Brian R.; Buchan, Claire ; Burkhart, Shannon; Burks, Jonathan W.; Campbell, Anne E.; Christie, Ronald I.; Ciafardini, Andrew D.; Conde, Roberta L.; Cooper, Rory S.; DeFrancis, Suzy; Devenish, Nicolle; Douglas, Penny G.; Duffy, Trent D.; Ellison, Kimberly; Eskew, Tucker A.; Figg, Kara G.; Gerdelman, Sue H.; Gillmor, Eleanor L.; Grant, Britt; Gray, Adrian G.; Gray, Ann ; Hager, Henry C; Healy, Erin E.; Hennessey, Keith; Hernandez, Israel; Hughes, Taylor A.; Ingle, Edward; Jackson, Barry S.; Kaplan, Joel; Kozberg, Lindsey C.; Kupfer, Jeffrey F.; Kyle, Ross M.; Lawrimore, Emily A.; Lefkowitz, Jay P.; Lineberry, Stephen M.; Litkenhaus, Colleen; Mallea, Jose; Martin, Catherine J.; McClellan, Scott ; McCord, Lauren; McDonald, Rebekah; McQuade, Vickie A.; Mehlman, Ken; Middlemas, A. Morgan; Millerwise, Jennifer; Millison, Cathy L.; Montiel, Charlotte L.; Nelson, Carolyn; Nipper, Wendy L.; Parell, Christie; Pelletier, Eric C.; Perez, Anna M.; Ralston, Susan B.; Reese, Shelley; Riepenhoff, Allison L.; Rodriguez, Noelia ; Rogers, Edwina C.; Rust, Kathryn E.; Ryun, Catharine A.; Schulte, Gregory L.; Sforza, Scott N.; Smith, Heidi M.; Snee, Ashley; Torgerson, Karin B.; Towey, Jim; Vestewig, Lauren J.; Walters, Katherine M.; Wehner, Peter H.; Westine, Lezlee J.; Williams, Mary C.; Wozniak, Natalie S.  
Subject: Memorial Day & Message Meeting

There will be NO Message Meeting on Monday, May 26 (Memorial Day).

---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/14/2003 9:41:32 AM  
**Subject:** : Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 13:41:32.00  
SUBJECT:: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

450

Brett M. Kavanaugh  
05/14/2003 01:37:00 PM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

what room?

Matthew E. Smith  
  
05/14/2003 01:36:06 PM  
  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

great

Brett M. Kavanaugh  
05/14/2003 01:35:31 PM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

I can come for 15 minutes at 2. Ok?



Matthew E. Smith

05/14/2003 01:02:35 PM

Record Type: Record

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

cc: brett m. kavanaugh/who/eop@eop

bcc:

Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

Can anyone else come over?

Brett M. Kavanaugh

05/14/2003 01:02:03 PM

Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

Have to cancel. Huge problem??

.

----- Original Message -----

From:Matthew E. Smith/WHO/EOP

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

Cc:

Date: 05/14/2003 11:44:33 AM

Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

Great. thanks. What time?

Brett M. Kavanaugh

05/14/2003 11:44:19 AM

Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP

cc:

bcc:

Subject: Re: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

still need this? I can do.

Matthew E. Smith

05/13/2003 06:16:29 PM

REV\_00118374

Record Type: Record

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

cc:

Subject: Can you speak to a group of Hispanics on Judges at 2 tomorrow?

---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**Sent:** 5/14/2003 1:41:04 PM  
**Subject:**

please call Jan Greenburg at Chicago Tribune re Supreme Court story at **PRA 6**

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/14/2003 10:25:13 AM  
**Subject:** : Can you spell Ben's last name for me

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 14:25:13.00  
SUBJECT:: Can you spell Ben's last name for me  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/14/2003 10:54:56 AM  
**Subject:** : Can you still make it?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 14:54:56.00  
SUBJECT:: Can you still make it?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>  
**Sent:** 5/14/2003 10:58:08 AM  
**Subject:** : Re: Can you still make it?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 14:58:08.00  
SUBJECT:: Re: Can you still make it?  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

coming now

Matthew E. Smith

05/14/2003 02:54:20 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Can you still make it?

---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/14/2003 10:59:15 AM  
**Subject:** : Re: Can you still make it?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 14:59:15.00  
SUBJECT:: Re: Can you still make it?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Ruben is going from 3 - 3:15 so if you want to return that last phone call  
to your buddy in the vast right wing conspiracy.

Brett M. Kavanaugh  
05/14/2003 02:57:39 PM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Can you still make it?

coming now

Matthew E. Smith  
  
05/14/2003 02:54:20 PM  
  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Can you still make it?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>  
**Sent:** 5/14/2003 10:59:44 AM  
**Subject:** : Re: Can you still make it?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 14:59:44.00  
SUBJECT:: Re: Can you still make it?  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

ok, do you want me at 3:15 or no need?

Matthew E. Smith

05/14/2003 02:58:39 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Can you still make it?

Ruben is going from 3 - 3:15 so if you want to return that last phone call to your buddy in the vast right wing conspiracy.

Brett M. Kavanaugh  
05/14/2003 02:57:39 PM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Can you still make it?

coming now

Matthew E. Smith

05/14/2003 02:54:20 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Can you still make it?





---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/14/2003 11:01:03 AM  
**Subject:** : Re: Can you still make it?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 15:01:03.00  
SUBJECT:: Re: Can you still make it?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

3:15. Thanks.

Brett M. Kavanaugh  
05/14/2003 02:59:16 PM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Can you still make it?

ok, do you want me at 3:15 or no need?

Matthew E. Smith  
  
05/14/2003 02:58:39 PM  
  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Can you still make it?

Ruben is going from 3 - 3:15 so if you want to return that last phone call to your buddy in the vast right wing conspiracy.

Brett M. Kavanaugh  
05/14/2003 02:57:39 PM  
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Can you still make it?

coming now

Matthew E. Smith

05/14/2003 02:54:20 PM

Record Type: Record

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

cc:

Subject: Can you still make it?

---

**From:** Ulyot, Theodore W.  
**To:** <Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Francisco, Noel J.>;<Bartolomucci, H. Christopher>;<Kavanaugh, Brett M.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Leitch, David G.>  
**Sent:** 5/14/2003 3:28:45 PM  
**Subject:** Executive Order re Iraq & USAID

Did anyone work on the recent EO regarding the Iraq reconstruction and USAID involvement in that effort? If so I have a question for you.

---

**From:** Orr, Christopher J.  
**To:** <Kavanaugh, Brett M.>;<Snee, Ashley>  
**Sent:** 5/14/2003 3:33:05 PM  
**Subject:**

---

**From:** CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>;Brett M. Kavanaugh/WHO  
/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/14/2003 11:36:44 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 15:36:44.00  
SUBJECT::  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Theodore W. Ulliyot/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>  
**Sent:** 5/14/2003 11:41:42 AM  
**Subject:** : Executive Order re Iraq & USAID

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Theodore W. Ulliyot ( CN=Theodore W. Ulliyot/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 15:41:42.00  
SUBJECT:: Executive Order re Iraq & USAID  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Did anyone work on the recent EO regarding the Iraq reconstruction and USAID involvement in that effort? If so I have a question for you.

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/14/2003 11:57:46 AM  
**Subject:** : Conrad is being bugged by his Governor...that is what

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 15:57:46.00  
SUBJECT:: Conrad is being bugged by his Governor...that is what  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

is spurring him to action, so to speak.



---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/14/2003 12:08:51 PM  
**Subject:** : can I come over there verses you coming here?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 16:08:51.00  
SUBJECT:: can I come over there verses you coming here?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;

---

**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>;<Kavanaugh, Brett M.>  
**Sent:** 5/14/2003 4:15:50 PM  
**Subject:** Re: can I come over there verses you coming here?

Have to postpone briefly. Will call.

.

----- Original Message -----

From: Colleen Litkenhaus/WHO/EOP@Exchange

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

Cc:

Date: 05/14/2003 04:09:30 PM

Subject: can I come over there verses you coming here?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Colleen Litkenhaus/WHO/EOP@EOP [ WHO ] <Colleen Litkenhaus>  
**Sent:** 5/14/2003 12:16:41 PM  
**Subject:** : Re: can I come over there verses you coming here?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 14-MAY-2003 16:16:41.00  
SUBJECT:: Re: can I come over there verses you coming here?  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Have to postpone briefly. Will call.

.

----- Original Message -----  
From: Colleen Litkenhaus/WHO/EOP@Exchange  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/14/2003 04:09:30 PM  
Subject: can I come over there verses you coming here?

;

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 5/14/2003 12:53:29 PM  
**Subject:** : Wash Post is interested

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 16:53:29.00  
SUBJECT:: Wash Post is interested  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/14/2003 2:38:53 PM  
**Subject:** : White House Global Messenger - 5/15/03  
**Attachments:** P\_VLLFG003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )

CREATION DATE/TIME:14-MAY-2003 18:38:53.00

SUBJECT:: White House Global Messenger - 5/15/03

TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

(See attached file: GM 5-15-03 FINAL.doc)

THE GLOBAL MESSENGER  
Thursday, May 15, 2003

\*\*\*\*\*KEY POINTS\*\*\*\*\*

\*The United States continues to have strong relations with Saudi Arabia and we are pleased with their cooperation in the ongoing war against terrorism, particularly since September 11th.

\*As with many countries around the world, Saudi Arabia must deal with the fact that it has terrorists inside its country, whose presence is as much a threat to Saudi Arabia as it is to Americans and others who live and work there.

\*The terrorist bombings this week killed not just Americans, but also citizens of other countries.

\*The U.S. is constantly working with nations around the world to urge them to focus on the threat or terrorism and to determine what can be done to combat the threat.

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Daylight. Subject to Change.

1:00 PM White House Briefing  
TBD State Department Briefing

\*\*\*\*\*KEY MIDDLE EAST INITIATIVES\*\*\*\*\*

In his speech on May 9, President Bush outlined proposals for several Middle East initiatives, including:

\*\*Promoting Education and Knowledge\*\*

\*Grow the United States' successful partnership with Morocco and Yemen to expand their girls' and women's literacy programs to other interested countries.

REV\_00118418

\*Partner with countries to help empower parents and local communities to give them a greater voice in how their children are educated.  
\*Building on successful programs in Morocco and Egypt, partner with countries to provide incentives, such as vouchers, to families that send their girls to school.

**\*\*Promoting Freedom and Justice\*\***

The United States proposes to work with partners in the region to:

\*Establish a regional forum on judicial reform.  
\*Establish regional campaign schools to provide training in leadership and organizational skills for women seeking elective office across the region.  
\*Begin media training and media law projects that include participants initially from Algeria, Bahrain, Egypt, Lebanon, Morocco, Saudi Arabia, and Tunisia.  
\*Provide training for new parliamentarians and support for civil society organizations through groups like the National Democratic Institute and International Republican Institute in partnership with organizations in the region.

\*\*\*\*\*LIBERATION UPDATE\*\*\*\*\*

The voices of freedom, now heard across Iraq

For more reactions to Operation Iraqi Freedom, visit "Liberation Update" at:  
<http://www.whitehouse.gov/liberation>

\*\*\*

"It was not the usual start to a new school term. 'Open your books and turn to page four,' the teacher instructed the pupils sitting in the gloom of an unlit classroom. Obediently they flicked through the pages until they reached the familiar photograph of a smiling Saddam Hussein standing in front of an Iraqi flag. 'Now rip it out,' the teacher said, to the astonishment of her pupils."  
The Times (London), 5/14/03

THE WHITE HOUSE  
Office of Global Communications

For more information log on to <http://www.whitehouse.gov/ogc>

\*\*\*\*\*

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The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.

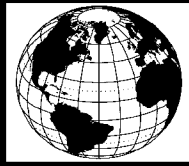
- GM 5-15-03 FINAL.doc  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_VLLFG003\_WHO.TXT\_1>

REV\_00118419



# THE GLOBAL MESSENGER

Thursday, May 15, 2003



## **TODAY'S SCHEDULE**

*All Times Eastern Daylight. Subject to Change*

1:00 PM White House Briefing  
TBD State Department Briefing

## **KEY MIDDLE EAST INITIATIVES**

In his speech on May 9, President Bush outlined proposals for several Middle East initiatives, including:

### **Promoting Education and Knowledge**

- Grow the United States' successful partnership with Morocco and Yemen to expand their girls' and women's literacy programs to other interested countries.
- Partner with countries to help empower parents and local communities to give them a greater voice in how their children are educated.
- Building on successful programs in Morocco and Egypt, partner with countries to provide incentives, such as vouchers, to families that send their girls to school.

### **Promoting Freedom and Justice**

The United States proposes to work with partners in the region to:

- Establish a regional forum on judicial reform.
- Establish regional campaign schools to provide training in leadership and organizational skills for women seeking elective office across the region.
- Begin media training and media law projects that include participants initially from Algeria, Bahrain, Egypt, Lebanon, Morocco, Saudi Arabia, and Tunisia.
- Provide training for new parliamentarians and support for civil society organizations through groups like the National Democratic Institute and International Republican Institute in partnership with organizations in the region.

For more information:

<http://www.whitehouse.gov/news/releases/2003/05/20030509-12.html>

## **KEY POINTS**

- The United States continues to have strong relations with Saudi Arabia and we are pleased with their cooperation in the ongoing war against terrorism, particularly since September 11th.
- As with many countries around the world, Saudi Arabia must deal with the fact that it has terrorists inside its country, whose presence is as much a threat to Saudi Arabia as it is to Americans and others who live and work there.
- The terrorist bombings this week killed not just Americans, but also citizens of other countries.
- The U.S. is constantly working with nations around the world to urge them to focus on the threat or terrorism and to determine what can be done to combat the threat.

## **LIBERATION UPDATE**

*The voices of freedom, now heard across Iraq*

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<http://www.whitehouse.gov/liberation>

\*\*\*

"It was not the usual start to a new school term. 'Open your books and turn to page four,' the teacher instructed the pupils sitting in the gloom of an unlit classroom. Obediently they flicked through the pages until they reached the familiar photograph of a smiling Saddam Hussein standing in front of an Iraqi flag. 'Now rip it out,' the teacher said, to the astonishment of her pupils."

*The Times (London), 5/14/03*

## **THE REACH OF GLOBAL TERROR**

Over 80 nations of the world suffered human loss in the terrorist attacks of September 11, 2001.

**THE WHITE HOUSE**  
**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00118420

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/14/2003 3:05:06 PM  
**Subject:** : judges

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:14-MAY-2003 19:05:06.00

SUBJECT:: judges

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

You and I should get together and talk ling term.



---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>  
**Sent:** 5/14/2003 6:06:46 PM  
**Subject:** : Re: decent Mosman editorial

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:14-MAY-2003 22:06:46.00  
SUBJECT:: Re: decent Mosman editorial  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Very good piece.

.

-----Original Message-----

From: Sampson, Kyle <ksampson@WHO.eop.gov>  
To: Gonzales, Alberto R. <Alberto\_R\_Gonzales@who.eop.gov>; Leitch, David G. <David\_G\_Leitch@who.eop.gov>; Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>  
Sent: Wed May 14 21:22:04 2003  
Subject: decent Mosman editorial

Asked and answered  
The Portland Oregonian  
05/14/03

The Bush administration's nomination of Michael Mosman to a U.S. District Court seat shows that a measure of justice still remains in the increasingly contentious business of filling judicial vacancies. Not only did President Bush make the pick for the federal judgeship, but Democratic Sen. Ron Wyden announced his support for Mosman, too.

The backing in both quarters testifies to the legal talent and judicial temperament that people from Oregon to Washington, D.C., have seen in the current U.S. attorney for Oregon. But the bipartisan support also shows Mosman has allayed concerns about his positions regarding gays or privacy rights.

This probably won't stop questions still being raised, judicial politics being what they are. But anyone who had such questions -- and we initially did -- couldn't help but be assured by Mosman's answers about his work as a Supreme Court clerk for Justice Lewis Powell 17 years ago. All this should be an issue of the past -- and Powell's past, not his clerk's. As for the future, we have no doubt that now that justice has been done in Mosman's case, he'll soon be dispensing it from the bench.

---

**From:** Leitch, David G.  
**To:** <Sampson, Kyle>;<Gonzales, Alberto R.>;<Kavanaugh, Brett M.>  
**Sent:** 5/14/2003 10:06:40 PM  
**Subject:** Re: decent Mosman editorial

Very good piece.

-----Original Message-----

From: Sampson, Kyle  
To: Gonzales, Alberto R. ; Leitch, David G. ; Kavanaugh, Brett M.

Sent: Wed May 14 21:22:04 2003  
Subject: decent Mosman editorial

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---

**From:** OpinionJournal@wsj.com [ UNKNOWN ]  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/15/2003 1:36:12 AM  
**Subject:** : OpinionJournal - On the Editorial Page - May 15, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal@wsj.com ( OpinionJournal@wsj.com [ UNKNOWN ] )  
CREATION DATE/TIME:15-MAY-2003 05:36:12.00  
SUBJECT:: OpinionJournal - On the Editorial Page - May 15, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY ROBERT L. POLLOCK  
<http://www.opinionjournal.com/editorial/?id=110003496>

The party's over. Now America must eject the Baathist bigwigs.  
12:01 a.m. EDT

John Fund's Political Diary  
<http://www.opinionjournal.com/diary/?id=110003495>

Republicans gain in the land of Humphrey and Mondale.  
12:01 a.m. EDT

Leisure & Arts BY MILO C. BEACH  
<http://www.opinionjournal.com/la/?id=110003497>

Look to museums to teach Americans about other peoples.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

The Eyes of Texas  
Why Democrats fled Austin for Oklahoma.  
May 15 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105295671336064600,00.html%3Fmod%3Dopinion>

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The Anschutz Ransom  
The Spitzer "spinning" dragnet gets another scalp.  
May 15 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105295689114197400,00.html%3Fmod%3Dopinion>

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## Genetic Food Fight

Suing the EU over genetically modified crops starts a useful battle.

May 15 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB10529570213077300,00.html%3Fmod%3Dopinion>

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## Commentary

### The Real Saudi Arabia

The latest bombings are only the latest evidence that the Saudis aren't suppressing extremism.

By STEPHEN SCHWARTZ

May 15 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105295787011920400,00.html%3Fmod%3Dopinion>

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### The Euro Also Rises

Why does a weak economy now have a strong currency?

By MELVYN KRAUSS

May 15 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105295878121480300,00.html%3Fmod%3Dopinion>

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## Politics & People

### The New York Times Scandal

Jayson Blair had buzz, but he should've had more obit experience first.

By ALBERT R. HUNT

May 15 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105295545863864300,00.html%3Fmod%3Dopinion>

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## Leisure & Arts

### The Gallery

Jazz Age Exuberance and Classical Poise

"Elie Nadelman: Sculptor of Modern Life," at the Whitney Museum of American Art through July 20.

By ERIC GIBSON

May 15 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105296570435534500,00.html%3Fmod%3Dopinion>

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### Opera

Feminist Qualms in Gilead

"The Handmaid's Tale," performed by the Minnesota Opera at the Ordway Center.

By HEIDI WALESON

May 15 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105296476550406100,00.html%3Fmod%3Dopinion>

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Look to Museums to Bridge the Culture Gap  
"The Legacy of Genghis Khan" reveals some of the most beautiful works of art.

By MILO C. BEACH

May 15 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105296516488949800,00.html%3Fmod%3Dopinion>

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Books

The Man Who Built Big Blue

"The Maverick and His Machine"

By ROGER LOWENSTEIN

May 15 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105296408957165700,00.html%3Fmod%3Dopinion>

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Time Off

Diversions

Leaving for the Country: George Bellows at Woodstock; Uncommon Legacies: Native American Art from the Peabody Essex Museum; and Pacifika -- New York Hawaiian Film Festival.

May 15 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105278776351999800,00.html%3Fmod%3Dopinion>

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International

Good-Bye to the Midas Touch

Very few companies, if any, warrant the government control inherent in "golden shares."

From The Wall Street Journal Europe

May 15 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105294940674214300,00.html%3Fmod%3Dopinion>

~~~~~

Is Belgium Still a U.S. Ally?

The U.S. has no choice but to take the "war crimes" complaint seriously.

From The Wall Street Journal Europe

May 15 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105295051048234400,00.html%3Fmod%3Dopinion>

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**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/15/2003 9:00:58 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:15-MAY-2003 13:00:58.00  
SUBJECT:: Re:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Will you please share supreme court info? I need to pull some leg thoughts together and any reading about past noms or current thoughts/strategies would be most helpful. Thanks.

.

---

**From:** CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/15/2003 5:01:19 AM  
**Subject:** : Question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:15-MAY-2003 09:01:19.00  
SUBJECT:: Question  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Mrs. Cheney is attending the New Hampshire Federation of Republican Women  
Lilac Luncheon on June 3.

They would like to use her photo in their program.

Can we do the drill of ordering a digital photo from the photo office and  
having the NH GOP Federation billed for the cost?

Thanks. -AWD



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alicia W. Davis/WHO/EOP@EOP [ WHO ] <Alicia W. Davis>  
**Sent:** 5/15/2003 5:01:41 AM  
**Subject:** : Re: Question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:15-MAY-2003 09:01:41.00  
SUBJECT:: Re: Question  
TO:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes, that's fine.

Alicia W. Davis  
05/15/2003 09:00:42 AM  
Record Type: Record

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

Mrs. Cheney is attending the New Hampshire Federation of Republican Women  
Lilac Luncheon on June 3.

They would like to use her photo in their program.

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having the NH GOP Federation billed for the cost?

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---

**From:** CN=Kenneth A. Lisaius/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 5/15/2003 5:16:16 AM  
**Subject:** : Seattle P-I

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kenneth A. Lisaius ( CN=Kenneth A. Lisaius/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:15-MAY-2003 09:16:16.00  
SUBJECT:: Seattle P-I  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Is there anyone we can get to write an op-ed for the P-I to counter this column by Joel Connelly.....

In the Northwest: Bush working to tilt federal bench toward the right

By JOEL CONNELLY  
SEATTLE POST-INTELLIGENCER COLUMNIST

A faded button carrying the two-word slogan "FREE WILLY" sits in my dusty collection of campaign memorabilia. It has nothing to do with the movie killer whale of the same name.

The "Willy" here mentioned is William Fletcher, a University of California law professor whose nomination to the 9th U.S. Circuit Court of Appeals by President Clinton was kept in limbo for 2 1/2 years by Senate Republicans.

The example of Fletcher, and two long-delayed 9th Circuit nominees out of Seattle, came to mind last week as cable-TV news channels gave President Bush time to fulminate over Senate Democrats' decision to block two of his most controversial appellate court nominees.

Delays in confirming nominees Priscilla Owen and Miguel Estrada were a "disgrace," Bush intoned. He decried "obstructionist tactics" that "threaten judicial independence."

What is this man so angry about? After all, the Senate has confirmed more than 120 of his judicial nominees. The vacancy rate in the federal court system stands at just 5.7 percent, the lowest in 11 years.

By contrast, just a few years back, as many as 10 of the 28 judgeships on the 9th Circuit went vacant as the GOP-controlled Senate held up a Democratic president's nominations.

The court, with jurisdiction over nine Western states, had a backlog of more than 600 cases.

Could be that Bush is beholden to his political guru. White House political strategist Karl Rove was paid more than \$250,000 in 1994 to oversee Owen's campaign for a seat on the Texas Supreme Court.

Or the president could be displaying stage anger.

Talking up conservative judges is a tried-and-true tactic to get blood and saliva flowing in the right wing of the Republican Party: These elephants never forget and still feel mightily wronged by the Supreme Court confirmation battles of Robert Bork and Clarence Thomas.

The real reason, though, could be a characteristic piece of (to use Rove's

joke nickname) Bush "strategy." The more this president demands, the more insistent he is, the more he gets.

The ordinary citizen ought to tune in to this battle. Basic rights are at stake, from an injured consumer's ability to haul corporations into court, to a citizen's right to due process, to obtaining information from an intensely secretive administration in our capital.

On rare occasions when it is covered by our supine and superficial national media, the fight over judicial nominations is depicted as part of the Washington, D.C., "power game" and an example of "hardball."

So it was a half-dozen years back: GOP Sen. Slade Gorton wanted a voice in filling vacancies to the local federal bench. He played it rough with the Clinton administration, and eventually won a judicial screening committee, its members named equally by Gorton and Democratic Sen. Patty Murray.

The held-up Clinton appointees were anything but ideologues. Margaret McKeown and Ron Gould were partners in the state's largest law firm. Gould was a former president of the Washington State Bar Association. McKeown was an intellectual-property specialist who spent much of her time arguing cases for Nintendo and The Boeing Co.

Fletcher, too, was eventually confirmed to the 9th Circuit, after Republicans insisted that his mother first retire from her seat on the court.

The Bush administration, by contrast, seems out to recast the federal judiciary in an ideological mold with judges picked for their records in upholding state power and overruling corporate accountability. It is nominating younger judges -- the 73-year-old Slade Gorton can't get himself named to the 9th Circuit -- so the imprint will be lasting.

We've yet to see it here. Washington has an outstanding federal bench. Elsewhere, however, conservative judicial activism is very much in vogue.

One of Bush's earliest appointments to the federal bench in Washington, D.C., went to a one-time aide to Whitewater prosecutor Kenneth Starr: The intense Starr subordinate once wanted to hit the White House with sweeping subpoenas to search for Hillary Clinton's old law-firm records.

With his side in power, the new judge ruled that Vice President Dick Cheney was under no obligation to disclose lists of lobbyists and executives who met at the White House with Cheney's energy task force.

The conservative media celebrate Miguel Estrada as a Honduran emigre who rose by his bootstraps. Perhaps so, but he has declined to answer senators' questions on his legal views.

The Bush administration refuses to provide documents on Estrada's legal work, which reportedly show views as far to the right as those of Supreme Court Justice Antonin Scalia.

On a Republican-run Texas Supreme Court, Owen not infrequently dissented against fellow justices, including Alberto Gonzales, now Bush's White House counsel. She delivered a series of opinions advocating restriction of abortion.

It is once life begins, however, that Owen's rulings deserve closest scrutiny.

She took 16 months to write an opinion that reversed a \$30 million damage award to the family of a quadriplegic teenager. The family had argued that negligent seat-belt construction caused his head to be severed from his spine.

In this case, Ford Motor Co. v. Miles, Owen based her decision to order a new trial on a finding of improper venue. The issue of where the case was

brought was neither raised nor argued by either side on appeal.

The boy, Willie Searcy, died while awaiting his new trial.

In the legal world of Priscilla Owen, the right to life may begin at conception. It seems, however, to end at birth.

---

**From:** Paul.P.Colborn@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/15/2003 5:21:37 AM  
**Subject:** : I can talk with you on phone at 11:00

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Paul.P.Colborn@usdoj.gov" <Paul.P.Colborn@usdoj.gov> ( "Paul.P.Colborn@usdoj.gov"  
<Paul.P.Colborn@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME:15-MAY-2003 09:21:37.00

SUBJECT:: I can talk with you on phone at 11:00

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

D

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 5/15/2003 5:30:25 AM  
**Subject:** : RE: rush

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:15-MAY-2003 09:30:25.00  
SUBJECT:: RE: rush  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

fyi. An email from Kyl's guy.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/15/2003 09:29 AM -----

"Higgins, Stephen (Judiciary)" <Stephen\_Higgins@Judiciary.senate.gov>  
05/15/2003 09:22:52 AM  
Record Type: Record

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

Alex? I thought he was going to talk with Cohen. Please call/email  
ASAP (4-1490). Markup will start soon. My boss wants the latest.  
THANKS.

-----Original Message-----  
From: Brett\_M.\_Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Thursday, May 15, 2003 9:04 AM  
To: Higgins, Stephen (Judiciary)  
Subject: Re: rush

He is talking to Alex this a.m.

---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/15/2003 9:43:32 AM  
**Subject:** RE: rush

On the phone with Higgins now.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Thursday, May 15, 2003 9:29 AM  
**To:** Leitch, David G.  
**Subject:** RE: rush

fyi. An email from Kyl's guy.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/15/2003 09:29 AM -----



**"Higgins, Stephen (Judiciary)"**

05/15/2003 09:22:52 AM

Record Type: Record

**To:** Brett M. Kavanaugh/WHO/EOP@EOP  
**cc:**  
**Subject:** RE: rush



Alex? I thought he was going to talk with Cohen. Please call/email ASAP (4-1490). Markup will start soon. My boss wants the latest. THANKS.

-----Original Message-----

**From:** Brett\_M.\_Kavanaugh@who.eop.gov  
[\[mailto:Brett\\_M.\\_Kavanaugh@who.eop.gov\]](mailto:Brett_M._Kavanaugh@who.eop.gov)  
**Sent:** Thursday, May 15, 2003 9:04 AM  
**To:** Higgins, Stephen (Judiciary)  
**Subject:** Re: rush

He is talking to Alex this a.m.

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/15/2003 10:01:21 AM  
**Subject:** : Tax Foundation

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:15-MAY-2003 14:01:21.00  
SUBJECT:: Tax Foundation  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Do you have any comments on the red tag "Foundation of Tax Relief" due at  
12 pm today?

;  
thanks



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Douglas L. Hoelscher/WHO/EOP@EOP [ WHO ] <Douglas L. Hoelscher>  
**Sent:** 5/15/2003 10:26:19 AM  
**Subject:** : Re: your guidance

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:15-MAY-2003 14:26:19.00  
SUBJECT:: Re: your guidance  
TO:Douglas L. Hoelscher ( CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

You may continue to engage in appropriate official activities related to appointments if both DHS and OPA approve.

Douglas L. Hoelscher  
05/15/2003 02:22:06 PM  
Record Type: Record

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

Brett,  
Thanks again for your guidance -- once you send me an e-mail with written guidance I will add it to my personal records.  
-Doug

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/15/2003 10:27:16 AM  
**Subject:** : Rove letter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:15-MAY-2003 14:27:16.00  
SUBJECT:: Rove letter  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,  
;  
;;; do you have language rejecting the S.C. GOP's request for a Rove  
recipe for a cook book they are selling for fundraising purposes?; KR does  
not want to do this.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>  
**Sent:** 5/15/2003 10:31:44 AM  
**Subject:** : Re: Rove letter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:15-MAY-2003 14:31:44.00  
SUBJECT:: Re: Rove letter  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This is not unlawful, so presumably they should say: "Counsel's office has advised me to decline this request."

From: Patrick J. Bumatay/WHO/EOP@Exchange on 05/15/2003 02:27:56 PM  
Record Type: Record

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

Brett,  
;  
;;; do you have language rejecting the S.C. GOP's request for a Rove recipe for a cook book they are selling for fundraising purposes?; KR does not want to do this.

---

**From:** Kristi.L.Remington@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/15/2003 7:31:34 AM  
**Subject:** : fedex

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (  
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:15-MAY-2003 11:31:34.00  
SUBJECT:: fedex  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I need a phone number for FedEx.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>;Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>  
**Sent:** 5/15/2003 11:31:48 AM  
**Subject:** : important to read

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:15-MAY-2003 15:31:48.00  
SUBJECT:: important to read  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

[http://www.economist.com/world/na/displayStory.cfm?story\\_id=1781279](http://www.economist.com/world/na/displayStory.cfm?story_id=1781279)

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>  
**Sent:** 5/15/2003 7:32:46 AM  
**Subject:** : Re: fedex

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 15-MAY-2003 11:32:46.00  
SUBJECT: : Re: fedex  
TO: "Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (  
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

301-951-8956

"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington  
05/15/2003 11:30:21 AM  
Record Type: Record

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

I need a phone number for FedEx.

---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**Sent:** 5/15/2003 11:33:22 AM  
**Subject:** are you alive

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/15/2003 7:43:43 AM  
**Subject:** : can you send me Wash state and Idaho letters in PDF

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:15-MAY-2003 11:43:43.00  
SUBJECT:: can you send me Wash state and Idaho letters in PDF  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####



---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/15/2003 9:00:56 AM  
**Subject:** : Re: REVISED Ashley: We have sign-off from here; are you ok to send to Wittes/Post?

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:15-MAY-2003 13:00:56.00

SUBJECT:: Re: REVISED Ashley: We have sign-off from here; are you ok to send to Wittes/Post?

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Brett ill call you soon

.

---

**From:** CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/15/2003 9:16:56 AM  
**Subject:** : 4:00 is good

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:15-MAY-2003 13:16:56.00

SUBJECT:: 4:00 is good

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Thursday, May 15, 2003 1:15 PM

To: Leitch, David G.

Cc: Montiel, Charlotte L.

Subject: can we meet at 4:00

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>  
**CC:** <Leitch, David G.>  
**Sent:** 5/15/2003 1:40:36 PM  
**Subject:** we're trying on MD but may be hard to get loop closed today with Gov

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**CC:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 5/15/2003 9:41:35 AM  
**Subject:** : we're trying on MD but may be hard to get loop closed today with Gov

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:15-MAY-2003 13:41:35.00

SUBJECT:: we're trying on MD but may be hard to get loop closed today with Gov

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>  
**Sent:** 5/15/2003 10:17:50 AM  
**Subject:** : Re: Tax Foundation

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:15-MAY-2003 14:17:50.00  
SUBJECT:: Re: Tax Foundation  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

No comments.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 05/15/2003 02:01:53 PM  
Record Type: Record

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

Do you have any comments on the red tag "Foundation of Tax Relief" due at  
12 pm today?  
;  
thanks

---

**From:** Bumatay, Patrick J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/15/2003 2:27:56 PM  
**Subject:** Rove letter

Brett,

do you have language rejecting the S.C. GOP's request for a Rove recipe for a cook book they are selling for fundraising purposes? KR does not want to do this.

**From:** CN=Christie Parell/OU=WHO/O=EOP [ WHO ]  
**To:** Jesse O. Villarreal/WHO/EOP [ WHO ] <Jesse O. Villarreal>; Tevi Troy/WHO/EOP@Exchange [ WHO ] <Tevi Troy>; Sarah Pfeifer/WHO/EOP [ WHO ] <Sarah Pfeifer>; Taylor A. Hughes/WHO/EOP@Exchange [ WHO ] <Taylor A. Hughes>; Brian D. Montgomery/WHO/EOP@Exchange [ WHO ] <Brian D. Montgomery>; Carmen M. Ingwell/WHO/EOP [ WHO ] <Carmen M. Ingwell>; Christie Parell/WHO/EOP [ WHO ] <Christie Parell>; Matthew Koch/WHO/EOP [ WHO ] <Matthew Koch>; Carrie B. Loy/WHO/EOP [ WHO ] <Carrie B. Loy>; Ali H. Tulbah/WHO/EOP [ WHO ] <Ali H. Tulbah>; Edward Ingle/WHO/EOP [ WHO ] <Edward Ingle>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/15/2003 12:01:18 PM  
**Subject:** : Agency FOIA Requests  
**Attachments:** P\_4MQGG003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Christie Parell ( CN=Christie Parell/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:15-MAY-2003 16:01:18.00  
SUBJECT:: Agency FOIA Requests  
TO:Jesse O. Villarreal ( CN=Jesse O. Villarreal/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tevi Troy ( CN=Tevi Troy/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Sarah Pfeifer ( CN=Sarah Pfeifer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Taylor A. Hughes ( CN=Taylor A. Hughes/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Carmen M. Ingwell ( CN=Carmen M. Ingwell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christie Parell ( CN=Christie Parell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew Koch ( CN=Matthew Koch/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carrie B. Loy ( CN=Carrie B. Loy/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ali H. Tulbah ( CN=Ali H. Tulbah/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_4MQGG003\_WHO.TXT\_1>

## AGENCY FOIA REQUESTS

### ***EPA***

During the week of May 5-9, 2003, the Agency received 287 FOIA requests. Of the total, 50 were received in Headquarters. Year-to-date totals are 1,465 for Headquarters and 7,834 agency-wide. Significant FOIA requests received this week include:

- (1) **R. Dobie Langenkamp of the National Energy-Environment Law & Policy Institute** at the University of Tulsa College of Law has requested communications and records concerning contractual and related issues regarding the ARisk Assessment in Indian Country of Abandoned Hazardous Waste Industrial Sites@;
- (2) **Margery Exton of Pesticide Regulatory Affairs** has requested documents regarding the re-registration program underway on the following active ingredients used in wood preservative pesticides: creosote, chromated copper arsenicals (CCA), and pentachlorophenol (PCP);
- (3) **Anita Huslin of *The Washington Post*** has requested EPA civil and criminal enforcement actions in Maryland from 1991 to present;
- (4) **Pat Gallagher of the Sierra Club** has requested information regarding requirements at concentrated animal feeding operations, including Asafe harbor@ agreements or other types of agreements relating to the enforcement of the Clean Air Act and/or Comprehensive Environmental Response, Compensation and Liability Act;
- (5) **David Danelski of *The Press-Enterprise*** has requested minutes of meetings of the Inter-Agency Perchlorate Steering Committee, as well as various other perchlorate records.

### ***DOL***

**Melissa Brennan, Policy Analyst, OMB Watch** is seeking:  
a detailed description of any guidelines or screening processes used in selecting members for the National Advisory Committee on Ergonomics. She also is seeking any correspondence between the agency and the White House regarding the makeup of the National Advisory Committee on Ergonomics and any correspondence or records of communication between the agency and potential National Advisory Committee on Ergonomics members.

### ***HHS***

5/28/03



News Media FOIA Request - *The Los Angeles Times* requested copies of FOIA requests made by Johnson & Johnson, or any of its units, including Ortho Biotech, about Amgen Inc., Aranesp, also called darbepoetin alfa, and Epogen, also called epoetin, and a list of documents made available under the requests for the period January 2001 to April 2003.

## ***DOC***

Received on 05/05/03, from **Eric Jorgensen, Earthjustice**, requesting a copy of all documents relating to the preparation of the March 31, 2003, Initial Draft Addendum to the Endangered Species Act (ESA)-Section 7 Consultation Biological Opinion and Incidental Take Statement of October 2001 concerning groundfish fisheries and Steller sea lions off the coast of Alaska;

Received on 05/05/03, from **David Hogan, Center for Biological Diversity**, requesting records concerning ESA Section 7 regarding Army Corp of Engineers Nationwide;

Received on 05/07/03, from **Michael Ravnitzky, American Lawyer Media**, requesting records/e-mail records regarding USPTO "Concerns" over the filing of 10,000 Patent Applications by Celera Genomics;

Received on 5/9/03, from **Silvio A. Krvaric of The Center for Individual Rights**, requesting copies of (1) the review of the Minority Business Enterprise Program and/or Minority Business Development Agency, and the inventory of other Commerce programs prepared after the decision was rendered in the case of Adarand Constructors, Inc. v. Pena, 515 U.S. 200 (1995); (2) any performance assessments, reviews of performance measurements, and evaluations of the Minority Business Development Agency; and (3) any "intergovernmental partnership" agreements with the Small Business Administration.

## ***DOT***

The National Highway Traffic Safety Administration has received the following FOIA requests:

**Richard Quigley, Senior Deputy Director of the Helmet Law Defense League**, has requested "all documents (and names of persons) authorizing the contents of the testimony of Paul Snodgrass to the Nevada Senate Transportation Committee on April 10, 2003, as it relates to the helmet law repeal bill under consideration [in Nevada] at that time." Mr. Quigley's letter also states that he would "like to address and correct many of the incorrect assertions contained on the NHTSA web site, particularly those that relate to the purported effectiveness of mandatory helmet use by motorcyclists." The agency's response is due by May 30, 2003.

**JK Technologies** has requested copies of "every FOIA request from Bryan Milazzo of NHTSA in the past four years, every FOIA response given to Bryan Milazzo in the past four years [and] all telephone records, electronic mail, [and] written documents to or from Mr. Bryan Milazzo from the Office of Vehicle Safety Compliance (OVSC) during the same time frame." The agency's response is due by June 2, 2003.



---

**From:** Advance <advance@nationalreview.com>  
**To:** Advance <advance@nationalreview.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/15/2003 12:06:38 PM  
**Subject:** : Advance e-copy of National Review's June 2, 2003 Issue

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Advance <advance@nationalreview.com> ( Advance <advance@nationalreview.com> [ UNKNOWN ] )

CREATION DATE/TIME:15-MAY-2003 16:06:38.00

SUBJECT:: Advance e-copy of National Review's June 2, 2003 Issue

TO:Advance <advance@nationalreview.com> ( Advance <advance@nationalreview.com> [ UNKNOWN ] )

READ:UNKNOWN

BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

<http://www.nationalreview.com/advance/advance060203.asp>

1984 in 2003?

By Ramesh Ponnuru

The civil libertarians rarely acknowledge the costs of legal laxity: Restrictions on intelligence gathering may well have impeded the investigation of Zacarias Moussaoui, the "twentieth hijacker," before 9/11. David Cole, one of the movement's favorite law professors, goes so far as to lament that U.S. law makes "mere membership in a terrorist group grounds for exclusion and deportation." Moreover, while civil libertarians may scant the value of Patriot, terrorists do not. Jeffrey Battle, an accused member of a terrorist cell in Portland, complained about Patriot in a recorded phone call that was recently released in court. People were less willing to provide financial support, he said, now that they were more likely to be punished for it.

The Castro News Network

By John J. Miller

"Everyone in Cuba likes [Castro]," Turner told the Washington Post in 2001. That's clearly the impression you would get from watching CNN. During the first five years of the Havana bureau's existence, ordinary Cubans interviewed by the network were six times more likely to express agreement with the regime than they were to disagree with it. That finding comes from a Media Research Center report examining all 212 prime-time news stories produced by the bureau through the first part of 2002. Other data were just as striking: For instance, Castro and his spokesmen were six times more likely than regime critics to provide soundbites for the network, and only seven of the 212 stories focused on dissidents. "CNN," the MRC report concluded, "has allowed itself to become just another component of Fidel Castro's propaganda machine."

A Blind Eye, Still Turned

By Eli Lehrer

For a nation that prides itself on being a human-rights leader, the sheer number of men raped behind bars--240,000 a year according to the activist group Stop Prison Rape--is a black mark. A common corrections-industry estimate is 12,000 rapes per year. Even if this is the actual number, it still represents more rapes than are reported annually against women in New York City, Los Angeles, Philadelphia,

Boston, San Diego, and Phoenix combined. For 18 months now, Congress has been considering the Prison Rape Reduction Act, a bipartisan bill that would take resolute though modest action to ascertain the dimensions of the nation's prison-rape problem and confront it. But despite support from leaders in both parties, and no organized opposition, the bill remains mired in committee.

Grin and Barrett  
By Byron York

Remember Henry Cisneros? Of course; he was the once-rising Democratic star who became Clinton's first secretary of housing and urban development. Here's a tougher one: Remember Linda Medlar? She was Cisneros's mistress--the woman at the center of the scandal that brought him down. Now the bonus question. Remember David Barrett? He was the independent counsel sworn in on May 24, 1995, to investigate allegations that Cisneros lied to the FBI about payments he had made to Medlar. That investigation reached its peak on September 7, 1999, when Cisneros pled guilty to a misdemeanor and agreed to pay a \$10,000 fine. But what few people realize is that, nearly four years after achieving the main objective of his investigation, Barrett is still in business today. His report will likely be finished by the end of the year, a testament either to the corruption of the Clinton administration or to the lunacy of the independent-counsel law. Or, perhaps, both.

Lemrick Nelson and Us  
By Theodore Dalrymple

The entire story fills one with revulsion. Rosenbaum was murdered because he was a member of the same ethnic or social group as the driver of the car that killed the little boy, by someone who killed him because he, the murderer, belonged to the same ethnic group as the little boy; Nelson was acquitted because he belonged to the same ethnic group as members of the jury; members of the murdered man's ethnic group then pressed for a further trial, while the federal appeals court implicitly confirmed the principle that jurors think with their race and the colors of their skin, not with their minds. These attitudes are now so general that the results of struggles over the ethnic composition of juries are thought by lawyers to play a determining role in the outcome of trials, which is why such struggles are often so very bitter. In effect, this is the death of the citizen; it is the retribalization of society.

Solzhenitsyn's World  
By Jay Nordlinger

It was the most notorious commencement speech of the 20th century--and probably the greatest. On June 8, 1978--25 years ago--Aleksandr Solzhenitsyn stood up at Harvard and delivered "A World Split Apart." It featured an unsparing analysis of the West, and its spiritual health. Consider just one of the most famous--or infamous--passages in the speech: "The human soul longs for things higher, warmer, and purer than those offered by today's mass living habits, exemplified by the revolting invasion of publicity, by TV stupor, and by intolerable music." I pause over that phrase "the human soul longs for things higher . . ." It reminds me that Allan Bloom's surprise bestseller, *The Closing of the American Mind*, was originally entitled "Souls Without Longing." As Charles Kesler was to remark in an essay, "Solzhenitsyn was arresting because he spoke of the truth as if it were true."

Homeland Politics

REV\_00118511

By John Fonte

The 2002 elections made it clear that the third pillar of U.S. conservatism, no longer a stepchild, had been restored to a position of equality with the other two. The American Enterprise Institute's polling guru, Karlyn Bowman, points out that Democratic strategist Stanley Greenberg has gathered perhaps the best statistics on that election--and the single most important reason the voters supported the GOP was the need for "the war on terrorism and a strong military." Greenberg's numbers reveal more support for liberal Democratic than conservative Republican positions on taxes and Social Security privatization; but security trumped economics. The Republicans had a 40 percent advantage (59 percent to 19 percent) over Democrats on the question of "which party does a better job" of keeping America strong. How American conservatism confronts the enemy at home and abroad will determine the nature of the new fusionism, just as the internal and external struggle against Communism formed the old fusionism that was ultimately triumphant in the Reagan coalition.

Rank Hypocrisy (Charges)

By Jonah Goldberg

Liberals use the charge of hypocrisy as a cudgel and a gag. When Green says, "There's a compelling case to be made [against Bennett] just on the hypocrisy alone," it sounds like there's a case to be made other than hypocrisy. But there's not. That's it. Hypocrisy is the perfect weapon for liberals--first, because it is uniquely effective against conservatives. "When Hugh Hefner moved out of the Playboy mansion the better to bring up his two young sons," NR's Ramesh Ponnuru observed, "nobody accused him of not living down to his principles." Liberals claim they are not denouncing ideals, merely the false prophets of those ideals. But since we all fall short of the ideal, the two things are identical. To date, none of Bennett's enemies have successfully argued that he wasn't pointing in the right direction--just that he has no right to point that way.

Please, Release Me!

By Ronald Radosh

Since the release of the Soviet-era Venona files began in 1995, the evidence has been clear: The Soviet Union used American Communists and their sympathizers to spy on the United States. During the New Deal, secret Communists attained high-level positions in the government and regularly passed on secrets to the Soviets. Unfortunately, McCarthy's only lasting accomplishment has been to tarnish anti-Communism's reputation. As historian Richard Gid Powers has written, he gave "the enemies of anti-Communism what they had been looking for . . . a contemporary name and face for their old stereotype of the anti-Communist fascist." McCarthy's scattershot charges and obvious bullying allowed many of those who were actually Communists or (like Alger Hiss) Soviet agents to claim that they were simply innocent victims of a witch-hunt. Eventually, it became a badge of honor to have been accused by "McCarthyites," even if the Red-baiters were right.

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Kristi.L.Remington@usdoj.gov [ UNKNOWN ] <Kristi.L.Remington@usdoj.gov>; Dahl, Alex (Judiciary) <Alex\_Dahl@Judiciary.senate.gov>  
**Sent:** 5/15/2003 2:09:47 PM  
**Subject:** :  
**Attachments:** P\_NRYGG003\_WHO.TXT\_1.htm

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:15-MAY-2003 18:09:47.00

SUBJECT::

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Kristi.L.Remington@usdoj.gov ( Kristi.L.Remington@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

TO:"Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov> ( "Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

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The Sanchez plaintiff settled the case. She received some amount from both the doctor and the drug company. The amount of the settlement was not disclosed in court papers.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

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The Sanchez plaintiff settled the case. She received some amount from both the doctor ***and*** the drug company. The amount of the settlement was not disclosed in court papers.

<font size=2 face=Arial> </o:p>

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**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/15/2003 2:16:12 PM  
**Subject:** : White House Global Messenger - 5/16/03  
**Attachments:** P\_MZYGG003\_WHO.TXT\_1.doc

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READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
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(See attached file: GM 5-16-03 FINAL.doc)

THE GLOBAL MESSENGER  
Friday, May 16, 2003

\*\*\*\*\*KEY POINTS FROM AMB. BREMER'S PRESS CONFERENCE, 5/15/03\*\*\*\*\*

\*Across most of Iraq, life is getting better:  
-The regime of fear and oppression is gone;  
-The Shi'a of Iraq can honor their religious traditions for the first time in decades;  
-Town councils and local politicians are already starting to meet and openly and freely select their leaders;  
-Water quality today is better in Basra than it has been for years, and more Iraqis today have access to electricity than ever before.

\*A number of problems still remain, and we will continue to address them - in particular, the problem of law and order in Baghdad.

\*Saddam released some 100,000 prisoners onto the streets last October. Many of these people were political prisoners, but some were violent criminals. It's time these people were put back in jail, and that's where we will put them.

\*Police are now coming back to work, and we're starting to train them. In the old days, they received their orders from on high in Saddam's regime. In the new Iraq, they will answer to the Iraqi people.

\*Those who used their power to repress the Iraqi people are being removed from office. We will soon take further steps to root out Ba'athists and Ba'athism from

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Iraq forever.

\*We will ensure that representations of Saddam Hussein and other Ba'athist symbols are removed systematically from public display. And we will work with the Iraqis to set up a process of bringing Ba'athist officials to justice for their past crimes.

\*The Coalition will work to provide the conditions for Iraqis to govern themselves in the future. We will work with responsible Iraqis to establish a government representative of all Iraqi people.

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Daylight. Subject to Change

11:00 am President Bush meets with the Prime Minister of Norway

12:15 pm White House Briefing

TBD State Department Briefing

\*\*\*\*\*KEY MIDDLE EAST INITIATIVES ON ECONOMIC GROWTH\*\*\*\*\*

In his speech on May 9, President Bush outlined proposals for several Middle East initiatives to reignite economic growth and expand opportunity in the Middle East, including:

\*Build on our free trade agreements with Israel and Jordan to establish a U.S.-Middle East Free Trade Area within a decade.

\*Work with our partners in the region to establish a Middle East finance facility to help small and medium-sized businesses gain access to capital and generate jobs.

\*Reform commercial codes, improve the climate for trade and investment, and strengthen property rights through a new initiative for commercial law in cooperation with U.S. and Middle Eastern law schools and jurists, and business-to-business contacts.

\*Promote transparency in public finances, help countries fight corruption, and support financial sector reforms based on international best practices.

For more information:

<http://www.whitehouse.gov/news/releases/2003/05/20030509-12.html>

\*\*\*\*\*KEY QUOTE\*\*\*\*\*

"As trade expands and knowledge spreads to the Middle East, as women gain a place of equality and respect, as the rule of law takes hold, all peoples of that region will see a new day of justice and a new day of prosperity."  
President Bush, in remarks, 5/9/03

THE WHITE HOUSE  
Office of Global Communications

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For more information log on to <http://www.whitehouse.gov/ogc/>

\*\*\*\*\*

You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.

- GM 5-16-03 FINAL.doc

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File attachment <P\_MZYGG003\_WHO.TXT\_1>



# THE GLOBAL MESSENGER

Friday, May 16, 2003



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*All Times Eastern Daylight. Subject to Change*

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For more information:

<http://www.whitehouse.gov/news/releases/2003/05/20030509-12.html>

## **KEY QUOTE**

“As trade expands and knowledge spreads to the Middle East, as women gain a place of equality and respect, as the rule of law takes hold, all peoples of that region will see a new day of justice and a new day of prosperity.”

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- Across most of Iraq, life is getting better:
  - The regime of fear and oppression is gone;
  - The Shi'a of Iraq can honor their religious traditions for the first time in decades;
  - Town councils and local politicians are already starting to meet and openly and freely select their leaders.
  - Water quality today is better in Basra than it has been for years, and more Iraqis today have access to electricity than ever before.
- A number of problems still remain, and we will continue to address them - in particular, the problem of law and order in Baghdad.
- Saddam released some 100,000 prisoners onto the streets last October. Many of these people were political prisoners, but some were violent criminals. It's time these people were put back in jail, and that's where we will put them.
- Police are now coming back to work, and we're starting to train them. In the old days, they received their orders from on high in Saddam's regime. In the new Iraq, they will answer to the Iraqi people.
- Those who used their power to repress the Iraqi people are being removed from office. We will soon take further steps to root out Ba'athists and Ba'athism from Iraq forever.
- We will ensure that representations of Saddam Hussein and other Ba'athist symbols are removed systematically from public display. And we will work with the Iraqis to set up a process of bringing Ba'athist officials to justice for their past crimes.
- The Coalition will work to provide the conditions for Iraqis to govern themselves in the future. We will work with responsible Iraqis to establish a government representative of all Iraqi people.

**THE WHITE HOUSE**  
**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00118519

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**From:** CN=David S. Addington/OU=OVP/O=EOP [ OVP ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Alberto R. Gonzales/WHO/EOP@EOP [ WHO ] <Alberto R. Gonzales>  
**BCC:** Catherine J. Martin ( Catherine J. Martin/OVP/EOP [ OVP ] ), Courtney S. Elwood ( Courtney S. Elwood/OVP/EOP@Exchange [ OVP ] )  
**Sent:** 5/15/2003 3:50:38 PM  
**Subject:** :

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CREATOR:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP [ OVP ] )

CREATION DATE/TIME:15-MAY-2003 19:50:38.00

SUBJECT::

TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

BCC:Catherine J. Martin ( CN=Catherine J. Martin/OU=OVP/O=EOP [ OVP ] )

READ:UNKNOWN

BCC:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Wanted you to be aware that Judicial Watch today filed a lawsuit against the U.S. Senate alleging unconstitutional failure to take action with respect to judicial nominees.

Here's the prayer for relief (as if he had a prayer with this):

WHEREFORE, Plaintiff Judicial Watch, Inc. respectfully requests that the Court enter judgment against Defendants:

(1) declaring that Senate Rules XXII and V are unconstitutional as applied to

judicial nominees, pursuant to 28 U.S.C. § 2201;

(2) enjoining Defendants from continuing to prevent votes on the nominations

of former Assistant Solicitor General Estrada and Justice Owen; and

(3) granting any and all other relief the Court deems just and proper.

Press release and complaint are available at  
[http://www.judicialwatch.org/051403\\_PR.shtml](http://www.judicialwatch.org/051403_PR.shtml)

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>  
**Sent:** 5/15/2003 5:46:17 PM  
**Subject:** : any word from ehrlich's staff?

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CREATION DATE/TIME:15-MAY-2003 21:46:17.00  
SUBJECT:: any word from ehrlich's staff?  
TO:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
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**From:** CN=Katherine M. Walters/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/15/2003 6:50:41 PM  
**Subject:** : President's Dinner

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CREATION DATE/TIME:15-MAY-2003 22:50:41.00  
SUBJECT:: President's Dinner  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

As last year, I am arranging tickets for WH staff members to attend the President's dinner on 5/21. I am dealing directly with the organization, not anyone who has purchased tables. Is that fine?

thanks

ps- would you like to attend?

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/16/2003 1:22:32 AM  
**Subject:** : OpinionJournal - On the Editorial Page - May 16, 2003

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CREATION DATE/TIME:16-MAY-2003 05:22:32.00  
SUBJECT:: OpinionJournal - On the Editorial Page - May 16, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
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From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003505>

Lord Bremer of Mesopotamia takes command.  
12:01 a.m. EDT

Wonder Land BY DANIEL HENNINGER  
<http://www.opinionjournal.com/columnists/dhenninger/?id=110003506>

This economy's worst problem is that it's so dull.  
12:01 a.m. EDT

Extra BY L. PAUL BREMER III  
<http://www.opinionjournal.com/extra/?id=110003504>

The antiterror advice President Clinton should have followed.  
12:01 a.m. EDT

On the Taste Page  
<http://opinionjournal.com/taste/>

A study that supposedly validates "diversity" may do just the opposite.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Contracts, California-Style  
Gray Davis is a busy man.  
May 16 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105304782415060300,00.html%3Fmod%3Dopinion>

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The Bremer Regency  
The Lord of Mesopotamia takes command.  
May 16 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105304749469726300,00.html%3Fmod%3Dopinion>

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House Hunting Online  
How regulators are hampering the American dream in California.  
May 16 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105304764487890600,00.html%3Fmod%3Dopinion>

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Commentary

Let Us Inspect Everywhere  
UNMOVIC can stop the spread of WMD.  
By HANS BLIX  
May 16 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105304679962304000,00.html%3Fmod%3Dopinion>

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An Unfair Grade for Vouchers  
Some people dwell on emptiness even in glasses that are three-quarters full.  
By JAY P. GREENE  
May 16 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105304733981768800,00.html%3Fmod%3Dopinion>

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The Americas

Peronism Lives On  
You won't have Carlos Menem to kick around anymore.  
By MARY ANASTASIA O'GRADY  
May 16 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105304586653392100,00.html%3Fmod%3Dopinion>

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Wonder Land

This Economy's Worst Sin  
Animal spirits? Yeah, if the animal is a tree sloth.  
By DANIEL HENNINGER  
May 16 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105304617285215200,00.html%3Fmod%3Dopinion>

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International

Britain's Rekindled Debate  
The euro debate, and the broader debate on Europe, should not be delayed.  
From The Wall Street Journal Europe  
May 16 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105303932550886200,00.html%3Fmod%3Dopinion>



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New Europe, New World  
America's cultivation of its new allies in Central Europe isn't just  
symbolic.  
From The Wall Street Journal Europe  
May 16 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105304011676933700,00.html%3Fmod%3Dopinion>

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Belgium Will Pay for This Election  
Giveaways and demagoguery cannot substitute for real political vision.  
By JOHAN VAN OVERTVELDT  
From The Wall Street Journal Europe  
May 16 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105303786182842600,00.html%3Fmod%3Dopinion>

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What's 'Moral' About Europe's Balkan Snubs?  
Europe cannot afford the costs of non-engagement in the Balkans.  
By ANNE METTLER  
From The Wall Street Journal Europe  
May 16 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105303716911046500,00.html%3Fmod%3Dopinion>

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Playing Politics With Health  
The country playing politics is China, not Taiwan.  
By HUGO RESTALL  
From The Wall Street Journal Europe  
May 16 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105303550134153700,00.html%3Fmod%3Dopinion>

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Make WHO Truly Global  
Taiwan is expressly barred from membership in the WHO.  
By SHIING-JER TWU  
From The Asian Wall Street Journal  
May 16 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105303612450207100,00.html%3Fmod%3Dopinion>

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**From:** CN=Harriet Miers/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/16/2003 4:03:38 AM  
**Subject:** : Brett could you please call Harriet 62702

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CREATOR:Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:16-MAY-2003 08:03:38.00  
SUBJECT:: Brett could you please call Harriet 62702  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
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**From:** CN=Matthew A. Schlapp/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/16/2003 5:07:57 AM  
**Subject:** : Re: any word from ehrlich's staff?

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CREATOR:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:16-MAY-2003 09:07:57.00  
SUBJECT:: Re: any word from ehrlich's staff?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
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he called last night. I will call now

Brett M. Kavanaugh  
05/15/2003 09:45:41 PM  
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP  
cc:  
Subject: any word from ehrlich's staff?

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>  
**Sent:** 5/16/2003 9:52:22 AM  
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##### Begin Original ARMS Header #####  
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SUBJECT:: RE:  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

nothing major. will call you.

From: David G. Leitch/WHO/EOP@Exchange on 05/16/2003 01:41:42 PM  
Record Type: Record

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

What are you hearing?

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Friday, May 16, 2003 1:19 PM  
To: Leitch, David G.; Sampson, Kyle  
Subject:

think one of you two may want to gently remind folks that what President says in his meetings stays in his meetings.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Steve.Colloton@usdoj.gov <Steve.Colloton@usdoj.gov>  
**Sent:** 5/16/2003 10:47:16 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:16-MAY-2003 14:47:16.00  
SUBJECT:: Re:  
TO:"Steve.Colloton@usdoj.gov" <Steve.Colloton@usdoj.gov> ( "Steve.Colloton@usdoj.gov"  
<Steve.Colloton@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

yes, definitely.

"Steve.Colloton@usdoj.gov" <Steve.Colloton  
05/16/2003 02:24:24 PM  
Record Type: Record

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

Looks like I may be able to meet with Sen. Harkin in DC on Thursday morning. Would you have time for dinner on Wed?

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/16/2003 11:08:03 AM  
**Subject:** Judge is looking for you.

---

**From:** CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/16/2003 7:28:03 AM  
**Subject:** : Announcement today: Bush-Cheney, Inc. '04

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:16-MAY-2003 11:28:03.00  
SUBJECT:: Announcement today: Bush-Cheney, Inc. '04  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

----- Forwarded by Collister W. Johnson/WHO/EOP on  
05/16/2003 11:27 AM -----

Collister W. Johnson  
05/16/2003 11:27:00 AM  
Record Type: Record

To:  
cc:  
Subject: Announcement today: Bush-Cheney, Inc. '04

The formation of Bush-Cheney '04, Inc. will be announced later today. The announcement will name the campaign's leadership team, including Campaign Manager Ken Mehlman, Finance Chairman Mercer Reynolds, Finance Vice Chair Jack Oliver, and Treasurer David Herndon. That leadership team and all involved look forward to working together with supporters on this important effort.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Collister W. Johnson/WHO/EOP@EOP [ WHO ] <Collister W. Johnson>  
**Sent:** 5/16/2003 7:32:33 AM  
**Subject:** : Re: Announcement today: Bush-Cheney, Inc. '04

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:16-MAY-2003 11:32:33.00  
SUBJECT:: Re: Announcement today: Bush-Cheney, Inc. '04  
TO:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I would either delete last sentence or send from political email address.

Collister W. Johnson  
05/16/2003 11:27:25 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Announcement today: Bush-Cheney, Inc. '04

----- Forwarded by Collister W. Johnson/WHO/EOP on  
05/16/2003 11:27 AM -----

Collister W. Johnson  
05/16/2003 11:27:00 AM  
Record Type: Record

To:  
cc:  
Subject: Announcement today: Bush-Cheney, Inc. '04

The formation of Bush-Cheney '04, Inc. will be announced later today. The announcement will name the campaign's leadership team, including Campaign Manager Ken Mehlman, Finance Chairman Mercer Reynolds, Finance Vice Chair Jack Oliver, and Treasurer David Herndon. That leadership team and all involved look forward to working together with supporters on this important effort.

---

**From:** Chris Kilmer <ckilmer@cato.org>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/16/2003 8:11:57 AM  
**Subject:** : Cato Institute Forum: Ashcroft's U-Turn: Suing Big Tobacco for a Quarter Trillion Bucks  
**Attachments:** P\_AXLHG003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Chris Kilmer <ckilmer@cato.org> ( Chris Kilmer <ckilmer@cato.org> [ UNKNOWN ] )  
CREATION DATE/TIME:16-MAY-2003 12:11:57.00  
SUBJECT:: Cato Institute Forum: Ashcroft's U-Turn: Suing Big Tobacco for a Quarter Trillion Bucks  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Register for the event:  
<http://www.uptilt.com/ct.html?rtr=on&s=77z,2hnr,cla,5ugy,fzos,ahs0,10cr>  
Media Inquiries: (202) 789-5200  
Radio & TV Contact: Evans Pierre (202) 789-5204

Cato Institute Policy Forum:

Ashcroft's U-Turn:  
Suing Big Tobacco for a Quarter Trillion Bucks

Wednesday May 21, 2003  
11:30 a.m. ?1:00 p.m.

1000 Massachusetts Avenue, N.W.  
Washington, D.C.

Featuring:

Matthew Myers  
President, Campaign for Tobacco-Free Kids

William B. Schultz  
Partner, Zuckerman Spaeder LLP

Robert A. Levy  
Senior Fellow in Constitutional Studies, Cato Institute

Kenneth N. Bass  
Partner, Kirkland & Ellis

Ten months after the tobacco giants and the states settled their differences for a skimpy \$246 billion, the federal government decided that it wanted a piece of the pie. So the Clinton Justice Department filed suit, alleging that industry executives conspired to lie about their product, manipulate nicotine content, and target kids with cigarette ads. Then the Republicans took over. Attorney General John Ashcroft, who opposed the suit as a senator, was reluctant to fund litigation that he deemed too weak for trial. But he's changed his mind. In an astonishing about-face, the Justice Department has now decided to seek an additional \$289 billion in damages, with a trial planned for next year if the industry doesn't cave. Why the reversal? Is the multi-billion-dollar pot just too enticing for the cash-strapped feds? Or is there a real need for one more round in the government's anti-tobacco campaign? Please join us for a vigorous debate on health, public policy, and the rule of law.

----The Cato Institute is a nonpartisan public policy research foundation

REV\_00118554

dedicated to broadening policy debate consistent with the traditional American principles of individual liberty, limited government, free markets, and peace.

To unsubscribe, send an email to: unsubscribe-16318@uptilt.com with the address: brett\_m.\_kavanaugh@who.eop.gov in the subject line.  
- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_AXLHG003\_WHO.TXT\_1>

Register for the event: <http://www.cato.org/events/030521pf.html>

Media Inquiries: (202) 789-5200

Radio & TV Contact: Evans Pierre (202) 789-5204

## The Cato Institute

### Policy Forum

## *Ashcroft's U-Turn:*

## *Suing Big Tobacco for a Quarter Trillion Bucks*

Wednesday May 21, 2003

11:30 a.m. - 1:00 p.m.

1000 Massachusetts Avenue, N.W.  
Washington, D.C.

### Featuring

Matthew Myers

President, Campaign for Tobacco-Free Kids

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**need for one more round in the government's anti-tobacco campaign? Please join us for a vigorous debate on health, public policy, and the rule of law.**

*The Cato Institute is a nonpartisan public policy research foundation dedicated to broadening policy debate consistent with the traditional American principles of individual liberty, limited government, free markets, and peace.*

**From:** Comisac, RenaJohnson (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
**To:** Abegg, John (McConnell) <John\_Abegg@mccconnell.senate.gov>; Dahl, Alex (Judiciary) <Alex\_Dahl@Judiciary.senate.gov>; Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>; Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] <Brian.A.Benczkowski@usdoj.gov>; Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>; Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>; Ho, James (Judiciary) <James\_Ho@Judiciary.senate.gov>; Delrahim, Makan (Judiciary) <Makan\_Delrahim@Judiciary.senate.gov>; Kristi.L.Remington@usdoj.gov [ UNKNOWN ] <Kristi.L.Remington@usdoj.gov>; Jamie.E.Brown@usdoj.gov [ UNKNOWN ] <Jamie.E.Brown@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/16/2003 8:37:48 AM  
**Subject:** : Judgeships bill  
**Attachments:** P\_SRNHG003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> ( "Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:16-MAY-2003 12:37:48.00  
SUBJECT:: Judgeships bill  
TO:"Abegg, John (McConnell)" <John\_Abegg@mccconnell.senate.gov> ( "Abegg, John (McConnell)" <John\_Abegg@mccconnell.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov> ( "Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brian.A.Benczkowski@usdoj.gov ( Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> ( "Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> ( "Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Kristi.L.Remington@usdoj.gov ( Kristi.L.Remington@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Jamie.E.Brown@usdoj.gov ( Jamie.E.Brown@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The judgeships bill that was reported out of Committee yesterday was S. 878, as amended with a substitute by Senator Feinstein and a second-degree amendment by Senator Biden. The bill as amended:

- \* creates 1 permanent Idaho district judgeship
- \* creates 3 permanent and converts 1 temporary to permanent for E.D. Cal.
- \* creates 1 permanent for S.D. Cal.
- \* creates 2 permanent for D. Arizona
- \* creates 2 permanent and 1 temporary for E.D.N.Y.

- \* creates 1 permanent for D. Utah
- \* creates 1 temporary for N.D. Iowa
- \* creates 1 permanent for N.D. Ala.
- \* creates 1 permanent for D.S.C.
- \* converts 1 temporary to permanent for D. Neb.
- \* creates approx. 36 permanent and temporary  
bankruptcy judgeships

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- att1.htm  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_SRNHG003\_WHO.TXT\_1>

The judgeships bill that was reported out of Committee yesterday was S. 878, as amended with a substitute by Senator Feinstein and a second-degree amendment by Senator Biden. The bill as amended:

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- creates 3 permanent and converts 1 temporary to permanent for E.D. Cal.
- creates 1 permanent for S.D. Cal.
- creates 2 permanent for D. Arizona
- creates 2 permanent and 1 temporary for E.D.N.Y.
- creates 1 permanent for D. Utah
- creates 1 temporary for N.D. Iowa
- creates 1 permanent for N.D. Ala.
- creates 1 permanent for D.S.C.
- converts 1 temporary to permanent for D. Neb.
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---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ulyot, Theodore W.>  
**Sent:** 5/16/2003 12:58:36 PM  
**Subject:** Judgeships bill  
**Attachments:** att1.htm

14 more Article III district court judgeships coming soon!

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/16/2003 12:58 PM -----

"Comisac, RenaJohnson (Judiciary)"

05/16/2003 12:36:07 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Judgeships bill

The judgeships bill that was reported out of Committee yesterday was S.

878, as amended with a substitute by Senator Feinstein and a

second-degree amendment by Senator Biden. The bill as amended:

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- \* creates 3 permanent and converts 1 temporary to

permanent for E.D. Cal.

- \* creates 1 permanent for S.D. Cal.
- \* creates 2 permanent for D. Arizona
- \* creates 2 permanent and 1 temporary for E.D.N.Y.
- \* creates 1 permanent for D. Utah
- \* creates 1 temporary for N.D. Iowa

- \* creates 1 permanent for N.D. Ala.
- \* creates 1 permanent for D.S.C.
- \* converts 1 temporary to permanent for D. Neb.
- \* creates approx. 36 permanent and temporary

bankruptcy judgeships

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- att1.htm <>

Message Sent To:

---

Brett M. Kavanaugh/WHO/EOP@EOP

Wendy J. Grubbs/WHO/EOP@EOP

Jamie.E.Brown@usdoj.gov

Brian.A.Benczkowski@usdoj.gov

Kristi.L.Remington@usdoj.gov

"Duffield, Steven (RPC)"

"Delrahim, Makan (Judiciary)"

"Dahl, Alex (Judiciary)"

"Ho, James (Judiciary)"

"Abegg, John (McConnell)"

"Miranda, Manuel (Frist)"

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- creates 2 permanent for D. Arizona
- creates 2 permanent and 1 temporary for E.D.N.Y.
- creates 1 permanent for D. Utah
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- creates 1 permanent for N.D. Ala.
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---

**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>;<Sampson, Kyle>  
**Sent:** 5/16/2003 1:19:25 PM  
**Subject:**

think one of you two may want to gently remind folks that what President says in his meetings stays in his meetings.

---

**From:** Steve.Colloton@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/16/2003 1:26:42 PM  
**Subject:** : RE:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Steve.Colloton@usdoj.gov" <Steve.Colloton@usdoj.gov> ( "Steve.Colloton@usdoj.gov"  
<Steve.Colloton@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME:16-MAY-2003 17:26:42.00

SUBJECT:: RE:

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Plane arrives DCA at 6 p.m. Could meet at 7 p.m. Where can we get a reasonably private table?

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M\_Kavanaugh@who.eop.gov]  
Sent: Friday, May 16, 2003 1:47 PM  
To: Colloton, Steve  
Subject: Re:

yes, definitely.

(Embedded  
image moved "Steve.Colloton@usdoj.gov" <Steve.Colloton  
to file: 05/16/2003 02:24:24 PM  
pic00067.pcx)

Record Type: Record

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

cc:  
Subject:

Looks like I may be able to meet with Sen. Harkin in DC on Thursday morning.  
Would you have time for dinner on Wed?

REV\_00118577

---

**From:** CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/16/2003 2:17:49 PM  
**Subject:** : nominees

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:16-MAY-2003 18:17:49.00

SUBJECT:: nominees

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Brett - Do you have a master list of all judicial nominees that are pending in the Senate right now?

JB

---

**From:** M.Edward.Whelan@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/16/2003 10:21:57 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"M.Edward.Whelan@usdoj.gov" <M.Edward.Whelan@usdoj.gov> (  
"M.Edward.Whelan@usdoj.gov" <M.Edward.Whelan@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:16-MAY-2003 14:21:57.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Please send any comments you have to both Dan K. and me. I'm going to be tied up in a meeting in David Leitch's office (I think) from 3:00 on. If we need to get this signed today, it may be that Dan could e-mail you the final version and I could sign it over there.

-----Original Message-----  
From: Whelan, M Edward III  
Sent: Friday, May 16, 2003 2:12 PM  
To: 'Kavanaugh, Brett'  
Subject: FW:

Here's the current draft. Comments welcome.

<< File: kavanaugh haddon.wpd >>



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 5/16/2003 10:52:58 AM  
**Subject:** : reminder

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:16-MAY-2003 14:52:58.00  
SUBJECT:: reminder  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

reminder that we need to see WSJ op-ed before Monday

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>  
**Sent:** 5/16/2003 2:57:43 PM  
**Subject:** : Re: nominees

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:16-MAY-2003 18:57:43.00  
SUBJECT:: Re: nominees  
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

<http://www.usdoj.gov/olp/nominations.htm#courtofappeals>

Jennifer R. Brosnahan  
05/16/2003 06:14:46 PM  
Record Type: Record

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

Brett - Do you have a master list of all judicial nominees that are pending in the Senate right now?

JB

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Catherine J. Martin/OVP/EOP@EOP [ OVP ] <Catherine J. Martin>  
**Sent:** 5/16/2003 12:18:07 PM  
**Subject:** : what's kmartin's email

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:16-MAY-2003 16:18:07.00  
SUBJECT:: what's kmartin's email  
TO:Catherine J. Martin ( CN=Catherine J. Martin/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/16/2003 1:21:05 PM  
**Subject:** : Colloton

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 16-MAY-2003 17:21:05.00  
SUBJECT: : Colloton  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

has meeting set up with Sen. Harkin for next week.

---

**From:** Mamo, Jeanie S.  
**To:** <Snee, Ashley>;<Kavanaugh, Brett M.>  
**Sent:** 5/16/2003 5:41:13 PM  
**Subject:** Spartanburg (SC) Herald-Journal (5/15/03) Re: Filibusters multiply as senators frustrate democracy

Posted on May 15, 2003

## **Filibusters multiply as senators frustrate democracy**

Senate Democrats should change the name of their party. Their goal is to frustrate and twist rather than to support the democratic process.

Democracy, as we all know, means putting issues up for a vote. The votes are counted, and the majority rules. That's the process that senators who call themselves Democrats are determined to interrupt.

It started with a filibuster on one of President Bush's judicial nominees. Democratic senators are now filibustering two nominees and threatening to do so to more. The tactic is an unprecedented partisan attack on the constitutional method for selecting judges.

This week, they threw another filibuster into the mix. They don't like a bill that would protect firearm manufacturers and dealers from frivolous lawsuits.

So they are determined to not allow the Senate to vote on the bill.

That's what a filibuster is. It's a tactic to keep debate open forever, so the body never has a chance to vote on the issue. It takes 51 votes to settle an issue in the Senate, but it takes 60 votes to end debate and call for the vote.

Senate Democrats know that Bush's nominees would be confirmed if the Senate voted on them, so they don't allow the vote. They also know that the firearm litigation bill would be approved by the full Senate, so they are filibustering to prevent a vote.

These are not principled stands. Democratic senators oppose Bush's nominees because they suspect them of being too conservative. They oppose the firearm litigation bill because the trial lawyers' lobby opposes it, and trial lawyers give huge sums of money to Democratic campaigns.

But the bill should pass. It would stop the crazy lawsuits in which cities and crime victims sue firearm manufacturers for the cost of gun-related crime.

It would not prevent someone from suing when a defective gun injures someone. It would not prevent legitimate lawsuits. It would simply prohibit cities and gun-control groups from blaming gun manufacturers for the crimes committed by individuals.

This minority rule in the Senate should end. The Senate should change its rules regarding filibusters and restore the ability of the entire body to vote on the issues before it.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Charles Spies - Legal <CSpies@rnchq.org>  
**CC:** paul b. dyck/who/eop@eop [ WHO ] <paul b. dyck>;tom josefiak - legal <tomj@rnchq.org>;tony gius - political <tgius@rnchq.org>  
**Sent:** 5/16/2003 2:17:20 PM  
**Subject:** : RE: VP Event invite

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:16-MAY-2003 18:17:20.00

SUBJECT:: RE: VP Event invite

TO:Charles Spies - Legal <CSpies@rnchq.org> ( Charles Spies - Legal <CSpies@rnchq.org> [ UNKNOWN ] )

READ:UNKNOWN

CC:paul b. dyck ( CN=paul b. dyck/OU=who/O=eop@eop [ WHO ] )

READ:UNKNOWN

CC:tom josefiak - legal <tomj@rnchq.org> ( tom josefiak - legal <tomj@rnchq.org> [ UNKNOWN ] )

READ:UNKNOWN

CC:tony gius - political <tgius@rnchq.org> ( tony gius - political <tgius@rnchq.org> [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Agree. Ok from here.

Charles Spies - Legal <CSpies@rnchq.org>

05/16/2003 05:54:26 PM

Record Type: Record

To: Tony Gius - Political <TGius@rnchq.org>, Paul B. Dyck/WHO/EOP@EOP

cc: Brett M. Kavanaugh/WHO/EOP@EOP, Tom Josefiak - Legal <tomj@rnchq.org>

Subject: RE: VP Event invite

This is fine, because the VP is listed as the "Honored Guest."

Please be careful, however, that the VP does not in any way mention fundraising at the event - if he does, then there is a verbal disclaimer that would he would have to state and/or would need to be posted at the event (because they are raising corporate money and money outside the Federal limits).

- Charlie

-----Original Message-----

From: Tony Gius - Political

Sent: Friday, May 16, 2003 5:09 PM

To: Charles Spies - Legal; Tom Josefiak - Legal

Subject: FW: VP Event invite

can yall work that legal magic. thanks.

tony

REV\_00118670

-----Original Message-----

From: Paul\_B.\_Dyck@who.eop.gov [mailto:Paul\_B.\_Dyck@who.eop.gov]  
Sent: Friday, May 16, 2003 5:04 PM  
To: Tony Gius - Political  
Subject: FW: VP Event invite

please send to legal for approval

----- Forwarded by Paul B. Dyck/WHO/EOP on 05/16/2003  
05:03 PM  
-----

(Embedded  
image moved Henry Barbour <henryb@haleybarbour.com>  
to file: 05/16/2003 03:54:28 PM  
pic26844.pcx)

Please respond to henry@haleybarbour.com

Record Type: Record

To: Paul B. Dyck/WHO/EOP@EOP

cc: 'Shellie Purvis' <shellie@haleybarbour.com>, 'Arnie Hederman'  
<arnie@haleybarbour.com>  
Subject: FW: VP Event invite

Paul: there was a typo, so I have resent the files.

Henry

-----Original Message-----

From: Henry Barbour [mailto:henryb@haleybarbour.com]  
Sent: Friday, May 16, 2003 12:45 PM  
To: 'Paul\_B.\_Dyck@who.eop.gov'  
Cc: 'Arnie Hederman'; 'Shellie Purvis'  
Subject: VP Event invite

Paul:

Here is the invite and reply card for VP approval. We may add host  
names; otherwise, there will be no change to whatever y'all approve.

Thanks,

Henry

REV\_00118671

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 5/16/2003 3:19:50 PM  
**Subject:** : Did we get a final final from WSJ?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:16-MAY-2003 19:19:50.00  
SUBJECT:: Did we get a final final from WSJ?  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####



---

**From:** CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/16/2003 3:26:18 PM  
**Subject:** : Re: nominees

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:16-MAY-2003 19:26:18.00  
SUBJECT:: Re: nominees  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Ah, thanks. Have a good weekend.

.

----- Original Message -----  
From:Brett M. Kavanaugh/WHO/EOP  
To:Jennifer R. Brosnahan/WHO/EOP@EOP  
Cc:  
Date: 05/16/2003 06:57:08 PM  
Subject: Re: nominees

<http://www.usdoj.gov/olp/nominations.htm#courtofappeals>

Jennifer R. Brosnahan  
05/16/2003 06:14:46 PM  
Record Type: Record

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

Brett - Do you have a master list of all judicial nominees that are pending in the Senate right now?

JB

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/16/2003 3:58:43 PM  
**Subject:** : RE: Did we get a final final from WSJ?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:16-MAY-2003 19:58:43.00  
SUBJECT:: RE: Did we get a final final from WSJ?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I sent them what you sent me and they responded with "ok, we got it, thanks" Fear not Brett, and sleep well.

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Friday, May 16, 2003 7:19 PM  
To: Snee, Ashley  
Subject: Did we get a final final from WSJ?

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/17/2003 7:30:39 AM  
**Subject:** : White House Global Messenger - 5/19/03  
**Attachments:** P\_FUCIG003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )

CREATION DATE/TIME:17-MAY-2003 11:30:39.00

SUBJECT:: White House Global Messenger - 5/19/03

TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

(See attached file: GM 5-19-03 FINAL.doc)

THE GLOBAL MESSENGER

Monday, May 19, 2003

\*\*\*\*\*KEY POINTS FROM THE PRESIDENT'S  
WEEKLLY RADIO ADDRESS, 5/17/03\*\*\*\*\*

\*With the liberation of Iraq and Afghanistan, we have removed allies of al-Qaeda, cut off sources of terrorist funding, and made certain that no terrorist network will gain weapons of mass destruction from Saddam Hussein's regime. These two battles were important victories in the larger war on terror.

\*The terrorist attacks in Saudi Arabia, which killed innocent civilians from more than half a dozen countries - including our own - provide a stark reminder that the war on terror continues. The enemies of freedom are not idle, and neither are we.

\*From Pakistan to the Philippines to the Horn of Africa, we are hunting down al-Qaeda killers. Nearly one-half of al-Qaeda's senior operatives have been captured or killed. And we will remain on the hunt until they are all brought to justice.

\*This Nation accepts the responsibilities of keeping the peace. And the best way to keep the peace is to make sure that our military remains second to none.

\*The world has seen the tremendous capabilities of the United States military. With fine allies at their side, American soldiers, sailors, airmen, and Marines used advanced technology to gain historic victories in Iraq and Afghanistan.

REV\_00118677

\*For all the contributions of technology, however, the Battles of Iraq and Afghanistan were won by the skill and courage of well trained, highly motivated men and women.

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Daylight. Subject to Change

9:00am President Bush participates in state arrival ceremony for President and Mr. Arroyo of the Philippines

1:15pm White House Briefing

TBD State Department Briefing

\*\*\*\*\*IN THE PRESIDENT'S WORDS: FIGHTING AIDS\*\*\*\*\*

The US Senate last week passed President Bush's five-year, \$15 billion dollar initiative to help the most afflicted countries in Africa and the Caribbean wage and win the fight against HIV/AIDS. The President announced the plan in his State of the Union address, pressed for it this spring, and hailed its passage on Friday.

\*\*\*

"We will continue to confront, HIV/AIDS in our own country. And to meet a severe and urgent crisis abroad, tonight I propose the Emergency Plan for AIDS Relief - a work of mercy beyond all current international efforts to help the people of Africa."

State of the Union remarks, 1/29/03

\*\*\*

"Today, on the continent of Africa alone nearly 30 million people are living with HIV/AIDS, including 3 million people under the age of 15 years old....We can turn our eyes away in resignation and despair, or we can take decisive, historic action to turn the tide against this disease and give the hope of life to millions who need our help now. The United States of America chooses the path of action and the path of hope."

Remarks on Global HIV/AIDS Initiative, 4/29/03

\*\*\*

"I'm...so pleased that the Senate passed a bill to help ease the suffering on the African continent, as well as in some Caribbean nations. We've got a HIV/AIDS initiative that will help say to the world that the United States is a compassionate country, we care deeply about the suffering that takes place in the world."

Remarks to reporters, 5/16/03

\*\*\*\*\*KEY QUOTE\*\*\*\*\*

"With the discovery this week of mass graves in Iraq we have seen still more evidence of the brutality of that regime. The discovery was still another chilling reminder of why so many nations came together to remove Saddam Hussein from power."

Secretary Rumsfeld, to reporters, 5/15/03

THE WHITE HOUSE  
Office of Global Communications  
For more information log on to  
<http://www.whitehouse.gov/ogc>

\*\*\*\*\*

You have previously expressed interest in obtaining  
news and information from the White House.

The White House Office of Global Communications  
distributes information about the President's  
messages to the world. This office distributes  
updates on major international topics such  
as the global war on terror, the case for regime  
change in Iraq, and more broadly, the ways in  
which we can all better communicate the aspirations  
and interests that Americans share with freedom-loving  
people everywhere.

- GM 5-19-03 FINAL.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_FUCIG003\_WHO.TXT\_1>



# THE GLOBAL MESSENGER

Monday, May 19, 2003



## **TODAY'S SCHEDULE**

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TBD State Department Briefing

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"We will continue to confront, HIV/AIDS in our own country. And to meet a severe and urgent crisis abroad, tonight I propose the Emergency Plan for AIDS Relief -- a work of mercy beyond all current international efforts to help the people of Africa."

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\*\*\*

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**Remarks to reporters, 5/16/03**

## **KEY POINTS FROM THE PRESIDENT'S** **RADIO ADDRESS, 5/17/03**

- With the liberation of Iraq and Afghanistan, we have removed allies of al-Qaeda, cut off sources of terrorist funding, and made certain that no terrorist network will gain weapons of mass destruction from Saddam Hussein's regime. These two battles were important victories in the larger war on terror.
- The terrorist attacks in Saudi Arabia, which killed innocent civilians from more than half a dozen countries – including our own – provide a stark reminder that the war on terror continues. The enemies of freedom are not idle, and neither are we.
- From Pakistan to the Philippines to the Horn of Africa, we are hunting down al-Qaeda killers. Nearly one-half of al-Qaeda's senior operatives have been captured or killed. And we will remain on the hunt until they are all brought to justice.
- This Nation accepts the responsibilities of keeping the peace. And the best way to keep the peace is to make sure that our military remains second to none.
- The world has seen the tremendous capabilities of the United States military. With fine allies at their side, American soldiers, sailors, airmen, and Marines used advanced technology to gain historic victories in Iraq and Afghanistan.
- For all the contributions of technology, however, the Battles of Iraq and Afghanistan were won by the skill and courage of well trained, highly motivated men and women.

## **KEY QUOTE**

"With the discovery this week of mass graves in Iraq we have seen still more evidence of the brutality of that regime. The discovery was still another chilling reminder of why so many nations came together to remove Saddam Hussein from power."

**Secretary Rumsfeld, to reporters, 5/15/03**

**THE WHITE HOUSE**  
**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00118680

---

**From:** Steve.Colloton@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/17/2003 1:47:33 PM  
**Subject:** : Recall:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Steve.Colloton@usdoj.gov" <Steve.Colloton@usdoj.gov> ( "Steve.Colloton@usdoj.gov"  
<Steve.Colloton@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME:17-MAY-2003 17:47:33.00

SUBJECT:: Recall:

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Colloton, Steve would like to recall the message, "".

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Brett M. Kavanaugh/WHO /EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/18/2003 5:14:31 PM  
**Subject:** : Fw:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:18-MAY-2003 21:14:31.00

SUBJECT:: Fw:

TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Here's the Time article on "unassuming Al."

.

-----Original Message-----

From: [REDACTED] PRA 6 >  
To: Leitch, David G. <David\_G.\_Leitch@who.eop.gov>  
Sent: Sun May 18 21:09:36 2003  
Subject:

Monday, May. 26, 2003

Bush's Supreme Challenge

With a court retirement likely, Al Gonzales is a Bush favorite. But is that enough?

By JOHN F. DICKERSON AND VIVECA NOVAK

Even for a White House in which staff members pride themselves on being low-key, Alberto Gonzales is inconspicuous. The flashiest thing he has done recently is briefly regrow his mustache. And yet the modest, Harvard-educated lawyer has a riveting story. The son of migrant workers in Texas, he grew up in a house his dad built, sharing two bedrooms with seven siblings. With no running hot water, the family boiled their bathwater on the stove. No phone meant that Gonzales had to walk to the corner pay phone to call his friends. Even the town's name was Humble. Gonzales, 47, has all the traits of the people George W. Bush brought up from Austin — loyalty, discretion and self-effacement — but his personal history is what really captures the President. "It isn't that Waspy 'Isn't that lovely?' kind of thing," says a source close to Gonzales, "but something the President feels in his heart and soul. He gets emotional about it."

Bush has an almost mystical faith in his ability to take the measure of people by looking them in the eye. Within the next few months, he may be measuring some candidates for a long black robe. It is almost certain that by the end of June, when the Supreme Court adjourns for summer recess, at least one Justice will have announced his or her retirement. Chief Justice William H. Rehnquist, 79, and Justice Sandra Day O'Connor, 73, have expressed a desire to leave. Rehnquist has serious back trouble, and O'Connor would like to return to Arizona with her husband. Both want a Republican President to name their replacement, and they know that retiring in 2004, an election year, would provoke a confirmation storm that could keep the court in limbo for months. Then there's the wild card, John Paul Stevens, 83, a liberal who is likely to stay but is the court's

REV\_00118684



oldest member.

Among the many names floated for the post, no candidate has the President's trust like Gonzales. But the irony is that Bush may have a harder time selling his first choice to his allies than to his antagonists. Democrats, who are locked in a pitched battle with the White House over lower-court nominations, would find it tough to block the first Hispanic nominee to the high court, who has a short and unrevealing record on the bench. They might give him a hard time as payback for his treatment of them while he was White House counsel, but a rejection would play badly with Hispanic voters, whom the Democrats are eager to court.

For conservative Republicans, however, Gonzales is not even on the top10 list. They crave a Justice who is strict and outspoken on core conservative issues, namely abortion and affirmative action, and for them Gonzales is too much of a cipher, perhaps too moderate. "To Bush's core constituency," says Phyllis Schlafly, president of the conservative action group the Eagle Forum, "the appointment to the Supreme Court ranks as the No. 1 issue that they care about. Bush went through the campaign saying his favorite Justices were [Antonin] Scalia and [Clarence] Thomas. We are not going to put up with another [David] Souter." Bush the elder's first Supreme Court pick was Souter, and the fact that he has turned out to be a more liberal Justice than anyone expected deeply upsets conservatives.

The fuss may seem a little curious, given that Bush's nominations to the lower courts have been so solidly planted on the right. In fact, some skeptical conservatives believe that Bush has been true blue on the lower courts in order to pave the way for nominating the more moderate Gonzales. And perhaps to burnish his conservative credentials, Gonzales has helped select and then sell these judicial nominees. He has personally met nearly all the candidates for district and appellate seats and says they are never asked their opinions on any hot-button issues.

Overall, 124 of Bush's judicial nominations have been approved, and the judiciary has its lowest vacancy rate in 13 years. But those numbers belie the intensity of the struggle over the White House selections. Senate Democrats have in recent months filibustered two nominees for appellate-court seats: Priscilla Owen, who is fiercely antiabortion, and Miguel Estrada, who has given Senators too little information about how or what he thinks. Republicans are irate and are considering trying to bar filibusters of judicial nominations.

Despite the laurels Bush wins from his base for seeding the lower courts with judges it considers ideologically correct, the Supreme Court pick is seen in a different league. "It doesn't do any good to pick good lower-court guys and throw the Supreme Court" to a moderate, says conservative activist Grover Norquist. The Supreme Court is the Holy Grail for the right and not to be bargained or traded away. The firmness of conservatives on the high court casts some doubt on one option that White House strategists are considering: elevating Scalia to Chief Justice if Rehnquist leaves, thereby earning enough credit with the right to put Gonzales in the vacancy.

So what's the problem with unassuming Al? Pro-life advocates believe that if the right jurist replaces either O'Connor or Stevens, the court will finally have a chance to overturn Roe v. Wade, the 1973 ruling that established the right to have an abortion. Though Gonzales' views on the matter are not known, opponents cite his vote — and the concurring opinion he wrote — as a Texas Supreme Court judge allowing a girl to use a bypass provision of a state parental notification to get an abortion. "Pro-life conservatives will oppose him for that," says Terry Jeffrey, editor of Human Events, a conservative magazine.

Gonzales opponents also see the White House counsel as having a hidden hand in what they regard as the President's too soft position on the Michigan affirmative-action case. For that case, the White House filed a Supreme Court brief opposing the University of Michigan's admissions

program but did not push to end affirmative action outright. And Gonzales did not help himself with a speech to a group of Evangelical leaders last year in which he did not strongly call for reversing Roe. The rock ribbed just find him squishy. "He is the counsel to a conservative President rather than a conservative counsel to the President," says Clint Bolick, vice president of the libertarian Institute for Justice.

The judge's defenders argue that he has had a strong hand in many issues that have pleased the Republican base: the order setting up military tribunals to try suspected terrorists, the fight with Congress over releasing information about Dick Cheney's energy task force and ending the American Bar Association's role in rating potential judicial nominees. More important, they point out, he's not a legal activist but a strict constructionist — one of the sacred judicial tenets of conservatives. "He was ruling on the existing statute, not legislating," a conservative Washington lawyer says of the Texas abortion ruling. "We've complained about legislating from the bench for years. We can't now start doing it ourselves." On affirmative action, top White House aides say Gonzales was not pushing his own views but finding the legal rationale for what the President believes, which is that race should be a factor in hiring but not the deciding one. It's a rule Bush believes he applied to Gonzales back in 1995 for the first of four jobs that Bush has given him. "Of course it mattered what his ethnicity is," said Bush when he appointed Gonzales to the Texas Supreme Court, "but first and foremost, what mattered is, I've got great confidence in Al. I know him well. He's a good friend."

Gonzales' resume isn't going to provide much fodder for conservatives — or liberals, for that matter — looking to deep-six Bush's close ally. He was a pro-business jurist in Texas for two years but no ideologue on social issues. He spent 13 years at Enron's law firm, Vinson & Elkins, doing deals in the go-go Houston of the 1980s but before the controversial Enron transactions took place. He was generally known as a stick-to-the-law kind of attorney in Bush's office. "Very seldom, if ever, did I hear his personal views on issues," said Terral Smith, who worked with Gonzales in Austin. "He was very careful in staff meetings to stay within the law."

Why should conservative dissent worry a President who is so wildly popular with members of his party? If the President isn't good enough for them, what are they going to do — sign on with Howard Dean? The answer is simple — and plenty scary for the White House. "We'll stay home," says Schlafly.

That is not an idle threat. Since arriving in Washington, political adviser Karl Rove has pointed out that 4 million Evangelicals who voted for Republicans in the G.O.P. congressional rout of 1994 stayed home in 2000, contributing to the closest election in modern history. Bush's displays of faith have brought many of those voters back into the fold, but they are still alert for an apostasy. Rove also wants to attract Hispanic voters. In the case of a Gonzales nomination, his two aims could clash.

Ultimately, what Gonzales has going for him is that Bush has looked him in the eye for years and liked what he has seen. He also seems to like what his support for Gonzales seems to say about himself: that the aristocratic President is an egalitarian guy capable of rewarding up-by-the-bootstraps achievement. All this may be important enough to Bush that he's willing to take some political heat for his loyal pal, whose life story he cited in his second inaugural address as Governor of Texas. "I think of my friend Al Gonzales, recently sworn in as a supreme-court justice," Bush said back in 1999. "His parents reared eight children in a two-bedroom house in Houston. They sacrificed so that their children would have a chance to succeed. Al Gonzales has realized their dream." They are words one can imagine hearing again this summer in the Rose Garden if Bush decides to make another dream come true.

With reporting by Cathy Booth Thomas/Houston

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**From:** Leitch, David G.  
**To:** <Gonzales, Alberto R.>;<Addington, David S.>;<Kavanaugh, Brett M.>  
**Sent:** 5/18/2003 9:15:17 PM  
**Subject:** Fw:

Here's the Time article on "unassuming Al."

-----Original Message-----

From: PRA 6  
To: Leitch, David G.  
Sent: Sun May 18 21:09:36 2003  
Subject:

Monday, May, 26, 2003

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By JOHN F. DICKERSON AND VIVECA NOVAK

Even for a White House in which staff members pride themselves on being low-key, Alberto Gonzales is inconspicuous. The flashiest thing he has done recently is briefly regrow his mustache. And yet the modest, Harvard-educated lawyer has a riveting story. The son of migrant workers in Texas, he grew up in a house his dad built, sharing two bedrooms with seven siblings. With no running hot water, the family boiled their bathwater on the stove. No phone meant that Gonzales had to walk to the corner pay phone to call his friends. Even the town's name was Humble. Gonzales, 47, has all the traits of the people George W. Bush brought up from Austin — loyalty, discretion and self-effacement — but his personal history is what really captures the President. "It isn't that Waspy 'Isn't that lovely?' kind of thing," says a source close to Gonzales, "but something the President feels in his heart and soul. He gets emotional about it."

Bush has an almost mystical faith in his ability to take the measure of people by looking them in the eye. Within the next few months, he may be measuring some candidates for a long black robe. It is almost certain that by the end of June, when the Supreme Court adjourns for summer recess, at least one Justice will have announced his or her retirement. Chief Justice William H. Rehnquist, 79, and Justice Sandra Day O'Connor, 73, have expressed a desire to leave. Rehnquist has serious back trouble, and O'Connor would like to return to Arizona with her husband. Both want a Republican President to name their replacement, and they know that retiring in 2004, an election year, would provoke a confirmation storm that could keep the court in limbo for months. Then there's the wild card, John Paul Stevens, 83, a liberal who is likely to stay but is the court's oldest member.

Among the many names floated for the post, no candidate has the President's trust like Gonzales. But the irony is that Bush may have a harder time selling his first choice to his allies than to his antagonists. Democrats, who are locked in a pitched battle with the White House over lower-court nominations, would find it tough to block the first Hispanic nominee to the high court, who has a short and unrevealing record on the bench. They might give him a hard time as payback for his treatment of them while he was White House counsel, but a rejection would play badly with Hispanic voters, whom the Democrats are eager to court.

For conservative Republicans, however, Gonzales is not even on the top10 list. They crave a Justice who is strict and outspoken on core conservative issues, namely abortion and affirmative action, and for them Gonzales is too much of a cipher, perhaps too moderate. "To Bush's core constituency," says Phyllis Schlafly, president of the conservative action group the Eagle Forum, "the appointment to the Supreme Court ranks as the No. 1 issue that they care about. Bush went through the campaign saying his favorite Justices were [Antonin] Scalia and [Clarence] Thomas. We are not going to put up with another [David] Souter." Bush the elder's first Supreme Court pick was Souter, and the fact that he has turned out to be a more liberal Justice than anyone expected deeply upsets conservatives.

The fuss may seem a little curious, given that Bush's nominations to the lower courts have been so solidly planted on the right. In fact, some skeptical conservatives believe that Bush has been true blue on the lower courts in order to pave the way for nominating the more moderate Gonzales. And perhaps to burnish his conservative credentials, Gonzales has helped select and then sell these judicial nominees. He has personally met nearly all the candidates for district and appellate seats and says they are never asked their opinions on any hot-button issues.

Overall, 124 of Bush's judicial nominations have been approved, and the judiciary has its lowest vacancy rate in 13 years. But those numbers belie the intensity of the struggle over the White House selections. Senate Democrats have in recent months filibustered two nominees for appellate-court seats: Priscilla Owen, who is fiercely antiabortion, and Miguel Estrada, who has given Senators too little information about how or what he thinks. Republicans are irate and are considering trying to bar filibusters of judicial nominations.

Despite the laurels Bush wins from his base for seeding the lower courts with judges it considers ideologically correct, the Supreme Court pick is seen in a different league. "It doesn't do any good to pick good lower-court guys and throw the Supreme Court" to a moderate, says conservative activist Grover Norquist. The Supreme Court is the Holy Grail for the right and not to be bargained or traded away. The firmness of conservatives on the high court casts some doubt on one option that White House strategists are considering: elevating Scalia to Chief Justice if Rehnquist leaves, thereby earning enough credit with the right to put Gonzales in the vacancy.

So what's the problem with unassuming Al? Pro-life advocates believe that if the right jurist replaces either O'Connor or Stevens, the court will finally have a chance to overturn *Roe v. Wade*, the 1973 ruling that established the right to have an abortion. Though Gonzales' views on the matter are not known, opponents cite his vote — and the concurring opinion he wrote — as a Texas Supreme Court judge allowing a girl to use a bypass provision of a state parental notification to get an abortion. "Pro-life conservatives will oppose him for that," says Terry Jeffrey, editor of *Human Events*, a conservative magazine.

Gonzales opponents also see the White House counsel as having a hidden hand in what they regard as the President's too soft position on the Michigan affirmative-action case. For that case, the White House filed a Supreme Court brief opposing the University of Michigan's admissions program but did not push to end affirmative action outright. And Gonzales did not help himself with a speech to a group of Evangelical leaders last year in which he did not strongly call for reversing *Roe*. The rock ribbed just find him squishy. "He is the counsel to a conservative President rather than a conservative counsel to the President," says Clint Bolick, vice president of the libertarian Institute for Justice.

The judge's defenders argue that he has had a strong hand in many issues that have pleased the Republican base: the order setting up military tribunals to try suspected terrorists, the fight with Congress over releasing information about Dick Cheney's energy task force and ending the American Bar Association's role in rating potential judicial nominees. More important, they point out, he's not a legal activist but a strict constructionist — one of the sacred judicial tenets of conservatives. "He was ruling on the existing statute, not legislating," a conservative Washington lawyer says of the Texas abortion ruling. "We've complained about legislating from the bench for years. We can't now start doing it ourselves." On affirmative action, top White House aides say Gonzales was not pushing his own views but finding the legal rationale for what the President believes, which is that race should be a factor in hiring but not the deciding one. It's a rule Bush believes he applied to Gonzales back in 1995 for the first of four jobs that Bush has given him. "Of course it mattered what his ethnicity is," said Bush when he appointed Gonzales to the Texas Supreme Court, "but first and foremost, what mattered is, I've got great confidence in Al. I know him well. He's a good friend."

Gonzales' resume isn't going to provide much fodder for conservatives — or liberals, for that matter — looking to deep-six Bush's close ally. He was a pro-business jurist in Texas for two years but no ideologue on social issues. He spent 13 years at Enron's law firm, Vinson & Elkins, doing deals in the go-go Houston of the 1980s but before the controversial Enron transactions took place. He was generally known as a stick-to-the-law kind of attorney in Bush's office. "Very seldom, if ever, did I hear his personal views on issues," said Terral Smith, who worked with Gonzales in Austin. "He was very careful in staff meetings to stay within the law."

Why should conservative dissent worry a President who is so wildly popular with members of his party? If the President isn't good enough for them, what are they going to do — sign on with Howard Dean? The answer is simple — and plenty scary for the White House. "We'll stay home," says Schlafly.

That is not an idle threat. Since arriving in Washington, political adviser Karl Rove has pointed out that 4 million Evangelicals who voted for Republicans in the G.O.P. congressional rout of 1994 stayed home in 2000, contributing to the closest election in modern history. Bush's displays of faith have brought many of those voters back into the fold, but they are still alert for an apostasy. Rove also wants to attract Hispanic voters. In the case of a Gonzales nomination, his two aims could clash.

Ultimately, what Gonzales has going for him is that Bush has looked him in the eye for years and liked what he has seen. He also seems to like what his support for Gonzales seems to say about himself: that the aristocratic President is an egalitarian guy capable of rewarding up-by-the-bootstraps achievement. All this may be important enough to Bush that he's willing to take some political heat for his loyal pal, whose life story he cited in his second inaugural address as Governor of Texas. "I think of my friend Al Gonzales, recently sworn in as a supreme-court justice," Bush said back in 1999. "His parents reared eight children in a two-bedroom house in Houston. They sacrificed so that their children would have a chance to succeed. Al Gonzales has realized their dream." They are words one can imagine hearing again this summer in the Rose Garden if Bush decides to make another dream come true.

With reporting by Cathy Booth Thomas/Houston



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**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/19/2003 1:34:22 AM  
**Subject:** : OpinionJournal - On the Editorial Page - May 19, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME:19-MAY-2003 05:34:22.00  
SUBJECT:: OpinionJournal - On the Editorial Page - May 19, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY ZACHARY KARABELL  
<http://www.opinionjournal.com/editorial/?id=110003515>

Theocracy in Iraq? Not to worry.  
12:01 a.m. EDT

Thinking Things Over BY ROBERT L. BARTLEY  
<http://www.opinionjournal.com/columnists/rbartley/?id=110003514>

By vetoing rent control, Pataki can help save New York City.  
12:01 a.m. EDT

Extra BY STEVEN DEN BESTE  
<http://www.opinionjournal.com/extra/?id=110003512>

A tribute to the men who make the Information Age military work.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Free the Media Moguls  
If only the FCC would go after Beltway favoritism.  
May 19 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105330686223151500,00.html%3Fmod%3Dopinion>

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Grounded in Baghdad  
Liberated Iraqis get a lesson in bureaucracy, American style.  
May 19 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105330716120652000,00.html%3Fmod%3Dopinion>

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Backfire  
Democrats discover gun control doesn't win elections.  
May 19 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB10533073979322700,00.html%3Fmod%3Dopinion>

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#### Commentary

Time to Vote, Senators

The president's lawyer weighs in against filibusters.

By ALBERTO GONZALES

May 19 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105330594479166100,00.html%3Fmod%3Dopinion>

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Mosque and State

Theocracy in Iraq? Not to worry.

By ZACHARY KARABELL

May 19 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105330666619206300,00.html%3Fmod%3Dopinion>

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#### Rule of Law

The Case for Military Tribunals

Don't force courts to choose between the Constitution and American lives.

By KENDALL COFFEY

May 19 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105330631389866400,00.html%3Fmod%3Dopinion>

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#### Thinking Things Over

New York's Self-Destruction

Pataki's veto pen can help save the city.

By ROBERT L. BARTLEY

May 19 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105330345754178400,00.html%3Fmod%3Dopinion>

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#### International

'Lies and Calumny'

Blaming the press won't salvage French-American goodwill.

From The Wall Street Journal Europe

May 19 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105329634039454100,00.html%3Fmod%3Dopinion>

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#### Constitution Games

The ultimate EU experiment to create transparency, democracy and accountability could breathe life into a new Frankenstein monster.

From The Wall Street Journal Europe

May 19 2003



<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105329717691836900,00.html%3Fmod%3Dopinion>

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Legal Even Without Weapons

Critics are focusing on the U.S. But they miss the point that Saddam deceived the West and denied he had any WMDs.

By DAVID B. RIVKIN, JR. and LEE A. CASEY

From The Wall Street Journal Europe

May 19 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105329359857689600,00.html%3Fmod%3Dopinion>

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From London to Bombay

European financial services companies cut costs by moving out.

By CHRIS GENTLE

From The Wall Street Journal Europe

May 19 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105329790327534900,00.html%3Fmod%3Dopinion>

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Rethinking Japan's Security Posture

The U.S. may place nuclear-powered aircraft carriers in Tokyo Bay, while Japan ominously remembers Hiroshima and Nagasaki.

By GLENN SCHLOSS

From The Asian Wall Street Journal

May 19 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105329057374247800,00.html%3Fmod%3Dopinion>

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REV\_00118693

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>  
**Sent:** 5/19/2003 6:01:15 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 10:01:15.00  
SUBJECT:: RE:  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

What is it to be used for?

From: Colleen Litkenhaus/WHO/EOP@Exchange on 05/19/2003 10:00:23 AM  
Record Type: Record

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

Turns out the RNC is going to pay for it. It is only going to be distributed to Republicans.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Monday, May 19, 2003 9:40 AM  
To: Litkenhaus, Colleen  
Subject:

The House Republican Conference Medicare video can be paid for out of White House funds based on description in your voice mail. But what do they plan to use it for?

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/19/2003 6:18:27 AM  
**Subject:** : RE: are you the best person to come up with answers to these questions?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 10:18:27.00  
SUBJECT:: RE: are you the best person to come up with answers to these questions?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Monday, May 19, 2003 9:45 AM  
To: Litkenhaus, Colleen  
Subject: Re: are you the best person to come up with answers to these questions?

yes on 119, 120, and 121. I think Kim would have 122 but I wonder whether we should be producing such info. (Is this Istook's committee?)

From: Colleen Litkenhaus/WHO/EOP@Exchange on 05/19/2003 09:33:27 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: are you the best person to come up with answers to these questions?

Question 119: If the President gives virtually the same speech at a political event that he gave at an official event in that same city, does the political entity reimburse the White House for the Speechwriters time?

Question 120: Have events been classified as &official8 even if only members of the President,s political party are invited to share the stage with the President?

Question 121: If so, what justification is used to argue that these events were not political events?

Question 122: Please provide information about reimbursement to the White House Office or other government agencies associated with local staff travel to political events attended by the President in FY02 or FY03. For each reimbursement made, please provide the date the bill was generated, the number of events reflected on the bill, the date payment was received, the political entity paying the charges and the total amount paid on each bill.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alicia W. Davis/WHO/EOP@EOP [ WHO ] <Alicia W. Davis>  
**Sent:** 5/19/2003 5:31:19 AM  
**Subject:** : Re: NH Bus

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 09:31:19.00  
SUBJECT:: Re: NH Bus  
TO:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

brother.

Alicia W. Davis  
05/19/2003 09:29:15 AM  
Record Type: Record

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

The driver is putting the bus up for auction on ebay. How do we handle?  
----- Forwarded by Alicia W. Davis/WHO/EOP on 05/19/2003  
09:28 AM -----

Jason Recher  
05/19/2003 09:26:58 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: bus

----- Forwarded by Jason Recher/WHO/EOP on 05/19/2003  
09:25 AM -----

"Grappone, Jeff" <Jeff.Grappone@mail.house.gov>  
05/19/2003 09:23:33 AM  
Record Type: Record

To: Jason Recher/WHO/EOP@EOP, "'BRGOP@attbi.com'" <BRGOP@attbi.com>,  
"'Robb.Thomson@nh.usda.gov'" <Robb.Thomson@nh.usda.gov>  
cc:  
Subject: bus

Bush driver plans to be with president, on new bus, for next

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REV\_00118700

campaign

dewleb

ÿÿ ENFIELD, N.H.(AP) \_ The New Hampshire man who drove President Bush all around the state during his primary campaign in 2000 plans a new road trip with Bush, in a new bus, for his re-election campaign.

ÿÿ John LaBombard, 59, of Enfield, offered his 1995 bus to the Bush campaign as a mobile headquarters for the last campaign, with him at the wheel.

ÿÿ Next month, LaBombard is putting the bus on eBay, the Internet auction site.

ÿÿ ``It's time to get a new one,' ' said LaBombard. He's got his eye set on a 2002 bus in Tennessee, and more campaigning.

ÿÿ ``I plan on going six states or more with the president' ' in the 2004 campaign, he said.

ÿÿ LaBombard met the Bush family through an old friend, and now considers himself part of the Bush team.

ÿÿ ``I went down to a Christmas party (in Washington) last year,' ' he explained. ``(Presidential adviser) Karl Rove gives me a hug and a kiss every time he sees me. It's a tradition of the Bush people.' '

ÿÿ He said Rove told him Bush wants to go back on the road with him.

ÿÿ ``Mention New Hampshire to the president,' ' said LaBombard, ``and the first thing he thinks of is 'Big John'.' ' That's him.

ÿÿ Bush thought enough of LaBombard and the bus, that he included them in his inaugural parade.

ÿÿ LaBombard figures the bus has enough special perks to fetch between \$1 million and \$5 million.

ÿÿ He had it built originally so he and his wife could live in it in Alaska. An old friend who knew the Bush family suggested using it to help out on state campaigns, and eventually Bush hopped aboard after he announced his candidacy and made the bus his campaign headquarters, said LaBombard.

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ŸŸŸAP-ES-05-17-03 1148EDT

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Jeff Grappone

Congressman Charles F. Bass

2421 RayburnBuilding

Washington, DC20515

Phone: (202) 225-5206

Fax: (202) 225-2946

E-mail: Jeff.Grappone@mail.house.gov

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Message Sent

To:

Andrew D. Ciafardini/WHO/EOP@EOP

Alicia W. Davis/WHO/EOP@EOP

Abel Guerra/WHO/EOP@EOP

Todd W. Beyer/WHO/EOP@EOP

Bradley A. Blakeman/WHO/EOP@Exchange@EOP

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**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>  
**Sent:** 5/19/2003 9:40:23 AM  
**Subject:**

The House Republican Conference Medicare video can be paid for out of White House funds based on description in your voice mail. But what do they plan to use it for?



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange@EOP [ WHO ] <Colleen Litkenhaus>  
**Sent:** 5/19/2003 5:42:37 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 09:42:37.00  
SUBJECT: :  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The House Republican Conference Medicare video can be paid for out  
of White House funds based on description in your voice mail. But what do  
they plan to use it for?

---

**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>  
**Sent:** 5/19/2003 10:03:37 AM  
**Subject:** RE:

where will it be shown/used?

From: Colleen Litkenhaus/WHO/EOP@Exchange on 05/19/2003 10:03:56 AM

Record Type: Record

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

cc:

Subject: RE:

My understanding from Krista Ritacco is that it will be used to explain the President's/Republican's Medicare policy.

-----Original Message-----

**From:** Kavanaugh, Brett M.

**Sent:** Monday, May 19, 2003 10:01 AM

**To:** Litkenhaus, Colleen

**Subject:** RE:

What is it to be used for?

From: Colleen Litkenhaus/WHO/EOP@Exchange on 05/19/2003 10:00:23 AM

Record Type: Record

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

cc:

Subject: RE:

Turns out the RNC is going to pay for it. It is only going to be distributed to Republicans.

-----Original Message-----

REV\_00118710

**From:** Kavanaugh, Brett M.

**Sent:** Monday, May 19, 2003 9:40 AM

**To:** Litkenhaus, Colleen

**Subject:**

The House Republican Conference Medicare video can be paid for out of White House funds based on description in your voice mail. But what do they plan to use it for?

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/19/2003 6:10:22 AM  
**Subject:** : FW: Medicare Video

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 10:10:22.00  
SUBJECT:: FW: Medicare Video  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;  
-----Original Message-----  
From: Ritacco, Krista L.  
Sent: Friday, May 16, 2003 9:14 AM  
To: 'ihernandez@georgewbush.com'; Hernandez, Israel  
Cc: Hager, Henry C; Litkenhaus, Colleen; Purcell, Kristopher N.  
Subject: Medicare Video

izzy, got your voice mail.; the house republican conference asked the wh  
(through suzy defrancis) for;a generic;medicare video that they can give  
their members to use when they go back to their districts and hold town  
hall meetings.; i've talked to colleen litkenhaus about whether or not we  
should use wh funds, or ask the hrc (who would most likely ask the rnc) to  
pay, and colleen is checking with counsel's office for their  
recommendation & we'll let you know...

;  
by the way, the taping is currently;on the schedule for tuesday, may 27 at  
3pm.

;  
thanks!

;  
;

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**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/19/2003 6:10:23 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 10:10:23.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

My understanding from Krista Ritacco is that it will be used to explain the President's/Republican's Medicare policy.

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Monday, May 19, 2003 10:01 AM  
To: Litkenhaus, Colleen  
Subject: RE:

What is it to be used for?

From: Colleen Litkenhaus/WHO/EOP@Exchange on 05/19/2003 10:00:23 AM  
Record Type: Record

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

Turns out the RNC is going to pay for it. It is only going to be distributed to Republicans.

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Monday, May 19, 2003 9:40 AM  
To: Litkenhaus, Colleen  
Subject:

The House Republican Conference Medicare video can be paid for out of White House funds based on description in your voice mail. But what do they plan to use it for?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alicia W. Davis/WHO/EOP@EOP [ WHO ] <Alicia W. Davis>  
**Sent:** 5/19/2003 6:32:41 AM  
**Subject:** : Re: NH Bus

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 19-MAY-2003 10:32:41.00  
SUBJECT:: Re: NH Bus  
TO: Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Do we have a relationship with him? I think we should tell him he is free to sell his bus but he should not use the President's name in doing so.

Alicia W. Davis  
05/19/2003 09:29:15 AM  
Record Type: Record

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

The driver is putting the bus up for auction on ebay. How do we handle?  
----- Forwarded by Alicia W. Davis/WHO/EOP on 05/19/2003  
09:28 AM -----

Jason Recher  
05/19/2003 09:26:58 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: bus

----- Forwarded by Jason Recher/WHO/EOP on 05/19/2003  
09:25 AM -----

"Grappone, Jeff" <Jeff.Grappone@mail.house.gov>  
05/19/2003 09:23:33 AM  
Record Type: Record

To: Jason Recher/WHO/EOP@EOP, "'BRGOP@attbi.com'" <BRGOP@attbi.com>,  
"'Robb.Thomson@nh.usda.gov'" <Robb.Thomson@nh.usda.gov>  
cc:  
Subject: bus

REV\_00118715

Bush driver plans to be with president, on new bus, for next

ÿ

campaign

dewleb

ÿÿ ENFIELD, N.H. (AP) \_ The New Hampshire man who drove President Bush all around the state during his primary campaign in 2000 plans a new road trip with Bush, in a new bus, for his re-election campaign.

ÿÿ John LaBombard, 59, of Enfield, offered his 1995 bus to the Bush campaign as a mobile headquarters for the last campaign, with him at the wheel.

ÿÿ Next month, LaBombard is putting the bus on eBay, the Internet auction site.

ÿÿ ``It's time to get a new one,' ' said LaBombard. He's got his eye set on a 2002 bus in Tennessee, and more campaigning.

ÿÿ ``I plan on going six states or more with the president' ' in the 2004 campaign, he said.

ÿÿ LaBombard met the Bush family through an old friend, and now considers himself part of the Bush team.

ÿÿ ``I went down to a Christmas party (in Washington) last year,' ' he explained. `` (Presidential adviser) Karl Rove gives me a hug and a kiss every time he sees me. It's a tradition of the Bush people.' '

ÿÿ He said Rove told him Bush wants to go back on the road with him.

ÿÿ ``Mention New Hampshire to the president,' ' said LaBombard, ``and the first thing he thinks of is 'Big John'.' ' That's him.

ÿÿ Bush thought enough of LaBombard and the bus, that he included them in his inaugural parade.

ÿÿ LaBombard figures the bus has enough special perks to fetch

between \$1 million and \$5 million.

ÿÿ He had it built originally so he and his wife could live in it in Alaska. An old friend who knew the Bush family suggested using it to help out on state campaigns, and eventually Bush hopped aboard after he announced his candidacy and made the bus his campaign headquarters, said LaBombard.

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ÿÿÿAP-ES-05-17-03 1148EDT

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Jeff Grappone

Congressman Charles F. Bass

2421 RayburnBuilding

Washington, DC20515

Phone: (202) 225-5206

Fax: (202) 225-2946

E-mail: Jeff.Grappone@mail.house.gov

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Message Sent

To: \_\_\_\_\_  
Andrew D. Ciafardini/WHO/EOP@EOP  
Alicia W. Davis/WHO/EOP@EOP  
Abel Guerra/WHO/EOP@EOP  
Todd W. Beyer/WHO/EOP@EOP  
Bradley A. Blakeman/WHO/EOP@Exchange@EOP



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>  
**Sent:** 5/19/2003 6:32:41 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 10:32:41.00  
SUBJECT:: RE:  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

where will it be shown/used?

From: Colleen Litkenhaus/WHO/EOP@Exchange on 05/19/2003 10:03:56 AM  
Record Type: Record

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

My understanding from Krista Ritacco is that it will be used to explain the President's/Republican's Medicare policy.

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Monday, May 19, 2003 10:01 AM  
To: Litkenhaus, Colleen  
Subject: RE:

What is it to be used for?

From: Colleen Litkenhaus/WHO/EOP@Exchange on 05/19/2003 10:00:23 AM  
Record Type: Record

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

Turns out the RNC is going to pay for it. It is only going to be distributed to Republicans.

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Monday, May 19, 2003 9:40 AM  
To: Litkenhaus, Colleen  
Subject:

The House Republican Conference Medicare video can be paid for out of White House funds based on description in your voice mail. But what do they plan to use it for?



---

**From:** CN=Matthew A. Schlapp/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/19/2003 7:40:54 AM  
**Subject:** : Spector and Ethics

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 11:40:54.00  
SUBJECT:: Spector and Ethics  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

need to discuss Spector

and need to discuss appropriate way appointees can be involved in any  
campaign

---

**From:** CN=David S. Addington/OU=OVP/O=EOP [ OVP ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/19/2003 12:21:00 PM  
**Subject:** : Re: revised political activity memo

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP [ OVP ] )  
CREATION DATE/TIME:19-MAY-2003 16:21:00.00  
SUBJECT:: Re: revised political activity memo  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett:

Should first sentence be "you must follow" (as opposed to should)?

---

**From:** CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Lindsey C. Kozberg/WHO/EOP@EOP [ WHO ] <Lindsey C. Kozberg>  
**Sent:** 5/19/2003 12:32:53 PM  
**Subject:** : Question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 16:32:53.00  
SUBJECT:: Question  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Lindsey C. Kozberg ( CN=Lindsey C. Kozberg/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can Lindsey Kozberg, on her home computer, pull together some points on  
Freedom Corps-in light of John Kerry's service proposal today?

Is that permissible?

Thanks! -AWD

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/19/2003 1:29:58 PM  
**Subject:** : invitation

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 17:29:58.00  
SUBJECT:: invitation  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I just faxed an invite for the Judge to you. Will you pls look it over and let me know your thoughts?

;  
Thanks

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/19/2003 1:31:18 PM  
**Subject:** : RE: are you on this call?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 17:31:18.00  
SUBJECT:: RE: are you on this call?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Dang it.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Monday, May 19, 2003 5:29 PM  
To: Grubbs, Wendy J.  
Subject: RE: are you on this call?

actually yes

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/19/2003 05:28:00 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: are you on this call?

No..should I be(just got back from another meeting. Are enlightening things being said?

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Monday, May 19, 2003 5:25 PM  
To: Grubbs, Wendy J.  
Subject: are you on this call?

---

**From:** Brosnahan, Jennifer R.  
**To:** <Gonzales, Alberto R.>;<Leitch, David G.>;<Kavanaugh, Brett M.>  
**CC:** <Lefkowitz, Jay P.>;<Schacht, Diana L.>  
**Sent:** 5/19/2003 1:52:08 PM  
**Subject:** campaign finance stay granted

Early reports are that the 3-judge panel of the district court has stayed its decision in full, which means that the statute will operate as written pending appeal to the Supreme Court. No details are available yet, but apparently Judge Leon dissented in part. I will provide updates as I receive them.



---

**From:** CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**CC:** Diana L. Schacht/OPD/EOP@EOP [ OPD ] <Diana L. Schacht>; Jay P. Lefkowitz/OPD/EOP@Exchange@EOP [ OPD ] <Jay P. Lefkowitz>  
**Sent:** 5/19/2003 9:56:06 AM  
**Subject:** : campaign finance stay granted

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 13:56:06.00  
SUBJECT:: campaign finance stay granted  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Early reports are that the 3-judge panel of the district court has stayed its decision in full, which means that the statute will operate as written pending appeal to the Supreme Court. No details are available yet, but apparently Judge Leon dissented in part. I will provide updates as I receive them.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/19/2003 11:09:22 AM  
**Subject:** : from ABC's daily The Note

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 15:09:22.00  
SUBJECT:: from ABC's daily The Note  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Judicial confirmation battles:  
It's a big day for White House counsel Al Gonzales, what with Time touting him as the president's likely choice for an increasingly anticipated SCOTUS opening [LINK](#); the Washington Post profiling him [LINK](#); this hot-off-the-presses Texas Monthly piece [LINK](#); and Judge Gonzales himself penning a Wall Street Journal op-ed on judicial confirmation stand offs generally (with some oppo research befitting the RNC). The New York Times ed board says nominees' positions on gay rights issues should be front and center in the confirmation process. [LINK](#)

---

**From:** CN=Amanda K. Burdick/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/19/2003 11:34:15 AM  
**Subject:** : 2 questions... re: Ken

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Amanda K. Burdick ( CN=Amanda K. Burdick/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 15:34:15.00  
SUBJECT:: 2 questions... re: Ken  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This is on Ken's schedule tomorrow at 2:00  
Regional Appointees Conference (T): "Building Support for President's  
Agenda"  
Is it still appropriate for Ken to speak at? It was a request from Brian  
Montgomery.

Also, Ken wants to know if he is allowed to setup his official mail to  
forward all to his political email.  
Please advise.

Thanks Brett,  
Amanda

---

**From:** CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/19/2003 11:40:32 AM  
**Subject:** : Re: fyi: I am on call

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 15:40:32.00  
SUBJECT:: Re: fyi: I am on call  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

thanks so much; nicely done; see you at 5pm

tsg

Brett M. Kavanaugh  
05/19/2003 03:11:09 PM  
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP, Paul Perkins/WHO/EOP@EOP  
cc:  
Subject: fyi: I am on call

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/19/2003 11:55:29 AM  
**Subject:** : FW: FAA Letter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 15:55:29.00  
SUBJECT:: FW: FAA Letter  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Any comments?

-----Original Message-----

From: Lobrano, Lauren C.  
Sent: Monday, May 19, 2003 3:50 PM  
To: Bumatay, Patrick J.  
Subject: FAA Letter

Does your office have any comments on the revised FAA veto threat letter?  
thanks.

---

**From:** Bumatay, Patrick J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/19/2003 3:56:11 PM  
**Subject:** FW: FAA Letter

Any comments?

-----Original Message-----

**From:** Lobrano, Lauren C.  
**Sent:** Monday, May 19, 2003 3:50 PM  
**To:** Bumatay, Patrick J.  
**Subject:** FAA Letter

Does your office have any comments on the revised FAA veto threat letter? thanks.

---

**From:** Skelly, Layton  
**To:** tcordaro@osophs.dhhs.gov <Gilbert, Alan>;tcordaro@osophs.dhhs.gov <Hall, Philo D.>;paula.stannard@hhs.gov <paula.stannard@hhs.gov>;peter.urbanowicz@hhs.gov <peter.urbanowicz@hhs.gov>;viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>;alex.azar@hhs.gov <alex.azar@hhs.gov>;john.hoff@hhs.gov <john.hoff@hhs.gov>;jennifer.young@hhs.gov <jennifer.young@hhs.gov>;jennifer.young@hhs.gov <Schacht, Diana L.>;jennifer.young@hhs.gov <Jensen, Amy>;jennifer.young@hhs.gov <Loper, Ginger G.>;jennifer.young@hhs.gov <Lefkowitz, Jay P.>;jennifer.young@hhs.gov <Perry, Philip J.>;jennifer.young@hhs.gov <Deleire, Thomas C.>;jennifer.young@hhs.gov <Kavanaugh, Brett M.>;zurawski-paul@dol.gov <zurawski-paul@dol.gov>;zurawski-paul@dol.gov <Young, Tracy>;zurawski-paul@dol.gov <Besanceney, Brian R.>;marc.kesselman@usdoj.gov <marc.kesselman@usdoj.gov>;marc.kesselman@usdoj.gov <Ackerly, Dana>;marc.kesselman@usdoj.gov <Cowdry, Rex>;hazucker@osophs.dhhs.gov <hazucker@osophs.dhhs.gov>;jafar.karim@hhs.gov <jafar.karim@hhs.gov>;jafar.karim@hhs.gov <Kupfer, Jeffrey F.>;jafar.karim@hhs.gov <Lineberry, Stephen M.>  
**CC:** <Grubbs, Wendy J.>;pamela.roller@hhs.gov <pamela.roller@hhs.gov>;joyce.b-moore@hhs.gov <joyce.b-moore@hhs.gov>;marie.belt@hhs.gov <marie.belt@hhs.gov>;marie.belt@hhs.gov <Winland, Emily>;marie.belt@hhs.gov <Vestewig, Lauren J.>;dana.ceasar@hhs.gov <dana.ceasar@hhs.gov>;india.luckett@hhs.gov <india.luckett@hhs.gov>;scriver-langford-lat@dol.gov <scriver-langford-lat@dol.gov>;heather.mcnaught@usdoj.gov <heather.mcnaught@usdoj.gov>;stephanie.wilson@hhs.gov <stephanie.wilson@hhs.gov>;stephanie.wilson@hhs.gov <Stone, Carla B.>;hrobowski-rosita@dol.gov <hrobowski-rosita@dol.gov>;tcordaro@osophs.dhhs.gov <tcordaro@osophs.dhhs.gov>;tcordaro@osophs.dhhs.gov <Skelly, Layton>  
**Sent:** 5/19/2003 4:22:26 PM  
**Subject:** Medical Liability Working Group conf. call

There will be a short medical liability working conference call tomorrow at 10:00 am. Thank you.

395-6392

395801

---

**From:** CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew A. Schlapp/WHO/EOP [ WHO ] <Matthew A. Schlapp>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/19/2003 4:26:19 PM  
**Subject:** : Arlen Specter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 20:26:19.00  
SUBJECT:: Arlen Specter  
TO:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett and Schlapp-  
Please let me know how you want to proceed on this. I am happy to deliver the "please play nice" message with this, but would like to do so soon. Don't want to jeopardize the success of the event.  
-AWD  
----- Forwarded by Alicia W. Davis/WHO/EOP on 05/19/2003  
08:24 PM -----

Elizabeth W. Kleppe  
05/15/2003 01:40:03 PM  
Record Type: Record

To: Catherine J. Martin/OVP/EOP@EOP, Alicia W. Davis/WHO/EOP@EOP  
cc: Ken Mehlman/WHO/EOP@EOP, Daniel K. Wilmot/OVP/EOP@Exchange@EOP, Julia F. Kyle/OVP/EOP@EOP  
Subject: Arlene Specter

VP signed on event for Specter in Harrisburg, PA on Monday, June 16. According to your request, it is a two-tier event with Photo Op (75 clicks) and remarks at a reception. This needs to be a noon event so let us know if it will be a seated lunch or reception. Thank you.



---

**From:** CN=Adrian G. Gray/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>;Ken Mehlman/WHO/EOP@EOP [ WHO ] <Ken Mehlman>  
**Sent:** 5/19/2003 12:32:23 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Adrian G. Gray ( CN=Adrian G. Gray/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 16:32:23.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett - somebody in the administration has asked me whether or not  
Political appointees are allowed to make contributions to the campaign.  
Are they allowed to?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Amanda K. Burdick/WHO/EOP@EOP [ WHO ] <Amanda K. Burdick>  
**Sent:** 5/19/2003 12:36:56 PM  
**Subject:** : Re: 2 questions... re: Ken

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 16:36:56.00  
SUBJECT:: Re: 2 questions... re: Ken  
TO:Amanda K. Burdick ( CN=Amanda K. Burdick/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Ken should not speak to Regional Appointees. On email, you should check with Admin office on usual practice. I think he can do an autoreply that gives the new address, but check with them.

Amanda K. Burdick

05/19/2003 03:33:34 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: 2 questions... re: Ken

This is on Ken's schedule tomorrow at 2:00  
Regional Appointees Conference (T): "Building Support for President's Agenda"  
Is it still appropriate for Ken to speak at? It was a request from Brian Montgomery.

Also, Ken wants to know if he is allowed to setup his official mail to forward all to his political email.  
Please advise.

Thanks Brett,  
Amanda

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>; Paul Perkins/WHO/EOP@EOP [ WHO ] <Paul Perkins>  
**Sent:** 5/19/2003 1:02:24 PM  
**Subject:** : stuck on hold; trying to get on

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 19-MAY-2003 17:02:24.00  
SUBJECT:: stuck on hold; trying to get on  
TO: Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/19/2003 1:15:23 PM  
**Subject:** : Leg. Affairs

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 17:15:23.00  
SUBJECT:: Leg. Affairs  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett  
Please call Brian Montgomery at 456-0165 or Taylor Hughes (Brian's assistant) at 456-0161. This is concerning the event you and Nanette are speaking at.

Jon

---

**From:** Kavanaugh, Brett M.  
**To:** <Grubbs, Wendy J.>  
**Sent:** 5/19/2003 5:25:17 PM  
**Subject:** are you on this call?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/19/2003 1:26:08 PM  
**Subject:** : are you on this call?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 17:26:08.00  
SUBJECT:: are you on this call?  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/19/2003 1:27:23 PM  
**Subject:** : RE: are you on this call?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 17:27:23.00  
SUBJECT:: RE: are you on this call?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

No..should I be(just got back from another meeting. Are enlightening things being said?

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Monday, May 19, 2003 5:25 PM  
To: Grubbs, Wendy J.  
Subject: are you on this call?

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/19/2003 5:28:00 PM  
**Subject:** RE: are you on this call?

No..should I be...just got back from another meeting. Are enlightening things being said?

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, May 19, 2003 5:25 PM  
**To:** Grubbs, Wendy J.  
**Subject:** are you on this call?



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/19/2003 1:29:07 PM  
**Subject:** : RE: are you on this call?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 17:29:07.00  
SUBJECT:: RE: are you on this call?  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

actually yes

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/19/2003 05:28:00 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: are you on this call?

No...should I be(just got back from another meeting. Are enlightening things being said?

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Monday, May 19, 2003 5:25 PM  
To: Grubbs, Wendy J.  
Subject: are you on this call?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>  
**Sent:** 5/19/2003 1:50:24 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 17:50:24.00  
SUBJECT:  
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/19/2003 05:49 PM -----

"M.Edward.Whelan@usdoj.gov" <M.Edward.Whelan  
05/19/2003 05:48:26 PM  
Record Type: Record

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

I wouldn't want to call an inference drawn from "negative implication" an  
"express statement".

---

**From:** Bartolomucci, H. Christopher  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Brosnahan, Jennifer R.>; <Francisco, Noel J.>; <Kavanaugh, Brett M.>; <Newstead, Jennifer G.>; <Powell, Benjamin A.>; <Sampson, Kyle>; <Ulliot, Theodore W.>  
**Sent:** 5/19/2003 6:44:37 PM  
**Subject:** Make that 125

Maurice Hicks confirmed today as Judge of E.D. La, 86-0.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 5/19/2003 3:12:38 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 19-MAY-2003 19:12:38.00  
SUBJECT::  
TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/19/2003 07:11 PM -----

Brett M. Kavanaugh  
05/19/2003 05:49:51 PM  
Record Type: Record

To: David S. Addington/OVP/EOP@EOP  
cc:  
Subject:

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/19/2003 05:49 PM -----

"M.Edward.Whelan@usdoj.gov" <M.Edward.Whelan  
05/19/2003 05:48:26 PM  
Record Type: Record

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

I wouldn't want to call an inference drawn from "negative implication" an  
"express statement".

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brian D. Montgomery/WHO/EOP@Exchange@EOP [ WHO ] <Brian D. Montgomery>; Taylor A. Hughes/WHO/EOP@Exchange@EOP [ WHO ] <Taylor A. Hughes>  
**Sent:** 5/19/2003 3:30:06 PM  
**Subject:** : returned call; I am at 67984

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 19-MAY-2003 19:30:06.00  
SUBJECT: : returned call; I am at 67984  
TO: Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Taylor A. Hughes ( CN=Taylor A. Hughes/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 5/19/2003 3:30:27 PM  
**Subject:** : any word; are we overexposed?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 19:30:27.00  
SUBJECT:: any word; are we overexposed?  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Delrahim, Makan (Judiciary) <Makan\_Delrahim@Judiciary.senate.gov>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/19/2003 3:37:48 PM  
**Subject:** : FW: Asbestos bill  
**Attachments:** P\_ZTVJG003\_WHO.TXT\_1.html; P\_ZTVJG003\_WHO.TXT\_2.pdf

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> ( "Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:19-MAY-2003 19:37:48.00  
SUBJECT:: FW: Asbestos bill  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Draft of asbestos bill that sen. Hatch had submitted for the congressional record and for public comment. Sen. Hatch will introduce this bill (with perhaps modifications that may be suggested) on Thursday with several Democratic colleagues. Please let us know if any changes, suggestions you might have.

-----Original Message-----

From: Seidel, Rebecca (Judiciary)  
Sent: Monday, May 19, 2003 6:34 PM  
To: Delrahim, Makan (Judiciary)  
Cc: Tapia, Margarita (Judiciary)  
Subject: FW: Asbestos bill

Makan - just for your own convenience. This is the bill that will be printed in the record tonight.

CONFIDENTIALITY NOTE:

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-----Original Message-----

From: McGhie, Matt (Legis Counsel)  
Sent: Monday, May 19, 2003 6:19 PM  
To: Seidel, Rebecca (Judiciary)  
Cc: Coe, Tony (Legis Counsel)  
Subject: Asbestos bill

The latest "discussion draft" is attached.

Matt McGhie  
Staff Attorney, Office of the Legislative Counsel  
United States Senate  
668 Dirksen Senate Office Building  
Phone: 202-224-6461; FAX: 202-224-0567

- att1.htm - MDM03\_438.pdf  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_ZTVJG003\_WHO.TXT\_1>

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_ZTVJG003\_WHO.TXT\_2>

REV\_00118797

Draft of asbestos bill that sen. Hatch had submitted for the congressional record and for public comment. Sen. Hatch will introduce this bill (with perhaps modifications that may be suggested) on Thursday with several Democratic colleagues. Please let us know if any changes, suggestions you might have.

-----Original Message-----

**From:** Seidel, Rebecca (Judiciary)  
**Sent:** Monday, May 19, 2003 6:34 PM  
**To:** Delrahim, Makan (Judiciary)  
**Cc:** Tapia, Margarita (Judiciary) **Subject:** FW: Asbestos bill </font>

-  
**Makan — just for your own convenience. This is the bill that will be printed in the record tonight.**

-  
**CONFIDENTIALITY NOTE:**

-  
The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities named as addressees. If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of this message is strictly prohibited. If you have received this message in error, please forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.

-----Original Message-----

**From:** McGhie, Matt (Legis Counsel)  
**Sent:** Monday, May 19, 2003 6:19 PM<span style='font-size:10.0pt;font-family:Tahoma'>  
**To:** Seidel, Rebecca (Judiciary)  
**Cc:** Coe, Tony (Legis Counsel)  
**Subject:** Asbestos bill

-  
The latest "discussion draft" is attached.

-  
Matt McGhie

Staff Attorney, Office of the Legislative Counsel  
United States Senate  
668 Dirksen Senate Office Building  
Phone: 202-224-6461; FAX: 202-224-0567



1           (3) NO STAYS.—The court may not issue a stay  
2       of payment into the Fund pending its final judg-  
3       ment.

4           (4) FINALITY OF DETERMINATION.—The judg-  
5       ment and decree of the court shall be final, except  
6       that the same shall be subject to review by the Su-  
7       preme Court, as provided in section 1254 of title 28,  
8       United States Code.

9   **SEC. 303. EXCLUSIVE REVIEW.**

10       (a) EXCLUSIVITY OF REVIEW.—An action of the As-  
11       bestos Court or the Asbestos Insurers Commission for  
12       which review could have been obtained under section 301  
13       or 302 shall not be subject to judicial review in any other  
14       proceeding, including proceedings before the Asbestos  
15       Court.

16       (b) CONSTITUTIONAL REVIEW.—

17           (1) IN GENERAL.—Notwithstanding any other  
18       provision of law, any interlocutory or final judgment,  
19       decree, or order of a Federal court holding this Act,  
20       or any provision or application thereof, unconstitu-  
21       tional shall be reviewable as a matter of right by di-  
22       rect appeal to the Supreme Court.

23           (2) PERIOD FOR FILING APPEAL.—Any such  
24       appeal shall be filed not more than 30 days after  
25       entry of such judgment, decree, or order.

1 **SEC. 304. PRIVATE RIGHT OF ACTION AGAINST REIN-**  
2 **SURERS.**

3 (a) IN GENERAL.—Any insurer participant may file  
4 a claim in the United States District Court for the District  
5 of Columbia against any reinsurer that is contractually ob-  
6 ligated to reimburse such insurer participant for a portion  
7 of costs incurred as a result of payment of asbestos related  
8 claims.

9 (b) EXPEDITED PROCEDURES.—

10 (1) IN GENERAL.—A claim filed under sub-  
11 section (a) shall be subject to expedited procedures,  
12 as prescribed by the United States District Court for  
13 the District of Columbia.

14 (2) EVIDENTIARY STANDARD.—The plaintiff  
15 shall not recover in a claim under subsection (a) un-  
16 less the plaintiff demonstrates the right to recover  
17 by a preponderance of the evidence.

18 (3) FINAL JUDGMENT.—A final judgment shall  
19 be issued on a claim filed under subsection (a) not  
20 later than 30 days after such filing.

21 (c) APPEALS.—

22 (1) IN GENERAL.—An appeal from a decision  
23 under subsection (b) may be filed with the Court of  
24 Appeals for the District of Columbia.

25 (2) STANDARD OF REVIEW.—The final judg-  
26 ment of the district court shall be upheld unless the

1 court of appeals finds the judgment to be arbitrary  
2 and capricious.

3 (3) FINAL JUDGMENT.—A final judgment shall  
4 be issued on an appeal filed under paragraph (1) not  
5 later than 30 days after such filing.

6 **TITLE IV—MISCELLANEOUS**  
7 **PROVISIONS**

8 **SEC. 401. FALSE INFORMATION.**

9 Any person who knowingly provides false information  
10 in connection with an assessment of contributions, a claim  
11 for compensation, or an audit under this Act shall be sub-  
12 ject to—

13 (1) criminal prosecution under section 1001 of  
14 title 18, United States Code; and

15 (2) civil penalties under section 3729 of title  
16 31, United States Code.

17 **SEC. 402. EFFECT ON BANKRUPTCY LAWS.**

18 (a) NO AUTOMATIC STAY.—Section 362(b) of title  
19 11, United States Code, is amended—

20 (1) in paragraph (17), by striking “or” at the  
21 end;

22 (2) in paragraph (18), by striking the period at  
23 the end and inserting “; or”; and

24 (3) by inserting after paragraph (18) the fol-  
25 lowing:

1           “(19) of the enforcement of any payment obli-  
2           gations under section 204 of the Fairness in Asbes-  
3           tos Injury Resolution Act of 2003, against a debtor,  
4           or the property of the estate of a debtor, that is a  
5           participant (as that term is defined in section 3 of  
6           that Act).”.

7           (b) ASSUMPTION OF EXECUTORY CONTRACTS.—Sec-  
8           tion 365 of title 11, United States Code, is amended by  
9           adding at the end the following:

10          “(q) If a debtor is a participant (as that term is de-  
11          fined in section 3 of the Fairness in Asbestos Injury Reso-  
12          lution Act of 2003), the trustee shall be deemed to have  
13          assumed all executory contracts entered into by the partic-  
14          ipant under section 204 of that Act. The trustee may not  
15          reject any such executory contract.”.

16          (c) ALLOWED ADMINISTRATIVE EXPENSES.—Section  
17          503 of title 11, United States Code, is amended by adding  
18          at the end the following:

19          “(c)(1) Claims of the United States, the Attorney  
20          General, or the Administrator (as that term is defined in  
21          section 3 of the Fairness in Asbestos Injury Resolution  
22          Act of 2003) based upon the asbestos payment obligations  
23          of a debtor that is a Participant (as that term is defined  
24          in section 3 of that Act), shall be paid as an allowed ad-

1 ministrative expense. The debtor shall not be entitled to  
2 either notice or a hearing with respect to such claims.

3 “(2) For purposes of paragraph (1), the term “asbes-  
4 tos payment obligation” means any payment obligation  
5 under subtitle B of title II of the Fairness in Asbestos  
6 Injury Resolution Act of 2003.”.

7 (d) NO DISCHARGE.—Section 523 of title 11, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing:

10 “(f) A discharge under section 727, 1141, 1228, or  
11 1328 of this title does not discharge any debtor that is  
12 a participant (as that term is defined in section 3 of the  
13 Fairness in Asbestos Injury Resolution Act of 2003) of  
14 the payment obligations of the debtor under subtitle B of  
15 title II of that Act.”.

16 (e) PAYMENT.—Section 524 of title 11, United States  
17 Code, is amended by adding at the end the following:

18 “(i) PARTICIPANT DEBTORS.—

19 “(1) IN GENERAL.—Paragraphs (2) and (3)  
20 shall apply to a debtor who—

21 “(A) is a participant that has made prior  
22 asbestos expenditures (as such terms are de-  
23 fined in the Fairness in Asbestos Injury Resolu-  
24 tion Act of 2003); and

1 “(B) is subject to a case under this title  
2 that is pending—

3 “(i) on the date of enactment of the  
4 Fairness in Asbestos Injury Resolution Act  
5 of 2003; or

6 “(ii) at any time during the 1 year pe-  
7 riod preceding the date of enactment of  
8 that Act.

9 “(2) TIER I DEBTORS.—A debtor that has been  
10 assigned to tier I under section 202 of the Fairness  
11 in Asbestos Injury Resolution Act of 2003 shall  
12 make payments in accordance with sections 202 and  
13 203 of that Act.

14 “(3) TREATMENT OF PAYMENT OBLIGA-  
15 TIONS.—All payment obligations of a debtor under  
16 sections 202 and 203 of the Fairness in Asbestos In-  
17 jury Resolution Act of 2003 shall—

18 “(A) constitute costs and expenses of ad-  
19 ministration of a case under section 503 of this  
20 title;

21 “(B) notwithstanding any case pending  
22 under this title, be payable in accordance with  
23 section 202 of that Act;

24 “(C) not be stayed;

1 “(D) not be affected as to enforcement or  
2 collection by any stay or injunction of any  
3 court; and

4 “(E) not be impaired or discharged in any  
5 current or future case under this title.”.

6 (f) TREATMENT OF TRUSTS.—Section 524 of title  
7 11, United States Code, as amended by this Act, is  
8 amended by adding at the end the following:

9 “(j) ASBESTOS TRUSTS.—

10 “(1) IN GENERAL.—A trust shall assign a por-  
11 tion of the corpus of the trust to the Asbestos Injury  
12 Claims Resolution Fund (referred to in this sub-  
13 section as the ‘Fund’) as is required under section  
14 202 of the Fairness in Asbestos Injury Resolution  
15 Act of 2003 if—

16 “(A) the trust was formed prior to October  
17 22, 1994; and

18 “(B) the trust qualifies as a “trust” under  
19 section 201 of that Act.

20 “(2) TRANSFER OF TRUST ASSETS.—

21 “(A) IN GENERAL.—Except as provided  
22 under subparagraphs (B) and (C), the assets in  
23 any trust established to provide compensation  
24 for asbestos claims (as defined in section 3 of  
25 the FAIR Act of 2003) shall be transferred to

1 the Fund not later than 6 months after the  
2 date of enactment of the FAIR Act of 2003.  
3 Except as provided under subparagraph (B),  
4 the Administrator of the Fund shall accept such  
5 assets and utilize them for any purposes of the  
6 Fund under section 223 of such Act, including  
7 the payment of claims for compensation under  
8 such Act to beneficiaries of the trust from  
9 which the assets were transferred. After such  
10 transfer, each trustee of such trust shall have  
11 no liability to any beneficiary of such trust.

12 “(B) AUTHORITY TO REFUSE ASSETS.—  
13 The Administrator of the Fund may refuse to  
14 accept any asset that the Administrator deter-  
15 mines may create liability for the Fund in ex-  
16 cess of the value of the asset.

17 “(C) ALLOCATION OF TRUST ASSETS.—If  
18 a trust under subparagraph (A) has bene-  
19 ficiaries with claims that are not asbestos  
20 claims, the assets transferred to the Fund  
21 under subparagraph (A) shall not include assets  
22 allocable to such beneficiaries. The trustees of  
23 any such trust shall determine the amount of  
24 such trust assets to be reserved for the con-  
25 tinuing operation of the trust in processing and



1           paying claims that are not asbestos claims.  
2           Such reserved amount shall not be greater than  
3           3 percent of the total assets in the trust and  
4           shall not be transferred to the Fund.

5                   “(D) SALE OF FUND ASSETS.—The invest-  
6           ment requirements under section 222 of the  
7           FAIR Act of 2003 shall not be construed to re-  
8           quire the Administrator of the Fund to sell as-  
9           sets transferred to the Fund under subpara-  
10          graph (A).

11                   “(E) LIQUIDATED CLAIMS.—A trust shall  
12          not make any payment relating to asbestos  
13          claims unless such claims were liquidated before  
14          the date of enactment of the FAIR Act of  
15          2003.

16                   “(3) INJUNCTION.—Any injunction issued as  
17          part of the formation of a trust described in para-  
18          graph (1) shall remain in full force and effect until  
19          the assignment required under paragraph (1) has  
20          been made.”.

21           (g) NO AVOIDANCE OF TRANSFER.—Section 546 of  
22   title 11, United States Code, is amended by adding at the  
23   end the following:

24                   “(h) Notwithstanding the rights and powers of a  
25   trustee under section 544, 545, 547, 548, 549, and 550

1 of this title, if a debtor is a participant (as that term is  
2 defined in section 3 of the Fairness in Asbestos Injury  
3 Resolution Act of 2003), the trustee may not avoid a  
4 transfer made by the debtor pursuant to its payment obli-  
5 gations under sections 202 or 203 of that Act.”.

6 (h) CONFIRMATION OF PLAN.—Section 1129(a) of  
7 title 11, United States Code, is amended by adding at the  
8 end the following:

9 “(14) If the debtor is a participant (as that  
10 term is defined in section 3 of the Fairness in As-  
11 bestos Injury Resolution Act of 2003), the plan pro-  
12 vides for the continuation after its effective date of  
13 payment of all payment obligations under title II of  
14 that Act.”.

15 **SEC. 403. EFFECT ON OTHER LAWS AND EXISTING CLAIMS.**

16 (a) EFFECT ON FEDERAL AND STATE LAW.—The  
17 provisions of this Act shall supersede any and all State  
18 and Federal laws insofar as they may relate to any asbes-  
19 tos claim filed under this Act.

20 (b) EXCLUSIVE REMEDY.—The remedies provided  
21 under this Act shall be the exclusive remedy for any asbes-  
22 tos claim under any Federal or State law.

23 (c) BAR ON ASBESTOS CLAIMS.—

24 (1) IN GENERAL.—No asbestos claim may be  
25 pursued in any State or Federal court, except for

1           “(3) COMPENSATION.—Each judge shall receive  
2           a salary at the rate of pay, and in the same manner,  
3           as judges of the district courts of the United States.

4           “(c) CHIEF JUDGE.—

5           “(1) IN GENERAL.—The President shall des-  
6           ignate 1 of the judges appointed under subsection  
7           (b)(1), who is less than 70 years of age, to serve as  
8           chief judge.

9           “(2) TERM.—The chief judge may continue to  
10          serve as such until—

11                  “(A) he or she reaches the age of 70 years;

12                  “(B) another judge is designated as chief  
13          judge by the President; or

14                  “(C) the expiration of his or her term  
15          under subsection (b)(1).

16          “(3) CONTINUITY OF SERVICE.—Upon the des-  
17          ignation by the President of another judge to serve  
18          as chief judge, the former chief judge may continue  
19          to serve as a judge of the Court of Asbestos Claims  
20          for the balance of the term to which he or she was  
21          appointed.

22          “(4) POWERS OF CHIEF JUDGE.—The chief  
23          judge is authorized to—

1 enforcement of claims for which a final judgment is  
2 entered before the date of enactment of this Act.

3 (2) PREEMPTION.—Any action asserting an as-  
4 bestos claim in a court of any State, except actions  
5 for which final judgment are entered before the date  
6 of enactment of this Act, is preempted by this Act.

7 (3) DISMISSAL.—No judgment other than a  
8 judgment of dismissal may be entered in any such  
9 action, including an action pending on appeal, or on  
10 petition or motion for discretionary review, on or  
11 after the date of enactment of this Act. A court may  
12 dismiss any such action on its motion. If the district  
13 court denies the motion to dismiss, it shall stay fur-  
14 ther proceedings until final disposition of any appeal  
15 taken under this Act.

16 (4) REMOVAL.—

17 (A) IN GENERAL.—If an action under  
18 paragraph (2) is not dismissed, or if an order  
19 entered after the date of enactment of this Act  
20 purporting to enter judgment or deny review is  
21 not rescinded and replaced with an order of dis-  
22 missal within 30 days after the filing of a mo-  
23 tion by any party to the action advising the  
24 court of the provisions of this Act, any party  
25 may remove the case to the district court of the

1 United States for the district in which such ac-  
2 tion is pending.

3 (B) TIME LIMITS.—For actions originally  
4 filed after the date of enactment of this Act, the  
5 notice of removal shall be filed within the time  
6 limits specified in section 1441(b) of title 28,  
7 United States Code.

8 (C) PROCEDURES.—The procedures for re-  
9 moval and proceedings after removal shall be in  
10 accordance with sections 1446 through 1450 of  
11 title 28, United States Code, except as may be  
12 necessary to accommodate removal of any ac-  
13 tions pending (including on appeal) on the date  
14 of enactment of this Act.

15 (D) JURISDICTION.—The jurisdiction of  
16 the district court shall be limited to—

17 (i) determining whether removal was  
18 proper; and

19 (ii) ruling on a motion to dismiss  
20 based on this Act.

1           “(A) prescribe rules and procedures for  
2           hearings and appeals of the Court of Asbestos  
3           Claims and its magistrates;

4           “(B) appoint magistrates;

5           “(C) appoint or contract for the services of  
6           such personnel as may be necessary and appro-  
7           priate to carry out the responsibilities of the  
8           Court of Asbestos Claims; and

9           “(D) make such expenditures as may be  
10          necessary and appropriate in the administration  
11          of the responsibilities of the Court of Asbestos  
12          Claims and the chief judge under this chapter  
13          and the Fairness in Asbestos Injury Resolution  
14          Act of 2003.

15       “(d) TIME AND PLACES OF HOLDING COURT.—

16           “(1) IN GENERAL.—The principal office of the  
17          Court of Asbestos Claims shall be in the District of  
18          Columbia, but the Court of Asbestos Claims may  
19          hold court at such times and in such places as the  
20          chief judge may prescribe by rule.

21           “(2) LIMITATION.—The times and places of the  
22          sessions of the Court of Asbestos Claims shall be  
23          prescribed with a view to securing reasonable oppor-  
24          tunity to citizens to appear before the Court of As-  
25          bestos Claims.

1 “(e) OFFICIAL DUTY STATION; RESIDENCE.—

2 “(1) DUTY STATION.—The official duty station  
3 of each judge of the Court of Asbestos Claims is the  
4 District of Columbia.

5 “(2) RESIDENCE.—After appointment and  
6 while in active service, each judge of the Court of  
7 Asbestos Claims shall reside within 50 miles of the  
8 District of Columbia.

9 **“§ 202. Magistrates**

10 “(a) APPOINTMENT.—The chief judge shall appoint  
11 such magistrates as necessary to facilitate the expeditious  
12 processing of claims.

13 “(b) COMPENSATION.—The compensation of mag-  
14 istrates shall be determined by the chief judge, but shall  
15 not exceed the annual rate of basic pay of level V of the  
16 Executive Schedule, as prescribed by section 5316 of title  
17 5.

18 “(c) RETIREMENT.—For purposes of Federal laws  
19 relating to retirement, including chapters 83 and 84 of  
20 title 5, magistrates appointed under this section shall be  
21 deemed to be appointed under section 631 of this title.

22 “(d) REGULATIONS.—Except as provided under sub-  
23 section (c), chapter 43 shall not apply to magistrates ap-  
24 pointed under this chapter, except the chief judge may

1 prescribe rules similar to the provisions of chapter 43 to  
2 apply to magistrates.

3 **“§ 203. Retirement of judges of the United States**  
4 **Court of Asbestos Claims**

5 “(a) IN GENERAL.—For purposes of Federal laws re-  
6 lating to retirement, judges of the Court of Asbestos  
7 Claims shall be treated in the same manner and to the  
8 same extent as judges of the Court of Federal Claims.

9 “(b) REGULATIONS.—In carrying out this section—

10 “(1) the Director of the Administrative Office  
11 of the United States Courts shall promulgate regula-  
12 tions to apply provisions similar to section 178 of  
13 this title (including the establishment of a Court of  
14 Asbestos Claims Judges Retirement Fund) to judges  
15 of the Court of Asbestos Claims; and

16 “(2) the Director of the Office of Personnel  
17 Management shall promulgate regulations to apply  
18 chapters 83 and 84 of title 5 to judges of the Court  
19 of Asbestos Claims.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
21 The table of chapters for part I of title 28, United States  
22 Code, is amended by striking the item relating to chapter  
23 9, and inserting after the item relating to chapter 7 the  
24 following:

“9. United States Court of Asbestos Claims.”.



1 **Subtitle B—Asbestos Injury Claims**  
2 **Resolution Procedures**

3 **SEC. 111. FILING OF CLAIMS.**

4 (a) WHO MAY SUBMIT.—

5 (1) GENERAL RULE.—Any individual who has  
6 suffered from an eligible disease or condition that is  
7 believed to meet the requirements established under  
8 subtitle C (or the spouse, parent, child, or other rel-  
9 ative of such individual in a representative capacity,  
10 or the executor of the estate of such individual) may  
11 file a claim with the Asbestos Court for compensa-  
12 tion with respect to such injury.

13 (2) RULES.—The Asbestos Court may issue  
14 procedural rules to specify individuals who may file  
15 an asbestos claim as a representative of another in-  
16 dividual.

17 (3) LIMITATION.—An asbestos claim may not  
18 be filed by any person seeking contribution or in-  
19 demnity.

20 (b) REQUIRED INFORMATION.—To be valid, an as-  
21 bestos claim filed under subsection (a) shall be notarized  
22 and include—

23 (1) the name, social security number, gender,  
24 date of birth, and, if applicable, date of death of the  
25 claimant;

1           (2) information relating to the identity of de-  
2           pendents and beneficiaries of the claimant;

3           (3) a detailed description of the work history of  
4           the claimant, including social security records or a  
5           signed release permitting access to such records;

6           (4) a detailed description of the asbestos expo-  
7           sure of the claimant, including information on the  
8           identity of any product or manufacturer, site, or lo-  
9           cation of exposure, plant name, and duration and in-  
10          tensity of exposure;

11          (5) a detailed description of the tobacco product  
12          use history of the claimant, including frequency and  
13          duration;

14          (6) an identification and description of the as-  
15          bestos-related diseases of the claimant, including a  
16          written report by the claimant's physician with med-  
17          ical diagnoses and test results necessary to make a  
18          determination of medical eligibility that complies  
19          with the applicable requirements of this subtitle and  
20          subtitle C;

21          (7) a description of any prior or pending civil  
22          action or other claim brought by the claimant for as-  
23          bestos-related injury, including an identification of  
24          any recovery of compensation or damages through  
25          settlement, judgment, or otherwise; and

1 (8) any other information that is required to be  
2 included under procedural rules issued by the Court.

3 (c) STATUTE OF LIMITATIONS.—

4 (1) IN GENERAL.—Except as provided in para-  
5 graphs (2) and (3), if an individual fails to file an  
6 asbestos claim with the Asbestos Court under this  
7 section within 2 years after the date on which the  
8 individual first—

9 (A) received a medical diagnosis of an eli-  
10 gible disease or condition as provided for under  
11 this subtitle and subtitle C; or

12 (B) discovered facts that would have led a  
13 reasonable person to obtain a medical diagnosis  
14 with respect to an eligible disease or condition,  
15 any claim relating to that injury, and any other as-  
16 bestos claim related to that injury, shall be extin-  
17 guished, and any recovery thereon shall be prohib-  
18 ited.

19 (2) EFFECT ON PENDING CLAIMS.—If an asbes-  
20 tos claimant has any claim for an asbestos-related  
21 injury that is pending in a Federal or State court  
22 or with a trust established under title 11, United  
23 States Code, on the date of enactment of this Act,  
24 such claimant shall file an asbestos claim under this  
25 section within 2 years after such date of enactment

1 or be barred from receiving any compensation under  
2 this title.

3 (3) EFFECT OF MULTIPLE INJURIES.—An as-  
4 bestos claimant who receives compensation under  
5 this title for an eligible disease or condition, and who  
6 subsequently develops another such injury, shall be  
7 eligible for additional compensation under this title  
8 (subject to appropriate setoffs for such prior recov-  
9 ery of compensation under this title and from any  
10 other collateral source) and the statute of limitations  
11 under paragraph (1) shall not begin to run with re-  
12 spect to such subsequent injury until such claimant  
13 obtains a medical diagnosis of such other injury or  
14 discovers facts that would have led a reasonable per-  
15 son to obtain such a diagnosis.

16 (4) RULE OF CONSTRUCTION.—Paragraph (2)  
17 shall be interpreted as a statute of limitations and  
18 be construed to the benefit of the Fund and of any  
19 person who might otherwise have been made subject  
20 to an asbestos claim to which such paragraph is ap-  
21 plied.

22 **SEC. 112. GENERAL RULE CONCERNING NO-FAULT COM-**  
23 **PENSATION.**

24 An asbestos claimant shall not be required to dem-  
25 onstrate that the asbestos-related injury for which the

1 claim is being made resulted from the negligence or other  
2 fault of any other person.

3 **SEC. 113. ESSENTIAL ELEMENTS OF ELIGIBLE ASBESTOS**  
4 **CLAIM.**

5 To be eligible for compensation under this subtitle for  
6 an asbestos-related injury, an individual shall—

7 (1) file an asbestos claim in a timely manner in  
8 accordance with section 111; and

9 (2) prove, by a preponderance of the evidence  
10 that—

11 (A) the claimant suffers from an eligible  
12 disease or condition, as demonstrated by evi-  
13 dence (submitted as part of the claim) that  
14 meets the medical criteria requirements and di-  
15 agnostic criteria requirements established under  
16 subtitle C; and

17 (B) the claimant meets the latency criteria  
18 requirements and the exposure criteria require-  
19 ments established under subtitle C.

20 **SEC. 114. ELIGIBILITY DETERMINATIONS AND CLAIM**  
21 **AWARDS.**

22 (a) CLAIMS EXAMINERS.—

23 (1) IN GENERAL.—The Asbestos Court shall  
24 appoint, or contract for the services of, qualified in-

1 individuals to assist magistrates by conducting eligi-  
2 bility reviews of asbestos claims filed with the Court.

3 (2) CRITERIA.—The Asbestos Court shall estab-  
4 lish criteria with respect to the qualifications of indi-  
5 viduals who are eligible to serve as claims examiners  
6 and, in developing such criteria, shall consult with  
7 such experts as the Court determines appropriate.

8 (b) REFERRAL OF ASBESTOS CLAIM.—Not later than  
9 20 days after the filing of an asbestos claim with the As-  
10 bestos Court, the Court shall refer such claim to a mag-  
11 istrate.

12 (c) INITIAL REVIEW.—

13 (1) IN GENERAL.—Under the direction of a  
14 magistrate, a claims examiner shall make an initial  
15 review of an asbestos claim to determine whether all  
16 required information has been submitted by the  
17 claimant.

18 (2) NOTICE OF INCOMPLETE CLAIM.—If the  
19 claims examiner determines that all required infor-  
20 mation has not been submitted, the examiner—

21 (A) shall notify the claimant of such deter-  
22 mination and require the submission of addi-  
23 tional information necessary for a determina-  
24 tion of eligibility;

108TH CONGRESS  
1ST SESSION

S. \_\_\_\_\_

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IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_ introduced the following bill; which was read twice and referred  
to the Committee on \_\_\_\_\_

---

**A BILL**

To create a fair and efficient system to resolve claims of  
victims for bodily injury caused by asbestos exposure,  
and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Fairness in Asbestos Injury Resolution Act of 2003” or  
6       the “FAIR Act of 2003”.

7       (b) TABLE OF CONTENTS.—The table of contents of  
8       this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Purpose.  
Sec. 3. Definitions.

1 (B) may compel the submission of any ad-  
2 ditional information;

3 (C) may request that the claimant undergo  
4 additional medical examinations and tests if in-  
5 formation from such examinations or tests is  
6 necessary to enable the examiner to make a de-  
7 termination of medical eligibility; and

8 (D) may require any releases necessary to  
9 enable the examiner to obtain medical or other  
10 information relevant to the determination of eli-  
11 gibility.

12 (d) EXPEDITIOUS DETERMINATIONS.—The Asbestos  
13 Court shall prescribe rules to expedite claims for asbestos  
14 claimants with exigent circumstances.

15 (e) AUDIT AND PERSONNEL REVIEW PROCE-  
16 DURES.—The Asbestos Court shall establish audit and  
17 personnel review procedures for evaluating the accuracy  
18 of eligibility recommendations of magistrates.

19 (f) ELIGIBILITY DETERMINATIONS.—

20 (1) IN GENERAL.—Not later than 60 days after  
21 the receipt by a magistrate of all required informa-  
22 tion and requested medical advice with respect to an  
23 asbestos claim, the magistrate shall transmit a rec-  
24 ommendation of the compensation to which the



1 claimant is entitled and findings of fact to a judge  
2 of the Asbestos Court.

3 (2) ADMISSIBILITY OF FINDINGS OF FACT.—A  
4 determination under paragraph (1) shall include rel-  
5 evant findings of fact and shall be admissible as evi-  
6 dence in any judicial review.

7 (g) DECISION OF JUDGE.—

8 (1) IN GENERAL.—Not later than 30 days after  
9 receipt of a recommendation of a magistrate, a judge  
10 of the Asbestos Court shall make a final decision of  
11 any compensation to which the claimant is entitled.

12 (2) WAIVER OF JUDICIAL REVIEW.—The final  
13 decision under paragraph (1) shall include an ac-  
14 ceptance form by which the claimant may waive the  
15 right to judicial review and expedite payment of  
16 compensation from the Fund.

17 (h) AWARDING OF COMPENSATION.—

18 (1) IN GENERAL.—If a judge of the Asbestos  
19 Court determines that an asbestos claimant is enti-  
20 tled to compensation, the Court shall notify the Ad-  
21 ministrator to award the claimant compensation  
22 from the Fund in the amount of the judge's deci-  
23 sion.

1           (2) CLAIM EXTINGUISHED.—The acceptance of  
2           a payment under this Act shall extinguish all claims  
3           related to such payment.

4 **SEC. 115. MEDICAL EVIDENCE AUDITING PROCEDURES.**

5           (a) DEVELOPMENT.—The Asbestos Court shall de-  
6           velop methods for auditing the medical evidence submitted  
7           as part of an asbestos claim, including methods to ensure  
8           the independent reading of x-rays and results of pul-  
9           monary function tests. The Court may develop additional  
10          methods for auditing other types of evidence or informa-  
11          tion received by the Court.

12          (b) REFUSAL TO CONSIDER CERTAIN EVIDENCE.—

13               (1) IN GENERAL.—If the Asbestos Court deter-  
14               mines that an audit conducted in accordance with  
15               the methods developed under subsection (a) dem-  
16               onstrates that the medical evidence submitted by a  
17               specific physician or medical facility is not consistent  
18               with prevailing medical practices or the applicable  
19               requirements of this Act, the Court shall notify  
20               claims examiners and the magistrates that any med-  
21               ical evidence from such physician or facility shall be  
22               unacceptable for purposes of establishing eligibility  
23               for compensation under this Act.

24               (2) NOTIFICATION.—Upon a determination by  
25               the Asbestos Court under paragraph (1), the Court

1 shall notify the physician or medical facility involved  
2 of the results of the audit. Such physician or facility  
3 shall have a right to appeal the determination of the  
4 Court under procedures issued by the Court.

5 **SEC. 116. CLAIMANT ASSISTANCE PROGRAM.**

6 (a) ESTABLISHMENT.—The Asbestos Court shall es-  
7 tablish an asbestos claimant assistance program to provide  
8 assistance to claimants in preparing and submitting asbes-  
9 tos claim applications and in responding to claimant in-  
10 quiries.

11 (b) LEGAL ASSISTANCE.—

12 (1) IN GENERAL.—As part of the program es-  
13 tablished under subsection (a), the Asbestos Court  
14 shall establish a legal assistance program to provide  
15 assistance to asbestos claimants concerning legal  
16 representation issues.

17 (2) LIST OF QUALIFIED ATTORNEYS.—As part  
18 of the program, the Court shall maintain a roster of  
19 qualified attorneys who have agreed to provide pro  
20 bono services to asbestos claimants under rules es-  
21 tablished by the Court. The claimants shall not be  
22 required to use the attorneys listed on such roster.

## 1           **Subtitle C—Medical Criteria**

### 2   **SEC. 121. ESSENTIAL ELEMENTS OF ELIGIBLE ASBESTOS**

#### 3           **CLAIM.**

4           To be eligible for compensation under this title for  
5 an asbestos-related injury, an individual shall—

6           (1) file an asbestos claim under this title in a  
7 timely manner; and

8           (2) prove, by a preponderance of the evidence  
9 that—

10           (A) the claimant suffers from an eligible  
11 disease or condition, as demonstrated by evi-  
12 dence (submitted as part of the claim) that  
13 meets the diagnostic criteria requirements de-  
14 scribed in section 122 and the medical criteria  
15 requirements described in section 124; and

16           (B) the claimant meets the latency criteria  
17 requirements described in section 123 and the  
18 exposure criteria requirements described in sec-  
19 tion 125.

### 20   **SEC. 122. DIAGNOSTIC CRITERIA REQUIREMENTS.**

21           (a) IN GENERAL.—To be eligible to receive com-  
22 pensation under this title for an asbestos-related injury,  
23 the claim submitted by the asbestos claimant shall dem-  
24 onstrate a medical diagnosis that meets the requirements  
25 of this section.

1 (b) DIAGNOSIS.—A medical diagnosis meets the re-  
2 quirements of this section if the diagnosis—

3 (1) is made by a physician who—

4 (A) treated, or is treating, the claimant;

5 (B) conducted an in-person medical exam-  
6 ination of the claimant; and

7 (C) is licensed to practice medicine in the  
8 State in which the examination occurred and in  
9 which the diagnosis is rendered;

10 (2) includes a review by the physician of the  
11 work history, asbestos exposure pattern, and smok-  
12 ing history of the claimant, or other factors deter-  
13 mined appropriate by the Asbestos Court;

14 (3) is independently verified with respect to the  
15 duration, proximity, regularity, and intensity of the  
16 asbestos exposure involved; and

17 (4) has excluded other more likely causes of the  
18 injury of the claimant.

19 (c) RESULTS OF MEDICAL EXAMINATIONS AND  
20 TESTS.—

21 (1) IN GENERAL.—In making the demonstra-  
22 tion required under subsection (a), an asbestos  
23 claimant shall submit—

24 (A) x-rays (including both films and B-  
25 reader reports);

1 (B) detailed results of pulmonary function  
2 tests (including spirometric tracings);  
3 (C) laboratory tests; and  
4 (D) the results of medical examination or  
5 reviews of other medical evidence.

6 (2) PROCEDURAL REQUIREMENTS.—A submis-  
7 sion under paragraph (1) shall comply with the re-  
8 quirements of this Act and recognized medical  
9 standards regarding equipment, testing methods,  
10 and procedures to ensure that such medical evidence  
11 is reliable.

12 (d) SUFFICIENCY OF MEDICAL EVIDENCE.—In mak-  
13 ing determinations under this section, a magistrate shall  
14 not make a determination unless the medical evidence pro-  
15 vided in support of the asbestos claim is credible and con-  
16 sistent with this section, the medical criteria described in  
17 section 124, and recognized medical standards.

18 (e) ATTORNEY RETENTION AGREEMENTS.—An at-  
19 torney retention agreement shall not be required as a pre-  
20 requisite to a medical examination or medical screening  
21 for purposes of obtaining a medical diagnosis or other  
22 medical information under this section.

23 (f) RULES.—The Asbestos Court shall prescribe rules  
24 to implement the diagnostic criteria requirements to be  
25 used in applying this section.

1 **SEC. 123. LATENCY CRITERIA REQUIREMENTS.**

2 (a) IN GENERAL.—To be eligible to receive com-  
3 pensation under this title for an asbestos-related injury,  
4 the claim submitted by the asbestos claimant shall dem-  
5 onstrate that the claimant was exposed to asbestos—

6 (1) in a manner that meets the exposure re-  
7 quirements of sections 124 and 125;

8 (2) within the United States or its territories or  
9 possessions; and

10 (3) for at least 10 years before the initial diag-  
11 nosis of any asbestos-related injury.

12 (b) CONSISTENCY WITH MEDICAL CRITERIA.—An as-  
13 bestos claimant shall be required to demonstrate that any  
14 delay between asbestos exposure and the asbestos-related  
15 injury is consistent with medical criteria concerning the  
16 latency periods typically associated with the disease cat-  
17 egory for which the claim is being made.

18 (c) VARIATIONS IN LATENCY PERIODS.—Latency pe-  
19 riods under this section may vary based on the eligible  
20 disease or condition involved.

21 (d) RULES.—The Asbestos Court shall prescribe  
22 rules, based on the medical literature or other appropriate  
23 medical evidence concerning latency periods, for the pur-  
24 pose of implementing the criteria used in applying this sec-  
25 tion.

1 **SEC. 124. MEDICAL CRITERIA REQUIREMENTS.**

2 (a) DEFINITIONS.—In this section, the following defi-  
3 nitions shall apply:

4 (1) BILATERAL ASBESTOS-RELATED NONMALIGNANT DISEASE.—The term “bilateral asbestos-re-  
5 lated nonmalignant disease” means a diagnosis of  
6 bilateral asbestos-related nonmalignant disease  
7 based on—

8 (A) an x-ray reading of  $\frac{1}{2}$  or higher on the  
9 ILO scale; or

10 (B) an x-ray showing bilateral pleural  
11 plaques or pleural thickening, bilateral intersti-  
12 tial fibrosis, or bilateral interstitial markings.

13 (2) BILATERAL PLEURAL DISEASE OF B2.—The  
14 term “bilateral pleural disease of B2” means a chest  
15 wall pleural thickening or plaque with a maximum  
16 width of at least 5 millimeters and a total length of  
17 at least  $\frac{1}{4}$  of the projection of the lateral chest wall.

18 (3) FEV<sub>1</sub>.—The term “FEV<sub>1</sub>” means forced  
19 expiratory volume (1 second), which is the maximal  
20 volume of air expelled in 1 second during perform-  
21 ance of the spirometric test for forced vital capacity.

22 (4) FVC.—The term “FVC” means forced vital  
23 capacity, which is the maximal volume of air expired  
24 with a maximally forced effort from a position of  
25 maximal inspiration.  
26



1           (5) ILO GRADE.—The term “ILO grade”  
2       means the radiological ratings for the presence of  
3       lung or pleural changes as determined from a chest  
4       x-ray, all as established from time to time by the  
5       International Labor Organization.

6           (6) PATHOLOGICAL EVIDENCE OF ASBES-  
7       TOSIS.—The term “pathological evidence of asbes-  
8       tosis” means proof of asbestosis based on the patho-  
9       logical grading system for asbestosis described in the  
10      Special Issue of the Archives of Pathology and Lab-  
11      oratory Medicine, “Asbestos-associated Diseases”,  
12      Vol. 106, No. 11, App. 3 (October 8, 1982).

13          (7) PULMONARY FUNCTION TESTING.—The  
14      term “pulmonary function testing” means  
15      spirometry testing that is in compliance with the  
16      quality criteria established from time to time by the  
17      American Thoracic Society and is performed on  
18      equipment which is in compliance with the standards  
19      of the American Thoracic Society for technical qual-  
20      ity and calibration.

21          (8) SIGNIFICANT OCCUPATIONAL EXPOSURE.—  
22      The term “significant occupational exposure” means  
23      employment for a cumulative period of at least 5  
24      years, in an industry and an occupation in which the  
25      claimant—

## 2

## TITLE I—ASBESTOS CLAIMS RESOLUTION

## Subtitle A—United States Court of Asbestos Claims

Sec. 101. Establishment of Asbestos Court.

## Subtitle B—Asbestos Injury Claims Resolution Procedures

- Sec. 111. Filing of claims.
- Sec. 112. General rule concerning no-fault compensation.
- Sec. 113. Essential elements of eligible asbestos claim.
- Sec. 114. Eligibility determinations and claim awards.
- Sec. 115. Medical evidence auditing procedures.
- Sec. 116. Claimant assistance program.

## Subtitle C—Medical Criteria

- Sec. 121. Essential elements of eligible asbestos claim.
- Sec. 122. Diagnostic criteria requirements.
- Sec. 123. Latency criteria requirements.
- Sec. 124. Medical criteria requirements.
- Sec. 125. Exposure criteria requirements.

## Subtitle D—Awards

- Sec. 131. Amount.
- Sec. 132. Medical monitoring.
- Sec. 133. Payments.
- Sec. 134. Reduction in benefit payments for collateral sources.

## Subtitle E—En Banc Review

- Sec. 141. En banc review.

## TITLE II—ASBESTOS INJURY CLAIMS RESOLUTION FUND

## Subtitle A—Asbestos Defendants Funding Allocation

- Sec. 201. Definitions.
- Sec. 202. Authority and tiers.
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## Subtitle B—Asbestos Insurers Commission

- Sec. 211. Establishment of Asbestos Insurers Commission.
- Sec. 212. Duties of Asbestos Insurers Commission.
- Sec. 213. Powers of Asbestos Insurers Commission.
- Sec. 214. Personnel matters.
- Sec. 215. Nonapplication of FOIA and confidentiality of information.
- Sec. 216. Termination of Asbestos Insurers Commission.
- Sec. 217. Authorization of appropriations.

## Subtitle C—Office of Asbestos Injury Claims Resolution

- Sec. 221. Establishment of the Office of Asbestos Injury Claims Resolution.
- Sec. 222. Powers of the Administrator and management of the Fund.
- Sec. 223. Asbestos Injury Claims Resolution Fund.
- Sec. 224. Enforcement of contributions.

1 (A) handled raw asbestos fibers on a reg-  
2 ular basis;

3 (B) fabricated asbestos-containing prod-  
4 ucts so that the claimant in the fabrication  
5 process was exposed on a regular basis to raw  
6 asbestos fibers;

7 (C) altered, repaired, or otherwise worked  
8 with an asbestos-containing product such that  
9 the claimant was exposed on a regular basis to  
10 asbestos fibers; or

11 (D) was employed in an industry and occu-  
12 pation such that the claimant worked on a reg-  
13 ular basis in close proximity to workers engaged  
14 in the activities described under subparagraph  
15 (A), (B), or (C).

16 (9) TLC.—The term “TLC” means total lung  
17 capacity, which is the volume of air in the lung after  
18 maximal inspiration.

19 (b) REQUIREMENT.—To be eligible for compensation  
20 or medical monitoring reimbursement under this title, a  
21 claimant shall establish that the claimant meets the med-  
22 ical criteria for 1 of the following categories:

23 (1) For Level I: Asymptomatic Exposure, the  
24 claimant shall provide—

1 (A) a diagnosis that meets the require-  
2 ments of section 122 of a bilateral asbestos-re-  
3 lated nonmalignant disease or an asbestos-re-  
4 lated malignancy; and

5 (B) meaningful and credible evidence of—

6 (i) 6 months of occupational exposure  
7 to asbestos before December 31, 1982; and

8 (ii) 5 years cumulative occupational  
9 exposure to asbestos.

10 (2) For Level II: Asbestosis/Pleural Disease A,  
11 the claimant shall provide—

12 (A) a diagnosis that meets the require-  
13 ments of section 122 of asbestosis by chest x-  
14 rays for which a B-reader report is furnished  
15 showing small irregular opacities of ILO Grade  
16  $\frac{1}{10}$  or greater, or showing bilateral pleural dis-  
17 ease of B2 or greater, or by pathological evi-  
18 dence of asbestosis; and

19 (B) meaningful and credible evidence of—

20 (i) 6 months of occupational exposure  
21 to asbestos before December 31, 1982; and

22 (ii) significant occupational exposure.

23 (3) For Level III: Asbestosis/Pleural Disease B,  
24 the claimant shall provide—

1 (A) a diagnosis that meets the require-  
2 ments of section 122 of asbestosis by chest x-  
3 rays for which a B-reader report is furnished  
4 showing small irregular opacities of ILO Grade  
5 1/6 or greater, or showing bilateral pleural dis-  
6 ease of B2 or greater, or by pathological evi-  
7 dence of asbestosis;

8 (B) pulmonary function testing that  
9 shows—

10 (i) TLC less than 80 percent of pre-  
11 dicted; or

12 (ii) FVC less than 80 percent of pre-  
13 dicted, and a FEV1/FVC ratio of not less  
14 than 65 percent; and

15 (C) meaningful and credible evidence of—

16 (i) 6 months of occupational exposure  
17 to asbestos before December 31, 1982; and

18 (ii) significant occupational exposure.

19 (4) For Level IV: Severe Asbestosis, the claim-  
20 ant shall provide—

21 (A) a diagnosis that meets the require-  
22 ments of section 122 of asbestosis by chest x-  
23 rays for which a B-reader report is furnished  
24 showing small irregular opacities of ILO Grade

1            $\frac{2}{1}$  or greater, or by pathological evidence of as-  
2           bestosis;

3           (B) pulmonary function testing that  
4           shows—

5                 (i) TLC less than 65 percent of pre-  
6                 dicted; or

7                 (ii) FVC less than 65 percent of pre-  
8                 dicted, and a FEV1/FVC ratio greater  
9                 than 65 percent; and

10           (C) meaningful and credible evidence of—

11                 (i) 6 months of occupational exposure  
12                 to asbestos before December 31, 1982; and

13                 (ii) significant occupational exposure.

14           (5) For Level V: Other Cancer, the claimant  
15           shall provide—

16                 (A) a diagnosis that meets the require-  
17                 ments of section 122 of a primary laryngeal,  
18                 esophageal, pharyngeal, or stomach cancer;

19                 (B) evidence of an underlying bilateral as-  
20                 bestos-related nonmalignant disease; and

21                 (C) meaningful and credible evidence of—

22                 (i) 6 months of occupational exposure  
23                 to asbestos before December 31, 1982; and

24                 (ii) significant occupational exposure.

1           (6) For Level VI: Lung Cancer One, the claim-  
2           ant shall provide—

3                   (A) a diagnosis that meets the require-  
4                   ments of section 122 of a primary lung cancer;  
5                   and

6                   (B) meaningful and credible evidence of 6  
7                   months of occupational exposure to asbestos be-  
8                   fore December 31, 1982.

9           (7) For Level VII: Lung Cancer Two, the  
10           claimant shall provide—

11                   (A) a diagnosis that meets the require-  
12                   ments of section 122 of a primary lung cancer;

13                   (B) evidence of an underlying bilateral as-  
14                   bestos-related nonmalignant disease;

15                   (C) meaningful and credible evidence of—

16                           (i) 6 months of occupational exposure  
17                           to asbestos before December 31, 1982; and

18                           (ii) significant occupational exposure;

19                   and

20                   (D) supporting medical documentation and  
21                   certification by or on behalf of the claimant es-  
22                   tablishing asbestos exposure as a contributing  
23                   factor causing the relevant lung cancer.

24           (8) For Level VIII: Mesothelioma, the claimant  
25           shall provide—

1 (A) a diagnosis that meets the require-  
2 ments of section 122 of mesothelioma; and

3 (B) meaningful and credible evidence of  
4 exposure to asbestos.

5 **SEC. 125. EXPOSURE CRITERIA REQUIREMENTS.**

6 (a) REQUIREMENT.—To be eligible to receive com-  
7 pensation under this title for an asbestos-related injury,  
8 the claim submitted by the asbestos claimant shall contain  
9 information to demonstrate that the claimant meets the  
10 minimum exposure requirements under this subtitle.

11 (b) BURDEN OF PROOF.—

12 (1) IN GENERAL.—An asbestos claimant has  
13 the burden of demonstrating meaningful and cred-  
14 ible exposure to asbestos for purposes of this sub-  
15 title.

16 (2) EVIDENCE.—The demonstration under  
17 paragraph (1) may be established by—

18 (A) an affidavit submitted by the claimant,  
19 a coworker of the claimant, or a family mem-  
20 ber, in the case of a deceased claimant;

21 (B) employment records;

22 (C) invoices;

23 (D) construction or other similar records;

24 or

25 (E) other credible evidence.



1 (c) RULES.—

2 (1) EXPOSURE INFORMATION.—The Asbestos  
3 Court shall issue rules prescribing specific exposure  
4 information that shall be submitted to permit the  
5 Court to process an asbestos claim and prescribing  
6 a proof of claim form. Such rules may provide that  
7 a claims examiner or magistrate, as applicable, may  
8 require the submission of other or additional evi-  
9 dence of exposure when determined to be appro-  
10 priate and necessary.

11 (2) REBUTTABLE PRESUMPTIONS.—The Asbes-  
12 tos Court may prescribe rules identifying specific in-  
13 dustries, occupations within those industries, time  
14 periods, and employment periods for which signifi-  
15 cant occupational exposure (as defined under section  
16 124) may be a rebuttable presumption for asbestos  
17 claimants who provide meaningful and credible evi-  
18 dence that the claimant worked in that industry and  
19 occupation for the requisite period of time. The Ad-  
20 ministrator may provide evidence to rebut this pre-  
21 sumption.

## 22 **Subtitle D—Awards**

### 23 **SEC. 131. AMOUNT.**

24 (a) IN GENERAL.—An asbestos claimant who meets  
25 the requirements of section 113 shall be entitled to com-

1   pensation in an amount determined by reference to the  
2   benefit table contained in subsection (b).

3       (b) BENEFIT TABLE.—

4           (1) IN GENERAL.—An asbestos claimant with  
5   an eligible disease or condition established in accord-  
6   ance with section 124, other than an injury de-  
7   scribed in paragraph (2), shall be eligible for com-  
8   pensation according to the following schedule:

Level	Scheduled Condi- tion or Disease	Scheduled Value
I	Asymptomatic Ex- posure	\$0
II	Asbestosis/Pleural Disease A	\$0
III	Asbestosis/Pleural Disease B	\$40,000
IV	Severe Asbestosis	\$400,000
V	Other Cancer	\$200,000
VI	Lung Cancer I (smoker)	\$50,000
VII	Lung Cancer II (non-smoker)	\$400,000
VIII	Mesothelioma	\$750,000

9           (2) MEDICAL MONITORING.—An asbestos claim-  
10   ant with asymptomatic exposure or asbestosis/pleu-  
11   ral disease A, based on the criteria under section  
12   124(b)(1), shall only be eligible for medical moni-  
13   toring reimbursement.

14   **SEC. 132. MEDICAL MONITORING.**

15       (a) RELATION TO STATUTE OF LIMITATIONS.—The  
16   filing of an asbestos claim that seeks reimbursement for  
17   medical monitoring shall not be considered as evidence

1 that the claimant has discovered facts that would other-  
2 wise commence the period applicable for purposes of the  
3 statute of limitations under section 111(c).

4 (b) COSTS.—Reimbursable medical monitoring costs  
5 shall include the costs of a claimant not covered by health  
6 insurance for x-ray tests and pulmonary function tests  
7 every 3 years.

8 (c) REGULATIONS.—The Administrator shall promul-  
9 gate regulations that establish—

10 (1) the reasonable costs for medical monitoring  
11 that is reimbursable; and

12 (2) the procedures applicable to asbestos claim-  
13 ants.

14 **SEC. 133. PAYMENTS.**

15 (a) STRUCTURED PAYMENTS.—

16 (1) IN GENERAL.—An asbestos claimant who is  
17 entitled to compensation shall receive such com-  
18 pensation through structured payments from the  
19 Fund, made over a period of not less than 3 years.

20 (2) ACCELERATED PAYMENTS.—The Adminis-  
21 trator shall develop guidelines to provide for acceler-  
22 ated payments to asbestos claimants who are meso-  
23 thelioma victims and who are alive on the date on  
24 which the administrator receives notice of the eligi-  
25 bility of the claimant. Such payments shall be cred-

1       ited against the first regular payment under the  
2       structured payment plan for the claimant.

3           (3) EXPEDITED PAYMENTS.—The Adminis-  
4       trator shall develop guidelines to provide for expe-  
5       dited payments to asbestos claimants in cases of exi-  
6       gent circumstances or extreme hardship caused by  
7       asbestos-related injury.

8           (4) ANNUITY.—An asbestos claimant may elect  
9       to receive any payments to which they are entitled  
10      under this title in the form of an annuity.

11       (b) LIMITATION ON TRANSFERABILITY.—An asbestos  
12      claim shall not be assignable or otherwise transferable  
13      under this Act.

14       (c) CREDITORS.—An award of compensation under  
15      this title shall be exempt from all claims of creditors and  
16      from levy, execution, and attachment or other remedy for  
17      recovery or collection of a debt, and such exemption may  
18      not be waived.

19       (d) TREATMENT FOR INTERNAL REVENUE PUR-  
20      POSES.—All compensation received under this subtitle  
21      shall be deemed to be compensation for personal physical  
22      injuries or physical sickness under section 104 of the In-  
23      ternal Revenue Code of 1986.

24       (e) MEDICARE AS SECONDARY PAYER.—No award of  
25      compensation under this title shall be deemed a payment

Sec. 225. Additional contributing participants.

#### TITLE III—JUDICIAL REVIEW

Sec. 301. Judicial review of decisions of the Asbestos Court.

Sec. 302. Judicial review of final determinations of the Asbestos Insurers Commission.

Sec. 303. Exclusive review.

Sec. 304. Private right of action against reinsurers.

#### TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. False information.

Sec. 402. Effect on bankruptcy laws.

Sec. 403. Effect on other laws and existing claims.

### 1 **SEC. 2. PURPOSE.**

2       The purpose of this Act is to create a privately fund-  
3 ed, publicly administered fund to provide the necessary re-  
4 sources for an asbestos injury claims resolution program.

### 5 **SEC. 3. DEFINITIONS.**

6       In this Act, the following definitions shall apply:

7           (1) ADMINISTRATOR.—The term “Adminis-  
8 trator” means the Administrator of the Office of As-  
9 bestos Injury Claims Resolution appointed under  
10 section 221(c).

11           (2) ASBESTOS.—The term “asbestos”  
12 includes—

13                   (A) chrysotile;

14                   (B) amosite;

15                   (C) crocidolite;

16                   (D) tremolite;

17                   (E) winchite;

18                   (F) richterite;

19                   (G) anthophyllite;

1 for purposes of section 1862 of the Social Security Act  
2 (42 U.S.C. 1395y).

3 **SEC. 134. REDUCTION IN BENEFIT PAYMENTS FOR COLLAT-**  
4 **ERAL SOURCES.**

5 (a) IN GENERAL.—The amount of compensation oth-  
6 erwise available to an asbestos claimant under this title  
7 shall be reduced by the amount of collateral source com-  
8 pensation that the claimant received, or is entitled to re-  
9 ceive, for the asbestos-related injury that is the subject  
10 of the compensation.

11 (b) EXCLUSIONS.—In no case shall statutory benefits  
12 under workers' compensation laws and veterans benefits  
13 programs be deemed as collateral source compensation for  
14 purposes of this section.

15 **Subtitle E—En Banc Review**

16 **SEC. 141. EN BANC REVIEW.**

17 (a) IN GENERAL.—

18 (1) EN BANC PANELS.—The chief judge of the  
19 Asbestos Court shall—

20 (A) establish en banc panels to carry out  
21 this subtitle; and

22 (B) assign 3 judges of the Asbestos Court  
23 to each en banc panel.

24 (2) FILING OF APPEAL.—Not later than 30  
25 days after receiving notice of the decision of a judge

1 under section 114, a claimant may file an appeal for  
2 review with an en banc panel of the Asbestos Court.

3 (b) DE NOVO REVIEW.—An Asbestos Court panel  
4 shall provide a de novo review of the magistrate’s deter-  
5 mination and the judge’s decision.

6 (c) REPRESENTATION OF THE ADMINISTRATOR.—  
7 The Administrator may appoint counsel to represent the  
8 interests of the Fund and the Administrator in all pro-  
9 ceedings before a panel, including oral arguments and the  
10 submission of briefs.

11 (d) FEDERAL RULES OF APPELLATE PROCEDURE.—  
12 An Asbestos Court panel shall apply the Federal Rules  
13 of Appellate Procedures to all proceedings before the  
14 panel.

15 (e) DECISION OF PANEL.—An Asbestos Court panel  
16 shall enter a final decision on an appeal on the earlier  
17 date occurring—

18 (1) not later than 30 days after the date of the  
19 conclusion of oral arguments; or

20 (2) not later than 60 days after an appeal is  
21 filed under this section.

1     **TITLE II—ASBESTOS INJURY**  
2     **CLAIMS RESOLUTION FUND**  
3     **Subtitle A—Asbestos Defendants**  
4     **Funding Allocation**

5     **SEC. 201. DEFINITIONS.**

6         In this subtitle, the following definitions shall apply:

7             (1) **AFFILIATED GROUP.**—The term “affiliated  
8         group” means—

9                 (A) with respect to any nonbankrupt de-  
10             fendant participant that is an ultimate parent  
11             or a person whose entire beneficial interest is  
12             owned on the date of enactment of this Act, di-  
13             rectly or indirectly, by an ultimate parent, that  
14             set of nonbankrupt persons including the ulti-  
15             mate parent and all of the nonbankrupt persons  
16             whose entire beneficial interest shall be owned  
17             on December 31, 2002, directly or indirectly, by  
18             that ultimate parent; or

19                 (B) with respect to any bankrupt defend-  
20             ant participant, the debtor and all of its direct  
21             and indirect majority owned subsidiaries,  
22             whether or not such subsidiaries are debtors.

23             (2) **DEBTOR.**—The term “debtor”—

24                 (A) means all entities that are subject to  
25             a case pending under any chapter of title 11,



1 United States Code, on the date of enactment  
2 of this Act; and

3 (B) shall not include an entity—

4 (i) subject to chapter 7 of title 11,  
5 United States Code, if a final decree clos-  
6 ing the estate shall have been entered be-  
7 fore the date of enactment of this Act; or

8 (ii) subject to chapter 11 of title 11,  
9 United States Code, if a plan of reorga-  
10 nization for such entity shall have been  
11 confirmed by a final judgment.

12 (3) INDEMNIFIABLE COST.—The term  
13 “indemnifiable cost” means a cost, expense, debt,  
14 judgment, or settlement incurred with respect to an  
15 asbestos claim that, at any time before December  
16 31, 2002, was or could have been subject to indem-  
17 nification, contribution, surety, or guaranty.

18 (4) INDEMNITEE.—The term “indemnitee”  
19 means a person against whom any asbestos claim  
20 has been asserted before December 31, 2002, who  
21 has received from any other person, or on whose be-  
22 half a sum has been paid by such other person to  
23 any third person, in settlement, judgment, defense,  
24 or indemnity in connection with an alleged duty with  
25 respect to the defense or indemnification of such

1 person concerning that asbestos claim, other than  
2 under a policy of insurance or reinsurance.

3 (5) INDEMNITOR.—The term “indemnitor”  
4 means a person who has paid under a written agree-  
5 ment at any time before December 31, 2002, a sum  
6 in settlement, judgment, defense, or indemnity to or  
7 on behalf of any person defending against an asbes-  
8 tos claim, in connection with an alleged duty with  
9 respect to the defense or indemnification of such  
10 person concerning that asbestos claim, except that  
11 payments by an insurer or reinsurer under a con-  
12 tract of insurance or reinsurance shall not make the  
13 insurer or reinsurer an indemnitor for purposes of  
14 this subtitle.

15 (6) PRIOR ASBESTOS EXPENDITURES.—The  
16 term “prior asbestos expenditures”—

17 (A) means the gross total amount paid by  
18 or on behalf of a person at any time before De-  
19 cember 31, 2002, in settlement, judgment, de-  
20 fense, or indemnity costs related to all asbestos  
21 claims against that person;

22 (B) includes payments made by insurance  
23 carriers to or for the benefit of such person or  
24 on such person’s behalf with respect to such as-

1           bestos claims, except as provided in section  
2           204(g);

3           (C) shall not include any payment made by  
4           a person in connection with any activities or  
5           disputes related to insurance coverage matters  
6           for asbestos-related liabilities; and

7           (D) shall not include any payment made by  
8           or on behalf of persons who are common car-  
9           riers by railroad for asbestos claims brought  
10          under the Act of April 22, 1908 (45 U.S.C. 51  
11          et seq.), commonly known as the Federal Em-  
12          ployers' Liability Act, including settlement,  
13          judgment, defense, or indemnity costs associ-  
14          ated with these claims.

15          (7) TRUST.—The term “trust” means all per-  
16          sons or affiliated groups that formed under section  
17          524(g) of title 11, United States Code, or formed  
18          under any plan under section 1129 of title 11,  
19          United States Code, for the purpose of admin-  
20          istering and paying asbestos claims.

21          (8) ULTIMATE PARENT.—The term “ultimate  
22          parent” means a person—

23                 (A) that owns, on the date of enactment of  
24                 this Act, the entire beneficial interest, directly  
25                 or indirectly, of at least 1 other person; and

1 (B) whose entire beneficial interest is not  
2 owned, on December 31, 2002, directly or indi-  
3 rectly, by any other single person.

4 **SEC. 202. AUTHORITY AND TIERS.**

5 (a) ASSESSMENT.—

6 (1) IN GENERAL.—The Administrator shall as-  
7 sess from defendant participants contributions to the  
8 Fund in accordance with this section based on tiers  
9 and subtiers assigned to defendant participants.

10 (2) AGGREGATE CONTRIBUTION LEVEL.—The  
11 total contribution required of all defendant partici-  
12 pants over the life of the Fund shall be equal to  
13 \$45,000,000,000.

14 (b) TIER I.—The Administrator shall assign to Tier  
15 I all persons that are debtors or affiliated groups that in-  
16 clude a person that—

17 (1) is a debtor on the date of enactment of this  
18 Act or at any time during the 1-year period pre-  
19 ceding that date; and

20 (2) have paid a prior asbestos expenditure, irre-  
21 spective of whether a related case under title 11,  
22 United States Code, is dismissed.

23 (c) TREATMENT OF TIER I BUSINESS ENTITIES IN  
24 BANKRUPTCY.—

1 (1) DEFINED TERM.—In this subsection, the  
2 term “bankrupt business entity” means a person  
3 that is not a natural person that—

4 (A) filed under chapter 11, of title 11,  
5 United States Code, before January 1, 2003;

6 (B) has not confirmed a plan of reorga-  
7 nization as of the date of enactment of this Act;  
8 and

9 (C) the Chief Executive Officer, Chief Fi-  
10 nancial Officer, or Chief Legal Officer of that  
11 business entity certifies in writing to the bank-  
12 ruptcy court presiding over the business entity’s  
13 case, that asbestos liability was neither the sole  
14 nor precipitating cause for the filing under  
15 chapter 11.

16 (2) PROCEEDING WITH REORGANIZATION  
17 PLAN.—A bankrupt business entity may proceed  
18 with the filing, solicitation, and confirmation of a  
19 plan of reorganization that does not comply with the  
20 requirements of this Act, including a trust and chan-  
21 neling injunction under section 524(g) of title 11,  
22 United States Code, notwithstanding any other pro-  
23 visions of this Act, if—

1 (A) the bankruptcy court presiding over  
2 the chapter 11 case of the bankrupt business  
3 entity determines that—

4 (i) confirmation is necessary to permit  
5 the reorganization of that entity and as-  
6 sure that all creditors and that entity are  
7 treated fairly and equitably; and

8 (ii) confirmation is clearly favored by  
9 the balance of the equities; and

10 (B) an order confirming the plan of reor-  
11 ganization is entered by the bankruptcy court  
12 within 9 months after the date of enactment of  
13 this Act or such longer period of time approved  
14 by the bankruptcy court for cause shown.

15 (3) APPLICABILITY.—If the bankruptcy court  
16 does not make the required determination, or if an  
17 order confirming the plan is not entered within 9  
18 months of the effective date of this Act or such  
19 longer period of time approved by the bankruptcy  
20 court for cause shown, the provisions of the Act  
21 shall apply to the bankrupt business entity notwith-  
22 standing the certification. Any timely appeal under  
23 title 11, United States Code, from a confirmation  
24 order entered during the applicable time period shall  
25 automatically extend the time during which this Act

1 is inapplicable to the bankrupt business entity, until  
2 the appeal is fully and finally resolved.

3 (4) OFFSETS.—

4 (A) PAYMENTS BY INSURERS.—To the ex-  
5 tent that a bankrupt business entity success-  
6 fully confirms a plan of reorganization, includ-  
7 ing a trust under section 524(g) of title 11,  
8 United States Code, and channeling injunction  
9 that involves payments by insurers who are oth-  
10 erwise subject to this Act, an insurer who  
11 makes payments to the trust under section  
12 524(g) of title 11, United States Code, shall ob-  
13 tain a dollar for dollar reduction in the amount  
14 otherwise payable by that insurer under this  
15 Act to the Fund.

16 (B) CONTRIBUTIONS TO FUND.—Any cash  
17 payments by a bankrupt business entity, if any,  
18 to a trust under section 524(g) of title 11,  
19 United States Code, may be counted as a con-  
20 tribution to the Fund.

21 (d) TIERS II THROUGH VI.—Except as provided in  
22 sections 202(b), 204(b), and 204(g), persons or affiliated  
23 groups shall be assigned to Tier II, III, IV, V, or VI ac-  
24 cording to the prior asbestos expenditures paid by such  
25 persons or affiliated groups as follows:

1 (H) actinolite;

2 (I) any of the minerals listed under sub-  
3 paragraphs (A) through (H) that has been  
4 chemically treated or altered, and any variety,  
5 type, or component thereof; and

6 (J) asbestos-containing material, such as  
7 asbestos-containing products, automotive or in-  
8 dustrial parts or components, equipment, im-  
9 provements to real property, and any other ma-  
10 terial that contains asbestos in any physical or  
11 chemical form.

12 (3) ASBESTOS CLAIM.—

13 (A) IN GENERAL.—The term “asbestos  
14 claim” means any personal injury claim for  
15 damages or other relief presented in a civil ac-  
16 tion or bankruptcy proceeding, arising out of,  
17 based on, or related to the health effects of ex-  
18 posure to asbestos, including loss of consortium,  
19 wrongful death, and any derivative claim made  
20 by, or on behalf of, any exposed person or any  
21 representative, spouse, parent, child or other  
22 relative of any exposed person.

23 (B) EXCLUSION.—The term does not in-  
24 clude claims for benefits under a workers’ com-  
25 pensation law or veterans’ benefits program, or



1 (1) Tier II: \$75,000,000 or greater.

2 (2) Tier III: \$50,000,000 or greater but less  
3 than \$75,000,000.

4 (3) Tier IV: \$10,000,000 or greater but less  
5 than \$50,000,000.

6 (4) Tier V: \$5,000,000 or greater but less than  
7 \$10,000,000.

8 (5) Tier VI: \$1,000,000 or greater but less  
9 than \$5,000,000.

10 (e) ASSIGNMENTS AND COSTS.—

11 (1) PERMANENT ASSIGNMENT.—Subject to sec-  
12 tion 204(d), after the Administrator has assigned a  
13 person or affiliated group to a tier under this sec-  
14 tion, such person or affiliated group shall remain in  
15 that tier throughout the life of the Fund, regardless  
16 of subsequent events, including—

17 (A) the filing of a petition under a chapter  
18 of title 11, United States Code;

19 (B) a discharge from bankruptcy;

20 (C) the confirmation of a plan of reorga-  
21 nization; or

22 (D) the sale or transfer of assets to any  
23 other person or affiliated group.

24 (2) COSTS.—The payment of contributions to  
25 the Fund by all persons or affiliated groups that in-

1       clude a person that is a debtor that is the subject  
2       of a case under a chapter of title 11, United States  
3       Code, after the date of enactment of this Act—

4               (A) shall constitute costs and expenses of  
5       administration of the case under section 503 of  
6       that title 11 and shall be payable in accordance  
7       with the payment provisions under this subtitle  
8       notwithstanding the pendency of the case under  
9       that title 11;

10              (B) shall not be stayed or affected as to  
11       enforcement or collection by any stay or injunc-  
12       tion power of any court; and

13              (C) shall not be impaired or discharged in  
14       any current or future case under title 11,  
15       United States Code.

16       (f) SUPERSEDING PROVISIONS.—Any plan of reorga-  
17       nization with respect to any debtor assigned to Tier I and  
18       any agreement, understanding, or undertaking by any  
19       such debtor or any third party with respect to the treat-  
20       ment of any asbestos claim filed before the date of enact-  
21       ment of this Act and subject to confirmation of a plan  
22       under chapter 11 of title 11, United States Code, shall  
23       be superseded in their entirety by this Act. Any such plan  
24       of reorganization, agreement, understanding, or under-  
25       taking by any debtor or any third party shall be of no

1 force or effect, and no person shall have any rights or  
2 claims with respect to any of the foregoing.

3 **SEC. 203. SUBTIER ASSESSMENTS.**

4 (a) IN GENERAL.—

5 (1) ASSESSMENTS.—Except as provided under  
6 subsections (a), (b), (d), (f), and (g) of section 204,  
7 the Administrator shall assess contributions to per-  
8 sons or affiliated groups within Tiers I through VII  
9 in accordance with this section.

10 (2) 2002 REVENUES.—The audited consolidated  
11 revenue for the year 2002 of each debtor (in this  
12 section referred to as “2002 revenues”) shall include  
13 the revenues for year 2002 of the debtor and all of  
14 its affiliated groups. The pro forma revenues of a  
15 person or affiliated group that are assigned to  
16 Subtier 3 shall not be included in calculating the  
17 2002 revenues of any debtor that is a direct or indi-  
18 rect majority owner of such Subtier 3 person or af-  
19 filiated group.

20 (3) GROSS REVENUES.—

21 (A) IN GENERAL.—For purposes of this  
22 section, gross revenues shall be determined in  
23 accordance with generally accepted accounting  
24 principles, consistently applied, using the  
25 amount reported as gross revenues in the an-

1           nual report filed with the Securities and Ex-  
2           change Commission in accordance with section  
3           13(a)(2) of the Securities Exchange Act of  
4           1934 (15 U.S.C. 78m(a)(2)) for the year end-  
5           ing December 31, 2002, or, if applicable, the  
6           earlier fiscal year that ends during calendar  
7           year 2002, if such fiscal year is principally em-  
8           ployed by the defendant participant.

9           (B) INSURANCE PREMIUMS.—Any portion  
10          of gross revenues of a defendant participant  
11          that is derived from insurance premiums shall  
12          not be used to calculate the contribution of that  
13          defendant participant under this subtitle.

14          (C) PRIVATELY-HELD COMPANIES.—If the  
15          defendant participant is not required to file an  
16          earnings report with the Securities and Ex-  
17          change Commission, gross revenues shall be the  
18          amount that the defendant participant would  
19          have reported as gross revenues in the event  
20          that it had been required to file the report de-  
21          scribed under subparagraph (A).

22       (b) TIER I SUBTIERS.—

23           (1) IN GENERAL.—Except as provided under  
24          subsections (a), (b), (d), (f), and (g) of section 204,  
25          the Administrator shall assign each person or affili-

1       ated group in Tier I to 1 of 4 Subtiers. Each person  
2       or affiliated group shall make contributions to the  
3       Fund as provided under this section.

4               (2) SUBTIER 1.—

5               (A) IN GENERAL.—All persons that are  
6       debtors or affiliated groups, which include a  
7       debtor with prior asbestos expenditures of  
8       \$10,000,000 or greater, shall be assigned to  
9       Subtier 1.

10              (B) ASSIGNMENT.—Each debtor assigned  
11       to Subtier 1 shall make annual payments based  
12       on a percentage of its 2002 revenues.

13              (C) PAYMENT.—Each debtor assigned to  
14       Subtier 1 shall pay on an annual basis the fol-  
15       lowing with respect to the year of the establish-  
16       ment of the Fund:

17                      (i) Years 1 through 5, 1.4533 percent  
18       of the debtor's 2002 revenues.

19                      (ii) Years 6 through 8, 1.3080 percent  
20       of the debtor's 2002 revenues.

21                      (iii) Years 9 through 11, 1.1772 per-  
22       cent of the debtor's 2002 revenues.

23                      (iv) Years 12 through 14, 1.0595 per-  
24       cent of the debtor's 2002 revenues.

1 (v) Years 15 through 17, 0.9535 per-  
2 cent of the debtor's 2002 revenues.

3 (vi) Years 18 through 20, 0.8582 per-  
4 cent of the debtor's 2002 revenues.

5 (vii) Years 21 through 23, 0.7723  
6 percent of the debtor's 2002 revenues.

7 (viii) Years 24 through 25, 0.6951  
8 percent of the debtor's 2002 revenues.

9 (3) SUBTIER 2.—

10 (A) IN GENERAL.—All persons that are  
11 debtors or affiliated groups which include a  
12 debtor that have no material continuing busi-  
13 ness operations but hold cash or other assets  
14 that have been allocated or earmarked for as-  
15 bestos settlements shall be assigned to Subtier  
16 2.

17 (B) ASSIGNMENT OF ASSETS.—Not later  
18 than 30 days after the date of enactment of  
19 this Act, each person or affiliated group as-  
20 signed to Subtier 2 shall assign all of its assets  
21 to the Fund.

22 (4) SUBTIER 3.—

23 (A) IN GENERAL.—All persons that are  
24 debtors or affiliated groups that include a debt-  
25 or, other than those included in Subtier 2,

1 which have no material continuing business op-  
2 erations and no cash or other assets allocated  
3 or earmarked for the settlement of any asbestos  
4 claim, shall be assigned to Subtier 3.

5 (B) ASSIGNMENT OF UNENCUMBERED AS-  
6 SETS.—Not later than 30 days after the date of  
7 enactment of this Act, each person or affiliated  
8 group assigned to Subtier 3 shall contribute an  
9 amount equal to 50 percent of its total  
10 unencumbered assets.

11 (C) CALCULATION OF UNENCUMBERED AS-  
12 SETS.—Unencumbered assets shall be cal-  
13 culated as the Subtier 3 person or affiliated  
14 group's total assets, excluding insurance related  
15 assets, less—

- 16 (i) all allowed administrative expenses;  
17 (ii) allowed priority claims under sec-  
18 tion 507 of title 11, United States Code;  
19 and  
20 (iii) allowed secured claims.

21 (c) TIER II SUBTIERS.—

22 (1) IN GENERAL.—The Administrator shall as-  
23 sign each person or affiliated group in Tier II to 1  
24 of 5 subtiers, based on the person's or affiliated  
25 group's gross revenues. Such subtiers shall each con-

1       tain as close to an equal number of total persons  
2       and affiliated groups as possible, with—

3               (A) those persons or affiliated groups with  
4               the highest gross revenues assigned to Subtier  
5               1;

6               (B) those persons or affiliated groups with  
7               the next highest gross revenues assigned to  
8               Subtier 2;

9               (C) those persons or affiliated groups with  
10              the lowest gross revenues assigned to Subtier 5;

11              (D) those persons or affiliated groups with  
12              the next lowest gross revenues assigned to  
13              Subtier 4; and

14              (E) those persons or affiliated groups re-  
15              maining assigned to Subtier 3.

16              (2) PAYMENT.—Each person or affiliated group  
17              within an assigned subtier shall pay, on an annual  
18              basis, the following:

19                      (A) Subtier 1: \$25,000,000.

20                      (B) Subtier 2: \$22,500,000.

21                      (C) Subtier 3: \$20,000,000.

22                      (D) Subtier 4: \$17,500,000.

23                      (E) Subtier 5: \$15,000,000.

24              (d) TIER III SUBTIERS.—



1           (1) IN GENERAL.—The Administrator shall as-  
2           sign each person or affiliated group in Tier III to 1  
3           of 5 subtiers, based on the person’s or affiliated  
4           group’s gross revenues. Such subtiers shall each con-  
5           tain as close to an equal number of total persons  
6           and affiliated groups as possible, with—

7                   (A) those persons or affiliated groups with  
8                   the highest gross revenues assigned to Subtier  
9                   1;

10                  (B) those persons or affiliated groups with  
11                  the next highest gross revenues assigned to  
12                  Subtier 2;

13                  (C) those persons or affiliated groups with  
14                  the lowest gross revenues assigned to Subtier 5;

15                  (D) those persons or affiliated groups with  
16                  the next lowest gross revenues assigned to  
17                  Subtier 4; and

18                  (E) those persons or affiliated groups re-  
19                  maining assigned to Subtier 3.

20           (2) PAYMENT.—Each person or affiliated group  
21           within an assigned subtier shall pay, on an annual  
22           basis, the following:

23                   (A) Subtier 1: \$15,000,000.

24                   (B) Subtier 2: \$12,500,000.

25                   (C) Subtier 3: \$10,000,000.

1 (D) Subtier 4: \$7,500,000.

2 (E) Subtier 5: \$5,000,000.

3 (e) TIER IV SUBTIERS.—

4 (1) IN GENERAL.—The Administrator shall as-  
5 sign each person or affiliated group in Tier IV to 1  
6 of 4 subtiers, based on the person's or affiliated  
7 group's gross revenues. Such subtiers shall each con-  
8 tain as close to an equal number of total persons  
9 and affiliated groups as possible, with those persons  
10 or affiliated groups with the highest gross revenues  
11 in Subtier 1, those with the lowest gross revenues in  
12 Subtier 4. Those persons or affiliated groups with  
13 the highest gross revenues among those remaining  
14 will be assigned to Subtier 2 and the rest in Subtier  
15 3.

16 (2) PAYMENT.—Each person or affiliated group  
17 within an assigned subtier shall pay, on an annual  
18 basis, the following:

19 (A) Subtier 1: \$3,500,000.

20 (B) Subtier 2: \$2,250,000.

21 (C) Subtier 3: \$1,500,000.

22 (D) Subtier 4: \$500,000.

23 (f) TIER V SUBTIERS.—

24 (1) IN GENERAL.—The Administrator shall as-  
25 sign each person or affiliated group in Tier V to 1

1 claims brought by any person as a subrogee by  
2 virtue of the payment of benefits under a work-  
3 ers' compensation law.

4 (4) ASBESTOS CLAIMANT.—The term “asbestos  
5 claimant” means an individual who files an asbestos  
6 claim under section 111.

7 (5) ASBESTOS COURT; COURT.—The terms “As-  
8 bestos Court” or “Court” means the United States  
9 Court of Asbestos Claims established under section  
10 101.

11 (6) CIVIL ACTION.—The term “civil action”  
12 means all suits of a civil nature in State or Federal  
13 court, whether cognizable as cases at law or in eq-  
14 uity or in admiralty, but does not include an action  
15 relating to any workers' compensation law, or a pro-  
16 ceeding for benefits under any veterans' benefits  
17 program.

18 (7) COLLATERAL SOURCE.—The term “collat-  
19 eral source” means all collateral sources, including—

20 (A) disability insurance;

21 (B) health insurance;

22 (C) medicare;

23 (D) medicaid;

24 (E) death benefit programs;

25 (F) defendants;

1 of 3 subtiers, based on the person's or affiliated  
2 group's gross revenues. Such subtiers shall each con-  
3 tain as close to an equal number of total persons  
4 and affiliated groups as possible, with those persons  
5 or affiliated groups with the highest gross revenues  
6 in Subtier 1, those with the lowest gross revenues in  
7 Subtier 3, and those remaining in Subtier 2.

8 (2) PAYMENT.—Each person or affiliated group  
9 within an assigned subtier shall pay, on an annual  
10 basis, the following:

11 (A) Subtier 1: \$1,000,000.

12 (B) Subtier 2: \$500,000.

13 (C) Subtier 3: \$200,000.

14 (g) TIER VI SUBTIERS.—

15 (1) IN GENERAL.—The Administrator shall as-  
16 sign each person or affiliated group in Tier VI to 1  
17 of 3 subtiers, based on the person's or affiliated  
18 group's gross revenues. Such subtiers shall each con-  
19 tain as close to an equal number of total persons  
20 and affiliated groups as possible, with those persons  
21 or affiliated groups with the highest gross revenues  
22 in Subtier 1, those with the lowest gross revenues in  
23 Subtier 3, and those remaining in Subtier 2.

1           (2) PAYMENT.—Each person or affiliated group  
2           within an assigned subtier shall pay, on an annual  
3           basis, the following:

4                   (A) Subtier 1: \$500,000.

5                   (B) Subtier 2: \$250,000.

6                   (C) Subtier 3: \$100,000.

7           (h) TIER VII.—

8                   (1) IN GENERAL.—Notwithstanding any assign-  
9           ment to Tiers II, III, IV, V, and VI based on prior  
10          asbestos expenditures under section 204(g), a person  
11          shall be assigned to Tier VII if the person—

12                   (A) is a common carrier by railroad subject  
13          to asbestos claims brought under the Federal  
14          Employers' Liability Act (45 U.S.C. 51 et seq.);  
15          and

16                   (B) have paid not less than \$5,000,000 in  
17          settlement, judgment, defense, or indemnity  
18          costs relating to such claims.

19           (2) ADDITIONAL AMOUNT.—The contribution  
20          requirement for persons assigned to Tier VII shall  
21          be in addition to any applicable contribution require-  
22          ment that such person may be assessed under Tiers  
23          II through VI.

24           (3) SUBTIER 1.—The Administrator shall as-  
25          sign each person or affiliated group in Tier VII with

1 gross revenues of not less than \$5,000,000,000 to  
2 Subtier 1 and shall require each such person or af-  
3 filiated group to make annual payments of  
4 \$10,000,000 into the Fund.

5 (4) SUBTIER 2.—The Administrator shall as-  
6 sign each person or affiliated group in Tier VII with  
7 gross revenues of less than \$5,000,000,000, but not  
8 less than \$3,000,000,000 to Subtier 2, and shall re-  
9 quire each such person or affiliated group to make  
10 annual payments of \$5,000,000 into the Fund.

11 (5) SUBTIER 3.—The Administrator shall as-  
12 sign each person or affiliated group in Tier VII with  
13 gross revenues of less than \$3,000,000,000, but not  
14 less than \$500,000,000 to Subtier 3, and shall re-  
15 quire each such person or affiliated group to make  
16 annual payments of \$500,000 into the Fund.

17 (6) JOINT VENTURE REVENUES AND LIABIL-  
18 ITY.—

19 (A) REVENUES.—For purposes of this sub-  
20 section, the revenues of a joint venture shall be  
21 included on a pro rata basis reflecting relative  
22 joint ownership to calculate the revenues of the  
23 parents of that joint venture. The joint venture  
24 shall not be responsible for a contribution  
25 amount under this subsection.

1 (B) LIABILITY.—For purposes of this sub-  
2 section, the liability under the Act of April 22,  
3 1908 (45 U.S.C. 51 et seq.), commonly known  
4 as the Federal Employers’ Liability Act, shall  
5 be attributed to the parent owners of the joint  
6 venture on a pro rata basis, reflecting their rel-  
7 ative share of ownership. The joint venture  
8 shall not be responsible for a contribution  
9 amount under this provision.

10 **SEC. 204. ASSESSMENT ADMINISTRATION.**

11 (a) REDUCTION ADJUSTMENTS.—The Administrator  
12 shall assess contributions based on amounts provided  
13 under this subtitle for each person or affiliated group  
14 within Tiers II, III, IV, V, VI, and VII for the first 5  
15 years of the operation of the Fund. Beginning in year 6,  
16 and every 3 years thereafter, the Administrator shall re-  
17 duce the contribution amount for each defendant partici-  
18 pant in each of these tiers by 10 percent of the amount  
19 assessed in the prior year.

20 (b) SMALL BUSINESS EXEMPTION.—A person or af-  
21 filiated group that is a small business concern (as defined  
22 under section 3 of the Small Business Act (15 U.S.C.  
23 632)), on December 31, 2002, is exempt from any con-  
24 tribution requirement under this subsection.

1 (c) PROCEDURES.—The Administrator shall pre-  
2 scribe procedures on how contributions assessed under  
3 this subtitle are to be paid.

4 (d) EXCEPTIONS.—

5 (1) IN GENERAL.—Under expedited procedures  
6 established by the Administrator, a defendant partic-  
7 ipant may seek adjustment of the amount of its con-  
8 tribution based on severe financial hardship or dem-  
9 onstrated inequity. The Administrator may deter-  
10 mine whether to grant an adjustment and the size  
11 of any such adjustment, in accordance with this sub-  
12 section. Such determinations shall not prejudice the  
13 integrity of the Fund and shall not be subject to ju-  
14 dicial review.

15 (2) FINANCIAL HARDSHIP ADJUSTMENTS.—

16 (A) IN GENERAL.—A defendant may apply  
17 for an adjustment based on financial hardship  
18 at any time during the life of the Fund and  
19 may qualify for such adjustment by dem-  
20 onstrating that the amount of its contribution  
21 under the statutory allocation would constitute  
22 a severe financial hardship.

23 (B) TERM.—A hardship adjustment under  
24 this subsection shall have a term of 3 years.



1 (C) RENEWAL.—A defendant may renew  
2 its hardship adjustment by demonstrating that  
3 it remains justified.

4 (D) LIMITATION.—The Administrator may  
5 not grant hardship adjustments under this sub-  
6 section in any year that exceed, in the aggre-  
7 gate, 3 percent of the total annual contributions  
8 required of all defendant participants.

9 (3) INEQUITY ADJUSTMENTS.—

10 (A) IN GENERAL.—A defendant may qual-  
11 ify for an adjustment based on inequity by dem-  
12 onstrating that the amount of its contribution  
13 under the statutory allocation is exceptionally  
14 inequitable when measured against the amount  
15 of the likely cost to the defendant of its future  
16 liability in the tort system in the absence of the  
17 Fund.

18 (B) TERM.—Subject to the annual avail-  
19 ability of funds in the Orphan Share Reserve  
20 Account established under section 223(e), an  
21 inequity adjustment granted by the Adminis-  
22 trator under this subsection shall remain in ef-  
23 fect for the life of the Fund.

1 (C) LIMITATION.—The Administrator may  
2 grant inequity adjustments only to the extent  
3 that—

4 (i) the financial condition of the Fund  
5 is sufficient to accommodate such adjust-  
6 ments;

7 (ii) the Orphan Share Reserve Ac-  
8 count is sufficient to cover such adjust-  
9 ments for that year; and

10 (iii) such adjustments do not exceed 2  
11 percent of the total annual contributions  
12 required of all defendant participants.

13 (4) ADVISORY PANELS.—

14 (A) APPOINTMENT.—The Administrator  
15 shall appoint a Financial Hardship Adjustment  
16 Panel and an Inequity Adjustment Panel to ad-  
17 vise the Administrator in carrying out this sub-  
18 section.

19 (B) MEMBERSHIP.—The membership of  
20 the panels appointed under subparagraph (A)  
21 may overlap.

22 (C) COORDINATION.—The panels ap-  
23 pointed under subparagraph (A) shall coordi-  
24 nate their deliberations and recommendations.

1 (e) LIMITATION ON LIABILITY.—The liability of each  
2 defendant participant to contribute to the Fund shall be  
3 limited to the payment obligations under this subtitle, and  
4 no defendant participant shall have any liability for the  
5 payment obligations of any other defendant participant.

6 (f) CONSOLIDATION OF CONTRIBUTIONS.—

7 (1) IN GENERAL.—For purposes of determining  
8 the contribution levels of defendant participants, any  
9 affiliated group including 1 or more defendant par-  
10 ticipants may irrevocably elect, as part of the sub-  
11 mission to be made under subsection (i), to report  
12 on a consolidated basis all of the information nec-  
13 essary to determine the contribution level under this  
14 subtitle and contribute to the Fund on a consoli-  
15 dated basis.

16 (2) ELECTION.—If an affiliated group elects  
17 consolidation as provided in this subsection—

18 (A) for purposes of this Act other than  
19 this subsection, the affiliated group shall be  
20 treated as if it were a single participant, includ-  
21 ing without limitation with respect to the as-  
22 sessment of a single annual contribution under  
23 this subtitle for the entire affiliated group;

24 (B) the ultimate parent of the affiliated  
25 group shall prepare and submit the submission

1 to be made under subsection (i), on behalf of  
2 the entire affiliated group and shall be solely  
3 liable, as between the Administrator and the af-  
4 filiated group only, for the payment of the an-  
5 nual contribution assessed against the affiliated  
6 group, except that, if the ultimate parent does  
7 not pay when due any contribution for the af-  
8 filiated group, the Administrator shall have the  
9 right to seek payment of all or any portion of  
10 the entire amount due from any member of the  
11 affiliated group;

12 (C) all members of the affiliated group  
13 shall be identified in the submission under sub-  
14 section (i) and shall certify compliance with this  
15 subsection and the Administrator's regulations  
16 implementing this subsection; and

17 (D) the obligations under this subtitle shall  
18 not change even if, after the date of enactment  
19 of this Act, the beneficial ownership interest be-  
20 tween any members of the affiliated group shall  
21 change.

22 (g) DETERMINATION OF PRIOR ASBESTOS EXPENDI-  
23 TURES.—

24 (1) IN GENERAL.—For purposes of determining  
25 a defendant participant's prior asbestos expenditure,

1 the Administrator shall prescribe such rules as may  
2 be necessary or appropriate to assure that payments  
3 by indemnitors before December 31, 2002, shall be  
4 counted as part of the indemnitor's prior asbestos  
5 expenditure, rather than the indemnitee's prior as-  
6 bestos expenditure, in accordance with this sub-  
7 section.

8 (2) INDEMNIFIABLE COSTS.—If an indemnitor  
9 has paid or reimbursed to an indemnitee any  
10 indemnifiable cost or otherwise made a payment on  
11 behalf of or for the benefit of an indemnitee to a  
12 third party for an indemnifiable cost before Decem-  
13 ber 31, 2002, the amount of such indemnifiable cost  
14 shall be solely for the account of the indemnitor for  
15 purposes under this Act.

16 (3) INSURANCE PAYMENTS.—When computing  
17 the prior asbestos expenditure with respect to an as-  
18 bestos claim, any amount paid or reimbursed by in-  
19 surance shall be solely for the account of the  
20 indemnitor, even if the indemnitor would have no di-  
21 rect right to the benefit of the insurance, if—

22 (A) such insurance has been paid or reim-  
23 bursed to the indemnitor or the indemnitee, or  
24 paid on behalf of or for the benefit of the

1 (G) insurers of defendants; and

2 (H) compensation trusts.

3 (8) ELIGIBLE DISEASE OR CONDITION.—The  
4 term “eligible disease or condition” means, to the  
5 extent that the illness meets the medical criteria re-  
6 quirements established under subtitle C of title I, as-  
7 bestosis/pleural disease, severe asbestosis disease,  
8 mesothelioma, lung cancer I, lung cancer II, other  
9 cancers, and qualifying non-malignant asbestos-re-  
10 lated diseases.

11 (9) FUND.—The term “Fund” means the As-  
12 bestos Injury Claims Resolution Fund established  
13 under section 223.

14 (10) LAW.—The term “law” includes all law,  
15 judicial or administrative decisions, rules, regula-  
16 tions, or any other principle or action having the ef-  
17 fect of law.

18 (11) PARTICIPANT.—The term “participant”  
19 means any person subject to the funding require-  
20 ments of title II, including—

21 (A) any defendant participant subject to  
22 an assessment for contribution under subtitle A  
23 of that title; and

1 indemnatee, any indemnifiable cost related to  
2 the asbestos claim; and

3 (B) the indemnitor has either, with respect  
4 to such asbestos claim or any similar asbestos  
5 claim, paid or reimbursed to its indemnitee any  
6 indemnifiable cost or paid to any third party on  
7 behalf of or for the benefit of the indemnitee  
8 any indemnifiable cost.

9 (h) MINIMUM CONTRIBUTIONS.—Minimum aggre-  
10 gate contributions of defendant participants to the Fund  
11 in any calendar year shall be as follows:

12 (1) For each of the first 5 years of the Fund,  
13 the aggregate contributions of defendant partici-  
14 pants to the fund shall be at least \$2,500,000,000.

15 (2) After the 5th year, the minimum aggregate  
16 contribution shall be reduced by \$250,000,000 every  
17 3 years as follows:

18 (A) For years 6 through 8,  
19 \$2,250,000,000.

20 (B) For years 9 through 11,  
21 \$2,000,000,000.

22 (C) For years 12 through 14,  
23 \$1,750,000,000.

24 (D) For years 15 through 17,  
25 \$1,500,000,000.

1 (E) For years 18 through 20,  
2 \$1,250,000,000.

3 (F) For years 21 through 23,  
4 \$1,000,000,000.

5 (G) For years 24 through 26,  
6 \$750,000,000.

7 (i) PROCEDURES TO DETERMINE FUND CONTRIBU-  
8 TION ASSESSMENTS.—

9 (1) NOTICE TO PARTICIPANTS.—Not later than  
10 60 days after his or her initial appointment, the Ad-  
11 ministrator shall—

12 (A) directly notify all reasonably identifi-  
13 able defendant participants of the requirement  
14 to submit information necessary to calculate the  
15 amount of any required contribution to the  
16 Fund; and

17 (B) publish in the Federal Register a no-  
18 tice requiring any person who may be a defend-  
19 ant participant (as determined by criteria out-  
20 lined in the notice) to submit such information.

21 (2) RESPONSE REQUIRED.—

22 (A) IN GENERAL.—Any person who re-  
23 ceives notice under paragraph (1)(A), and any  
24 other person meeting the criteria specified in  
25 the notice published under paragraph (1)(B),



1 shall respond by providing the Administrator  
2 with all the information requested in the notice  
3 at the earlier of—

4 (i) 30 days after the receipt of direct  
5 notice; or

6 (ii) 30 days after the publication of  
7 notice in the Federal Register.

8 (B) CERTIFICATION.—The response sub-  
9 mitted under subparagraph (A) shall be signed  
10 by a responsible corporate officer, general part-  
11 ner, proprietor, or individual of similar author-  
12 ity, who shall certify under penalty of law the  
13 completeness and accuracy of the information  
14 submitted.

15 (3) NOTICE OF INITIAL DETERMINATION.—

16 (A) IN GENERAL.—Not later than 60 days  
17 after receiving a response under paragraph (2),  
18 the Administrator shall send the participant a  
19 notice of initial determination assessing a con-  
20 tribution to the Fund, which shall be based on  
21 the information received from the participant in  
22 response to the Administrator's request for in-  
23 formation.

24 (B) NO RESPONSE; INCOMPLETE RE-  
25 SPONSE.—If no response is received from the

1 participant, or if the response is incomplete, the  
2 initial determination assessing a contribution  
3 from the participant shall be based on the best  
4 information available to the Administrator.

5 (4) CONFIDENTIALITY.—Any Person may des-  
6 ignate any information submitted under this sub-  
7 section as confidential commercial or financial infor-  
8 mation for purposes of the Freedom of Information  
9 Act (5 U.S.C. 552). The Administrator shall adopt  
10 procedures for designating such information as con-  
11 fidential.

12 (5) NEW INFORMATION.—

13 (A) EXISTING PARTICIPANT.—The Admin-  
14 istrator shall adopt procedures for revising ini-  
15 tial assessments based on new information re-  
16 ceived after the initial assessments are cal-  
17 culated.

18 (B) ADDITIONAL PARTICIPANT.—If the  
19 Administrator, at any time, receives information  
20 that an additional person may qualify as a par-  
21 ticipant, the Administrator shall require such  
22 person to submit information necessary to de-  
23 termine whether an initial determination assess-  
24 ing a contribution from that person should be

1 issued, in accordance with the requirements of  
2 this subsection.

3 (6) PAYMENT SCHEDULE.—Any initial  
4 determination issued under this subsection  
5 may allow for periodic payments, provided  
6 that the full annual amount assessed is  
7 paid each year. Each participant shall pay  
8 its contribution to the Fund in the amount  
9 specified in the initial determination of as-  
10 sessment from the Administrator, accord-  
11 ing to the schedule specified in the initial  
12 determination.

13 (7) SUBPOENAS.—The Administrator may re-  
14 quest the Attorney General to subpoena persons to  
15 compel testimony, records, and other information  
16 relevant to its responsibilities under this section. The  
17 Attorney General may enforce such subpoena in ap-  
18 propriate proceedings in the United States district  
19 court for the district in which the person to whom  
20 the subpoena was addressed resides, was served, or  
21 transacts business.

22 (8) REHEARING.—A Participant has a right to  
23 obtain rehearing of the Administrator's initial deter-  
24 mination pursuant to section 202.

**Subtitle B—Asbestos Insurers  
Commission**

**SEC. 211. ESTABLISHMENT OF ASBESTOS INSURERS COM-  
MISSION.**

(a) ESTABLISHMENT.—There is established the Asbestos Insurers Commission (referred to in this subtitle as the “Commission”) to carry out the duties described in section 212.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 5 members who shall be appointed by the President, after consultation with—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—

(A) EXPERTISE.—Members of the Commission shall have sufficient expertise to fulfill their responsibilities under this subtitle.

(B) CONFLICT OF INTEREST.—No member of the Commission appointed under paragraph (1) may be an employee, former employee, or

1           shareholder of any insurer participant, or an  
2           immediate family member of any such indi-  
3           vidual.

4           (C) FEDERAL EMPLOYMENT.—A member  
5           of the Commission may not be an officer or em-  
6           ployee of the Federal Government, except by  
7           reason of membership on the Commission.

8           (3) DATE.—The appointments of the members  
9           of the Commission shall be made not later than 60  
10          days after the date of enactment of this Act.

11          (4) PERIOD OF APPOINTMENT.—Members shall  
12          be appointed for the life of the Commission.

13          (5) VACANCIES.—Any vacancy in the Commis-  
14          sion shall be filled in the same manner as the origi-  
15          nal appointment.

16          (6) CHAIRMAN.—The Commission shall select a  
17          Chairman from among its members.

18          (c) MEETINGS.—

19                (1) INITIAL MEETING.—Not later than 30 days  
20                after the date on which all members of the Commis-  
21                sion have been appointed, the Commission shall hold  
22                its first meeting.

23                (2) SUBSEQUENT MEETINGS.—The Commission  
24                shall meet at the call of the Chairman as necessary  
25                to accomplish the duties under section 212.

1           (3) QUORUM.—No business may be conducted  
2           or hearings held without the participation of all of  
3           the members of the Commission.

4   **SEC. 212. DUTIES OF ASBESTOS INSURERS COMMISSION.**

5           (a) DETERMINATION OF INSURER LIABILITY FOR AS-  
6   BESTOS INJURIES.—

7           (1) IN GENERAL.—The Commission shall deter-  
8           mine the amount that each insurer participant will  
9           be required to pay into the Fund to satisfy their  
10          contractual obligation to compensate claimants for  
11          asbestos injuries.

12          (2) ALLOCATION AGREEMENT.—

13               (A) IN GENERAL.—Not later than 30 days  
14               after the Commission issues its initial deter-  
15               mination, the insurer participants may submit  
16               an allocation agreement, approved by all of the  
17               insurer participants, to—

18                       (i) the Commission;

19                       (ii) the Committee on the Judiciary of  
20                       the Senate; and

21                       (iii) the Committee on the Judiciary  
22                       of the House of Representatives.

23               (B) CERTIFICATION.—The authority of the  
24               Commission under this subtitle shall terminate  
25               on the day after the Commission certifies that

1 an allocation agreement submitted under sub-  
2 paragraph (A) meets the requirements of this  
3 subtitle.

4 (3) GENERAL PROVISIONS.—

5 (A) AGGREGATE CONTRIBUTION LEVEL.—

6 The total contribution required of all insurer  
7 participants over the life of the Fund shall be  
8 equal to \$45,000,000,000.

9 (B) DECLINING PAYMENTS.—Since the  
10 payments from the Fund are expected to de-  
11 cline over time, the annual contributions from  
12 insurer participants is also expected to decline  
13 over time. The proportionate share of each in-  
14 surer participant's contributions to the Fund  
15 will remain the same throughout the life of the  
16 Fund.

17 (C) SEVERAL LIABILITY.—Each insurer  
18 participant's obligation to contribute to the  
19 Fund is several. There is no joint liability and  
20 the future insolvency of any insurer participant  
21 shall not affect the assessment assigned to any  
22 other insurer participant.

23 (4) ASSESSMENT CRITERIA.—

24 (A) MANDATORY PARTICIPANTS.—Insurers  
25 that have paid, or been assessed by a legal

1 judgment or settlement, at least \$1,000,000 in  
2 defense and indemnity costs before the date of  
3 enactment of this Act in response to claims for  
4 compensation for asbestos injuries shall be  
5 mandatory participants in the Fund. Other in-  
6 surers shall be exempt from mandatory pay-  
7 ments.

8 (B) PARTICIPANT TIERS.—Contributions  
9 shall be determined by assigning mandatory in-  
10 surer participants into tiers, which shall be de-  
11 termined and defined based on—

12 (i) net written premiums received  
13 from policies covering asbestos that were in  
14 force at any time during the period begin-  
15 ning on January 1, 1940 and ending on  
16 December 31, 1986;

17 (ii) net paid losses for asbestos inju-  
18 ries compared to all such losses for the in-  
19 surance industry;

20 (iii) net carried reserve level for asbes-  
21 tos claims on the most recent financial  
22 statement of the insurer participant; and

23 (iv) future liability.

24 (C) PAYMENT SCHEDULE.—Any final de-  
25 termination of assessment issued under sub-



1 (B) any insurer participant subject to an  
2 assessment for contribution under subtitle B of  
3 that title.

4 (12) PERSON.—The term “person”—

5 (A) means an individual, trust, firm, joint  
6 stock company, partnership, association, insur-  
7 ance company, reinsurance company, or cor-  
8 poration; and

9 (B) does not include the United States,  
10 any State or local government, or subdivision  
11 thereof, including school districts and any gen-  
12 eral or special function governmental unit es-  
13 tablished under State law.

14 (13) STATE.—The term “State” means any  
15 State of the United States and also includes the Dis-  
16 trict of Columbia, Commonwealth of Puerto Rico,  
17 the Northern Mariana Islands, the Virgin islands,  
18 Guam, American Samoa, and any other territory or  
19 possession of the United States or any political sub-  
20 division of any of the entities under this paragraph.

21 (14) VETERANS’ BENEFITS PROGRAM.—The  
22 term “veterans’ benefits program” means any pro-  
23 gram for benefits in connection with military service  
24 administered by the Veterans’ Administration under  
25 title 38, United States Code.

1 section (b) may allow for periodic payments,  
2 provided that the full annual amount assessed  
3 is paid each year. Each insurer participant shall  
4 pay its contribution to the Fund in the amount  
5 specified in the final determination of assess-  
6 ment from the Commission, according to the  
7 schedule specified in the final determination.

8 (b) PROCEDURE.—

9 (1) NOTICE TO PARTICIPANTS.—Not later than  
10 30 days after the initial meeting of the Commission,  
11 the Commission shall—

12 (A) directly notify all reasonably identifi-  
13 able insurer participants of the requirement to  
14 submit information necessary to calculate the  
15 amount of any required contribution to the  
16 Fund; and

17 (B) publish in the Federal Register a no-  
18 tice requiring any person who may be an in-  
19 surer participant (as determined by criteria out-  
20 lined in the notice) to submit such information.

21 (2) RESPONSE REQUIRED.—

22 (A) IN GENERAL.—Any person who re-  
23 ceives notice under paragraph (1)(A), and any  
24 other person meeting the criteria specified in  
25 the notice published under paragraph (1)(B),

1 shall respond by providing the Commission with  
2 all the information requested in the notice at  
3 the earlier of—

4 (i) 30 days after the receipt of direct  
5 notice; or

6 (ii) 30 days after the publication of  
7 notice in the Federal Register.

8 (B) CERTIFICATION.—The response sub-  
9 mitted under subparagraph (A) shall be signed  
10 by a responsible corporate officer, general part-  
11 ner, proprietor, or individual of similar author-  
12 ity, who shall certify under penalty of law the  
13 completeness and accuracy of the information  
14 submitted.

15 (3) NOTICE OF INITIAL DETERMINATION.—

16 (A) IN GENERAL.—Not later than 120  
17 days after the initial meeting of the Commis-  
18 sion, the Commission shall send each insurer  
19 participant a notice of initial determination as-  
20 sessing a contribution to the Fund, which shall  
21 be based on the information received from the  
22 participant in response to the Commission's re-  
23 quest for information.

24 (B) NO RESPONSE; INCOMPLETE RE-  
25 SPONSE.—If no response is received from an in-

1 surer participant, or if the response is incom-  
2 plete, the initial determination assessing a con-  
3 tribution from the insurer participant shall be  
4 based on the best information available to the  
5 Commission.

6 (4) REVIEW PERIOD.—

7 (A) COMMENTS FROM INSURER PARTICI-  
8 PANTS.—Not later than 30 days after receiving  
9 a notice of initial determination from the Com-  
10 mission, an insurer participant may provide the  
11 Commission with additional information to sup-  
12 port limited adjustments to the assessment re-  
13 ceived to reflect exceptional circumstances.

14 (B) ADDITIONAL PARTICIPANTS.—If, be-  
15 fore the final determination of the Commission,  
16 the Commission receives information that an  
17 additional person may qualify as an insurer  
18 participant, the Commission shall require such  
19 person to submit information necessary to de-  
20 termine whether a contribution from that per-  
21 son should be assessed, in accordance with the  
22 requirements of this subsection.

23 (C) REVISION PROCEDURES.—The Com-  
24 mission, shall adopt procedures for revising ini-  
25 tial assessments based on information received

1 under subparagraphs (A) and (B). Any adjust-  
2 ments to assessment levels shall comply with  
3 the criteria under subsection (a).

4 (5) SUBPOENAS.—The Commission may re-  
5 quest the Attorney General to subpoena persons to  
6 compel testimony, records, and other information  
7 relevant to its responsibilities under this section. The  
8 Attorney General may enforce such subpoena in ap-  
9 propriate proceedings in the United States district  
10 court for the district in which the person to whom  
11 the subpoena was addressed resides, was served, or  
12 transacts business.

13 (6) NOTICE OF FINAL DETERMINATION.—

14 (A) IN GENERAL.—Not later than 60 days  
15 after the notice of initial determination is sent  
16 to the insurer participants, the Commission  
17 shall send each insurer participant a notice of  
18 final determination.

19 (B) JUDICIAL REVIEW.—A participant has  
20 a right to obtain judicial review of the Commis-  
21 sion's final determination under title III.

22 (c) DETERMINATION OF RELATIVE LIABILITY FOR  
23 ASBESTOS INJURIES.—The Commission shall determine  
24 the percentage of the total liability of each participant  
25 identified under subsection (a).

1 (d) REPORT.—

2 (1) RECIPIENTS.—Not later than 1 year after  
3 the date of enactment of this Act, the Commission  
4 shall submit a report, containing the information de-  
5 scribed under paragraph (2), to—

6 (A) the Committee on the Judiciary of the  
7 Senate;

8 (B) the Committee on the Judiciary of the  
9 House of Representatives; and

10 (C) the Court of Asbestos Claims.

11 (2) CONTENTS.—The report under paragraph  
12 (1) shall contain the amount that each insurer par-  
13 ticipant is required to contribute to the Fund, in-  
14 cluding the payment schedule for such contributions.

15 **SEC. 213. POWERS OF ASBESTOS INSURERS COMMISSION.**

16 (a) HEARINGS.—The Commission may hold such  
17 hearings, sit and act at such times and places, take such  
18 testimony, and receive such evidence as the Commission  
19 considers advisable to carry out this Act.

20 (b) INFORMATION FROM FEDERAL AGENCIES.—The  
21 Commission may secure directly from any Federal depart-  
22 ment or agency such information as the Commission con-  
23 siders necessary to carry out this Act. Upon request of  
24 the Chairman of the Commission, the head of such depart-

1 ment or agency shall furnish such information to the Com-  
2 mission.

3 (c) POSTAL SERVICES.—The Commission may use  
4 the United States mails in the same manner and under  
5 the same conditions as other departments and agencies of  
6 the Federal Government.

7 (d) GIFTS.—The Commission may not accept, use, or  
8 dispose of gifts or donations of services or property.

9 **SEC. 214. PERSONNEL MATTERS.**

10 (a) COMPENSATION OF MEMBERS.—Each member of  
11 the Commission shall be compensated at a rate equal to  
12 the daily equivalent of the annual rate of basic pay pre-  
13 scribed for level IV of the Executive Schedule under sec-  
14 tion 5315 of title 5, United States Code, for each day (in-  
15 cluding travel time) during which such member is engaged  
16 in the performance of the duties of the Commission.

17 (b) TRAVEL EXPENSES.—The members of the Com-  
18 mission shall be allowed travel expenses, including per  
19 diem in lieu of subsistence, at rates authorized for employ-  
20 ees of agencies under subchapter I of chapter 57 of title  
21 5, United States Code, while away from their homes or  
22 regular places of business in the performance of services  
23 for the Commission.

24 (c) STAFF.—

1           (1) IN GENERAL.—The Chairman of the Com-  
2           mission may, without regard to the civil service laws  
3           and regulations, appoint and terminate an executive  
4           director and such other additional personnel as may  
5           be necessary to enable the Commission to perform  
6           its duties. The employment of an executive director  
7           shall be subject to confirmation by the Commission.

8           (2) COMPENSATION.—The Chairman of the  
9           Commission may fix the compensation of the execu-  
10          tive director and other personnel without regard to  
11          chapter 51 and subchapter III of chapter 53 of title  
12          5, United States Code, relating to classification of  
13          positions and General Schedule pay rates, except  
14          that the rate of pay for the executive director and  
15          other personnel may not exceed the rate payable for  
16          level V of the Executive Schedule under section 5316  
17          of such title.

18          (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
19          Federal Government employee may be detailed to the  
20          Commission without reimbursement, and such detail shall  
21          be without interruption or loss of civil service status or  
22          privilege.

23          (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
24          TENT SERVICES.—The Chairman of the Commission may  
25          procure temporary and intermittent services under section



1 3109(b) of title 5, United States Code, at rates for individ-  
2 uals which do not exceed the daily equivalent of the annual  
3 rate of basic pay prescribed for level V of the Executive  
4 Schedule under section 5316 of such title.

5 **SEC. 215. NONAPPLICATION OF FOIA AND CONFIDEN-**  
6 **TIALITY OF INFORMATION.**

7 (a) IN GENERAL.—Section 552 of title 5, United  
8 States Code (commonly referred to as the Freedom of In-  
9 formation Act) shall not apply to the Commission.

10 (b) CONFIDENTIALITY OF INFORMATION.—All infor-  
11 mation submitted to the Commission shall be privileged  
12 and confidential information and shall not be disclosed to  
13 any person outside the Commission, unless such privilege  
14 is knowingly and intentionally waived by the person sub-  
15 mitting the information. An appeal of an assessment to  
16 the Fund under this subtitle shall be deemed a waiver for  
17 the purposes of this subsection unless the appellee partici-  
18 pant makes a motion for an in camera review of its appeal.

19 **SEC. 216. TERMINATION OF ASBESTOS INSURERS COMMIS-**  
20 **SION.**

21 The Commission shall terminate 60 days after the  
22 date on which the Commission submits its report under  
23 section 212(e).

1 **SEC. 217. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-  
3 priated to the Commission such sums as may be necessary  
4 for fiscal year 2004 to carry out the provisions of this sub-  
5 title.

6 (b) AVAILABILITY.—Any sums appropriated under  
7 the authorization contained in this section shall remain  
8 available, without fiscal year limitation, until expended.

9 **Subtitle C—Office of Asbestos**  
10 **Injury Claims Resolution**

11 **SEC. 221. ESTABLISHMENT OF THE OFFICE OF ASBESTOS**  
12 **INJURY CLAIMS RESOLUTION.**

13 (a) IN GENERAL.—There is established the Office of  
14 Asbestos Injury Claims Resolution.

15 (b) RESPONSIBILITIES.—The Office shall be respon-  
16 sible for—

- 17 (1) administering the Fund;  
18 (2) providing compensation from the Fund to  
19 asbestos claimants who are determined to be eligible  
20 for such compensation; and  
21 (3) carrying out other applicable provisions of  
22 this title and other activities determined appropriate  
23 by the Administrator.

24 (c) ADMINISTRATOR.—

25 (1) APPOINTMENT.—The Office shall be headed  
26 by an Administrator who shall be appointed by the

1 President, by and with the advice and consent of the  
2 Senate.

3 (2) TERM; REMOVAL.—The Administrator shall  
4 serve for a term of 5 years and may be removable  
5 by the President only for good cause.

6 **SEC. 222. POWERS OF THE ADMINISTRATOR AND MANAGE-**  
7 **MENT OF THE FUND.**

8 (a) GENERAL POWERS.—The Administrator shall  
9 have the following general powers:

10 (1) To promulgate such regulations as the Ad-  
11 ministrator determines to be necessary to implement  
12 the provisions of this subtitle.

13 (2) To appoint employees or contract for the  
14 services of other personnel as may be necessary and  
15 appropriate to carry out the provisions of this sub-  
16 title, including entering into cooperative agreements  
17 with other Federal agencies.

18 (3) To make such expenditures as may be nec-  
19 essary and appropriate in the administration of this  
20 subtitle.

21 (4) To take all actions necessary to prudently  
22 manage the Fund, including—

23 (A) administering, in a fiduciary capacity,  
24 the assets of the Fund for the exclusive purpose

1 (15) WORKER'S COMPENSATION LAW.—The  
2 term “worker’s compensation law”—

3 (A) means a law respecting a program ad-  
4 ministered by a State or the United States to  
5 provide benefits, funded by a responsible em-  
6 ployer or its insurance carrier, for occupational  
7 diseases or injuries or for disability or death  
8 caused by occupational diseases or injuries;

9 (B) includes the Longshore and Harbor  
10 Workers’ Compensation Act (33 U.S.C. sections  
11 901 et seq.) and chapter 81 of title 5, United  
12 States Code; and

13 (C) does not include the Act of April 22,  
14 1908 (45 U.S.C. 51 et seq.), commonly known  
15 as the Federal Employers’ Liability Act, or  
16 damages recovered by any employee in a liabil-  
17 ity action against an employer.

## 18 **TITLE I—ASBESTOS CLAIMS**

### 19 **RESOLUTION**

#### 20 **Subtitle A—United States Court of** 21 **Asbestos Claims**

##### 22 **SEC. 101. ESTABLISHMENT OF ASBESTOS COURT.**

23 (a) IN GENERAL.—Part I of title 28, United States  
24 Code, is amended by inserting after chapter 7 the fol-  
25 lowing:

1 of providing benefits to asbestos claimants and  
2 their beneficiaries;

3 (B) defraying the reasonable expenses of  
4 administering the Fund;

5 (C) investing the assets of the Fund in ac-  
6 cordance with subsection (b)(2); and

7 (D) retaining advisers, managers, and  
8 custodians who possess the necessary facilities  
9 and expertise to provide for the skilled and pru-  
10 dent management of the Fund, to assist in the  
11 development, implementation and maintenance  
12 of the Fund's investment policies and invest-  
13 ment activities, and to provide for the safe-  
14 keeping and delivery of the Fund's assets.

15 (5) To have all other powers incidental, nec-  
16 essary, or appropriate to carrying out the functions  
17 of the Office.

18 (b) REQUIREMENTS RELATING TO FUND ASSETS.—

19 (1) IN GENERAL.—Amounts in the Fund shall  
20 be held for the exclusive purpose of providing bene-  
21 fits to asbestos claimants and their beneficiaries and  
22 to otherwise defray the reasonable expenses of ad-  
23 ministering the Fund.

24 (2) INVESTMENTS.—

1 (A) IN GENERAL.—Amounts in the Fund  
2 shall be administered and invested with the  
3 care, skill, prudence, and diligence, under the  
4 circumstances prevailing at the time of such in-  
5 vestment, that a prudent person acting in a like  
6 capacity and manner would use.

7 (B) STRATEGY.—The Administrator shall  
8 invest amounts in the Fund in a manner that  
9 enables the Fund to make current and future  
10 distributions to or for the benefit of asbestos  
11 claimants. In pursuing an investment strategy  
12 under this subparagraph, the Administrator  
13 shall consider, to the extent relevant to an in-  
14 vestment decision or action—

- 15 (i) the size of the Fund;
- 16 (ii) the nature and estimated duration  
17 of the Fund;
- 18 (iii) the liquidity and distribution re-  
19 quirements of the Fund;
- 20 (iv) general economic conditions at the  
21 time of the investment;
- 22 (v) the possible effect of inflation or  
23 deflation on Fund assets;

1 (vi) the role that each investment or  
2 course of action plays with respect to the  
3 overall assets of the Fund;

4 (vii) the expected amount to be earned  
5 (including both income and appreciation of  
6 capital) through investment of amounts in  
7 the Fund; and

8 (viii) the needs of asbestos claimants  
9 for current and future distributions au-  
10 thorized under this Act.

11 **SEC. 223. ASBESTOS INJURY CLAIMS RESOLUTION FUND.**

12 (a) ESTABLISHMENT.—There is established in the  
13 Office of Asbestos Injury Claims Resolution, the Asbestos  
14 Injury Claims Resolution Fund, which shall be available  
15 to pay—

16 (1) claims for compensation for an eligible dis-  
17 ease or condition determined under title I;

18 (2) claims for reimbursement for medical moni-  
19 toring determined under title I;

20 (3) principal and interest on borrowings under  
21 subsection (c); and

22 (4) administrative expenses to carry out this  
23 subtitle.

24 (b) LIMITATIONS ON CONTRIBUTIONS BY MANDA-  
25 TORY PARTICIPANTS.—The aggregate contributions of all

1 mandatory participants to the Fund may not exceed  
2 \$5,000,000,000 in any calendar year.

3 (c) BORROWING AUTHORITY.—The Administrator is  
4 authorized to borrow, in any calendar year, an amount not  
5 to exceed anticipated contributions to the Fund in the fol-  
6 lowing calendar year for purposes of carrying out the obli-  
7 gations of the Fund under this Act.

8 (d) GUARANTEED PAYMENT ACCOUNT.—

9 (1) IN GENERAL.—The Administrator shall es-  
10 tablish a guaranteed payment account within the  
11 Fund to insure payment of the total amount of con-  
12 tributions required to be paid into the Fund by all  
13 participants.

14 (2) SURCHARGE.—The Administrator shall im-  
15 pose, on each participant required to pay contribu-  
16 tions into the Fund under this Act, in addition to  
17 the amount of such contributions, a reasonable sur-  
18 charge to be paid into the guaranteed payment ac-  
19 count in an amount that the Administrator deter-  
20 mines appropriate to insure against the risk of non-  
21 payment of required contributions by any such par-  
22 ticipant.

23 (3) PROCEDURE.—The surcharge required  
24 under this section shall be paid in such manner, at



1 such times, and in accordance with such procedures  
2 as the Administrator determines appropriate.

3 (4) USES OF GUARANTEED PAYMENT AC-  
4 COUNT.—Amounts in the guaranteed payment ac-  
5 count shall be used as necessary to pay claims from  
6 the Fund, to the extent that amounts in the Fund  
7 are insufficient to pay such claims due to non-  
8 payment by any participant.

9 (5) ENFORCEMENT.—The enforcement of the  
10 payment of a surcharge under this subsection may  
11 be enforced in the same manner and to the same ex-  
12 tent as the enforcement of a contribution under sec-  
13 tion 224.

14 (e) ORPHAN SHARE RESERVE ACCOUNT.—

15 (1) IN GENERAL.—To the extent the total  
16 amount of contributions of the participants in any  
17 given year exceed the minimum aggregate contribu-  
18 tion under subsection (h), the excess monies shall be  
19 placed in an orphan share reserve account estab-  
20 lished within the Fund by the Administrator.

21 (2) USE OF ACCOUNT MONIES.—Monies from  
22 the orphan share reserve account shall be preserved  
23 and administered like the remainder of the Fund,  
24 but shall be reserved and may be used only—

1 (A) in the event that a petition for relief  
2 is filed and not withdrawn for the participant  
3 under title 11, United States Code, after the  
4 date of enactment of this Act and the partici-  
5 pant cannot meet its obligations under this sub-  
6 title; and

7 (B) to the extent the Administrator grants  
8 a participant relief for severe financial hardship  
9 or exigent circumstances under this section.

10 **SEC. 224. ENFORCEMENT OF CONTRIBUTIONS.**

11 (a) DEFAULT.—If any participant fails to make any  
12 payment in the amount and according to the schedule  
13 specified in a determination of assessment, after demand  
14 and 30 days opportunity to cure the default, there shall  
15 be a lien in favor of the United States for the amount  
16 of the delinquent payment (including interest) upon all  
17 property and rights to property, whether real or personal,  
18 belonging to such participant.

19 (b) BANKRUPTCY.—In the case of a bankruptcy or  
20 insolvency proceeding, the lien imposed under subsection  
21 (a) shall be treated in the same manner as a lien for taxes  
22 due and owing to the United States for purposes of the  
23 provisions of title 11, United States Code, or section  
24 3713(a) of title 31, United States Code.

25 (c) CIVIL ACTION.—

1           (1) IN GENERAL.—In any case in which there  
2           has been a refusal or neglect to pay the liability im-  
3           posed by the final determination under section 202  
4           or 212, the Administrator may bring a civil action  
5           in the Federal district court for the District of Co-  
6           lumbia to—

7                   (A) enforce such liability and the lien of  
8                   the United States under this section; or

9                   (B) subject any property, of whatever na-  
10                  ture, of the participant, or in which the partici-  
11                  pant has any right, title, or interest, to the pay-  
12                  ment of such liability.

13           (2) DEFENSE LIMITATION.—In any proceeding  
14           under this subsection, the participant shall be barred  
15           from bringing any challenge to the assessment if  
16           such challenge could have been made during the re-  
17           view period under section 202(b)(4) or 212(b)(4), or  
18           a judicial review proceeding under title III.

19 **SEC. 225. ADDITIONAL CONTRIBUTING PARTICIPANTS.**

20           (a) DEFINED TERM.—In this section, the term “ad-  
21           ditional contributing participant” means any defendant in  
22           an asbestos claim that is not a mandatory participant  
23           under subtitle A and is likely to avoid future civil liability  
24           as a result of this Act.

1 (b) ASSESSMENT.—In addition to contributions as-  
2 sessed under subtitle A, the Administrator may assess ad-  
3 ditional contributing participants for contributions to the  
4 Fund. Any additional contributing participant assessed  
5 under this section shall be treated as a defendant partici-  
6 pant for purposes of procedures and appeals under this  
7 Act.

8 (c) ASSESSMENT LIMITATIONS.—The Administrator  
9 may assess under subsection (b), over the life of the Fund,  
10 an amount not to exceed \$10,000,000,000 from all addi-  
11 tional contributing participants.

## 12 **TITLE III—JUDICIAL REVIEW**

### 13 **SEC. 301. JUDICIAL REVIEW OF DECISIONS OF THE ASBES-** 14 **TOS COURT.**

15 (a) EXCLUSIVE JURISDICTION.—The United States  
16 Court of Appeals for the District of Columbia shall have  
17 exclusive jurisdiction over any action to review a final deci-  
18 sion of the Asbestos Court.

19 (b) PROCEDURE FOR APPEALS.—

20 (1) PERIOD FOR FILING APPEAL.—An appeal  
21 under this section shall be filed not later than 30  
22 days after the issuance of a final decision by the As-  
23 bestos Court.

24 (2) TRANSMITTAL OF RECORD.—Upon the fil-  
25 ing of an appeal, a copy of the filing shall be trans-

1       mitted by the clerk of the court to the Asbestos  
2       Court, and the Asbestos Court shall file in the court  
3       the record in the proceeding, as provided in section  
4       2112 of title 28, United States Code.

5           (3) STANDARD OF REVIEW.—

6           (A) IN GENERAL.—The court shall uphold  
7       the decision of the Asbestos Court if the court  
8       determines, upon review of the record as a  
9       whole, that the decision is not arbitrary and ca-  
10      pricious.

11          (B) EFFECT OF DETERMINATION.—If the  
12      court determines that a final decision of the As-  
13      bestos Court is arbitrary and capricious, the  
14      court shall remand the case to the Asbestos  
15      Court.

16          (4) FINALITY OF DETERMINATION.—The deci-  
17      sion of the United States Court of Appeals for the  
18      District of Columbia shall be final, except that the  
19      same shall be subject to review by the Supreme  
20      Court of the United States, as provided in section  
21      1254 of title 28, United States Code.

22   **SEC. 302. JUDICIAL REVIEW OF FINAL DETERMINATIONS**  
23           **OF THE ASBESTOS INSURERS COMMISSION.**

24          (a) EXCLUSIVE JURISDICTION.—The United States  
25      District Court for the District of Columbia shall have ex-

1 exclusive jurisdiction over any action to review a final deter-  
2 mination by the Asbestos Insurers Commission regarding  
3 the assessment of a contribution to the Fund from a par-  
4 ticipant.

5 (b) PROCEDURE FOR APPEAL.—

6 (1) PERIOD FOR FILING APPEAL.—An appeal  
7 under this section shall be filed not later than 30  
8 days after the issuance of a final determination by  
9 the Commission.

10 (2) TRANSMITTAL OF RECORD.—Upon the fil-  
11 ing of an appeal, a copy of the filing shall be trans-  
12 mitted by the clerk of the court to the Commission.

13 (c) STANDARD OF REVIEW.—

14 (1) IN GENERAL.—The United States District  
15 Court for the District of Columbia shall uphold the  
16 final determination of the Commission with respect  
17 to the assessment of a contribution to the Fund  
18 from a participant if such determination is not arbi-  
19 trary and capricious.

20 (2) EFFECT OF DETERMINATION.—If the court  
21 determines that a final determination with respect to  
22 the amount of a contribution to the Fund by a par-  
23 ticipant may not be upheld, the court shall remand  
24 the decision to the Commission, with instructions to  
25 modify the final determination.

1   **“CHAPTER 9—UNITED STATES COURT OF**  
2                   **ASBESTOS CLAIMS**

“Sec.

“201. Establishment of the United States Court of Asbestos Claims.

“202. Magistrates.

“203. Retirement of judges of the United States Court of Asbestos Claims.

3   **“§ 201. Establishment of the United States Court of**  
4                   **Asbestos Claims**

5           “(a) ESTABLISHMENT AND APPOINTMENT OF  
6 JUDGES.—

7           “(1) IN GENERAL.—The President shall ap-  
8 point, by and with the advice and consent of the  
9 Senate, 5 judges, who shall constitute a court of  
10 record known as the United States Court of Asbes-  
11 tos Claims.

12           “(2) ARTICLE I COURT.—The Court of Asbestos  
13 Claims is declared to be a court established under  
14 article I of the Constitution of the United States.

15           “(b) TERM; REMOVAL; COMPENSATION.—

16           “(1) TERM.—Each judge appointed under sub-  
17 section (a) shall serve for a term of 15 years, except  
18 that judges initially appointed shall serve for stag-  
19 gered terms as the President shall determine appro-  
20 priate to assure continuity.

21           “(2) REMOVAL.—Judges may be removed by  
22 the President only for good cause.

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>  
**Sent:** 5/19/2003 8:04:18 PM  
**Subject:** Nan Aron in LA Times

You Too Can Be a Judge;

If you get the nod from Bush, just follow one of the right -- far right -- roads to confirmation.

**BYLINE: Nan Aron**

**BODY:**

It pays decently, you make your mother proud and, best of all, you never have to polish up your resume again. Even if you lack the qualities you think a president would look for in a judicial nominee -- real intellect, unquestionable integrity and a career-long commitment to equal justice for all -- there are other ways to get the attention of Karl Rove and the Bush administration judge pickers. Here's how:

\* Support Bob Jones University. Remember Bob Jones, the South Carolina university that once excluded African Americans and banned interracial dating? Candidate George W. Bush, bruised by his New Hampshire primary defeat, sought comfort at the school, where a spirited campaign rally let him flaunt his "Southern" credentials.

Carolyn Kuhl's aggressive persuasion convinced the Reagan administration to try to restore tax-exempt status for the university. Although her argument was too radical for the Supreme Court, which ruled against her 8 to 1, it has helped earn her a Bush nomination to the U.S. 9th Circuit Court of Appeals.

Since then, however, Bob Jones lifted its interracial dating ban after Bush's visit, succumbing to the weight of bad PR for the school and the candidate, so it may not need as much help now.

\* Fight against reproductive freedom. Administration officials cry "litmus test" whenever Democrats suggest they want judges who would uphold Roe vs. Wade. Yet Bush's nominees share a remarkable consistency in their opposition to choice. Alabama Atty. Gen. William H. Pryor, a Bush nominee to the 11th Circuit Court of Appeals, says the day the case was decided was "the day seven members of our highest court ... ripped out the life of millions of unborn children."

Arkansas district court nominee James Leon Holmes, while supporting a constitutional amendment banning abortion, rejected a rape and incest exception as unnecessary, saying "the concern for rape victims is a red herring because conceptions from rape occur with the same frequency as snow in Miami."

Texas Supreme Court Justice Priscilla Owen was accused in a judicial opinion by Alberto Gonzales, her former colleague and now Bush's own White House counsel, of engaging in "an unconscionable act of judicial activism" for her tortured readings of the state's parental notification statute in abortion cases.

\* Work for a right-wing partisan. If you helped Ken Starr investigate President Clinton, step to the head of the line. You'd be joining John Bates, who now holds the gavel in district court in Washington, and 8th Circuit nominee Steve Colloton, who honed his lawyering skills investigating phony "Filegate" allegations that Clinton officials sought confidential FBI checks of GOP appointees.

Working for senators such as Strom Thurmond and Orrin Hatch is a sure-fire path to a judgeship. Thurmond staffer Terry Wooten became a judge despite claims that he leaked an FBI file to discredit Anita Hill's allegations against Clarence Thomas, and Thurmond counsel Dennis W. Shedd now sits on the 4th Circuit. Because of her lack of trial experience, Sharon Prost, former counsel to Judiciary Committee Chairman Hatch, elicited consternation when she was nominated to the federal circuit.

REV\_00119027



Don't despair, though, if you missed the scandal and Senate boats. You can always befriend presidential consigliere Karl Rove, who pulled rank on White House counsel Gonzales to get his old client Owen (who paid Rove \$250,000 for consulting during her 1994 Texas Supreme Court campaign) nominated over Gonzales' choice of Deborah Hankinson. Hankinson is, not surprisingly, considered a moderate on abortion issues.

\* Oppose gay rights. If other options fail, demean gays and lesbians. When campaigning for his old boss, Jesse Helms, 4th Circuit nominee Claude Allen said Helms' opponent had links "with the queers." Bush judicial nominee Pryor warned that if the Supreme Court recognized a right to privacy for gay sex, it would have to do the same for necrophilia, bestiality, child pornography and even pedophilia.

A final note on "confirmation conversions." Although you might be tempted at your Judiciary Committee hearing to express regret for your past conduct, to plead youthful indiscretion or to blame clients for outlandish arguments you made on their behalf, don't bother. Committee Republicans will still vote for you, even as they express "concern" about your behavior. The hard part is getting picked by the president in the first place.

So study the resumes of some of the 124 Bush judges now on the bench. Or just follow one of these four options.

**Nan Aron** is president of the Alliance for Justice, a national coalition of public-interest organizations.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/19/2003 4:17:39 PM  
**Subject:** : possible escort/spokesman for Hill visits for SCt nominee

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 20:17:39.00  
SUBJECT:: possible escort/spokesman for Hill visits for SCt nominee  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Fred Thompson?

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**From:** CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Taylor A. Hughes/WHO/EOP@Exchange [ WHO ] <Taylor A. Hughes>;Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/19/2003 4:21:43 PM  
**Subject:** : RE: returned call; I am at 67984

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 20:21:43.00  
SUBJECT:: RE: returned call; I am at 67984  
TO:Taylor A. Hughes ( CN=Taylor A. Hughes/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Also:

- I introduce you and Nanette
- You guys are on from 1:30-2 in Room 450, EEOB; try to arrive 10 minutes early
- John Bridgeland follows you
- Ask for Christie Parell, Carmen Ingwell or me (at check-in table)
- 75 regional political appointees, mostly SES or GS-13-15
- Another 15-20 senior agency personnel
- Average age is 40+ (definitely a seasoned group)
- 20 minutes for presentation, 10 minutes for Q&A

I appreciate your participation!

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Monday, May 19, 2003 7:29 PM  
To: Hughes, Taylor A.; Montgomery, Brian D.  
Subject: returned call; I am at 67984

---

**From:** CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/19/2003 4:22:31 PM  
**Subject:** : Re: NH Bus

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 20:22:31.00  
SUBJECT:: Re: NH Bus  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I will call him.

Brett M. Kavanaugh  
05/19/2003 10:02:35 AM  
Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: NH Bus

Do we have a relationship with him? I think we should tell him he is free to sell his bus but he should not use the President's name in doing so.

Alicia W. Davis  
05/19/2003 09:29:15 AM  
Record Type: Record

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

The driver is putting the bus up for auction on ebay. How do we handle?  
----- Forwarded by Alicia W. Davis/WHO/EOP on 05/19/2003  
09:28 AM -----

Jason Recher  
05/19/2003 09:26:58 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: bus

----- Forwarded by Jason Recher/WHO/EOP on 05/19/2003  
09:25 AM -----

"Grappone, Jeff" <Jeff.Grappone@mail.house.gov>

05/19/2003 09:23:33 AM

Record Type: Record

To: Jason Recher/WHO/EOP@EOP, "'BRGOP@attbi.com'" <BRGOP@attbi.com>,  
"'Robb.Thomson@nh.usda.gov'" <Robb.Thomson@nh.usda.gov>

cc:

Subject: bus

Bush driver plans to be with president, on new bus, for next

ÿ

campaign

dewleb

ÿÿ ENFIELD, N.H. (AP) \_ The New Hampshire man who drove President  
Bush all around the state during his primary campaign in 2000 plans  
a new road trip with Bush, in a new bus, for his re-election  
campaign.

ÿÿ John LaBombard, 59, of Enfield, offered his 1995 bus to the Bush  
campaign as a mobile headquarters for the last campaign, with him  
at the wheel.

ÿÿ Next month, LaBombard is putting the bus on eBay, the Internet  
auction site.

ÿÿ ``It's time to get a new one,' ' said LaBombard. He's got his eye  
set on a 2002 bus in Tennessee, and more campaigning.

ÿÿ ``I plan on going six states or more with the president' ' in the  
2004 campaign, he said.

ÿÿ LaBombard met the Bush family through an old friend, and now  
considers himself part of the Bush team.

ÿÿ ``I went down to a Christmas party (in Washington) last year,' '  
he explained. ``(Presidential adviser) Karl Rove gives me a hug and  
a kiss every time he sees me. It's a tradition of the Bush  
people.' '

ÿÿ He said Rove told him Bush wants to go back on the road with  
him.

ÿÿ ``Mention New Hampshire to the president,' ' said LaBombard,  
``and the first thing he thinks of is 'Big John'.' ' That's him.

ÿÿ Bush thought enough of LaBombard and the bus, that he included

them in his inaugural parade.

ÿÿ LaBombard figures the bus has enough special perks to fetch between \$1 million and \$5 million.

ÿÿ He had it built originally so he and his wife could live in it in Alaska. An old friend who knew the Bush family suggested using it to help out on state campaigns, and eventually Bush hopped aboard after he announced his candidacy and made the bus his campaign headquarters, said LaBombard.

ÿÿ

ÿÿÿAP-ES-05-17-03 1148EDT

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Jeff Grappone

Congressman Charles F. Bass

2421 RayburnBuilding

Washington, DC20515

Phone: (202) 225-5206

Fax: (202) 225-2946

E-mail: Jeff.Grappone@mail.house.gov

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Message Sent

To:

Andrew D. Ciafardini/WHO/EOP@EOP

Alicia W. Davis/WHO/EOP@EOP

Abel Guerra/WHO/EOP@EOP

Todd W. Beyer/WHO/EOP@EOP

Bradley A. Blakeman/WHO/EOP@Exchange@EOP

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/19/2003 4:49:10 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 20:49:10.00  
SUBJECT::  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Alicia is going to call you re Specter.

---

**From:** Kavanaugh, Brett M.  
**To:** <Grubbs, Wendy J.>  
**Sent:** 5/19/2003 8:49:59 PM  
**Subject:** do you have feinstein's statement from kuhl mark up?



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 5/19/2003 4:50:55 PM  
**Subject:** : do you have feinstein's statement from kuhl mark up?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 20:50:55.00  
SUBJECT:: do you have feinstein's statement from kuhl mark up?  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Duffield, Steven \RPC\ <Steven\_Duffield@rpc.senate.gov>  
**To:** Delrahim, Makan \Judiciary\ <Makan\_Delrahim@Judiciary.senate.gov>; <Grubbs, Wendy J.>; Miranda, Manuel \Frist\ <Manuel\_Miranda@frist.senate.gov>; <Kavanaugh, Brett M.>; <Holbrook, Ashley>  
**CC:** Comisac, RenaJohnson \Judiciary\ <Rena\_Johnson\_Comisac@Judiciary.senate.gov>; Willcox, Lawrence \RPC\ <Lawrence\_Willcox@rpc.senate.gov>  
**Sent:** 5/19/2003 9:04:31 PM  
**Subject:** Re: Kuhl

I will check availability for our Big Room and schedule this in coordination with Makan, Brett, and others.

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

---

**From:** CN=Noel J. Francisco/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/19/2003 5:10:13 PM  
**Subject:** : Noel J. Francisco/WHO/EOP is out of the office.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 21:10:13.00  
SUBJECT:: Noel J. Francisco/WHO/EOP is out of the office.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I will be out of the office from 05/19/2003 until 05/26/2003.

I will be out of the office from May 19 to May 26, and will return on May 27. If you need immediate assistance, please call (202) 456-2632.

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/19/2003 9:26:45 PM  
**Subject:** Re: do you have feinstein's statement from kuhl mark up?

No, but I can get it.

-----Original Message-----

From: Kavanaugh, Brett M.  
To: Grubbs, Wendy J.  
Sent: Mon May 19 20:49:59 2003  
Subject: do you have feinstein's statement from kuhl mark up?

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/19/2003 5:59:38 PM  
**Subject:** : Re: possible escort/spokesman for Hill visits for SCt nominee

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-MAY-2003 21:59:38.00  
SUBJECT:: Re: possible escort/spokesman for Hill visits for SCt nominee  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

You mean that actor from Law and Order?

.

-----Original Message-----

From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>  
To: Gonzales, Alberto R. <Alberto\_R.\_Gonzales@who.eop.gov>; Leitch, David G. <David\_G.\_Leitch@who.eop.gov>  
Sent: Mon May 19 20:00:54 2003  
Subject: possible escort/spokesman for Hill visits for SCt nominee

Fred Thompson?

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/20/2003 1:26:33 AM  
**Subject:** : OpinionJournal - On the Editorial Page - May 20, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME:20-MAY-2003 05:26:33.00  
SUBJECT:: OpinionJournal - On the Editorial Page - May 20, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY LOUIS J. FREEH  
<http://www.opinionjournal.com/editorial/?id=110003518>

The heroes of Khobar Towers still await American justice.  
12:01 a.m. EDT

Extra BY JULIA GORIN  
<http://www.opinionjournal.com/extra/?id=110003513>

Why "diversity" trips up the Democrats.  
12:01 a.m. EDT

Leisure & Arts BY JAMES J. KERRIGAN  
<http://www.opinionjournal.com/la/?id=110003517>

I couldn't take just one byte from Apple's iTunes.  
12:01 a.m. EDT

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Review & Outlook

Playing With Fire  
The Treasury secretary bludgeons the dollar.  
May 20 2003

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On French Jokes  
Jacques Chirac is no match for Jay Leno.  
May 20 2003

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Halfway Up Mount Fuji  
Japan's latest bank bailout is good as far as it goes.  
From The Asian Wall Street Journal  
May 20 2003

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#### Commentary

American Justice  
At long last, hold Iran accountable.  
By LOUIS J. FREEH  
May 20 2003

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Penny Wise at the NYSE  
Bell ringers in bizarre hats, or better execution of trades? It's a no-brainer.  
By SUSAN LEE  
May 20 2003

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#### Global View

Deflation Is Only a Symptom  
The world economy is in a rather sad state.  
By GEORGE MELLOAN  
May 20 2003

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#### Leisure & Arts

Music  
The Full Spectrum of Musical Color  
Eight notes in an octave? Says who?  
By BRETT CAMPBELL  
May 20 2003

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I Couldn't Take Just One Byte From iTunes  
My jones began with Tom.  
By JAMES J. KERRIGAN  
May 20 2003

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A Close Up Look at the Air Force Museum  
Heaven on earth for aviation aficionados and amateurs alike.  
By MARK YOST  
May 20 2003

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Books  
War of All Against All  
"Constant Battles"  
By JOHN J. MILLER  
May 20 2003

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Time Off  
Diversions  
Plain Threads to Nantucket Reds: Three Centuries of Nantucket Fashion  
May 20 2003

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International

Hamas' Road Map  
Hamas would like nothing better than to see the latest effort at a Middle East peace process unravel.  
From The Wall Street Journal Europe  
May 20 2003

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Waiting for Putin  
While the frankness of his union address is refreshing, Putin's speech is more notable for what it didn't say.  
From The Wall Street Journal Europe  
May 20 2003

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Strong Euro, Weak Economy  
Central bankers are failing to respond to the clear economic needs of the eurozone, leaving few to celebrate the euro's rise.  
By ROGER BOOTLE  
From The Wall Street Journal Europe  
May 20 2003

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Why Morocco?  
The terrorist attack in Casablanca may have shattered hopes of immunity, but Morocco's tradition of tolerance is real.  
By FRANCIS GHILES  
From The Wall Street Journal Europe



May 20 2003

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Failure in Cambodia

The U.N. fails Cambodia by entrusting justice for its holocaust victims to a former soldier who rules through violence, corruption and fear.

By MITCH MCCONNELL

From The Asian Wall Street Journal

May 20 2003

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/20/2003 8:21:02 AM  
**Subject:** : question re background checks on WH personnel

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-MAY-2003 12:21:02.00  
SUBJECT:: question re background checks on WH personnel  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

WH personnel generally does a political check on new hires for loyalty and other purposes. The question is whether they can check detailees who are detailed to the WHO. If so, the additional question is whether they should check detailees. I see no legal or policy reason that they should not check when they want to do so for people who would be filling political/administratively designated slots.  
Thoughts?

---

**From:** Skelly, Layton  
**To:** tcordaro@osophs.dhhs.gov <Gilbert, Alan>;tcordaro@osophs.dhhs.gov <Hall, Philo D.>;paula.stannard@hhs.gov <paula.stannard@hhs.gov>;peter.urbanowicz@hhs.gov <peter.urbanowicz@hhs.gov>;viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>;alex.azar@hhs.gov <alex.azar@hhs.gov>;john.hoff@hhs.gov <john.hoff@hhs.gov>;jennifer.young@hhs.gov <jennifer.young@hhs.gov>;jennifer.young@hhs.gov <Schacht, Diana L.>;jennifer.young@hhs.gov <Jensen, Amy>;jennifer.young@hhs.gov <Loper, Ginger G.>;jennifer.young@hhs.gov <Lefkowitz, Jay P.>;jennifer.young@hhs.gov <Perry, Philip J.>;jennifer.young@hhs.gov <Deleire, Thomas C.>;jennifer.young@hhs.gov <Kavanaugh, Brett M.>;zurawski-paul@dol.gov <zurawski-paul@dol.gov>;zurawski-paul@dol.gov <Young, Tracy>;zurawski-paul@dol.gov <Besanceney, Brian R.>;marc.kesselman@usdoj.gov <marc.kesselman@usdoj.gov>;marc.kesselman@usdoj.gov <Ackerly, Dana>;marc.kesselman@usdoj.gov <Cowdry, Rex>;hazucker@osophs.dhhs.gov <hazucker@osophs.dhhs.gov>;jafar.karim@hhs.gov <jafar.karim@hhs.gov>;jafar.karim@hhs.gov <Kupfer, Jeffrey F.>;jafar.karim@hhs.gov <Lineberry, Stephen M.>;jafar.karim@hhs.gov <Grubbs, Wendy J.>  
**CC:** pamela.roller@hhs.gov <pamela.roller@hhs.gov>;joyce.b-moore@hhs.gov <joyce.b-moore@hhs.gov>;marie.belt@hhs.gov <marie.belt@hhs.gov>;marie.belt@hhs.gov <Winland, Emily>;marie.belt@hhs.gov <Vestewig, Lauren J.>;dana.ceasar@hhs.gov <dana.ceasar@hhs.gov>;india.luckett@hhs.gov <india.luckett@hhs.gov>;scriver-langford-lat@dol.gov <scriver-langford-lat@dol.gov>;heather.mcnaught@usdoj.gov <heather.mcnaught@usdoj.gov>;stephanie.wilson@hhs.gov <stephanie.wilson@hhs.gov>;stephanie.wilson@hhs.gov <Stone, Carla B.>;hrobowski-rosita@dol.gov <hrobowski-rosita@dol.gov>;tcordaro@osophs.dhhs.gov <tcordaro@osophs.dhhs.gov>;tcordaro@osophs.dhhs.gov <Skelly, Layton>  
**Sent:** 5/20/2003 8:55:29 AM  
**Subject:** Re: Medical Liability Working Group conf. call

Due to a last minute scheduling conflict, this call will be cancelled for 10:00 this morning. In the event that there is time later this afternoon (5:00 possibly) I will send around another email. Thank you.

Layton Skelly


05/19/2003 04:22:26 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

bcc:

Subject: Medical Liability Working Group conf. call 

There will be a short medical liability working conference call tomorrow at 10:00 am. Thank you.

395-6392

395801

REV\_00119169

Message Sent To:

---

alan.gilbert/opd/eop@eop  
philo.d.hall/opd/eop@eop  
paula.stannard@hhs.gov @ inet  
peter.urbanowicz@hhs.gov @ inet  
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alex.azar@hhs.gov @ inet  
john.hoff@hhs.gov @ inet  
jennifer.young@hhs.gov @ inet  
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amy.jensen/who/eop@exchange@eop  
ginger.g.loper/who/eop@exchange@eop  
jay.p.lefkowitz/opd/eop@exchange@eop  
philip.j.perry/omb/eop@eop  
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brett.m.kavanaugh/who/eop@eop  
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pamela.roller@hhs.gov  
joyce.b-moore@hhs.gov  
marie.belt@hhs.gov  
emily.winland/opd/eop@eop

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india.luckett@hhs.gov

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heather.mcnaught@usdoj.gov

stephanie.wilson@hhs.gov

carla.b.stone/omb/eop@eop

hrobowski-rosita@dol.gov

tcordaro@osophs.dhhs.gov

Layton Skelly/OPD/EOP@EOP

**From:** CN=Layton Skelly/OU=OPD/O=EOP [ OPD ]  
**To:** wendy j. grubbs/who/eop@exchange [ WHO ] <wendy j. grubbs>;jeffrey f. kupfer/who/eop@exchange@eop [ WHO ] <jeffrey f. kupfer>;hazucker@osophs.dhhs.gov [ UNKNOWN ] <hazucker@osophs.dhhs.gov>;dana ackerly/cea/eop@eop [ CEA ] <dana ackerly>;brian r. besanceney/who/eop@eop [ WHO ] <brian r. besanceney>;zurawski-paul@dol.gov @ inet [ UNKNOWN ] <zurawski-paul@dol.gov @ inet>;thomas c. deleire/cea/eop@eop [ CEA ] <thomas c. deleire>;jay p. lefkowitz/opd/eop@exchange@eop [ OPD ] <jay p. lefkowitz>;amy jensen/who/eop@exchange@eop [ WHO ] <amy jensen>;jennifer.young@hhs.gov @ inet [ UNKNOWN ] <jennifer.young@hhs.gov @ inet>;alex.azar@hhs.gov @ inet [ UNKNOWN ] <alex.azar@hhs.gov @ inet>;peter.urbanowicz@hhs.gov @ inet [ UNKNOWN ] <peter.urbanowicz@hhs.gov @ inet>;philo d. hall/opd/eop@eop [ OPD ] <philo d. hall>;stephen m. lineberry/who/eop@eop [ WHO ] <stephen m. lineberry>;jafar.karim@hhs.gov [ UNKNOWN ] <jafar.karim@hhs.gov>;rex cowdry/opd/eop@eop [ OPD ] <rex cowdry>;marc.kesselman@usdoj.gov @ inet [ UNKNOWN ] <marc.kesselman@usdoj.gov @ inet>;tracy young/who/eop@eop [ WHO ] <tracy young>;brett m. kavanaugh/who/eop@eop [ WHO ] <brett m. kavanaugh>;philip j. perry/omb/eop@eop [ OMB ] <philip j. perry>;ginger g. loper/who/eop@exchange@eop [ WHO ] <ginger g. loper>;diana l. schacht/opd/eop@eop [ OPD ] <diana l. schacht>;john.hoff@hhs.gov @ inet [ UNKNOWN ] <john.hoff@hhs.gov @ inet>;viet.dinh@usdoj.gov @ inet [ UNKNOWN ] <viet.dinh@usdoj.gov @ inet>;paula.stannard@hhs.gov @ inet [ UNKNOWN ] <paula.stannard@hhs.gov @ inet>;alan gilbert/opd/eop@eop [ OPD ] <alan gilbert>  
**CC:** Layton Skelly/OPD/EOP@EOP [ OPD ] <Layton Skelly>;hrobowski-rosita@dol.gov [ UNKNOWN ] <hrobowski-rosita@dol.gov>;stephanie.wilson@hhs.gov [ UNKNOWN ] <stephanie.wilson@hhs.gov>;scrivier-langford-lat@dol.gov @ inet [ UNKNOWN ] <scrivier-langford-lat@dol.gov @ inet>;dana.ceasar@hhs.gov [ UNKNOWN ] <dana.ceasar@hhs.gov>;emily winland/opd/eop@eop [ OPD ] <emily winland>;joyce.b-moore@hhs.gov [ UNKNOWN ] <joyce.b-moore@hhs.gov>;tcordaro@osophs.dhhs.gov [ UNKNOWN ] <tcordaro@osophs.dhhs.gov>;carla b. stone/omb/eop@eop [ OMB ] <carla b. stone>;heather.mcnaught@usdoj.gov [ UNKNOWN ] <heather.mcnaught@usdoj.gov>;india.luckett@hhs.gov [ UNKNOWN ] <india.luckett@hhs.gov>;lauren j. vestewig/opd/eop@exchange@eop [ OPD ] <lauren j. vestewig>;marie.belt@hhs.gov [ UNKNOWN ] <marie.belt@hhs.gov>;pamela.roller@hhs.gov [ UNKNOWN ] <pamela.roller@hhs.gov>  
**Sent:** 5/20/2003 4:56:11 AM  
**Subject:** : Re: Medical Liability Working Group conf. call

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Layton Skelly ( CN=Layton Skelly/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:20-MAY-2003 08:56:11.00

SUBJECT:: Re: Medical Liability Working Group conf. call

TO:wendy j. grubbs ( CN=wendy j. grubbs/OU=who/O=eop@exchange [ WHO ] )

READ:UNKNOWN

TO:jeffrey f. kupfer ( CN=jeffrey f. kupfer/OU=who/O=eop@exchange@eop [ WHO ] )

READ:UNKNOWN

TO:hazucker@osophs.dhhs.gov ( hazucker@osophs.dhhs.gov [ UNKNOWN ] )

READ:UNKNOWN

TO:dana ackerly ( CN=dana ackerly/OU=cea/O=eop@eop [ CEA ] )

READ:UNKNOWN

TO:brian r. besanceney ( CN=brian r. besanceney/OU=who/O=eop@eop [ WHO ] )

READ:UNKNOWN

TO:zurawski-paul@dol.gov @ inet ( zurawski-paul@dol.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

TO:thomas c. deleire ( CN=thomas c. deleire/OU=cea/O=eop@eop [ CEA ] )

READ:UNKNOWN

TO:jay p. lefkowitz ( CN=jay p. lefkowitz/OU=opd/O=eop@exchange@eop [ OPD ] )

READ:UNKNOWN

TO:amy jensen ( CN=amy jensen/OU=who/O=eop@exchange@eop [ WHO ] )

READ:UNKNOWN

TO:jennifer.young@hhs.gov @ inet ( jennifer.young@hhs.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

TO:alex.azar@hhs.gov @ inet ( alex.azar@hhs.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

REV\_00119172

TO:peter.urbanowicz@hhs.gov @ inet ( peter.urbanowicz@hhs.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:philo d. hall ( CN=philo d. hall/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
TO:stephen m. lineberry ( CN=stephen m. lineberry/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
TO:jafar.karim@hhs.gov ( jafar.karim@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:rex cowdry ( CN=rex cowdry/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
TO:marc.kesselman@usdoj.gov @ inet ( marc.kesselman@usdoj.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:tracy young ( CN=tracy young/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
TO:brett m. kavanaugh ( CN=brett m. kavanaugh/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
TO:philip j. perry ( CN=philip j. perry/OU=omb/O=eop@eop [ OMB ] )  
READ:UNKNOWN  
TO:ginger g. loper ( CN=ginger g. loper/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
TO:diana l. schacht ( CN=diana l. schacht/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
TO:john.hoff@hhs.gov @ inet ( john.hoff@hhs.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:viet.dinh@usdoj.gov @ inet ( viet.dinh@usdoj.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:paula.stannard@hhs.gov @ inet ( paula.stannard@hhs.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:alan gilbert ( CN=alan gilbert/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:Layton Skelly ( CN=Layton Skelly/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:hrobowski-rosita@dol.gov ( hrobowski-rosita@dol.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:stephanie.wilson@hhs.gov ( stephanie.wilson@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:scriver-langford-lat@dol.gov @ inet ( scriver-langford-lat@dol.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
CC:dana.ceasar@hhs.gov ( dana.ceasar@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:emily winland ( CN=emily winland/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:joyce.b-moore@hhs.gov ( joyce.b-moore@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:tcordaro@osophs.dhhs.gov ( tcordaro@osophs.dhhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:carla b. stone ( CN=carla b. stone/OU=omb/O=eop@eop [ OMB ] )  
READ:UNKNOWN  
CC:heather.mcnaught@usdoj.gov ( heather.mcnaught@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:india.luckett@hhs.gov ( india.luckett@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:lauren j. vestewig ( CN=lauren j. vestewig/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:marie.belt@hhs.gov ( marie.belt@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:pamela.roller@hhs.gov ( pamela.roller@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Due to a last minute scheduling conflict, this call will be cancelled for 10:00 this morning. In the event that there is time later this afternoon (5:00 possibly) I will send around another email. Thank you.

Layton Skelly

05/19/2003 04:22:26 PM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: See the distribution list at the bottom of this message  
bcc:  
Subject: Medical Liability Working Group conf. call

There will be a short medical liability working conference call tomorrow at 10:00 am. Thank you.

395-6392

395801

Message Sent

To:

---

alan gilbert/opd/eop@eop  
philo d. hall/opd/eop@eop  
paula.stannard@hhs.gov @ inet  
peter.urbanowicz@hhs.gov @ inet  
viet.dinh@usdoj.gov @ inet  
alex.azar@hhs.gov @ inet  
john.hoff@hhs.gov @ inet  
jennifer.young@hhs.gov @ inet  
diana l. schacht/opd/eop@eop  
amy jensen/who/eop@exchange@eop  
ginger g. loper/who/eop@exchange@eop  
jay p. lefkowitz/opd/eop@exchange@eop  
philip j. perry/omb/eop@eop  
thomas c. deleire/cea/eop@eop  
brett m. kavanaugh/who/eop@eop  
zurawski-paul@dol.gov @ inet  
tracy young/who/eop@eop  
brian r. besanceney/who/eop@eop  
marc.kesselman@usdoj.gov @ inet  
dana ackerly/cea/eop@eop  
rex cowdry/opd/eop@eop  
hazucker@osophs.dhhs.gov  
jafar.karim@hhs.gov  
jeffrey f. kupfer/who/eop@exchange@eop  
stephen m. lineberry/who/eop@eop

Message Copied

To:

---

wendy j. grubbs/who/eop@exchange  
pamela.roller@hhs.gov  
joyce.b-moore@hhs.gov  
marie.belt@hhs.gov  
emily winland/opd/eop@eop  
lauren j. vestewig/opd/eop@exchange@eop  
dana.ceasar@hhs.gov  
india.luckett@hhs.gov  
scriver-langford-lat@dol.gov @ inet  
heather.mcnaught@usdoj.gov  
stephanie.wilson@hhs.gov  
carla b. stone/omb/eop@eop  
hrobowski-rosita@dol.gov  
tcordaro@osophs.dhhs.gov  
Layton Skelly/OPD/EOP@EOP

REV\_00119174



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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Collister W. Johnson/WHO/EOP@EOP [ WHO ] <Collister W. Johnson>  
**Sent:** 5/20/2003 9:03:50 AM  
**Subject:** : Weirton

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-MAY-2003 13:03:50.00  
SUBJECT:: Weirton  
TO:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I would propose that you should send a letter back to them  
thanking them for their input and views, but also indicating that there  
were no assurances of any kind provided in the meeting, or intended to be  
provided.

---

**From:** Everson, Nanette  
**To:** <Montgomery, Brian D.>  
**CC:** <Kavanaugh, Brett M.>;<Hughes, Taylor A.>  
**Sent:** 5/20/2003 9:18:57 AM  
**Subject:** RE: returned call; I am at 67984

sounds good; I'll do about 4 power point slides, two minutes a piece and reserve 5 for Q & A

From: Brian D. Montgomery/WHO/EOP@Exchange on 05/19/2003 08:22:27 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Taylor A. Hughes/WHO/EOP@Exchange, Nanette Everson/WHO/EOP@EOP

cc:

Subject: RE: returned call; I am at 67984

Also:

- I introduce you and Nanette
- You guys are on from 1:30-2 in Room 450, EEOB; try to arrive 10 minutes early
- John Bridgeland follows you
- Ask for Christie Parell, Carmen Ingwell or me (at check-in table)
- 75 regional political appointees, mostly SES or GS-13-15
- Another 15-20 senior agency personnel
- Average age is 40+ (definitely a seasoned group)
- 20 minutes for presentation, 10 minutes for Q&A

I appreciate your participation!

-----Original Message-----

**From:** Kavanaugh, Brett M.

**Sent:** Monday, May 19, 2003 7:29 PM

**To:** Hughes, Taylor A.; Montgomery, Brian D.

**Subject:** returned call; I am at 67984



---

**From:** CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/20/2003 6:00:22 AM  
**Subject:** : Inside: Paul M. Weyrich's Commentary: What Happens W hen Chief Justice Rehnquist Decides To Hang Up His Robes?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-MAY-2003 10:00:22.00  
SUBJECT:: Inside: Paul M. Weyrich's Commentary: What Happens W hen Chief Justice Rehnquist Decides To Hang Up His Robes?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

fyi

tsg

Free Congress Foundation's  
Notable News Now  
May 20, 2003

The Free Congress Commentary  
What Happens When Chief Justice  
Rehnquist Decides To Hang Up His Robes?  
By Paul M. Weyrich

A little over a week ago, I was in a meeting where a well-known journalist insisted that the White House had received what they consider to be a clear signal that Chief Justice William Rehnquist is going to retire. I challenged that assertion, but the journalist insisted that the White House was preparing for a confirmation fight later this year.

Then, last Thursday, I attended a social gathering where a well-known jurist said he had attended a meeting with people who are supposedly in the know about such things. There were those in attendance at that meeting who believed that Sandra Day O'Connor is a shoo-in for chief justice on the grounds she could be confirmed by this otherwise recalcitrant United States Senate.

I often wonder where some people get their information. First, friends of Chief Justice Rehnquist say that if he is planning to retire then he certainly is keeping it a deep, dark secret. Even relatives of his say he has given no indication of retirement. We know he is feeling a lot better now than he had been last November after suffering an injury from a bad fall.

But for the sake of argument, let's suppose my information is wrong, and Rehnquist is indeed going to hang up his robes.

Let's look at what President George W. Bush has said about the Supreme Court. I look to what Bush has said because he is, rather more than is usual for a Washington politician, a man of his word. So over and over again, during the 2000 campaign he said that his two favorite justices were Antonin Scalia and Clarence Thomas. He suggested that if given the opportunity, he would appoint justices such as those to the nation's

highest  
court.

So if the Chief, as he is known by his colleagues, does retire, what will Bush do? While I would love nothing more than to see Justice Thomas promoted as Chief Justice Rehnquist's successor, it is unlikely to happen. Although Thomas is striking in his ability to handle controversial cases, he was only confirmed by a vote of 52 to 48 when George Herbert Walker Bush, the current President's father, still retained much of his post-Gulf War popularity. While the Senate is now in Republican hands and ideologically it must be considered a bit better than the 101st Congress, it is almost certain that the whole Anita Hill business would be fought all over again. President Bush doesn't need that.

So what about Justice Scalia? When Chief Justice Warren Burger told the Reagan White House he was going to resign, they were prepared. As soon as the resignation was public, Reagan proposed promoting Associate Justice William Rehnquist (who had been appointed to the Supreme Court by President Richard Nixon in 1971) as Burger's replacement. And to fill the vacancy that nomination created, he proposed Judge Antonin Scalia, who had been on the Court of Appeals for the District of Columbia. Whereas the Rehnquist nomination drew fire and a fair number of opposition votes, Scalia sailed through. The Italian community, which had never had a Supreme Court justice before, put out the word that they didn't want any trouble. Even then-governor Mario Cuomo of New York spoke in Scalia's favor. It was clear from his rulings that Judge Scalia was at least as conservative as Justice Rehnquist, but that didn't seem to bother the Senate at the time.

I suspect that if the President nominated Scalia as chief justice, there would be some fireworks this time and a goodly number of no votes, but I highly doubt he would be filibustered, for the same reason that he was easily confirmed in 1986.

It would be a very prudent appointment for two reasons. First, because Scalia has a stellar intellect and has the ability to influence others. Bush would never have to apologize for a Scalia appointment. Second, because Scalia has told friends that if he is not named chief justice, he will almost certainly resign from the court. He would have served seventeen years on the court, yet he is still young enough to make a good living to support his family. If Scalia is lost, Bush almost certainly could not get someone of his caliber through this Senate. Another high-quality candidate is likely to be filibustered.

Sandra Day O'Connor brings the President problems. She was the swing vote that kept Roe vs. Wade legal. Many of her votes over the years are highly unpopular with President Bush's base. If the President is seen as breaking his word, it would be very hurtful to him in 2004 with the evangelical and conservative Catholic and Eastern Orthodox voters.

If the President nominates someone with rock-solid values and this Senate won't confirm him (or her), whether for chief justice or for associate justice or both, it won't hurt the President and may actually help him in 2004. It almost certainly would defeat some obstructionist senators. On the other hand, if the President makes an appointment such as Justice O'Connor, so he can avoid a confirmation fight and get her through the Senate with ease, he could well suffer at the polls for it. Survey research may currently say that she has a good image and most would approve of the appointment, but that is before the talk radio shows and talk television shows and the webpages of news organizations and concerned groups would discuss her record in detail. He clearly would be seen as breaking an

implied promise with that appointment.

My betting is, if the President does get the chance to nominate justices for the Supreme Court, it won't be until his second term, if indeed there is one. In a second term, the President could likely do as he wishes. If I am wrong and those appointments come soon, the President's choices may make or break his presidency.

Paul M. Weyrich is Chairman and CEO of the Free Congress Foundation.

---

**From:** Brian.A.Benczkowski@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/20/2003 6:18:44 AM  
**Subject:** : Re: FW: I have a request for another

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> (  
"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:20-MAY-2003 10:18:44.00  
SUBJECT:: Re: FW: I have a request for another  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : Re: FW: I have a request for another  
Was Read By : Brian.A.Benczkowski@usdoj.gov  
On : Tue, 20 May 2003 10:16:16 -0400

---

**From:** Kristi.L.Remington@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/20/2003 6:21:08 AM  
**Subject:** : Re: FW: I have a request for another

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (  
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:20-MAY-2003 10:21:08.00  
SUBJECT:: Re: FW: I have a request for another  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : Re: FW: I have a request for another  
Was Read By : Kristi.L.Remington@usdoj.gov  
On : Tue, 20 May 2003 10:18:47 -0400



---

**From:** Fishpaw, Marie K.  
**To:** <All Ovp Users>;<Kaplan, Joel>;<Lefkowitz, Jay P.>;<Spellings, Margaret M.>;<Troy, Tevi>;<Hennessey, Keith>;<Buchan, Claire>;<Mamo, Jeanie S.>;<McNally, Robert C.>;<Ojakli, Ziad>;<Kirk, Matthew>;<Schlapp, Matthew A.>;<Mehlman, Ken>;<O'Hollaren, Sean B.>;<Loper, Ginger G.>;<Burgeson, Christine M.>;<Hobbs, David W.>;<Thomas, David M.>;<Lisaius, Kenneth A.>;<Dougherty, Elizabeth S.>;<Friedman, Stephen>;<Connaughton, James>;<Cooney, Phil>;<Bear, Dinah>;<Boling, Edward A.>;<Fiddelke, Debbie S.>;<Anderson, David R.>;<Greczmiel, Horst>;<Stolpe, Elizabeth A.>;<Leary, William H.>;<Hannegan, Bryan J.>;<Peel, Kenneth L.>;<Hecht, Alan>;<Peacock, Marcus>;<Weatherly, Mark A.>;<Perry, Philip J.>;<Hickey, Michael>;<Edson, Gary R.>;<Sharp, Jess>;<Hall, Philo D.>;<Badger, William D.>;<Conner, Charles>;<Reardon, Brian>;<Kavanaugh, Brett M.>;<Sampson, Kyle>;<McNally, Edward>;<Rees, Matthew R.>;<Eskew, Tucker A.>;<Pelletier, Eric C.>;<Powell, Dina>;<Barrales, Ruben S.>;<Westine, Lezlee J.>;<Goldman, Adam B.>;<Christie, Ronald I.>;<Bridgeland, John M.>;<Kroszner, Randall S.>;<Russell, Richard M.>;nina.rees@ed.gov  
<nina.rees@ed.gov>;andrew@thelundquistgroup.com  
<andrew@thelundquistgroup.com>;Majida.Mourad@hq.doe.gov  
<Majida.Mourad@hq.doe.gov>;Kyle.McSarrow@hq.doe.gov  
<Kyle.McSarrow@hq.doe.gov>;Joe.McMonigle@hq.doe.gov  
<Joe.McMonigle@hq.doe.gov>;Jodi.Hanson@hq.doe.gov  
<Jodi.Hanson@hq.doe.gov>;Kelly.Lugar@hq.doe.gov  
<Kelly.Lugar@hq.doe.gov>;Rick.Dearborn@hq.doe.gov  
<Rick.Dearborn@hq.doe.gov>;Mike.Smith@hq.doe.gov  
<Mike.Smith@hq.doe.gov>;Mike.Smith@hq.doe.gov <Vestewig, Lauren J.>;Mike.Smith@hq.doe.gov <Gillmor, Eleanor L.>  
**Sent:** 5/20/2003 11:49:30 AM  
**Subject:** DATE CHANGE: Karen Knutson's Farewell; RSVP requested  
**Attachments:** karenbye.doc

<>

Karen Knutson's farewell has been rescheduled for Thursday, June 5, 2003.

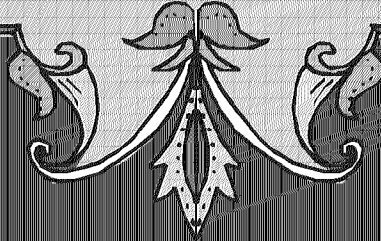
Please RSVP for this new date. Thank you.



## A Proper Send Off

Please join OVP in thanking Karen Knutson for her service  
as Deputy Assistant to the Vice President  
and wishing her good luck in the days ahead.

Where: EEOB 276 (VP Ceremonial Office)  
Date: Thursday, June 5, 2003  
Time: 4:00 PM – 5:30 PM  
RSVP: MFishpaw@ovp.eop.gov / 456.6655



---

**From:** Kavanaugh, Brett M.  
**To:** <Kaplan, Joel>  
**Sent:** 5/20/2003 12:50:31 PM  
**Subject:** addendum

Only two presidents in the nation's history, Andrew Johnson and Jimmy Carter, did not get to make a Supreme Court appointment.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Joel D. Kaplan/WHO/EOP@Exchange@EOP [ WHO ] <Joel D. Kaplan>  
**Sent:** 5/20/2003 8:51:27 AM  
**Subject:** : addendum

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-MAY-2003 12:51:27.00  
SUBJECT:: addendum  
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Only two presidents in the nation's history, Andrew Johnson and Jimmy Carter, did not get to make a Supreme Court appointment.

---

**From:** CN=Barry S. Jackson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** kmelhlman@georgewbush.com @ inet [ UNKNOWN ] <kmelhlman@georgewbush.com @ inet>  
**Sent:** 5/20/2003 9:04:18 AM  
**Subject:** : thursday event

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Barry S. Jackson ( CN=Barry S. Jackson/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:20-MAY-2003 13:04:18.00

SUBJECT:: thursday event

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:kmelhlman@georgewbush.com @ inet ( kmelhlman@georgewbush.com @ inet [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Brett - thursday PM, I'm speaking to the Ohio GOP's finance committee - many of these guys were major financial supporters in 2000 - can you give me a primer on what i can/can't do and how to repsond to their '04 re-elect questions? thanks

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Barry S. Jackson/WHO/EOP@EOP [ WHO ] <Barry S. Jackson>  
**CC:** kmelhlman@georgewbush.com @ inet [ UNKNOWN ] <kmelhlman@georgewbush.com @ inet>  
**Sent:** 5/20/2003 9:07:48 AM  
**Subject:** : Re: thursday event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-MAY-2003 13:07:48.00  
SUBJECT:: Re: thursday event  
TO:Barry S. Jackson ( CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:kmelhlman@georgewbush.com @ inet ( kmelhlman@georgewbush.com @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Is this a fundraiser? Where are you speaking to them? Anyway, do not solicit contributions, do not use your official title on invitations, and do not otherwise coerce anyone into political activity. Those are the basics. We have a guidance memo from Judge going out tomorrow.

From: Barry S. Jackson on 05/20/2003 01:03:34 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: kmelhlman@georgewbush.com @ inet  
Subject: thursday event

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---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Brosnahan, Jennifer R.>; <Newstead, Jennifer G.>; <Bartolomucci, H. Christopher>; <Sampson, Kyle>; <Francisco, Noel J.>; <Powell, Benjamin A.>; <Ulyot, Theodore W.>  
**Sent:** 5/20/2003 1:12:14 PM  
**Subject:** Rapid City SD editorial  
**Attachments:** ~~DLNK0.URL; ~~DLNK1.URL

<>

Pirates of the Senate

By The Journal Editorial Board

<>

In James Clavell's novel "Shogun," the hero, John Blackthorne, is a 17th century English captain sailing a Dutch vessel who becomes marooned in Japan after fleeing from Spanish warships in the New World. Blackthorne is, to use the 17th century Dutch word for it, a filibuster, or a privateer who wages war against the colonies of a foreign nation.

Americans adopted the word in the mid-19th century to characterize adventurers who plundered weakly governed Central American and Caribbean countries.

Filibuster also came to refer to the tactics used to delay or defeat action in a legislative assembly, most notably in the U.S. Senate, where rules and custom allow a minority of senators to obstruct legislation from coming to a vote. Recently, Democratic senators have extended the use of the filibuster to prevent confirmation votes on two of President George W. Bush's judicial nominees - Miguel Estrada and Patricia Owen.

On May 9, President Bush took the opportunity of the second anniversary of nominating his first 11 judges to complain that three of his nominees have not received a confirmation vote, including Estrada and Owen. "This is an abdication of constitutional responsibility, and it is hurting our country," Bush said. One year ago, the president used the same occasion to complain that eight of his nominations hadn't received a vote after one year.

The progress in the past year has been due to the demotion of Sen. Tom Daschle from Senate majority leader to minority leader. A year ago, Majority Leader Daschle wouldn't allow a floor vote on nominees who hadn't received a majority of votes from the then-Democratic majority Senate Judiciary Committee. Today, Minority Leader Daschle and his Democratic colleagues are using a filibuster to block floor votes for certain nominees who have received a majority of votes from the Republican majority committee.

The Journal published an article by Sen. Daschle on Saturday (May 17) in which he defended the Senate's record of confirming judges. He notes that only two of Bush's 126 judicial nominations have not received a floor vote - a 98.4 percent confirmation rate. Daschle writes that the "confirmation process is working well" (without mentioning the unprecedented use of a filibuster to block confirmation votes) and then changes the subject midway through his article to the economy, deficits, ethanol and drought relief.

Majority Leader Bill Frist has proposed changing the Senate rules on filibusters to lower the number of votes necessary to end a filibuster after every cloture vote from 60 votes eventually to 51 votes, a simple majority of the Senate body. Filibusters were first adopted by the Senate in the mid-19th century but have been changed over time from unanimous consent needed to end debate, to a two-thirds vote in 1917, to a three-fifths vote in 1975. Sen. Tom Harkin, D-Iowa, originally proposed the Frist filibuster rule change in 1995. The problem is that changing Senate rules requires a two-thirds vote, something Democrats are unlikely to agree to unless it serves their interests.

The U.S. Constitution gives the president the power to appoint judges with the "advice and consent" of the Senate, a practice that until the present time has meant a committee hearing and a vote by the whole Senate. Basic courtesy would require that the Senate give every president's judicial nominees their chance at a timely and fair hearing and an up-or-down confirmation vote.

"There are extreme cases when extreme judges deserve no more than a cloture vote, and these two cases fit that category," Sen. Daschle said recently, an odd statement considering that both Estrada and Owen have the support of a majority of senators and have both received the highest recommendation from that hotbed of extremism, the American Bar Association. Odd, unless you're engaging in legislative piracy, or filibustering, as the Dutch would say.



[InternetShortcut]

URL=<http://www.rapidcityjournal.com/articles/2003/05/20/news/opinion/top/news01.txt>

[InternetShortcut]

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---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** M.Edward.Whelan@usdoj.gov <M.Edward.Whelan@usdoj.gov>  
**Sent:** 5/20/2003 9:16:14 AM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:20-MAY-2003 13:16:14.00

SUBJECT::

TO:"M.Edward.Whelan@usdoj.gov" <M.Edward.Whelan@usdoj.gov> ( "M.Edward.Whelan@usdoj.gov"  
<M.Edward.Whelan@usdoj.gov> [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Can Dan do a summary of the rules and regs (as you all interpret them)  
applicable to fed officeholders speaking at fundraisers in BCRA?

---

**From:** CN=Barry S. Jackson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/20/2003 9:20:44 AM  
**Subject:** : Re: thursday event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Barry S. Jackson ( CN=Barry S. Jackson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-MAY-2003 13:20:44.00  
SUBJECT:: Re: thursday event  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

it's not a fundraiser, just a regular meeting in columbus. i'll try to keep the threats to a minimum.....

Brett M. Kavanaugh  
05/20/2003 01:07:10 PM  
Record Type: Record

To: Barry S. Jackson/WHO/EOP@EOP  
cc: kmelhlman@georgewbush.com @ inet  
bcc:  
Subject: Re: thursday event

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From: Barry S. Jackson on 05/20/2003 01:03:34 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: kmelhlman@georgewbush.com @ inet  
Subject: thursday event

Brett - thursday PM, I'm speaking to the Ohio GOP's finance committee - many of these guys were major financial supporters in 2000 - can you give me a primer on what i can/can't do and how to respond to their '04 re-elect questions? thanks

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/20/2003 10:34:33 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:20-MAY-2003 14:34:33.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From the Pittsburgh Business Times  
;

Despite Bush's protests, court vacancies are down

Jon Delano ;

"Confirm my judicial appointments." It's a familiar refrain. In recent years, presidents have called on the Senate to expedite confirmation so that their choices for the federal bench don't face endless delays.

Former President Clinton railed against the obstructionist tactics of the Republican-controlled Senate, accusing that body of partisan behavior. During Mr. Clinton's last six years in office not a single judge was confirmed for the U.S. District Court in Western Pennsylvania.

Why?

The simple answer is politics. U.S. Sen. Rick Santorum, a Republican, "blue slipped" or put on hold the consideration of Mr. Clinton's appointments in this region, arguing that he should be able to name at least one of every three appointees. When Mr. Clinton rejected that claim, there was deadlock.

Last week in the Rose Garden, President Bush sounded a lot like Mr. Clinton, denouncing "obstructionist tactics" by Senate Democrats. At a press conference last Friday, U.S. Sen. Arlen Specter, a member of the Senate Judiciary Committee, got it exactly right. "When we Republicans controlled the Senate and President Clinton was in office, some things were done which shouldn't have been done," the state's senior senator opined. "And when President Bush took office and the Democrats were in control, there were some things that shouldn't have been done."

The old saying that what goes around comes around seems apt. Mr. Bush is reaping the ill will that was sown earlier. But a careful comparison of the state's federal judiciary today, particularly in Pennsylvania, suggests that this Senate, whether run by Democrats or Republicans, has treated Mr. Bush's nominees better than Mr. Clinton's. In 28 months in office, Mr. Bush has already had 100 district judges confirmed by the Senate along with 23 appellate judges. Of the 665 judges on the federal district courts across America, there are only 26 vacancies, and the vacancy rate among the 179 judges on the courts of appeals is down to 21.

Take the Western District of Pennsylvania, for example. During the years of the Santorum filibuster, that court of 10 judges had as many as five vacancies. Today, the Senate has confirmed four Bush appointees -- Judges Joy Conti, David Cercone, Terry McVerry, and Art Schwab -- and the fifth nomination, attorney Tom Hardiman, has just been sent to the Senate.

With the elevation and confirmation of Judge Brooks Smith to the U.S. Court of Appeals, the president still needs to name one more judge to the local court, but once completed, Mr. Bush, with less than three years in office, will have named -- and the Senate will have confirmed -- six of the 10 judges on the local federal court. That hardly sounds like obstructionism.

The U.S. Court of Appeals for the Third Circuit (Pennsylvania, Delaware, New Jersey, and the Virgin Islands), the court just under the Supreme Court, has 11 of its 14 judges in place, one appointed by President Carter, two by President Reagan, two by President Bush I, and five appointed by President Clinton.

Mr. Bush's first appointment to that appellate court, Brooks Smith, was confirmed last year, and the president only two weeks ago sent two more Republican names to the Senate: Attorney General Mike Fisher and former Richard Thornburgh aide Jay Waldman. Nobody expects much controversy over these nominees.

So what is Mr. Bush complaining about?

It turns out that what really angers him is a procedural move adopted by Democrats to deny a final vote on a few controversial nominees. Unable to put a "hold" on nominees as Mr. Santorum did when the Republicans controlled the Senate, the Democrats, the minority party, are using the filibuster to block an up-or-down vote on a few nominees. Under Senate rules, it takes 60 votes to stop a filibuster. With just 51 Republican senators, the GOP cannot force a vote unless some Democrats go along. So far, at least on the nominations of two controversial appellate court judges, Miguel Estrada and Priscilla Owens, the Democrats have stuck together.

The Democrats insist that they are not blocking all of Mr. Bush's nominees, only those with which have major problems.

But both sides are playing politics. Mr. Bush is nominating very conservative candidates to appease a wing of his party. And Democrats are denying an up-or-down vote on them to appease a wing of their party. The good news is that vacancies are down. That's progress!

MR. DELANO teaches public policy at CMU's Heinz School and is the money and politics editor for KDKA-TV and the political analyst for WQED-TV's "On Q Magazine." Contact him at [jdelano@andrew.cmu.edu](mailto:jdelano@andrew.cmu.edu).

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**From:** Marie\_K.\_Fishpaw@ovp.eop.gov  
**To:** All\_OVP\_Users@oa.eop.gov <All\_OVP\_Users@oa.eop.gov>; Joel\_D.\_Kaplan@oa.eop.gov <Joel\_D.\_Kaplan@oa.eop.gov>; Jay\_P.\_Lefkowitz@oa.eop.gov <Jay\_P.\_Lefkowitz@oa.eop.gov>; Margaret\_M.\_Spellings@oa.eop.gov <Margaret\_M.\_Spellings@oa.eop.gov>; Tevi\_Troy@oa.eop.gov <Tevi\_Troy@oa.eop.gov>; Tevi\_Troy@oa.eop.gov <Hennessey, Keith>; Claire\_E.\_Buchan@oa.eop.gov <Claire\_E.\_Buchan@oa.eop.gov>; Claire\_E.\_Buchan@oa.eop.gov <Mamo, Jeanie S.>; Claire\_E.\_Buchan@oa.eop.gov <McNally, Robert C.>; Ziad\_S.\_Ojakli@oa.eop.gov <Ziad\_S.\_Ojakli@oa.eop.gov>; Matthew\_Kirk@oa.eop.gov <Matthew\_Kirk@oa.eop.gov>; Matthew\_Kirk@oa.eop.gov <Schlapp, Matthew A.>; Matthew\_Kirk@oa.eop.gov <Mehlman, Ken>; Sean\_B.\_O'Hollaren@oa.eop.gov <Sean\_B.\_O'Hollaren@oa.eop.gov>; Ginger\_G.\_Loper@oa.eop.gov <Ginger\_G.\_Loper@oa.eop.gov>; Christine\_M.\_Burgeson@oa.eop.gov <Christine\_M.\_Burgeson@oa.eop.gov>; David\_W.\_Hobbs@oa.eop.gov <David\_W.\_Hobbs@oa.eop.gov>; David\_W.\_Hobbs@oa.eop.gov <Thomas, David M.>; David\_W.\_Hobbs@oa.eop.gov <Lisaius, Kenneth A.>; David\_W.\_Hobbs@oa.eop.gov <Dougherty, Elizabeth S.>; Stephen\_Friedman@oa.eop.gov <Stephen\_Friedman@oa.eop.gov>; Stephen\_Friedman@oa.eop.gov <Connaughton, James>; Stephen\_Friedman@oa.eop.gov <Cooney, Phil>; Stephen\_Friedman@oa.eop.gov <Bear, Dinah>; Stephen\_Friedman@oa.eop.gov <Boling, Edward A.>; Stephen\_Friedman@oa.eop.gov <Fiddelke, Debbie S.>; Stephen\_Friedman@oa.eop.gov <Anderson, David R.>; Stephen\_Friedman@oa.eop.gov <Greczmiel, Horst>; Stephen\_Friedman@oa.eop.gov <Stolpe, Elizabeth A.>; Stephen\_Friedman@oa.eop.gov <Leary, William H.>; Stephen\_Friedman@oa.eop.gov <Hannegan, Bryan J.>; Stephen\_Friedman@oa.eop.gov <Peel, Kenneth L.>; Stephen\_Friedman@oa.eop.gov <Peacock, Marcus>; Stephen\_Friedman@oa.eop.gov <Weatherly, Mark A.>; Stephen\_Friedman@oa.eop.gov <Perry, Philip J.>; Stephen\_Friedman@oa.eop.gov <Hickey, Michael>; Stephen\_Friedman@oa.eop.gov <Edson, Gary R.>; Stephen\_Friedman@oa.eop.gov <Sharp, Jess>; Stephen\_Friedman@oa.eop.gov <Hall, Philo D.>; Stephen\_Friedman@oa.eop.gov <Badger, William D.>; Stephen\_Friedman@oa.eop.gov <Conner, Charles>; Stephen\_Friedman@oa.eop.gov <Reardon, Brian>; Stephen\_Friedman@oa.eop.gov <Kavanaugh, Brett M.>; Stephen\_Friedman@oa.eop.gov <Sampson, Kyle>; Stephen\_Friedman@oa.eop.gov <McNally, Edward>; Stephen\_Friedman@oa.eop.gov <Rees, Matthew R.>; Stephen\_Friedman@oa.eop.gov <Eskew, Tucker A.>; Eric\_C.\_Pelletier@oa.eop.gov <Eric\_C.\_Pelletier@oa.eop.gov>; Dina\_Powell@oa.eop.gov <Dina\_Powell@oa.eop.gov>; Dina\_Powell@oa.eop.gov <Barrales, Ruben S.>; Dina\_Powell@oa.eop.gov <Westine, Lezlee J.>; Dina\_Powell@oa.eop.gov <Goldman, Adam B.>; Dina\_Powell@oa.eop.gov <Christie, Ronald I.>; Dina\_Powell@oa.eop.gov <Bridgeland, John M.>; Dina\_Powell@oa.eop.gov <Kroszner, Randall S.>; Dina\_Powell@oa.eop.gov <Russell, Richard M.>; nina.rees@ed.gov <nina.rees@ed.gov>; andrew@thelundquistgroup.com <andrew@thelundquistgroup.com>; Majida.Mourad@hq.doe.gov <Majida.Mourad@hq.doe.gov>; Kyle.McSarrow@hq.doe.gov <Kyle.McSarrow@hq.doe.gov>; Joe.McMonigle@hq.doe.gov <Joe.McMonigle@hq.doe.gov>; Jodi.Hanson@hq.doe.gov <Jodi.Hanson@hq.doe.gov>; Kelly.Lugar@hq.doe.gov <Kelly.Lugar@hq.doe.gov>; Rick.Dearborn@hq.doe.gov <Rick.Dearborn@hq.doe.gov>; Mike.Smith@hq.doe.gov <Mike.Smith@hq.doe.gov>; Lauren\_J.\_Vestewig@oa.eop.gov <Lauren\_J.\_Vestewig@oa.eop.gov>; Eleanor\_L.\_Gillmor@oa.eop.gov <Eleanor\_L.\_Gillmor@oa.eop.gov>  
**Sent:** 5/20/2003 2:49:26 PM  
**Subject:** DATE CHANGE: Karen Knutson's Farewell; RSVP requested  
**Attachments:** karenbye.doc

(See attached file: karenbye.doc)

REV\_00119337

Karen Knutson's farewell has been rescheduled for Thursday, June 5, 2003.

Please RSVP for this new date. Thank you.

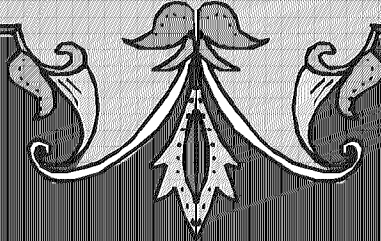




## A Proper Send Off

Please join OVP in thanking Karen Knutson for her service  
as Deputy Assistant to the Vice President  
and wishing her good luck in the days ahead.

Where: EEOB 276 (VP Ceremonial Office)  
Date: Thursday, June 5, 2003  
Time: 4:00 PM – 5:30 PM  
RSVP: MFishpaw@ovp.eop.gov / 456.6655



---

**From:** Mamo, Jeanie S.  
**To:** <Snee, Ashley>;<Kavanaugh, Brett M.>  
**Sent:** 5/20/2003 2:58:50 PM  
**Subject:** Mobile Register, column by Willie J. Huntley, Jr. re: Civil rights guardian, outstanding nominee

## **Civil rights guardian, outstanding nominee**

05/20/03

**By WILLIE J. HUNTLEY JR.**

Special to the Register

The Washington-headquartered, liberal witch-hunt against President Bush's federal judicial nominees has targeted its next victim, and it is one of our own: Bill Pryor, the attorney general of Alabama.

Among those leading the charge against Pryor is the mis-named group People For the American Way. This should be no surprise; PFAW has led vicious attacks against Attorney General John Ashcroft, Justice Clarence Thomas, Priscilla Owen, Miguel Estrada and numerous other Republican nominees.

PFAW is a radical leftist group that has supported broad court protection for child pornography, burning the American flag, and publicly funded art portraying the Virgin Mary splattered with elephant dung. Most recently, PFAW helped coordinate protests against the war in Iraq -- the war in which some Alabamians gave their lives for their country.

PFAW is funded by the pornography industry and Hollywood radicals, including Playboy magazine, the Screen Actors Guild, and the Center for Alternative Media & Culture. (And they call Bill Pryor an extremist.)

PFAW asserts that Pryor's appointment would devastate civil rights. What its people don't say is that after about 100 years of inaction by other leaders, Bill Pryor led a coalition that included the NAACP to rid the Alabama Constitution of its racist ban on inter-racial marriage.

Pryor then defended the repeal against a court challenge by a so-called Confederate heritage organization.

Our attorney general also took the side of the NAACP in successfully defending majority-minority voting districts -- all the way to the U.S. Supreme Court -- against a challenge by white Alabama Republicans.

Bill Pryor further opposed a white Republican redistricting proposal that would have hurt African-American voters. He did not back down to criticism from his own party -- not one inch.

He then played a key role in the successful prosecution of former Ku Klux Klansmen Bobby Frank Cherry and Thomas Blanton Jr. for the 1963 bombing of the Sixteenth Street Baptist Church in Birmingham. In fact, he will personally argue to uphold Blanton's murder conviction before the Alabama Court of Criminal Appeals later this month.

Pryor started a mentoring program for at-risk kids, and regularly goes to Montgomery public schools to teach African-American kids to read.

Because Bill Pryor has a civil rights record that very few can equal, it is no wonder that African-American leaders who know and have worked with him -- like Artur Davis, Joe Reed, Cleo Thomas and Alvin Holmes -- support his nomination to the 11th Circuit Court of Appeals.

Ignoring Pryor's defense of voting rights for African-Americans, PFAW charges that he opposes the landmark Voting Rights Act. The truth is, he has dutifully enforced all of the Voting Rights Act every time a case has come up.

Pryor has simply stated that a procedural part of the Voting Rights Act -- Section 5 -- has problems that Congress should fix. Section 5 requires federal officials in Washington to approve even minor changes in voting practices that have nothing to do with discrimination.

For example, last year, Pryor issued an opinion that required a white replacement candidate for a deceased white state legislator to get Washington approval under Section 5 to use stickers to put his name on the ballot over the name of the deceased candidate.

Thurbert Baker, the African-American Democratic attorney general of Georgia, has voiced similar concerns about Section 5 before the U.S. Supreme Court.

Undeterred, PFAW and its allies also charge that Pryor believes in "states' rights" -- their code words for racism. The truth is that he believes in the Constitution. He has fought to protect the state's treasury from lawsuits that would have taken our tax dollars away from the state -- away from salaries for teachers and medical care for poor people.

It is the job of an attorney general to defend his client -- the state. In fact, the key Supreme Court case on defending a state from lawsuits was won not by Pryor, but by Democratic Attorney General Bob Butterworth of Florida.

Democratic attorneys general like Eliot Spitzer of New York, Jim Doyle of Wisconsin and others have all made the same arguments to defend their state budgets. I guess they are all "right-wing extremists," too.

PFAW and its allies have also attacked Pryor for being extremist on abortion rights. As a dedicated Roman Catholic, Bill Pryor loves kids and is against abortion, no doubt about it.

But even though he disagrees with abortion, he instructed Ala-

bama's district attorneys to apply Alabama's partial-birth abortion law in a moderate way that was consistent with U.S. Supreme Court precedent.

Again, he was criticized by Republicans; pro-life activists accused him of gutting the statute. Again, he didn't back down.

Not surprisingly, PFAW and its allies have attacked Pryor for supporting the display of the Ten Commandments in courthouses. But Pryor simply took the position that if a representation of the Ten Commandments can be carved into the wall of the U.S. Supreme Court's courtroom, it can be placed in an Alabama courtroom.

PFAW also has attacked Pryor for the position he took in the Alexander vs. Sandoval case, in which a person who didn't speak English sued to force Alabama to spend its money on printing driver's license tests in foreign languages.

As broke as our state is, there are better things to spend our money on -- like teaching kids to read English so they can take the test and read road signs, and also paving the roads for them to drive on. Pryor fought this attempt to drain our state budget, and the U.S. Supreme Court agreed with him.

The truth and the record show that Bill Pryor has fought for the civil rights and voting rights of African-Americans in Alabama when PFAW was nowhere to be found. Now that President Bush has nominated Pryor to a federal judgeship, PFAW assumes that it can come here and attack him.

I, for one, suggest that PFAW pack up its pro-pornography, flag-burning, anti-religious, attack-dog tactics and go back to Hollywood and Washington.

We who actually know Bill Pryor support him 100 percent.

*Willie Huntley is a former assistant U.S. attorney for the Southern District of Alabama. An African-American, he now has a private law practice in Mobile.*

---

**From:** CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 5/20/2003 11:38:14 AM  
**Subject:** : Charleston (WV) Gazette (5/20/03) EDITORIAL re: Far-right unsuitable appointees

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 20-MAY-2003 15:38:14.00  
SUBJECT: : Charleston (WV) Gazette (5/20/03) EDITORIAL re: Far-right unsuitable appointees  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
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Far-right  
Unsuitable appointees

EDITORIAL

Charleston (WV) Gazette  
May 20, 2003

LAST WEEK, President Bush told America that U.S. courts are in a crisis because Democratic senators won't confirm his judicial appointees. His statement was surprisingly false. The Senate has approved great numbers of his judge choices \* and has balked only at some who hold extreme, narrow views far outside the national mainstream. The fact is that 124 have been confirmed, and two have been held back, noted Sen. Patrick Leahy, D-Vt. You would not know that by listening to the president's remarks.

In comparison, when Democrat Bill Clinton was president, Senate Republicans blocked far more of his judicial appointments. Nonetheless, Bush wants Senate rules changed so Democrats can no longer use filibusters to prevent votes on his nominees.

Why are some Bush appointees in trouble? Because, according to The New York Times, they are far-right ideologues whose views offend most Americans.

What kind of nominees are Senate Democrats balking at? the national newspaper asked. One, an Arkansas anti-abortion activist, has written that women should be subordinate to men.

Another argued, as a Justice Department lawyer, that Bob Jones University should keep its tax-exempt status even though it discriminated against blacks.

President Bush, deeply in bed with the fundamentalist wing of the GOP, has striven to load the federal government with far-right social conservatives who will steer America toward their policies.

For example, his education secretary, Roderick Paige, told Southern Baptists that America's public schools should teach the values of the Christian community, where a child is taught to have a strong faith. That may sound harmless, but it offended millions of American Jews, Muslims, Buddhists and others.

For example, to head a federal panel on reproductive health drugs, Bush appointed Dr. David Hager of Kentucky, who refuses to prescribe birth-control pills and recommends Scripture reading as a cure for premenstrual pain.

The Republican platform seeks several harsh changes in America, such as banning abortion, which would require jailing of women and doctors involved. Appointment of judges and officials dedicated to such goals is part of the process of attaining them.

Therefore, it's commendable that Senate Democrats like Robert C. Byrd and

Jay Rockefeller are striving to prevent confirmation of extreme far-right nominees.

---

**From:** Smith, Matthew E.  
**To:** <Ryun, Catharine A.>;<Vestewig, Lauren J.>;<Cooper, Colby J.>;<Kavanaugh, Brett M.>  
**Sent:** 5/20/2003 5:19:30 PM  
**Subject:** Speaking line-up for Thursday

This is for Thursday's White House Legatus briefing (Catholic Businessmen)

Jim Towey 9:00 - 9:15

Jay Lefkowitz 9:15 - 9:30

Elliott Abrams 9:30 - 9:50

Brett Kavanaugh 9:50 - 10:05

Brian Reardon 10:05 - 10:20 pending

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** mike.emmick.@usdoj.gov @ inet [ UNKNOWN ] <mike.emmick.@usdoj.gov @  
inet>;michael.emmick@usdoj.gov @ inet [ UNKNOWN ] <michael.emmick@usdoj.gov @ inet>  
**Sent:** 5/20/2003 1:46:32 PM  
**Subject:** :

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-MAY-2003 17:46:32.00  
SUBJECT::  
TO:mike.emmick.@usdoj.gov @ inet ( mike.emmick.@usdoj.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:michael.emmick@usdoj.gov @ inet ( michael.emmick@usdoj.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

hey, just checking in. what's happening in LA?

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;Theodore W. Ulliyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliyot>  
**Sent:** 5/20/2003 1:53:48 PM  
**Subject:** : Noel's Docket

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:20-MAY-2003 17:53:48.00

SUBJECT:: Noel's Docket

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulliyot ( CN=Theodore W. Ulliyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Time to play ...; let's take all the good stuff from Noel's portfolio and give Reg Brown all the stuff I hate dealing with.

;

Please let me know if you want to switch anything in your portfolio.; I will compile them and take them to David for his approval.

;

Thanks



---

**From:** Robert McConnell <RMcConnell@hyi-usa.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/20/2003 2:10:03 PM  
**Subject:** : FW: FYI...Specter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Robert McConnell <RMcConnell@hyi-usa.com> ( Robert McConnell <RMcConnell@hyi-usa.com> [ UNKNOWN ] )  
CREATION DATE/TIME:20-MAY-2003 18:10:03.00  
SUBJECT:: FW: FYI...Specter  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From today's Hotline.

Specter For Edwards?

;;;; Philadelphia Magazine's Issenberg reports, Edwards is winning the money race in PA, having raised more than \$209K in the 1stQ, over \$60K more than second-place finisher, Sen. John Kerry (D-MA). ;;;; More notable, Sen. Arlen Specter's (R-PA) son, Shanin, a registered GOPer who has worked for his father's campaigns, ""ponied up the legal maximum" of \$2K to Edwards. It may have "something to do with the fact" that Specter-the-younger is a "personal-injury" atty. ;(Back to Contents)

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**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>  
**Sent:** 5/20/2003 6:26:57 PM  
**Subject:** call me before sending letter

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/20/2003 2:27:51 PM  
**Subject:** : call me before sending letter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-MAY-2003 18:27:51.00  
SUBJECT:: call me before sending letter  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
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**From:** Kavanaugh, Brett M.  
**To:** <Bumatay, Patrick J.>;<Montiel, Charlotte L.>  
**Sent:** 5/20/2003 6:27:13 PM  
**Subject:** call me before sending letter

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/20/2003 06:27 PM -----

Brett M. Kavanaugh

05/20/2003 06:27:14 PM

Record Type: Record

To: Carolyn Nelson/WHO/EOP@Exchange@EOP

cc:

Subject: call me before sending letter

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Charlotte L. Montiel/WHO/EOP@Exchange@EOP [ WHO ] <Charlotte L. Montiel>;Patrick J. Bumatay/WHO/EOP@Exchange@EOP [ WHO ] <Patrick J. Bumatay>  
**Sent:** 5/20/2003 2:28:03 PM  
**Subject:** : call me before sending letter

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CREATION DATE/TIME:20-MAY-2003 18:28:03.00  
SUBJECT:: call me before sending letter  
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
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TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
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05/20/2003 06:27 PM -----

Brett M. Kavanaugh  
05/20/2003 06:27:14 PM  
Record Type: Record

To: Carolyn Nelson/WHO/EOP@Exchange@EOP  
cc:  
Subject: call me before sending letter

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**From:** CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/20/2003 5:15:48 PM  
**Subject:** : Re:

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ] )  
CREATION DATE/TIME:20-MAY-2003 21:15:48.00  
SUBJECT:: Re:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
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Understood.; Thanks.

---

**From:** Elwood, Courtney S.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/20/2003 9:16:35 PM  
**Subject:** Re:

Understood. Thanks.

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/21/2003 1:30:14 AM  
**Subject:** : OpinionJournal - On the Editorial Page - May 21, 2003

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CREATION DATE/TIME:21-MAY-2003 05:30:14.00  
SUBJECT:: OpinionJournal - On the Editorial Page - May 21, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
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From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY DONNA BRAZILE AND TIMOTHY BERGREEN  
<http://www.opinionjournal.com/editorial/?id=110003520>

Fellow Democrats: Get serious about defense or get used to losing.  
12:01 a.m. EDT

Scene & Heard BY COLLIN LEVEY  
<http://www.opinionjournal.com/columnists/clevevey/?id=110003522>

None of the current candidates can quite replace Paula Zahn.  
12:01 a.m. EDT

Leisure & Arts BY HEIDI WALESON  
<http://www.opinionjournal.com/la/?id=110003521>

Now youngsters can make music without learning an instrument.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Tax-Cut Endgame  
The risk is that the final reduction will be too small.  
May 21 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105347612093978300,00.html%3Fmod%3Dopinion>

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WHO's Afraid of Taiwan?  
Apparently China is.  
May 21 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105347641745512400,00.html%3Fmod%3Dopinion>

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Supreme Court Rx  
Does Maine really want to become an annex of Canada?  
May 21 2003



<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105347662957073600,00.html%3Fmod%3Dopinion>

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#### Commentary

##### The Fed's Complacency

You can't ward off deflation by gently bringing down interest rates.

By MICHAEL COSGROVE

May 21 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105347688475835500,00.html%3Fmod%3Dopinion>

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##### United States v. European Union

Does the EU really want to starve the world's poor?

By ROBERT B. ZOELLICK

May 21 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105347773530524700,00.html%3Fmod%3Dopinion>

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##### What Would Scoop Do?

Fellow Democrats, get serious about defense or get used to losing.

By DONNA BRAZILE and TIMOTHY BERGREEN

May 21 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105347838098997900,00.html%3Fmod%3Dopinion>

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#### Business World

##### Unwitting Tribune of Racial Hope

The New York Times' neuroticism about skin color.

By HOLMAN W. JENKINS JR.

May 21 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105347573017687600,00.html%3Fmod%3Dopinion>

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#### Leisure & Arts

##### Toy Symphony Lures Kids . . .

Now youngsters can make music without learning an instrument.

By HEIDI WALESON

May 21 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105348567893205700,00.html%3Fmod%3Dopinion>

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##### ...While Chamber Music Taps Teens

Lincoln Center's Melissa Fathman finds herself preaching to the choir.

By GREG SANDOW

May 21 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105348620715662200,00.html%3Fmod%3Dopinion>

~~~~~

Books  
Winning More, Paying Less  
"Moneyball"  
By RICHARD J. TOFEL  
May 21 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB1053486846725600,00.html%3Fmod%3Dopinion>

~~~~~

Time Off  
Diversions  
1836 Creek War Re-Enactment; Plain Threads to Nantucket Reds: Three  
Centuries of Nantucket Fashion  
May 21 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105339704053330600,00.html%3Fmod%3Dopinion>

~~~~~

A Fictional Hike of 350 Years  
Two first edition copies of Izaak Walton's "The Compleat Angler, or the  
contemplative man's recreation" are on exhibit at the New York Public  
Library.  
May 21 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105348738271746600,00.html%3Fmod%3Dopinion>

~~~~~

International

In or Out  
Don't repeat the currency crises of the early 1990s.  
From The Wall Street Journal Europe  
May 21 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105346971319861400,00.html%3Fmod%3Dopinion>

~~~~~

Don't Condemn the East to Purgatory  
The Exchange Rate Mechanism is a hazardous and unnecessary hurdle for EU  
accession.  
By ISAAC TABOR  
From The Wall Street Journal Europe  
May 21 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105346902292516300,00.html%3Fmod%3Dopinion>

~~~~~

The Best Opposition Party in Europe  
Euroskeptics want Britain to leave the EU and accept associate membership.  
By MICHAEL GONZALEZ  
From The Wall Street Journal Europe  
May 21 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105346725242906900,00.html%3Fmod%3Dopinion>

~~~~~

Asia's Unease Over the Dollar  
A weak dollar may not revive the U.S. economy.  
By RUCHIR SHARMA  
From The Asian Wall Street Journal  
May 21 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB10534660207733300,00.html%3Fmod%3Dopinion>

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<http://RealEstateJournal.com>

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**From:** CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/21/2003 6:52:59 AM  
**Subject:** : Question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ] )  
CREATION DATE/TIME:21-MAY-2003 10:52:59.00  
SUBJECT:: Question  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Off the top of your head, can you think of a State that has contribution  
limits that match the Federal limits?

---

**From:** CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/21/2003 6:59:47 AM  
**Subject:** : lunch

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:21-MAY-2003 10:59:47.00

SUBJECT:: lunch

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Brett - We haven't had lunch since I started... want to go to staff table today?

JB

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/21/2003 8:09:29 AM  
**Subject:** : What happened at Leahy and Judge meeting?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:21-MAY-2003 12:09:29.00  
SUBJECT:: What happened at Leahy and Judge meeting?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;

---

**From:** Montiel, Charlotte L.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/21/2003 9:48:29 AM  
**Subject:** interview schedule

Here's the interview schedule for the paralegal:

Thursday 4:30 pm Denise Gitsham (in your office)

Friday 9:30 am Colin Newman (in Judge's office)

Friday 9:50 am Courtney Anderson (in Judge's office)

Friday 10:10 am Elizabeth Bingold (in Judge's office)

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** sheila.joy@usdoj.gov @ inet [ UNKNOWN ] <sheila.joy@usdoj.gov @ inet>  
**Sent:** 5/21/2003 5:49:59 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-MAY-2003 09:49:59.00  
SUBJECT::  
TO:sheila.joy@usdoj.gov @ inet ( sheila.joy@usdoj.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

AO's new lists of current and future vacancies did not include President's nominees from last week.

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

<http://www.uscourts.gov/vacancies/futurevacancy.htm>



---

**From:** Sheila.Joy@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/21/2003 6:07:39 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ( "Sheila.Joy@usdoj.gov"  
<Sheila.Joy@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:21-MAY-2003 10:07:39.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I will remind them -- did you receive the two new retirement ltrs from  
this morning?

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Wednesday, May 21, 2003 9:49 AM  
To: Joy, Sheila  
Subject:

AO's new lists of current and future vacancies did not include President's  
nominees from last week.

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

<http://www.uscourts.gov/vacancies/futurevacancy.htm>

---

**From:** Kate Walters <kate@georgewbush.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/21/2003 6:09:55 AM  
**Subject:** : Re: Mehlman/Hobbs Invite

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kate Walters <kate@georgewbush.com> ( Kate Walters <kate@georgewbush.com> [ UNKNOWN  
] )  
CREATION DATE/TIME:21-MAY-2003 10:09:55.00  
SUBJECT:: Re: Mehlman/Hobbs Invite  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

It is a fulfillment event. The group cost \$15k for pacs  
-----  
Sent from my BlackBerry Wireless Handheld

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>  
**Sent:** 5/21/2003 6:16:09 AM  
**Subject:** : What's the status of the paralegal interview?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:21-MAY-2003 10:16:09.00  
SUBJECT:: What's the status of the paralegal interview?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

.

---

**From:** Elwood, Courtney S.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/21/2003 10:53:35 AM  
**Subject:** Question

Off the top of your head, can you think of a State that has contribution limits that match the Federal limits?

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Ledeen, Barbara (Republican-Conf) <Barbara\_Ledeen@src.senate.gov>; Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; LeBon, Cherylyn (Judiciary) <Cherylyn\_LeBon@Judiciary.senate.gov>; Dahl, Alex (Judiciary) <Alex\_Dahl@Judiciary.senate.gov>; Abegg, John (McConnell) <John\_Abegg@mcconnell.senate.gov>; Jamie.E.Brown@usdoj.gov [ UNKNOWN ] <Jamie.E.Brown@usdoj.gov>; Kristi.L.Remington@usdoj.gov [ UNKNOWN ] <Kristi.L.Remington@usdoj.gov>; Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>; Higginbotham, Ryan (Judiciary) <Ryan\_Higginbotham@Judiciary.senate.gov>; Comisac, RenaJohnson (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
**Sent:** 5/21/2003 7:01:01 AM  
**Subject:** : Thurs Conf. call

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:21-MAY-2003 11:01:01.00

SUBJECT:: Thurs Conf. call

TO:"Ledeen, Barbara (Republican-Conf)" <Barbara\_Ledeen@src.senate.gov> ( "Ledeen, Barbara (Republican-Conf)" <Barbara\_Ledeen@src.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:"LeBon, Cherylyn (Judiciary)" <Cherylyn\_LeBon@Judiciary.senate.gov> ( "LeBon, Cherylyn (Judiciary)" <Cherylyn\_LeBon@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov> ( "Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Abegg, John (McConnell)" <John\_Abegg@mcconnell.senate.gov> ( "Abegg, John (McConnell)" <John\_Abegg@mcconnell.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:Jamie.E.Brown@usdoj.gov ( Jamie.E.Brown@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

TO:Kristi.L.Remington@usdoj.gov ( Kristi.L.Remington@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

TO:"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Higginbotham, Ryan (Judiciary)" <Ryan\_Higginbotham@Judiciary.senate.gov> ( "Higginbotham, Ryan (Judiciary)" <Ryan\_Higginbotham@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> ( "Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

We will have a limited space Conference call for California Republican and Federalist lawyers scheduled for 2pm Eastern, Thursday the 22nd.

202-353-0878  
pass code 3183

REV\_00119438

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>  
**Sent:** 5/21/2003 7:13:28 AM  
**Subject:** : Re: lunch

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-MAY-2003 11:13:28.00  
SUBJECT:: Re: lunch  
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

otherwise would love to, but I am having lunch with Martha and Ed!

Jennifer R. Brosnahan  
05/21/2003 10:59:05 AM  
Record Type: Record

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

Brett - We haven't had lunch since I started... want to go to staff table today?

JB

---

**From:** CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/21/2003 7:15:52 AM  
**Subject:** : Re: lunch

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-MAY-2003 11:15:52.00  
SUBJECT:: Re: lunch  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

!!! Tell them I said hello. :)

Brett M. Kavanaugh  
05/21/2003 11:12:45 AM  
Record Type: Record

To: Jennifer R. Brosnahan/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: lunch

otherwise would love to, but I am having lunch with Martha and Ed!

Jennifer R. Brosnahan  
05/21/2003 10:59:05 AM  
Record Type: Record

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

Brett - We haven't had lunch since I started... want to go to staff table today?

JB

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/21/2003 11:20:19 AM  
**Subject:** : Do you mind riding w/Tim Goeglein at 3:50?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-MAY-2003 15:20:19.00  
SUBJECT:: Do you mind riding w/Tim Goeglein at 3:50?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####



---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/21/2003 11:56:04 AM  
**Subject:** : Car issues

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-MAY-2003 15:56:04.00  
SUBJECT:: Car issues  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I'm not clear on whats going on. As it stands now there is a car waiting at the West Basement to take you to Baker & Hostetler, and there is a car picking you up from Baker & Hostetler at 4:30. Are you not taking the ride over?

Jon

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/21/2003 12:10:11 PM  
**Subject:** What happened at Leahy and Judge meeting?

---

**From:** Mamo, Jeanie S.  
**To:** <Snee, Ashley>;<Kavanaugh, Brett M.>  
**Sent:** 5/21/2003 12:34:18 PM  
**Subject:** Mobile Register (5/21/03) re: Constitution isn't a wish list (Pryor)

## Constitution isn't a wish list

05/21/03

EDITORIAL

MOBILE (AL) REGISTER

A New York Times editorial this week against the nomination of Alabama Attorney General Bill Pryor for a federal appeals judgeship provides a textbook example of what's wrong with the way the political left sees the courts.

The editorial contends that a brief Mr. Pryor filed in defense of Texas' anti-sodomy statute makes him unfit for the judgeship because it shows the AG is against gay rights.

Nowhere in the editorial, however, is there any reference to the Constitution or to Supreme Court precedent. Instead, there is a clear assumption that laws against homosexual acts are unfair -- and that, therefore, they ought to be struck down by the courts.

The problem is that judges are not supposed to decide on their own whether a law is fair -- that's a job for legislators -- but only whether it is forbidden by the Constitution or by a superseding statute. As famed Justice Oliver Wendell Holmes once said: I don't do justice; I do the law.

In the case of the law barring homosexual sodomy, Mr. Pryor is on firm legal ground. He argued that if the courts invent, out of thin air, a right to all consensual sexual acts, then legislatures also could be forbidden from outlawing other sexual acts such as prostitution, bestiality or adult incest.

Not even the Times can argue that Mr. Pryor's argument is out of the mainstream. As noted in this space previously, the AG was citing the existing law of the land, as explained by the Supreme Court in *Bowers vs. Hardwick*. One of the liberal justices appointed since that case was decided, Ruth Bader Ginsburg, also has argued that the Constitution's assumed right to privacy extends to prostitution.

But the Times seems less concerned with what's in the Constitution or in court precedent than it is intent on determining its own sense of what is or isn't fair, and then turning its opinion into a constitutional right -- by judicial fiat, without any democratic processes intervening. Down that road lie not more rights, but tyranny.

---

**From:** Litkenhaus, Colleen  
**To:** <Hernandez, Israel>;<Gambatesa, Linda M.>  
**CC:** <Purcell, Kristopher N.>;<Hager, Henry C>;<Kavanaugh, Brett M.>  
**Sent:** 5/21/2003 12:48:42 PM  
**Subject:** RE: Medicare Video

who will be making the video available to all members? The House Rep. Conference? Brett - what are your thoughts?

-----Original Message-----

**From:** Hernandez, Israel  
**Sent:** Wednesday, May 21, 2003 12:46 PM  
**To:** Gambatesa, Linda M.; Litkenhaus, Colleen  
**Cc:** Purcell, Kristopher N.; Hager, Henry C  
**Subject:** Medicare Video

Linda and Colleen,

We are going to record a Medicare video for House and Senate members to use at Town Hall meetings during the Recess. The video would highlight the President's commitment to Medicare reform. Ordinarily, the organization requesting the video would pay the costs of producing the video. The cost is \$1,100.

At issue is the fact the we, the White House, are requesting the video to distribute to any Member of Congress that wants it. We are doing this because Medicare will be a priority issue in June on the Hill. We need someone to authorize the costs associated with this request. The video would be available to any Democrat or Republican House and/or Senate member to use.

Please let me know what else you might need to complete the necessary paperwork. We will help complete the form if you will help authorize it.

Thanks

Israel

---

**From:** Hernandez, Israel  
**To:** <Litkenhaus, Colleen>;<Gambatesa, Linda M.>  
**CC:** <Purcell, Kristopher N.>;<Hager, Henry C>;<Kavanaugh, Brett M.>  
**Sent:** 5/21/2003 12:51:47 PM  
**Subject:** RE: Medicare Video

It will be available to those who request the video. We will inform House and Senate of the video.

-----Original Message-----

**From:** Litkenhaus, Colleen  
**Sent:** Wednesday, May 21, 2003 12:49 PM  
**To:** Hernandez, Israel; Gambatesa, Linda M.  
**Cc:** Purcell, Kristopher N.; Hager, Henry C; Kavanaugh, Brett M.  
**Subject:** RE: Medicare Video

who will be making the video available to all members? The House Rep. Conference? Brett - what are your thoughts?

-----Original Message-----

**From:** Hernandez, Israel  
**Sent:** Wednesday, May 21, 2003 12:46 PM  
**To:** Gambatesa, Linda M.; Litkenhaus, Colleen  
**Cc:** Purcell, Kristopher N.; Hager, Henry C  
**Subject:** Medicare Video

Linda and Colleen,

We are going to record a Medicare video for House and Senate members to use at Town Hall meetings during the Recess. The video would highlight the President's commitment to Medicare reform. Ordinarily, the organization requesting the video would pay the costs of producing the video. The cost is \$1,100.

At issue is the fact the we, the White House, are requesting the video to distribute to any Member of Congress that wants it. We are doing this because Medicare will be a priority issue in June on the Hill. We need someone to authorize the costs associated with this request. The video would be available to any Democrat or Republican House and/or Senate member to use.

Please let me know what else you might need to complete the necessary paperwork. We will help complete the form if you will help authorize it.

Thanks

Israel

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>  
**CC:** henry c hager/who/eop@exchange [ UNKNOWN ] <henry c hager>; linda m. gambatesa/who/eop@exchange [ WHO ] <linda m. gambatesa>; kristopher n. purcell/who/eop@eop [ WHO ] <kristopher n. purcell>; israel hernandez/who/eop@exchange [ WHO ] <israel hernandez>  
**Sent:** 5/21/2003 8:57:15 AM  
**Subject:** : RE: Medicare Video

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 21-MAY-2003 12:57:15.00  
SUBJECT:: RE: Medicare Video  
TO: Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
CC: henry c hager ( CN=henry c hager/OU=who/O=eop@exchange [ UNKNOWN ] )  
READ: UNKNOWN  
CC: linda m. gambatesa ( CN=linda m. gambatesa/OU=who/O=eop@exchange [ WHO ] )  
READ: UNKNOWN  
CC: kristopher n. purcell ( CN=kristopher n. purcell/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
CC: israel hernandez ( CN=israel hernandez/OU=who/O=eop@exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Based on the description, this is a permissible official expenditure.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 05/21/2003 12:48:42 PM  
Record Type: Record

To: Israel Hernandez/WHO/EOP@Exchange, Linda M. Gambatesa/WHO/EOP@Exchange  
cc: Kristopher N. Purcell/WHO/EOP@EOP, Henry C Hager/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP  
Subject: RE: Medicare Video

who will be making the video available to all members?; The House Rep. Conference?; Brett - what are your thoughts?

-----Original Message-----

From: Hernandez, Israel  
Sent: Wednesday, May 21, 2003 12:46 PM  
To: Gambatesa, Linda M.; Litkenhaus, Colleen  
Cc: Purcell, Kristopher N.; Hager, Henry C  
Subject: Medicare Video

Linda and Colleen,

;

We are going to record a Medicare video for House and Senate members to use at Town Hall meetings during the Recess.; The video would highlight the President's commitment to Medicare reform.; Ordinarily, the organization requesting the video would pay the costs of producing the video.; The cost is \$1,100.

;

At issue is the fact the we, the White House, are; requesting the video to distribute to any Member of Congress that wants it.; We are doing this because Medicare will be a priority issue in June on the Hill.; We need someone to authorize the costs associated with this request.; The video would be available to any Democrat or Republican House and/or Senate

REV\_00119454

member to use.

;

Please let me know what else you might need to complete the necessary paperwork.; We will help complete the form if you will help authorize it.

;

Thanks

;

Israel

---

**From:** Mamo, Jeanie S.  
**To:** <Snee, Ashley>;<Kavanaugh, Brett M.>  
**Sent:** 5/21/2003 12:59:02 PM  
**Subject:** Cartoon from The State Newspaper (Columbia, SC)



---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;kristi.l.remington@usdoj.gov [ UNKNOWN ] <kristi.l.remington@usdoj.gov>  
**Sent:** 5/21/2003 11:16:39 AM  
**Subject:** :  
**Attachments:** P\_OD5MG003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:21-MAY-2003 15:16:39.00

SUBJECT::

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:kristi.l.remington@usdoj.gov ( kristi.l.remington@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

We need to switch the call time for tomorrow's California conf call to 5 pm. Can you do that?

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_OD5MG003\_WHO.TXT\_1>

We need to switch the call time for tomorrow's California conf call to 5 pm. Can you do that?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**CC:** kristi.l.remington@usdoj.gov [ UNKNOWN ] <kristi.l.remington@usdoj.gov>  
**Sent:** 5/21/2003 11:17:19 AM  
**Subject:** : Re:  
**Attachments:** P\_KF5MG003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 21-MAY-2003 15:17:19.00

SUBJECT:: Re:

TO: "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)"  
<Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

READ: UNKNOWN

CC: kristi.l.remington@usdoj.gov ( kristi.l.remington@usdoj.gov [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

yes

"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov>

05/21/2003 03:15:00 PM

Record Type: Record

To: kristi.l.remington@usdoj.gov, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject:

We need to switch the call time for tomorrow's California conf call to 5 pm. Can you do that?

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_KF5MG003\_WHO.TXT\_1>

We need to switch the call time for tomorrow's California conf call to 5 pm. Can you do that?

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Ledeen, Barbara (Republican-Conf) <Barbara\_Ledeen@src.senate.gov>; Wendy J. Grubbs/WHO /EOP@EOP [ WHO ] <Wendy J. Grubbs>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; LeBon, Cherylyn (Judiciary) <Cherylyn\_LeBon@Judiciary.senate.gov>; Dahl, Alex (Judiciary) <Alex\_Dahl@Judiciary.senate.gov>; Abegg, John (McConnell) <John\_Abegg@mccconnell.senate.gov>; Jamie.E.Brown@usdoj.gov [ UNKNOWN ] <Jamie.E.Brown@usdoj.gov>; Kristi.L.Remington@usdoj.gov [ UNKNOWN ] <Kristi.L.Remington@usdoj.gov>; Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>; Higginbotham, Ryan (Judiciary) <Ryan\_Higginbotham@Judiciary.senate.gov>; Comisac, RenaJohnson (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
**Sent:** 5/21/2003 11:19:29 AM  
**Subject:** : RE: Thurs Conf. call

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:21-MAY-2003 15:19:29.00

SUBJECT:: RE: Thurs Conf. call

TO:"Ledeen, Barbara (Republican-Conf)" <Barbara\_Ledeen@src.senate.gov> ( "Ledeen, Barbara (Republican-Conf)" <Barbara\_Ledeen@src.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:"LeBon, Cherylyn (Judiciary)" <Cherylyn\_LeBon@Judiciary.senate.gov> ( "LeBon, Cherylyn (Judiciary)" <Cherylyn\_LeBon@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov> ( "Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Abegg, John (McConnell)" <John\_Abegg@mccconnell.senate.gov> ( "Abegg, John (McConnell)" <John\_Abegg@mccconnell.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:Jamie.E.Brown@usdoj.gov ( Jamie.E.Brown@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

TO:Kristi.L.Remington@usdoj.gov ( Kristi.L.Remington@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

TO:"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Higginbotham, Ryan (Judiciary)" <Ryan\_Higginbotham@Judiciary.senate.gov> ( "Higginbotham, Ryan (Judiciary)" <Ryan\_Higginbotham@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> ( "Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

This call is being moved to 5 pm.

-----Original Message-----

From: Miranda, Manuel (Frist)

Sent: Wednesday, May 21, 2003 11:00 AM

To: Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary); Higginbotham, Ryan (Judiciary); LeBon, Cherylyn (Judiciary); Duffield, Steven (RPC); 'Brett\_M.\_Kavanaugh@who.eop.gov'; 'Kristi.L.Remington@usdoj.gov'; 'Grubbs, Wendy J.'; 'Jamie.E.Brown@usdoj.gov'; Ledeen, Barbara (Republican-Conf); Abegg, John (McConnell)

Subject: Thurs Conf. call

REV\_00119467

We will have a limited space Conference call for California Republican and Federalist lawyers scheduled for 2pm Eastern, Thursday the 22nd.

202-353-0878  
pass code 3183

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>;<Montiel, Charlotte L.>  
**Sent:** 5/21/2003 3:36:27 PM  
**Subject:** can we block out 9 to 9:30 with Judge and David tomorrow

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Charlotte L. Montiel/WHO/EOP@Exchange@EOP [ WHO ] <Charlotte L. Montiel>;Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/21/2003 11:37:37 AM  
**Subject:** : can we block out 9 to 9:30 with Judge and David tomorrow

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-MAY-2003 15:37:37.00  
SUBJECT:: can we block out 9 to 9:30 with Judge and David tomorrow  
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####



---

**From:** CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/21/2003 11:45:55 AM  
**Subject:** : RE: can we block out 9 to 9:30 with Judge and David tomorrow

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:21-MAY-2003 15:45:55.00  
SUBJECT:: RE: can we block out 9 to 9:30 with Judge and David tomorrow  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

David's busy. 9:30-10 works for both.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, May 21, 2003 3:36 PM  
To: Nelson, Carolyn; Montiel, Charlotte L.  
Subject: can we block out 9 to 9:30 with Judge and David tomorrow

---

**From:** Montiel, Charlotte L.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/21/2003 3:46:39 PM  
**Subject:** RE: can we block out 9 to 9:30 with Judge and David tomorrow

David's busy. 9:30-10 works for both.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Wednesday, May 21, 2003 3:36 PM  
**To:** Nelson, Carolyn; Montiel, Charlotte L.  
**Subject:** can we block out 9 to 9:30 with Judge and David tomorrow

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/21/2003 12:47:09 PM  
**Subject:** : Retirement Letter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-MAY-2003 16:47:09.00  
SUBJECT:: Retirement Letter  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett-  
Ben is trying to get his hands on Judge Albritton's retirement letter  
(Middle District of Alabama). Do you have a copy?

Jon

---

**From:** LOliver@ms.state.gov [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/21/2003 1:32:52 PM  
**Subject:** : WH Counsel Openings? - Tim Goeglein referral

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:LOliver@ms.state.gov ( LOliver@ms.state.gov [ UNKNOWN ] )  
CREATION DATE/TIME:21-MAY-2003 17:32:52.00  
SUBJECT:: WH Counsel Openings? - Tim Goeglein referral  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett -

Tim Goeglein has encouraged me to contact you regarding possible opportunities in the WH Counsel's office. I understand he's given you my resume.

When would be a good time to call you to discuss?

If I don't hear from you by email, I'll call in the next few days. (My direct dial is 647-7970.)

Thanks -  
Louise

-----  
A. Louise Oliver  
Special Assistant to the Legal Adviser  
U.S. Department of State  
Tel: (202) 647-9598  
Fax: (202) 647-7096  
Email: loliver@ms.state.gov

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>  
**CC:** h. christopher bartolomucci/who/eop@eop [ WHO ] <h. christopher bartolomucci>  
**Sent:** 5/21/2003 2:52:49 PM  
**Subject:** : Re: blue slips

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:21-MAY-2003 18:52:49.00

SUBJECT:: Re: blue slips

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:h. christopher bartolomucci ( CN=h. christopher bartolomucci/OU=who/O=eop@eop [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

on DOJ web site

Jennifer R. Brosnahan  
05/21/2003 06:46:55 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, H. Christopher  
Bartolomucci/WHO/EOP@EOP  
cc:  
Subject: blue slips

Is there somewhere we keep track of blue slips that have come in?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Estes/WHO/EOP@Exchange [ WHO ] <Ashley Estes>  
**Sent:** 5/21/2003 3:19:18 PM  
**Subject:** : RE: address

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 21-MAY-2003 19:19:18.00  
SUBJECT:: RE: address  
TO: Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

THANK YOU

From: Ashley Estes/WHO/EOP@Exchange on 05/21/2003 03:53:21 PM  
Record Type: Record

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

This is done and will go out today.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, May 21, 2003 10:03 AM  
To: Estes, Ashley  
Subject: address

**PRA 6**

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**From:** CN=Barry S. Jackson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/22/2003 4:00:17 AM  
**Subject:** : Ohio

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Barry S. Jackson ( CN=Barry S. Jackson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-MAY-2003 08:00:17.00  
SUBJECT:: Ohio  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett - I leave at 10:30 today - can you shoot me even a draft of the  
Judge's memo before I depart - thanks

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/22/2003 1:30:25 AM  
**Subject:** : OpinionJournal - On the Editorial Page - May 22, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME:22-MAY-2003 05:30:25.00  
SUBJECT:: OpinionJournal - On the Editorial Page - May 22, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003526>

Who's president, George W. Bush or Bill Thomas?

12:01 a.m. EDT

John Fund's Political Diary  
<http://www.opinionjournal.com/diary/?id=110003523>

Texas Democrats can run, but they can't hide from their decline.  
12:01 a.m. EDT

Leisure & Arts BY ERIC GIBSON  
<http://www.opinionjournal.com/la/?id=110003525>

What's wrong with blockbuster museum exhibits? Too many people.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

President Thomas  
Republicans leave some dividend money on the tax table.  
May 22 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105355805849182500,00.html%3Fmod%3Dopinion>

~~~~~

EPA in the Balance  
Let's hope Christie Whitman's replacement disappoints environmentalists.  
May 22 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105355840773737900,00.html%3Fmod%3Dopinion>

~~~~~

Mad Cow Misperceptions  
The bovine disease will likely be found in America. Prepare not to panic.  
May 22 2003



<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105355853941952200,00.html%3Fmod%3Dopinion>

~~~~~

#### Commentary

Don't Fear a Weaker Dollar  
It may help spur an economic recovery.  
By JOHN H. MAKIN  
May 22 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105355877288222600,00.html%3Fmod%3Dopinion>

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No Nuclear Blackmail  
Pyongyang's defiance must end.  
By MOHAMED ELBARADEI  
May 22 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105355912144700900,00.html%3Fmod%3Dopinion>

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Where's the Muslim Debate?  
Islamists try to bork Daniel Pipes. Moderates are their real target.  
By HUSAIN HAQQANI  
May 22 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105355975864092500,00.html%3Fmod%3Dopinion>

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#### Politics & People

A Compelling Case  
That court decision actually upheld most of the campaign law.  
By ALBERT R. HUNT  
May 22 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105356056541752300,00.html%3Fmod%3Dopinion>

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#### Leisure & Arts

The Gallery  
True Urban Pioneers  
"Art of the First Cities," at the Metropolitan Museum of Art through Aug. 17.  
By KAREN WILKIN  
May 22 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105356409616082100,00.html%3Fmod%3Dopinion>

~~~~~

The Art Crowd  
What's wrong with blockbuster museum exhibits.  
By ERIC GIBSON  
May 22 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105356461342247900,00.html%3Fmod%3Dopinion>

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#### Theater

Under Review: Love and Death

A look at cultural goings-on in Europe.

By MANUELA HOELTERHOFF

May 22 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105356341398568800,00.html%3Fmod%3Dopinion>

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#### Books

How They Joined the Chorus

"Beethoven's Ninth"

By FRANK JOHNSON

May 22 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB10535563833349900,00.html%3Fmod%3Dopinion>

~~~~~

#### Time Off

Diversions

National Memorial Day Concert; 1836 Creek War Re-Enactment; Plain Threads to Nantucket Reds: Three Centuries of Nantucket Fashion

May 22 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105339704053330600,00.html%3Fmod%3Dopinion>

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#### International

21 Years of Solitude

This Iraqi is deeply grateful to be liberated.

From The Wall Street Journal Europe

May 22 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105355511080140900,00.html%3Fmod%3Dopinion>

~~~~~

France's Baby Boomlet

Since Bonaparte, France has glorified the family.

By MATTHEW KAMINSKI

From The Wall Street Journal Europe

May 22 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105355185941514400,00.html%3Fmod%3Dopinion>

~~~~~

Marketing China's Bad Loans

China's big banks face a mountain of bad loans.

By TED OSBORN

From The Asian Wall Street Journal

May 22 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10535527511246200,00.html%3Fmod%3Dopinion>

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<http://StartupJournal.com>

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**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/22/2003 5:56:44 AM  
**Subject:** : You are on at 10:15

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-MAY-2003 09:56:44.00  
SUBJECT:: You are on at 10:15  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/22/2003 5:04:38 AM  
**Subject:** : We'll see you at 10:15ish. Correct?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-MAY-2003 09:04:38.00  
SUBJECT:: We'll see you at 10:15ish. Correct?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Litkenhaus, Colleen  
**To:** <Kavanaugh, Brett M.>  
**CC:** <Hernandez, Israel>;<Gambatesa, Linda M.>;<Purcell, Kristopher N.>;<Hager, Henry C>;<Boisvenue, Michael J.>  
**Sent:** 5/22/2003 9:09:05 AM  
**Subject:** RE: Medicare Video

OK - we'll pay for it out of the WHO budget. Mike - please work with Izzy to get the necessary paperwork filled out. Thanks.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Wednesday, May 21, 2003 12:57 PM  
**To:** Litkenhaus, Colleen  
**Cc:** Hernandez, Israel; Gambatesa, Linda M.; Purcell, Kristopher N.; Hager, Henry C  
**Subject:** RE: Medicare Video

Based on the description, this is a permissible official expenditure.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 05/21/2003 12:48:42 PM  
Record Type: Record

To: Israel Hernandez/WHO/EOP@Exchange, Linda M. Gambatesa/WHO/EOP@Exchange  
cc: Kristopher N. Purcell/WHO/EOP@EOP, Henry C Hager/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP  
Subject: RE: Medicare Video

who will be making the video available to all members? The House Rep. Conference? Brett - what are your thoughts?

-----Original Message-----

**From:** Hernandez, Israel  
**Sent:** Wednesday, May 21, 2003 12:46 PM  
**To:** Gambatesa, Linda M.; Litkenhaus, Colleen  
**Cc:** Purcell, Kristopher N.; Hager, Henry C  
**Subject:** Medicare Video

Linda and Colleen,

We are going to record a Medicare video for House and Senate members to use at Town Hall meetings during the Recess. The video would highlight the President's commitment to Medicare reform. Ordinarily, the organization requesting the video would pay the costs of producing the video. The cost is \$1,100.

At issue is the fact the we, the White House, are requesting the video to distribute to any Member of Congress that wants it. We are doing this because Medicare will be a priority issue in June on the Hill. We need someone to authorize the costs associated with this request. The video would be available to

REV\_00119523

any Democrat or Republican House and/or Senate member to use.

Please let me know what else you might need to complete the necessary paperwork. We will help complete the form if you will help authorize it.

Thanks

Israel

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/22/2003 5:36:50 AM  
**Subject:** : Have you heard from Matt Smith about the time for your talk for this morning?

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:22-MAY-2003 09:36:50.00

SUBJECT:: Have you heard from Matt Smith about the time for your talk for this morning?

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 5/22/2003 5:44:50 AM  
**Subject:** : Re: Have you heard from Matt Smith about the time for your talk for this morning?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-MAY-2003 09:44:50.00  
SUBJECT:: Re: Have you heard from Matt Smith about the time for your talk for this morning?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

No

.

----- Original Message -----

From:Jonathan F. Ganter/WHO/EOP  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/22/2003 09:36:07 AM  
Subject: Have you heard from Matt Smith about the time for your talk for this morning?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>  
**CC:** Paul Perkins/WHO/EOP@EOP [ WHO ] <Paul Perkins>  
**Sent:** 5/22/2003 7:08:58 AM  
**Subject:** : call me asap about 12 noon event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-MAY-2003 11:08:58.00  
SUBJECT:: call me asap about 12 noon event  
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/22/2003 11:39:35 AM  
**Subject:** : Farewell for Noel Francisco on Wednesday, May 28th.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:22-MAY-2003 15:39:35.00  
SUBJECT:: Farewell for Noel Francisco on Wednesday, May 28th.  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Please Join the Counsel's Office in Wishing  
Noel Francisco  
farewell as he moves on to the Department of Justice  
as a Deputy Assistant Attorney General in the Office of Legal Counsel.

The festivities will be held on Wednesday, May 28th from 6:30-8:30 p.m. at  
"Off the Record" bar at the Hay-Adams Hotel.  
(Across Lafayette Park)

Please Send along to anyone interested.  
We hope to see you there!

---

**From:** Thomas, Ginni <ginni.thomas@heritage.org>  
**To:** Thomas, Ginni <ginni.thomas@heritage.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/22/2003 7:41:10 AM  
**Subject:** : Heritage Update - Recent Publications and Upcoming Events, May 22nd  
**Attachments:** P\_Q22NG003\_WHO.TXT\_1.htm

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Thomas, Ginni" <ginni.thomas@heritage.org> ( "Thomas, Ginni"  
<ginni.thomas@heritage.org> [ UNKNOWN ] )  
CREATION DATE/TIME:22-MAY-2003 11:41:10.00  
SUBJECT:: Heritage Update - Recent Publications and Upcoming Events, May 22nd  
TO:"Thomas, Ginni" <ginni.thomas@heritage.org> ( "Thomas, Ginni"  
<ginni.thomas@heritage.org> [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

<[http://www.heritage.org/emails/hidden/heritage\\_update.gif](http://www.heritage.org/emails/hidden/heritage_update.gif)>  
<<http://www.heritage.org/>> <<http://www.heritage.org/research/>>  
<<http://www.heritage.org/press/dailybriefing/>>  
<<http://www.heritage.org/press/events/>>

May 22, 2003

Foreign and Defense Policy:

<<http://www.heritage.org/Research/TradeandForeignAid/em879.cfm>> End the  
Oil-for-Food Program  
by Nile Gardiner, and James Phillips

<<http://www.heritage.org/Press/Commentary/ed051903b.cfm>> Iraq and the  
Myth of Media Concentration by James Gattuso

<<http://www.heritage.org/Press/Commentary/ed051903.cfm>> Mission: Possible  
by Joseph Loconte

<<http://www.heritage.org/Press/Commentary/ed052103a.cfm>> Would it be a  
Mistake to let the United Nations Play the Lead Role in Reconstructing  
Iraq <<http://www.heritage.org/Press/Commentary/ed052103a.cfm>> ? By Nile  
Gardiner

<<http://www.heritage.org/Press/Commentary/ed052003a.cfm>> Don't Involve  
the U.N. by Nile Gardiner

<<http://www.heritage.org/Press/Commentary/ed052203a.cfm>> Ending  
Appeasement in the Kingdom by Peter Brookes

<<http://www.heritage.org/Research/AsiaandthePacific/wm278.cfm>> China's  
Chip Cheating Needs Swift U.S. Response  
by John Tkacik

<<http://www.heritage.org/Research/AsiaandthePacific/test052103a.cfm>>  
North Korea's Connection to International Trade in Drugs, Counterfeiting,  
and Arms by Larry Wortzel

<<http://www.heritage.org/Press/Commentary/ed051903a.cfm>> How to Defang  
Pyongyang by Peter Brookes

<<http://www.heritage.org/Research/AsiaandthePacific/wm276.cfm>> The  
Bush-Roh Summit: Where Do We Go From Here?  
by Balbina Hwang

REV\_00119539

<<http://www.heritage.org/Research/TradeandForeignAid/em880.cfm>> Keeping the Millennium Challenge Account Focused on Promoting Growth and Prosperity by Paolo Pasicolan

<<http://www.heritage.org/Research/MiddleEast/HL788.cfm>> For a New Alliance by Alain Madelin

<<http://www.heritage.org/Research/NationalSecurity/wm273.cfm>> Reclaiming America's Voice Overseas by Stephen Johnson and Helle Dale

<<http://www.heritage.org/Research/HomelandDefense/test052103b.cfm>> Anti-Terrorism Investigations and the Fourth Amendment After September 11: Where and When can the Government go to Prevent Terrorist Attacks? by Paul Rosenzweig

<<http://www.heritage.org/Research/HomelandDefense/test052003a.cfm>> Can The Use of Factual Data Analysis Strengthen National Security? by Paul Rosenzweig

<<http://www.heritage.org/Press/Commentary/ed051403a.cfm>> Balancing Liberty and Security by Paul Rosenzweig

Domestic Policy:

<<http://www.heritage.org/Research/Taxes/wm277.cfm>> How the House and Senate Can Produce the Most Pro-Growth Tax Bill by Rea Hederman and Alfredo Goyburu

<<http://www.heritage.org/Research/Taxes/wm274.cfm>> Charts Comparing Competing Economic Growth Plans by The Heritage Foundation

<<http://www.heritage.org/Research/Taxes/wm272.cfm>> Senate Dividend Plan Ineffective and Counterproductive by Norbert Michel

<<http://www.heritage.org/Press/Commentary/ED051603.cfm>> Tax Unfairness by Dr. Edwin Feulner

<<http://www.heritage.org/Research/HealthCare/wm275.cfm>> Just the Facts: Health Plan Choice in Rural Areas by Derek Hunter

<<http://www.heritage.org/Research/Family/cda0306.cfm>> Increasing Marriage Would Dramatically Reduce Child Poverty by Robert Rector, Kirk Johnson, Patrick Fagan, and Lauren Noyes

<<http://www.heritage.org/Press/Commentary/ed051403.cfm>> Why Suppress "COPS" Data? by Mark Tapscott

<<http://www.heritage.org/Press/Commentary/ed051303.cfm>> YWCA: Off Course ... Again by Rebecca Hagelin

Upcoming Events:

Click Here for Event <<http://www.heritage.org/Press/Events/>> Details and RSVP

Breaking Free: Book Event

Featuring: Sol Stern, Author; and Becky Norton Dunlop, The Heritage Foundation.

Wednesday, May 28th 12:00 noon - 1:00 p.m.

A Critique of Sound Science at the EPA

Featuring: Paul Gilman, Assistant Administrator for Research & Development and Science Advisor, Environmental Protection Agency; and Charli Coon, The

Heritage Foundation.

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Innovative Alternatives to the Gas Tax for Funding Transportation Programs

Featuring: Sen. Wayne Allard (R-CO)

Member, Senate Committee on Environment and Public Works; Rep. Mark Kennedy (R-MN)

Member, House Committee on Transportation and Infrastructure; D.J. Gribbin Koch, Industries Inc.;

Rob Atkinson, The Progressive Policy Institute; and Ron Utt, The Heritage Foundation.

Wednesday, June 4th 12:00 noon - 1:00 p.m.

Faith Beyond Belief: A Journey to Freedom: Book Event

Featuring: Colonel David Eberly, Author; and Larry Wortzel, The Heritage Foundation.

Tuesday, June 17th 12:00 noon

Government Relations

<<http://www.heritage.org/about/staff/michaelfranc.cfm>> Michael Franc

Vice President, Government Relations

Contact: 202-608-6064

Executive Branch Relations

<<http://www.heritage.org/about/staff/virginiathomas.cfm>> Virginia Thomas

Director, Executive Branch Relations

Contact: 202-608-6240

Meredith Karre ( <<mailto:%20meredith.karre@heritage.org>> email)

Deputy Executive Branch Liaison

Contact: 202-608-6058

<[http://www.heritage.org/emails/hidden/pres\\_prior.gif](http://www.heritage.org/emails/hidden/pres_prior.gif)>

<<http://www.heritage.org/research/taxes/taxbriefingroom.cfm>> The Economy  
New and timely research on the tax debate and the President's plan.

<<http://www.heritage.org/Research/MiddleEast/iraq/>> Post-war Iraq

<<http://www.heritage.org/research/healthcare/medicarebriefingroom.cfm>>

Health Care

<[http://www.heritage.org/emails/hidden/GR\\_heritageResources.gif](http://www.heritage.org/emails/hidden/GR_heritageResources.gif)>

<<http://www.heritage.org/research/features/agenda.cfm>> Agenda 2003:

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The issues facing the 108th Congress, from homeland security to health care to tax reform, present lawmakers with the opportunity to improve all Americans' security and prosperity. To request a copy of Heritage's Agenda 2003 or to <<http://www.heritage.org/research/features/agenda.cfm>> view excerpts, contact Meredith Karre, Deputy Executive Branch Liaison ( <<mailto:%20meredith.karre@heritage.org>> email).

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<<http://www.heritage.org/press/>> Press Room

<<http://www.heritage.org/press/events/>> Heritage Live Events

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_Q22NG003\_WHO.TXT\_1>

REV\_00119541



May 22, 2003

< /TR>

**Foreign and Defense Policy:**

End the Oil-for-Food Program

by Nile Gardiner, and James Phillips

Iraq and the Myth of Media Concentration

by James Gattuso

Mission: Possible by Joseph Loconte

Would it be a Mistake to let the United Nations Play the Lead Role in Reconstructing Iraq? By Nile Gardiner

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How to Defang Pyongyang by Peter Brookes

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Keeping the Millennium Challenge Account Focused on Promoting Growth and Prosperity by Paolo Pasicolan

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by Stephen Johnson and Helle Dale

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by Paul Rosenzweig

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Increasing Marriage Would Dramatically Reduce Child Poverty by Robert Rector, Kirk Johnson, Patrick Fagan, and Lauren Noyes

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YWCA: Off Course ... Again by Rebecca Hagelin

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[Click Here for Event Details and RSVP](#)

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Wednesday, **June 4th** 12:00 noon - 1:00 p.m.

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Featuring: **Colonel David Eberly**, Author; and **Larry Wortzel**, The Heritage Foundation.  
Tuesday, **June 17th** 12:00 noon

#### **Government Relations**

[Michael Franc](#)

Vice President, Government Relations

Contact: 202-608-6064

#### **Executive Branch Relations**

[Virginia Thomas](#)

Director, Executive Branch Relations

Contact: 202-608-6240

[Meredith Karre \(email\)](#)

Deputy Executive Branch Liaison

Contact: 202-608-6058



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---

**From:** Simendinger, Alexis <asimendinger@nationaljournal.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/22/2003 12:57:10 PM  
**Subject:** : RE: National Journal question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Simendinger, Alexis" <asimendinger@nationaljournal.com> ( "Simendinger, Alexis"  
<asimendinger@nationaljournal.com> [ UNKNOWN ] )  
CREATION DATE/TIME:22-MAY-2003 16:57:10.00  
SUBJECT:: RE: National Journal question  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

cc: Ashley Snee, White House Press Office

Brett,  
Can you and Ashley let me know if Counsel Gonzales/White House Counsel's  
Office already has distributed any instructions or memoranda or advisory  
information to EOP staff related to the Bush-Cheney '04 campaign and  
permissible activities related to the campaign? If so, can National  
Journal  
get a copy?  
You may recall that in the previous administration, such a communication  
was distributed by Counsel Mikva at the outset of the '96 campaign.  
Thank you in advance for your help.  
Alexis Simendinger  
White House Correspondent  
National Journal  
202-739-8490

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/22/2003 9:06:44 AM  
**Subject:** : The pages are numbered. Should I go ahead and get 150+ copies made, or are we still waiting?

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:22-MAY-2003 13:06:44.00

SUBJECT:: The pages are numbered. Should I go ahead and get 150+ copies made, or are we still waiting?

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

---

**From:** Jacquot, Joe (Judiciary) <Joe\_Jacquot@Judiciary.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/22/2003 9:29:39 AM  
**Subject:** :  
**Attachments:** P\_VQ7NG003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Jacquot, Joe (Judiciary)" <Joe\_Jacquot@Judiciary.senate.gov> ( "Jacquot, Joe  
(Judiciary)" <Joe\_Jacquot@Judiciary.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:22-MAY-2003 13:29:39.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,

I wanted to let you know that I've left Sen. Hutchison's office and started this week on the Senate Judiciary Committee. I'm the Chief Counsel/Staff Director for Sen. Chambliss' Subcommittee on Immigration and Border Security. I look forward to working with you and my direct line is: 224-9704.

Joe Jacquot

- att1.htm  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_VQ7NG003\_WHO.TXT\_1>

Brett,

I wanted to let you know that I've left Sen. Hutchison 's office and started this week on the Senate Judiciary Committee. I'm the Chief Counsel/Staff Director for Sen. Chambliss' Subcommittee on Immigration and Border Security. I look forward to working with you and m y direct line is: 224-9704.

Joe Jacquot



**in celebrating the President's intent to nominate**

**Josh as OMB Director**

**today at 5:00 pm in the Roosevelt Room**

Please share with others in your office

---

**From:** CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/22/2003 2:36:21 PM  
**Subject:** : Jeffress

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:22-MAY-2003 18:36:21.00

SUBJECT:: Jeffress

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

what the deal with the judges-related Yale event you participated in at  
her house?



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 5/22/2003 10:51:09 AM  
**Subject:** : Re: The pages are numbered. Should I go ahead and get 150+ copies made, or are we still waiting?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-MAY-2003 14:51:09.00  
SUBJECT:: Re: The pages are numbered. Should I go ahead and get 150+ copies made, or are we still waiting?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes

.

----- Original Message -----

From:Jonathan F. Ganter/WHO/EOP  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/22/2003 01:06:01 PM  
Subject: The pages are numbered. Should I go ahead and get 150+ copies made, or are we still waiting?

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>  
**Sent:** 5/22/2003 11:48:17 AM  
**Subject:** : Womens World Cup  
**Attachments:** P\_BZFNG003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 22-MAY-2003 15:48:17.00  
SUBJECT: : Womens World Cup  
TO: Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/22/2003 03:47 PM -----

ABEL  
GUERRA  
05/22/2003 03:34:51 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Womens World Cup

Any thoughts? am I allowed to serve on this committee? its is a 501 (c)  
3....

AG

----- Forwarded by Abel Guerra/WHO/EOP on 05/22/2003  
03:33 PM -----

**PRA 6**  
05/19/2003 03:59:01 PM  
Record Type: Record

To: Abel Guerra/WHO/EOP@EOP  
cc: nbishop@pd.state.gov, dflynn@ussoccer.org  
Subject: Womens World Cup

Dear Abel,  
I got your email address from Nina Bishop and you are remembered at US Soccer as a soccer fan and someone who has helped our teams. There is a good possibility that the USA will be hosting the 2003 Womens World Cup and I want to know if you are interested on serving on the host organizing committee. Service will involve some conference calls and helping with international relations. We should know by this weekend if we are getting the Cup. If we do, we will need to hit the ground running and your help especially with government relations will be invaluable. I also left a voice mail in your office. Looking forward to hearing from you.  
Warmest regards,  
Bob Contiguglia  
President, US Soccer

REV\_00119567

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_BZFNG003\_WHO.TXT\_1>

Dear Abel,

I got your email address from Nina Bishop and you are remembered at US Soccer as a soccer fan and someone who has helped our teams.

There is a good possibility that the USA will be hosting the 2003 Womens World Cup and I want to know if you are interested on serving on the host organizing committee. Service will involve some conference calls and helping with international relations.

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Warmest regards,

Bob Contiguglia

President, US Soccer

**From:** Riepenhoff, Allison L.  
**To:** <Bennett, Melissa S.>;<Kyle, Ross M.>;<Connaughton, James>;<Gillmor, Eleanor L.>;<Vestewig, Lauren J.>;<Hall, Philo D.>;<Justesen, Troy>;<Kuzmich, Holly A.>;<Malphrus, Garry>;<Sharp, Jess>;<Skelly, Layton>;<Wilson, Christina C.>;<Winland, Emily>;<O'Neill, Joseph F.>;<Thompson, Carol J.>;<Cooper, Jean>;<Allgood, Lauren K.>;<Heath, Daniel D.>;<Gerdelman, Sue H.>;<Smith, Marty P.>;Boeckel, Caroline <cboeckel@OPD.eop.gov>;<Gottesman, Blake>;<Estes, Ashley>;<Mallea, Jose>;<Reynolds, Tim>;<Figg, Kara G.>;<Weinstein, Jared B.>;<Cleveland, Carolyn E.>;<Bird, Debra D.>;<Barclay, Barbara A.>;<Bartlett, Daniel J.>;<Bolten, Joshua B.>;<Bridgeland, John M.>;<Card, Andrew H.>;<Fleischer, Lawrence A.>;<Friedman, Stephen>;<Gerson, Michael J.>;<Gonzales, Alberto R.>;<Hagin, Joseph W.>;<Hobbs, David W.>;<Miers, Harriet>;<Powell, Dina>;<Rove, Karl C.>;<Spellings, Margaret M.>;<Johnson III, Clay>;<Abbot, Charles S.>;<Ball, Andrea G.>;<Barrales, Ruben S.>;<DeFrancis, Suzy>;<Edson, Gary R.>;<Eskew, Tucker A.>;<Hennessey, Keith>;<Hernandez, Israel>;<Ingle, Edward>;<Jackson, Barry S.>;<Jenkins, Gregory J.>;<Keniry, Daniel>;<Lefkowitz, Jay P.>;<Leitch, David G.>;<McClellan, Scott>;<McConnell, John P.>;<Mehlman, Ken>;<Montgomery, Brian D.>;<Ojakli, Ziad>;<Towey, Jim>;<Wehner, Peter H.>;<Westine, Lezlee J.>;<Allen, Michael>;<Arends, Jackie>;<Badger, William D.>;<Bartolomucci, H. Christopher>;<Bernard, Kenneth>;<Besanceney, Brian R.>;<Beyer, Todd W.>;<Beynon, Rebecca A.>;<Blahous, Charles P.>;<Brosnahan, Jennifer R.>;<Buchan, Claire>;<Bullock, Katja>;<Burgeson, Christine M.>;<Burks, Jonathan W.>;<Chadwick, Kirsten>;<Christie, Ronald I.>;<Clark, Alicia P.>;<Contreras, Rebecca>;<Cox, Christopher C.>;<Jensen, Amy>;<Devenish, Nicolle>;<Dougherty, Elizabeth S.>;<Dunn, David>;<Everson, Nanette>;<Falkenrath, Richard>;<Fenton, Catherine S.>;<Francisco, Noel J.>;<Gannon, Kelley>;<Gilbert, Alan>;<Goeglein, Tim>;<Goldman, Adam B.>;<Grubbs, Wendy J.>;<Higbee, David>;<Kaplan, Joel>;<Kavanaugh, Brett M.>;<Kelly, James M.>;<Kirk, Matthew>;<Kozberg, Lindsey C.>;<Kuo, David>;<Kurtz, Paul B.>;<Liang, Elan>;<Loper, Ginger G.>;<Smith, Heidi M.>;<Marsh, Robert>;<McNally, Robert C.>;<McNally, Edward>;<Moy, Edmund C.>;<Neusner, Noam M.>;<Newstead, Jennifer G.>;<O'Hollaren, Sean B.>;<Pelletier, Eric C.>;<Peterman, Brian>;<Powell, Benjamin A.>;<Reardon, Brian>;<Wright, Liza>;<Sampson, Kyle>;<Sayle, Desiree T.>;<Schacht, Diana L.>;<Schlapp, Matthew A.>;<Scully, Matthew>;<Sforza, Scott N.>;<Silverberg, Kristen>;<Torgerson, Karin B.>;<Troy, Tevi>;<Ulyot, Theodore W.>;<Warsh, Kevin>;<Nelson, Carolyn>;<Bumatay, Patrick J.>;<Hughes, Taylor A.>;<Ritacco, Krista L.>;<Campbell, Anne E.>;<Reese, Shelley>;<Ingols, Adam B.>;<West, Christal R.>;<Douglas, Penny G.>;<Deckard, Josh>;<Levine, Adam L.>;<Snee, Ashley>;<Ralston, Susan B.>;<Hager, Henry C>;<McDonald, Rebekah>;Walters, Katherine M.  
<kwalters@WHO.eop.gov>;<Bellinger, John B.>;<Miller, Franklin C.>;<Cleveland, Robin>;<Heiden, Debra>;<Field, Jennifer D.>;<Mayfield, Jennifer H.>;McCormack, Brian V.  
<bmcorma@OVP.eop.gov>;<Cabral, Raquel>;<Middlemas, A. Morgan>;<Blakeman, Bradley A.>;<Gambatesa, Linda M.>;<Litkenhaus, Colleen>;<Daniels, Mitchell>;<Heishman, Jane C.>;<Heishman, Jane C.>;<Lineberry, Laura E.>;<Koch, Jennie M.>;<Travers, David L.>;<Raad, Lori J.>;<Keller, Karen E.>;<Altoft, Lois E.>;<Gray, Ann>;<Hughes, Taylor A.>;<Figg, Jeanie L.>;<Barfield, Tiffany L.>;<Riecke, January M.>;<McCord, Lauren>;<Donnelly, Diana>;<Miller, Mike>;<Tubb, Richard>;<Heath, Michael>;<Steen, Gretchen P.>;<Stout, Dennis L.>;<Stout, Timothy C.>;<Reese, Shelley>;<Middlemas, A. Morgan>;<Rust, Kathryn E.>;<Hager, Henry C>;<Jacanin, Marilyn R.>;<Draper, Eric>;<Sterner, Susan L.>;<Davis Photo Office, Michael>;<Davis, Alicia W.>;<Good, Terry W.>;<Droege, Philip C.>;<Campen, Tim>;<Otto, Eric H.>;<West, Christal R.>;<Ingols, Adam B.>;<Cropper, Stacia L.>;<Evans, Sandra K>;<Chambers, Shane P.>;<Hanusa, Mary Ann>;<Campbell, Anne E.>;<Arnold, Listi>;<Pritchett, Clare>;  
PRA 6  
PRA 6  
PRA 6>;<Kyle, Ross M.>;<Mallea, Jose>;PPD ops  
<ppdops@uss.treas.gov>;<Reynolds, Tim>;<Cleveland, Robin>;<Smythe, Augustine T.>;<Johnson III, Clay>;<House, Emily A.>;<McMillin, Stephen S.>;<Capretta, James C.>;<Perry, Philip J.>;<Graham, John>;<Peacock, Marcus>;<Keller, Karen E.>;<Altoft, Lois E.>;<Styles, Angela B.>;<Emery Jr., Richard P.>;<Duffy, Trent D.>;<Davis, Alicia W.>;<Johnson, Collister W.>;<Taylor, Sara M.>;<Thompson, David>;<Dyck, Paul B.>;<Motley, Eric L.>;<Cooper, Jean>;<Allgood, Lauren K.>  
**Sent:** 5/22/2003 4:27:24 PM  
**Subject:** RE: Congratulations to Josh Bolten- Reminder

**Please join the Chief of Staff's Office  
in celebrating the President's intent to nominate  
Josh as OMB Director  
today at 5:00 pm in the Roosevelt Room**

Please share with others in your office

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>  
**Sent:** 5/22/2003 2:39:58 PM  
**Subject:** : Re: Jeffress

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 22-MAY-2003 18:39:58.00

SUBJECT:: Re: Jeffress

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

The Yale Law School Association of DC has monthly events. I was a guest speaker at one about judges. It actually was originally scheduled for someone else's house on Cap Hill but was snowed out. Then it was re-scheduled for the next month and that month's event was at the house of her and her husband. (She used to be on board of YLSA of DC so hosts them now and then). Why?

H. Christopher Bartolomucci

05/22/2003 06:35:38 PM

Record Type: Record

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

cc:

Subject: Jeffress

what the deal with the judges-related Yale event you participated in at her house?

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/22/2003 4:10:01 PM  
**Subject:** : White House Global Messenger -- 5/23/03  
**Attachments:** P\_85RNG003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )  
CREATION DATE/TIME:22-MAY-2003 20:10:01.00  
SUBJECT:: White House Global Messenger -- 5/23/03  
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(See attached file: GM 5-23-03 FINAL.doc)

THE GLOBAL MESSENGER  
Friday, May 23, 2003

\*\*\*\*\*KEY POINTS: SANCTIONS LIFTED ON IRAQ\*\*\*\*\*  
The UN Security Council, in a 14-0 vote, approved on Thursday the U.S.-U.K. resolution to lift economic sanctions on Iraq.

Key Elements of Resolution 1483  
-Lifts the sanctions burden on the Iraqi people

-Encourages the international community to assist in helping the Iraqi people build a better future for their country

-Establishes the position of a UN Special Representative who will play a vital role in all aspects of Iraq's reconstruction

-Winds down the Oil-for-Food program (OFF) over a six-month period, while providing for the continued delivery of priority civilian goods approved and funded under OFF to meet the immediate needs of the Iraqi people

-Supports Iraqis in charting their own political and economic future

-Reaffirms the Coalition's commitment to work with the UN and an Iraqi Interim Administration to transition authority to an internationally recognized, representative government of Iraq as efficiently and effectively as possible

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*  
All Times Eastern Daylight. Subject to Change.

12:40 pm President Bush participates in a joint press availability with

REV\_00119607



Japanese  
PM Koizumi,  
Crawford, Texas

\*\*\*\*\*KEY QUOTE\*\*\*\*\*

"America and Japan have joined to oppose danger and aggression. We have also joined to bring aid and hope to those who struggle throughout the developing world. We are the world's two largest economies and the two most generous contributors of economic and humanitarian aid."  
--President Bush, in Tokyo, 2/18/02

\*\*\*\*\*JAPAN: PORTRAIT OF AN ALLY\*\*\*\*\*

"In the fight against terrorism, Japan, on its own initiative, has been cooperating with the United States and in cooperation with the international community to eradicate terrorism. And we shall continue with this firm resolve and firm stance to fight against terrorism in the days ahead, as well."  
--Prime Minister Koizumi, 2/18/02

In Iraq:

Japan has provided \$48.7 million for humanitarian and reconstruction aid. This has helped:  
-Create 35,000 jobs for Iraqis to collect and remove refuse and rehabilitate buildings in Baghdad  
-Rehabilitate schools and provide supplies in Basrah, Mosul, and surrounding areas  
-Provide and distribute emergency and medical supplies, as well as medical equipment through NGOs

In Afghanistan:

Japan has provided \$388 million for recovery and reconstruction aid. Japan's total humanitarian and reconstruction commitment to Afghanistan since September 2001 is about \$500 million. This money has helped:  
-Provide emergency humanitarian relief  
-Rehabilitate the highway between Kandahar and Kabul  
-Clear land mines  
-Train police and provide equipment  
-Resettle refugees  
-Provide improvements to infrastructure, education and health care

THE WHITE HOUSE

Office of Global Communications  
For more information log on to  
<http://www.whitehouse.gov/ogc>

\*\*\*\*\*

You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications

distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.

- GM 5-23-03 FINAL.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_85RNG003\_WHO.TXT\_1>



# THE GLOBAL MESSENGER

Friday, May 23, 2003



## **TODAY'S SCHEDULE**

*All Times Eastern Daylight. Subject to Change.*

12:40 pm President Bush participates in a joint press availability with Japanese PM Koizumi, Crawford, Texas

## **JAPAN: PORTRAIT OF AN ALLY**

"In the fight against terrorism, Japan, on its own initiative, has been cooperating with the United States and in cooperation with the international community to eradicate terrorism. And we shall continue with this firm resolve and firm stance to fight against terrorism in the days ahead, as well."

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- Clear land mines
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- Supports Iraqis in charting their own political and economic future
- Reaffirms the Coalition's commitment to work with the UN and an Iraqi Interim Administration to transition authority to an internationally recognized, representative government of Iraq as efficiently and effectively as possible

## **KEY QUOTE**

"America and Japan have joined to oppose danger and aggression. We have also joined to bring aid and hope to those who struggle throughout the developing world. We are the world's two largest economies and the two most generous contributors of economic and humanitarian aid."

**--President Bush, in Tokyo, 2/18/02**

**THE WHITE HOUSE**

**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00119610

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange@EOP [ WHO ] <Colleen Litkenhaus>  
**Sent:** 5/22/2003 4:25:54 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-MAY-2003 20:25:54.00  
SUBJECT::  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

How is the consolidation/"CEO" of EOP problem?

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/23/2003 1:29:55 AM  
**Subject:** : OpinionJournal - On the Editorial Page - May 23, 2003

##### Begin Original ARMS Header #####  
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CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME:23-MAY-2003 05:29:55.00  
SUBJECT:: OpinionJournal - On the Editorial Page - May 23, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY WALTER OLSON  
<http://www.opinionjournal.com/editorial/?id=110003535>

A court strikes down racial demagoguery against tobacco companies.  
12:01 a.m. EDT

John Fund's Political Diary  
<http://www.opinionjournal.com/diary/?id=110003532>

Students are to the right of the faculty even at the U of Chicago.  
12:01 a.m. EDT

Wonder Land BY DANIEL HENNINGER  
<http://www.opinionjournal.com/columnists/dhenninger/?id=110003534>

The fabulous world of fact, factoid and SARS.  
12:01 a.m. EDT

On the Taste Page

<http://opinionjournal.com/taste/>

Why is FDR's birthplace honoring a pro-communist pol?

12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

All Fired Up  
House Democrats buck greens to fight wildfires.  
May 23 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105365469322138900,00.html%3Fmod%3Dopinion>

~~~~~

The Rockford Fouls  
It was wrong to heckle a New York Times reporter's anti-American speech.  
May 23 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105365502496>

376600,00.html%3Fmod%3Dopinion

~~~~~

Global Missile Defense  
More vindication for Bush's ABM withdrawal.  
May 23 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105365524425355300,00.html%3Fmod%3Dopinion>

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Commentary

The New Flat Earth Society  
Myths about deficits and economic growth.  
By LAWRENCE KUDLOW  
May 23 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105365625377643500,00.html%3Fmod%3Dopinion>

~~~~~

Rule of Law

A Spanking for the Trial Lawyers  
A court strikes down racial demagoguery against tobacco companies.  
By WALTER OLSON  
May 23 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105365605032163000,00.html%3Fmod%3Dopinion>

~~~~~

Wonder Land

Fact, Factoid and SARS  
These days, who needs horror shows?  
By DANIEL HENNINGER  
May 23 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105365543880333400,00.html%3Fmod%3Dopinion>

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The Americas

Read the Fine Print on the Chavez Charm Offensive  
Venezuela needs America a lot more than America needs Venezuela.  
By MARY ANASTASIA O'GRADY  
May 23 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105365420262402300,00.html%3Fmod%3Dopinion>

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International

Aznar's Challenge to Spaniards  
Aznar expects Spain to adapt to its new responsibilities.  
From The Wall Street Journal Europe  
May 23 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105363985645501600,00.html%3Fmod%3Dopinion>

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Minaret Over Athens  
Greece will build a mosque, but not in Athens.  
From The Wall Street Journal Europe  
May 23 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105363931150148400,00.html%3Fmod%3Dopinion>

~~~~~

A Primer on the EU Constitution . . .  
The EU will remain complicated and very hard to love.  
By CHARLES GRANT and DANIEL KEOHANE  
From The Wall Street Journal Europe  
May 23 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB10536416875663600,00.html%3Fmod%3Dopinion>

~~~~~

. . . And a Historical Example  
The EU's constitution should be subject to a period of democratic debate.  
By RICHARD BROOKHISER  
From The Wall Street Journal Europe  
May 23 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105364254853579800,00.html%3Fmod%3Dopinion>

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The West Defaults on a Big Pipeline Match  
Putin's strategy is making a farce of the "multiple pipelines" policy.  
By VLADIMIR SOCOR  
From The Wall Street Journal Europe  
May 23 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB1053640582745600,00.html%3Fmod%3Dopinion>

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The U.S.'s Bad Deal for Vietnam  
Protectionism never works in the long run.  
By GREG RUSHFORD  
From The Asian Wall Street Journal  
May 23 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105364414077406500,00.html%3Fmod%3Dopinion>

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card.

<http://cj.careercast.com/texis/jm/jobPostForm.html?lookid=cj&jp=C>

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---

**From:** Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/23/2003 7:34:41 AM  
**Subject:** : Re: Focus group

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:23-MAY-2003 11:34:41.00  
SUBJECT:: Re: Focus group  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I forwarded it to him and asked; I'm guessing no because the video quality would decline so much as the picture size was increased, but I'm not sure. I'm getting on a plane in a few mins and am not in the best position to coordinate.

-----

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

---

**From:** Sampson, Kyle  
**To:** <Gonzales, Alberto R.>;<Leitch, David G.>;<Kavanaugh, Brett M.>;<Bartolomucci, H. Christopher>;<Ulyot, Theodore W.>;<Newstead, Jennifer G.>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Brosnahan, Jennifer R.>  
**Sent:** 5/23/2003 8:09:05 AM  
**Subject:** Confirmed late last night by UC

Ricardo Hinojosa, U.S. Sentencing Commission

Michael Horowitz, U.S. Sentencing Commission

Mark Hanohano, U.S. Marshal for D. Haw.

Scott Coogler, U.S. District Judge for the N.D. Ala.

---

**From:** Sampson, Kyle  
**To:** <Gonzales, Alberto R.>  
**CC:** <Leitch, David G.>; <Kavanaugh, Brett M.>  
**Sent:** 5/23/2003 8:11:51 AM  
**Subject:** D. Nev.

Friday, May 23, 2003

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## **FEDERAL JUDGESHIP: Jurist Jones possible nominee**

### **White House declines to confirm whether Nevadan is Bush's choice for post**

By JANE ANN MORRISON

REVIEW-JOURNAL

The White House, after working with U.S. Sen. John Ensign, is poised to nominate U.S. Bankruptcy Judge Robert Clive Jones to a federal District Court judgeship.

Ensign, a Republican, originally proposed the son of Democratic U.S. Sen. Harry Reid, as well as others, but the Bush administration sought to expand that list.

Republicans had criticized Ensign for proposing Leif Reid, a 35-year-old Democrat with seven years of experience.

Jones is 56, has been on the bankruptcy court for 20 years and has experience both as a certified public accountant and an attorney prior to that.

Jones' name had not been made public until Thursday, when Ensign's spokesman Jack Finn said, "We can confirm he is the White House selection. The senator is very proud of not only Judge Jones, but of all the people we submitted to the White House. They are carefully reviewed and we think the world of all of the others in terms of experience, integrity and abilities."

Finn declined to say how many Nevadans had been considered by the White House, but legal sources said at least seven were submitted.

Along with Leif Reid, the other contenders included former U.S. Attorney Rick Pocker, District Judge Ron Parraguirre, U.S. Magistrate Robert McQuaid of Reno, Las Vegas attorney Sandy Smagac and at least one other person.

"Senator Ensign is extremely pleased and extremely proud of this choice," Finn said. "Judge Jones will absolutely uphold the integrity of the federal judiciary."

Each state's senior senator of the party in power at the White House recommends judicial candidates to the president. After background investigations are complete, the administration nominates its choice. The U.S. Senate must confirm the administration's choice.

White House spokesman Ken Lisaius declined to confirm whether Jones is President Bush's choice. "We don't speculate on personnel. The White House makes announcements when we have announcements to make."

Jones has a good reputation within the Las Vegas legal community.

Defense attorney Richard Wright said Jones was a good choice because of his "maturity, experience and

**REV\_00119641**

seasoning in federal litigation. He's a gentleman, courteous and polite."

Jones is one of those judges who is enjoyable to practice before, Wright said. "He's had wide-ranging litigation on the federal bench in bankruptcy court. He's well-respected and well-qualified."

In the 1980s, he decided the buyer of the bankrupt Aladdin. He was in the same position earlier this year, choosing Planet Hollywood as the best offer for the rebuilt Las Vegas Strip property.

Jones was born and raised in Las Vegas and graduated from Brigham Young University in 1971 with a degree in accounting and English. He obtained his law degree from UCLA in 1975, graduating in the top 10 percent of his class.

After working as a certified public accountant, he started practicing law in 1976. His practice focused on taxation, real estate, commercial law and bankruptcy. In February 1983, he was appointed the the bankruptcy court, where he now serves. He was appointed to the 14-year-term after Lloyd George was elevated from the bankruptcy court to U.S. District Court, a lifetime position.

A registered Republican, he served in the California Air National Guard and the Nevada Army Guard.

He is a former board member of Opportunity Village of Clark County and the Las Vegas Chapter of the American Cancer Society.

The judgeship is becoming available because U.S. District Judge David Hagen is taking senior status.

---

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**CC:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 5/23/2003 4:17:23 AM  
**Subject:** : D. Nev.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-MAY-2003 08:17:23.00  
SUBJECT:: D. Nev.  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Friday, May 23, 2003  
Copyright , Las Vegas Review-Journal  
FEDERAL JUDGESHIP: Jurist Jones possible nominee  
White House declines to confirm whether Nevadan is Bush's choice for post  
By JANE ANN MORRISON  
REVIEW-JOURNAL

The White House, after working with U.S. Sen. John Ensign, is poised to nominate U.S. Bankruptcy Judge Robert Clive Jones to a federal District Court judgeship.  
Ensign, a Republican, originally proposed the son of Democratic U.S. Sen. Harry Reid, as well as others, but the Bush administration sought to expand that list.  
Republicans had criticized Ensign for proposing Leif Reid, a 35-year-old Democrat with seven years of experience.  
Jones is 56, has been on the bankruptcy court for 20 years and has experience both as a certified public accountant and an attorney prior to that.  
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White House spokesman Ken Lisaius declined to confirm whether Jones is President Bush's choice. "We don't speculate on personnel. The White House makes announcements when we have announcements to make."  
Jones has a good reputation within the Las Vegas legal community. Defense attorney Richard Wright said Jones was a good choice because of his "maturity, experience and seasoning in federal litigation. He's a gentleman, courteous and polite."  
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He is a former board member of Opportunity Village of Clark County and the Las Vegas Chapter of the American Cancer Society.

The judgeship is becoming available because U.S. District Judge David Hagen is taking senior status.

---

**From:** Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/23/2003 5:09:50 AM  
**Subject:** : Out of Office AutoReply: Tuesday evening -- Frank Luntz focus group

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:23-MAY-2003 09:09:50.00

SUBJECT:: Out of Office AutoReply: Tuesday evening -- Frank Luntz focus group

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

I am out of the office from Friday (5/23) until Tuesday (5/27). I will respond to your e-mail when I return.

---

**From:** Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/23/2003 5:14:01 AM  
**Subject:** : Re: Tuesday evening -- Frank Luntz focus group

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:23-MAY-2003 09:14:01.00

SUBJECT:: Re: Tuesday evening -- Frank Luntz focus group

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

I do not believe he had intended to, but I will suggest it.

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



---

**From:** CN=Shannon Burkhart/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/23/2003 9:21:12 AM  
**Subject:** : Re: thanks and keep me posted on whether we can get late today

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Shannon Burkhart ( CN=Shannon Burkhart/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-MAY-2003 13:21:12.00  
SUBJECT:: Re: thanks and keep me posted on whether we can get late today  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Press office has to approve the request and everyone is down in Crawford,  
but I've left a message for Reed on his cell and hope he'll get right back  
to me. Once we have approval, WH tv thinks they can get it done today!

Brett M. Kavanaugh  
05/23/2003 01:07:42 PM  
Record Type: Record

To: Shannon Burkhart/WHO/EOP@EOP  
cc:  
Subject: thanks and keep me posted on whether we can get late today

---

**From:** CN=David S. Addington/OU=OVP/O=EOP [ OVP ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/23/2003 10:35:40 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP [ OVP ] )  
CREATION DATE/TIME:23-MAY-2003 14:35:40.00  
SUBJECT:: Re:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

don't mean to push the envelope -- but would "material additional costs"  
be a reasonable change? I'm just trying to think of how to avoid the  
\$1.00 reimbursement checks for using 4 sheets of paper in a photocopier --  
the Government probably spends more to process a \$1.00 reimbursement check  
than it gets back in the check itself.

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/23/2003 10:38:26 AM  
**Subject:** : RE: Do you have problems with this paragraph in a political campaign guidance memo

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:23-MAY-2003 14:38:26.00  
SUBJECT:: RE: Do you have problems with this paragraph in a political campaign guidance memo  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Ok with me

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Friday, May 23, 2003 1:30 PM  
To: Douglass, Kimberly A.; Litkenhaus, Colleen  
Subject: Do you have problems with this paragraph in a political campaign guidance memo

With respect to use of equipment, for those uses of equipment that can incur additional costs (resulting primarily from paper and any long-distance costs), your Office will be contacted by the Office of Management and Administration regarding appropriate reimbursement by the relevant political entity. Also, as necessary and appropriate, separate equipment may be installed in certain offices.

---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>;<Gross, Taylor S.>  
**Sent:** 5/23/2003 11:50:58 AM  
**Subject:** need asap

a video tape of May 9 speech. who has. where can I get?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Shannon Burkhart/WHO/EOP@EOP [ WHO ] <Shannon Burkhart>  
**Sent:** 5/23/2003 9:08:22 AM  
**Subject:** : thanks and keep me posted on whether we can get late today

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-MAY-2003 13:08:22.00  
SUBJECT:: thanks and keep me posted on whether we can get late today  
TO:Shannon Burkhart ( CN=Shannon Burkhart/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/23/2003 9:24:20 AM  
**Subject:** : Fw: weekly report request

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:23-MAY-2003 13:24:20.00  
SUBJECT:: Fw: weekly report request  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Help

.

-----Original Message-----

From: Pelletier, Eric C. <Eric\_C\_Pelletier@who.eop.gov>  
To: Grubbs, Wendy J. <Wendy\_J\_Grubbs@who.eop.gov>; Ingols, Adam B.  
<Adam\_B\_Ingols@who.eop.gov>; Jones, Alison; <Alison\_Jones@who.eop.gov>  
Sent: Fri May 23 13:11:23 2003  
Subject: weekly report request

How many judges have been confirmed this Congress?; We had 24 before the  
Easter recess.; need an update.

---

**From:** CN=Shannon Burkhart/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/23/2003 10:47:38 AM  
**Subject:** : Got it!!

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Shannon Burkhart ( CN=Shannon Burkhart/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-MAY-2003 14:47:38.00  
SUBJECT:: Got it!!  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I've got the tape! Are you in room 156? Just let me know when a good time is and I'll bring it around. Thanks!

---

**From:** Viet.Dinh@usdoj.gov  
**To:** Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>; David.T.Ayres@usdoj.gov <David.T.Ayres@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; David G. Leitch/WHO/EOP@EOP [ WHO ] <David G. Leitch>; Adam.Ciongoli@usdoj.gov <Adam.Ciongoli@usdoj.gov>  
**Sent:** 5/23/2003 10:58:00 AM  
**Subject:** : FW: article

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: "Viet.Dinh@usdoj.gov" <Viet.Dinh@usdoj.gov> ( "Viet.Dinh@usdoj.gov"  
<Viet.Dinh@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 23-MAY-2003 14:58:00.00  
SUBJECT: : FW: article  
TO: Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: "David.T.Ayres@usdoj.gov" <David.T.Ayres@usdoj.gov> (Receipt Notification Requested)  
(IPM Return Requested) ( "David.T.Ayres@usdoj.gov" <David.T.Ayres@usdoj.gov> (Receipt  
Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ: UNKNOWN  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: "Adam.Ciongoli@usdoj.gov" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested)  
(IPM Return Requested) ( "Adam.Ciongoli@usdoj.gov" <Adam.Ciongoli@usdoj.gov> (Receipt  
Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

-----Original Message-----

From: Charnes, Adam  
Sent: Friday, May 23, 2003 1:17 PM  
To: Dinh, Viet; Clement, Paul D  
Subject: article

In case you hadn't see this:  
<http://www.jsonline.com/news/state/may03/142787.asp>



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Colleen Litkenhaus/WHO/EOP@EOP [ WHO ] <Colleen Litkenhaus>  
**Sent:** 5/23/2003 10:59:52 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 23-MAY-2003 14:59:52.00  
SUBJECT:: Re:  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

President is head of EOP.

.

----- Original Message -----  
From: Colleen Litkenhaus/WHO/EOP@Exchange  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/23/2003 01:05:13 PM  
Subject: RE:

I am still concerned about the OA Director being considered the head of the EOP agency as supposedly determined by Congress. I think that the WH COS should be the head of the EOP agency - if we have one.

Can you tell me if legally there is a "head of the EOP agency?"

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Thursday, May 22, 2003 8:25 PM  
To: Litkenhaus, Colleen  
Subject:

How is the consolidation/"CEO" of EOP problem?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Shannon Burkhart/WHO/EOP@EOP [ WHO ] <Shannon Burkhart>  
**Sent:** 5/23/2003 11:04:11 AM  
**Subject:** : Re: Got it!!

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-MAY-2003 15:04:11.00  
SUBJECT:: Re: Got it!!  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Shannon Burkhart ( CN=Shannon Burkhart/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Please bring to jon ganter in 154. Thanks so much.

.

----- Original Message -----  
From:Shannon Burkhart/WHO/EOP  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/23/2003 02:47:53 PM  
Subject: Got it!!

I've got the tape! Are you in room 156? Just let me know when a good time is and I'll bring it around. Thanks!

---

**From:** CN=Shannon Burkhart/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/23/2003 11:11:40 AM  
**Subject:** : Re: Got it!!

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Shannon Burkhart ( CN=Shannon Burkhart/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-MAY-2003 15:11:40.00  
SUBJECT:: Re: Got it!!  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Sure. Have a great weekend!

Brett M. Kavanaugh  
05/23/2003 03:03:15 PM  
Record Type: Record

To: Shannon Burkhart/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: Got it!!

Please bring to jon ganter in 154. Thanks so much.

.

----- Original Message -----  
From:Shannon Burkhart/WHO/EOP  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/23/2003 02:47:53 PM  
Subject: Got it!!

I've got the tape! Are you in room 156? Just let me know when a good time is and I'll bring it around. Thanks!

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/23/2003 11:15:00 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:23-MAY-2003 15:15:00.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can someone clarify what authority the President delegated to the OA Director? I'm sorry to put this on your plate. Let me know if there is someone else I can ask without going directly to OA.

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Friday, May 23, 2003 2:59 PM  
To: Litkenhaus, Colleen; Kavanaugh, Brett M.  
Subject: Re:

President is head of EOP.

.

----- Original Message -----  
From:Colleen Litkenhaus/WHO/EOP@Exchange  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/23/2003 01:05:13 PM  
Subject: RE:

I am still concerned about the OA Director being considered the head of the EOP agency as supposedly determined by Congress. I think that the WH COS should be the head of the EOP agency - if we have one.

Can you tell me if legally there is a "head of the EOP agency?"

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Thursday, May 22, 2003 8:25 PM  
To: Litkenhaus, Colleen  
Subject:

How is the consolidation/"CEO" of EOP problem?

---

**From:** Joel Pardue <judicialumbrella@yahoo.com>  
**To:** jpardue@fed-soc.org [ UNKNOWN ] <jpardue@fed-soc.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/23/2003 11:44:36 AM  
**Subject:** : Conference Call  
**Attachments:** P\_X8KOG003\_WHO.TXT\_1.txt

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Joel Pardue <judicialumbrella@yahoo.com> ( Joel Pardue <judicialumbrella@yahoo.com>  
[ UNKNOWN ] )  
CREATION DATE/TIME:23-MAY-2003 15:44:36.00  
SUBJECT:: Conference Call  
TO:jpardue@fed-soc.org ( jpardue@fed-soc.org [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

We need to schedule a brief conference call Tuesday morning. I know  
Boyden is out of town and General Meese is leaving for the CA around 12:00  
so we need to pick a time. How does 9:30 sound? Or we can wait until the  
General lands in CA since it is 3 hours back. Maybe 4:30 our time.  
Please let me know what times are not an option. Thanks.

-----  
Do you Yahoo!?  
The New Yahoo! Search - Faster. Easier. Bingo.  
- att1.htm  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_X8KOG003\_WHO.TXT\_1>

We need to schedule a brief conference call Tuesday morning. I know Boyden is out of town and General Meese is leaving for the CA around 12:00 so we need to pick a time. How does 9:30 sound? Or we can wait until the General lands in CA since it is 3 hours back. Maybe 4:30 our time. Please let me know what times are not an option. Thanks.

---

Do you Yahoo!?

The New Yahoo! Search - Faster. Easier. Bingo.

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/23/2003 3:58:30 PM  
**Subject:** i requested a video tape of the may 9 remarks.

it will be ready for pick up in room 553 at 4:30 today.

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/23/2003 11:59:25 AM  
**Subject:** : i requested a video tape of the may 9 remarks.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:23-MAY-2003 15:59:25.00  
SUBJECT:: i requested a video tape of the may 9 remarks.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

it will be ready for pick up in room 553 at 4:30 today.



---

**From:** Bumatay, Patrick J.  
**To:** <Ullyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>  
**Sent:** 5/26/2003 9:29:20 AM  
**Subject:** Memorial Day

Is anyone planning on coming in today? Please let me know if you are and when you are.

Thanks

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;Theodore W. Ulliyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliyot>  
**Sent:** 5/26/2003 8:46:34 AM  
**Subject:** : Memorial Day

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:26-MAY-2003 12:46:34.00

SUBJECT:: Memorial Day

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulliyot ( CN=Theodore W. Ulliyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Is anyone planning on coming in today?; Please let me know if you are and when you are.

;

Thanks

---

**From:** CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/26/2003 8:51:17 AM  
**Subject:** : FW: US Capitol Historical Society Invitation to Staff director dinner on July 17th  
**Attachments:** P\_JC5PG003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Melissa S. Bennett ( CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:26-MAY-2003 12:51:17.00  
SUBJECT:: FW: US Capitol Historical Society Invitation to Staff director dinner on July 17th  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can you please sign off on this invite???; The event is not a fundraiser.;

;;

;

Here is the description of the group:

;

The United States Capitol Historical Society, founded in 1962, is chartered by Congress to educate the public on the history and heritage of the US Capitol buildings, its institutions and people who have served therein.;; The Society is a nonpartisan, private, nonprofit, tax exempt, education 501(c)3 organization.

;

Thanks.; MB

;

Invite copy:

;

;

The US Capitol Historical Society

;

Cordially invites you and your guest to a dinner

Honoring Majority and Minority Staff Directors of the Full Committees of the

US House of Representatives

;

July 17, 2003

345 Cannon Caucus Room

Cannon House Office Building

;

The Honorable Andrew H. Card, Jr., Chief of Staff to the President,

Keynote Speaker

;

Reception at 6:30

Dinner at 7:15

;

;

;

RSVP by July 10, 2003

202-543-8919 x23

Khenderson@uschs.org

;

;

-----Original Message-----

From: Marilyn Green [mailto:MGreen@uschs.org]

Sent: Friday, May 23, 2003 4:49 PM

To: Bennett, Melissa S.

Subject: US Capitol Historicaql Invitation to Staff director dinner on July 17th

Importance: High

Hi Melissa,

;

Attached is the invite.; Let me know ASAP if there are any changes.  
Have a good weekend,

;

Marilyn

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_JC5PG003\_WHO.TXT\_1>

***The US Capitol Historical Society***

*Cordially invites you and your guest to a dinner  
Honoring Majority and Minority Staff Directors of the Full Committees of the  
US House of Representatives*

*July 17, 2003  
345 Cannon Caucus Room  
Cannon House Office Building*

*The Honorable Andrew H. Card, Jr., Chief of Staff to the President,  
Keynote Speaker*

*Reception at 6:30  
Dinner at 7:15*

*RSVP by July 10, 2003  
202-543-8919 x23  
Khenderson@uschs.org*

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/27/2003 1:33:10 AM  
**Subject:** : OpinionJournal - On the Editorial Page - May 27, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME:27-MAY-2003 05:33:10.00  
SUBJECT:: OpinionJournal - On the Editorial Page - May 27, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY DONALD H. RUMSFELD  
<http://www.opinionjournal.com/editorial/?id=110003545>

Core principles for a free Iraq.  
12:01 a.m. EDT

The Western Front BY BRENDAN MINITER  
<http://www.opinionjournal.com/columnists/bminiter/?id=110003544>

Denver's mayor takes a stand against gun rights.  
12:01 a.m. EDT

Leisure & Arts BY STEVEN LAGERFELD  
<http://www.opinionjournal.com/la/?id=110003546>

Who's more clueless, college students or their professors?

12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Home Improvement  
Some Republicans want higher mortgage-closing costs.  
May 27 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105399035553314500,00.html%3Fmod%3Dopinion>

~~~~~

21 Years of Solitude  
How one man escaped Saddam's tyranny.  
May 27 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105399068786589400,00.html%3Fmod%3Dopinion>

~~~~~

The Tort Temptation  
Reports of corruption are following the lawsuit lotteries.  
May 27 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105399093090169800,00.html%3Fmod%3Dopinion>

~~~~~

#### Commentary

##### Core Principles for a Free Iraq

The transition from tyranny to liberty is always difficult.

By DONALD H. RUMSFELD

May 27 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105399179076190200,00.html%3Fmod%3Dopinion>

~~~~~

##### Stable and Confident

What's left of the strong dollar? All that matters!

By RICHARD H. CLARIDA

May 27 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105399137544648100,00.html%3Fmod%3Dopinion>

~~~~~

#### Global View

##### Mideast Road Map, No Highways

Remember the last time the path to peace was cleared?

May 27 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105398938131587500,00.html%3Fmod%3Dopinion>

~~~~~

#### Leisure & Arts

##### The Gallery

A Cultural Debt Long Denied

"Transmitting the Forms of Divinity" at the Japan Society in New York.

By MATTHEW GUREWITSCH

May 27 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105398529859502600,00.html%3Fmod%3Dopinion>

~~~~~

##### Photography

Portrait of a Curator of Photography

"History of Japanese Photography" debuts at the Cleveland Museum of Art.

By TAYLOR HOLLIDAY

May 27 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105398793627955000,00.html%3Fmod%3Dopinion>

~~~~~

#### Music

These Folk CDs Are Fascinating

The soundtrack for "A Mighty Wind" would be a great folk album, if it weren't a parody.

By GREG SANDOW

May 27 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105398847792621100,00.html%3Fmod%3Dopinion>

~~~~~

Books  
Shakespeare and the Spice Girls  
"Clueless in Academe"  
By GERALD GRAFF  
May 27 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB1053984283507700,00.html%3Fmod%3Dopinion>

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Time Off  
Diversions  
The Art and Design of Antique Smoking Pipes  
May 27 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10539971479797800,00.html%3Fmod%3Dopinion>

~~~~~

International

Abandoning Appeasement  
After months of refusing to discuss its nuclear blackmail with South Korea or Japan, North Korea indicated its willingness to accept "U.S.-proposed multilateral talks."  
From The Wall Street Journal Europe  
May 27 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105400106883691400,00.html%3Fmod%3Dopinion>

~~~~~

Luxury Suits  
America's legal assault on securities research is having repercussions in Europe.  
From The Wall Street Journal Europe  
May 27 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105400148021895800,00.html%3Fmod%3Dopinion>

~~~~~

Spain's Answer to Aznar  
Socialists nearly plunged Spain into mass hysteria in the run-up to Sunday's local elections.  
From The Wall Street Journal Europe  
May 27 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105400191390135800,00.html%3Fmod%3Dopinion>

~~~~~

Cutting Off Your Business Nose  
Leaders of the Group of Eight nations gathering in Evian for a summit meeting may want to reflect on political likes and dislikes on both sides of the Atlantic.



By FRITS VAN PAASSCHEN and MAJA WESSELS  
From The Wall Street Journal Europe  
May 27 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105400039646677300,00.html%3Fmod%3Dopinion>

~~~~~

Global Missile Defense  
President Bush declared that henceforth missile defense will be international.  
From The Asian Wall Street Journal  
May 27 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105399887360816800,00.html%3Fmod%3Dopinion>

~~~~~

Putting China on Notice  
One of China's biggest conglomerates, Norinco, was hit with an unprecedented two-year ban on exports to the U.S.  
By JOHN TKACIK  
From The Asian Wall Street Journal  
May 27 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105399960971273200,00.html%3Fmod%3Dopinion>

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<http://www.wsj.com/cgi-bin/wsagate?source=jopinem&URI=http%3A//www.wsj.com/59standard>

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You can also review OpinionJournal's privacy policy at <http://opinionjournal.com/about/privacy.html>

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**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/27/2003 7:50:41 AM  
**Subject:** : call me when you get a second at 7-0116

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 27-MAY-2003 11:50:41.00  
SUBJECT: : call me when you get a second at 7-0116  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Henry C. Hager/WHO/EOP@Exchange@EOP [ WHO ] <Henry C. Hager>  
**Sent:** 5/27/2003 8:47:26 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAY-2003 12:47:26.00  
SUBJECT:  
TO:Henry C. Hager ( CN=Henry C. Hager/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I was told there was a working group mtg today for June 17 Presidential event and just wanted to confirm the nature of the meeting. Thanks.

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>  
**Sent:** 5/27/2003 4:48:33 AM  
**Subject:** : Friday night red tags

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:27-MAY-2003 08:48:33.00  
SUBJECT:: Friday night red tags  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

You both got red tags after I left on Friday.; Did either you get a change to review them?

;  
Brett - Major League Soccer  
Noel - American Red Cross National Convention  
;  
Thanks.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Melissa S. Bennett/WHO/EOP@Exchange [ WHO ] <Melissa S. Bennett>  
**Sent:** 5/27/2003 4:52:15 AM  
**Subject:** : Re: FW: US Capitol Historicaql Invitation to Staff director dinner on Jul y 17th  
**Attachments:** P\_LZEPG003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAY-2003 08:52:15.00  
SUBJECT:: Re: FW: US Capitol Historicaql Invitation to Staff director dinner on Jul y 17th  
TO:Melissa S. Bennett ( CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This is fine. Thanks.

From: Melissa S. Bennett/WHO/EOP@Exchange on 05/26/2003 12:31:01 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: FW: US Capitol Historicaql Invitation to Staff director  
dinner on Jul y 17th

Can you please sign off on this invite???;; The event is not a fundraiser.;

;;

;

Here is the description of the group:

;

The United States Capitol Historical Society, founded in 1962, is chartered by Congress to educate the public on the history and heritage of the US Capitol buildings, its institutions and people who have served therein.;; The Society is a nonpartisan, private, nonprofit, tax exempt, education 501(c)3 organization.

;

Thanks.; MB

;

Invite copy:

;

;

The US Capitol Historical Society

;

Cordially invites you and your guest to a dinner

Honoring Majority and Minority Staff Directors of the Full Committees of the

US House of Representatives

;

July 17, 2003

345 Cannon Caucus Room

Cannon House Office Building

REV\_00119837

;

The Honorable Andrew H. Card, Jr., Chief of Staff to the President,

Keynote Speaker

;

Reception at 6:30

Dinner at 7:15

;

;

;

RSVP by July 10, 2003

202-543-8919 x23

Khenderson@uschs.org

;

;

-----Original Message-----

From: Marilyn Green [mailto:MGreen@uschs.org]

Sent: Friday, May 23, 2003 4:49 PM

To: Bennett, Melissa S.

Subject: US Capitol Historicaql Invitation to Staff director dinner on July 17th

Importance: High

Hi Melissa,

;

Attached is the invite.; Let me know ASAP if there are any changes.

Have a good weekend,

;

Marilyn

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_LZEPG003\_WHO.TXT\_1>

REV\_00119838

***The US Capitol Historical Society***

*Cordially invites you and your guest to a dinner  
Honoring Majority and Minority Staff Directors of the Full Committees of the  
US House of Representatives*

*July 17, 2003  
345 Cannon Caucus Room  
Cannon House Office Building*

*The Honorable Andrew H. Card, Jr., Chief of Staff to the President,  
Keynote Speaker*

*Reception at 6:30  
Dinner at 7:15*

*RSVP by July 10, 2003  
202-543-8919 x23  
Khenderson@uschs.org*

---

**From:** CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/27/2003 4:57:34 AM  
**Subject:** : RE: FW: US Capitol Historicaql Invitation to Staff director dinner on Jul y 17th

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Melissa S. Bennett ( CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:27-MAY-2003 08:57:34.00  
SUBJECT:: RE: FW: US Capitol Historicaql Invitation to Staff director dinner on Jul y 17th  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thank you.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, May 27, 2003 8:51 AM  
To: Bennett, Melissa S.  
Subject: Re: FW: US Capitol Historicaql Invitation to Staff  
director dinner on Jul y 17th

This is fine. Thanks.

From: Melissa S. Bennett/WHO/EOP@Exchange on 05/26/2003 12:31:01 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: FW: US Capitol Historicaql Invitation to Staff director  
dinner on Jul y 17th

Can you please sign off on this invite??? The event is not a  
fundraiser.

Here is the description of the group:

The United States Capitol Historical Society, founded in 1962, is  
chartered by Congress to educate the public on the history and heritage of  
the US Capitol buildings, its institutions and people who have served  
therein. The Society is a nonpartisan, private, nonprofit, tax exempt,  
education 501(c)3 organization.

Thanks. MB

Invite copy:

The US Capitol Historical Society

Cordially invites you and your guest to a dinner

Honoring Majority and Minority Staff Directors of the Full Committees of  
the

US House of Representatives

REV\_00119842



July 17, 2003

345 Cannon Caucus Room

Cannon House Office Building

The Honorable Andrew H. Card, Jr., Chief of Staff to the President,

Keynote Speaker

Reception at 6:30

Dinner at 7:15

RSVP by July 10, 2003

202-543-8919 x23

Khenderson@uschs.org

-----Original Message-----

From: Marilyn Green [mailto:MGreen@uschs.org <mailto:MGreen@uschs.org>]

Sent: Friday, May 23, 2003 4:49 PM

To: Bennett, Melissa S.

Subject: US Capitol Historicaql Invitation to Staff director dinner on July 17th

Importance: High

Hi Melissa,

Attached is the invite. Let me know ASAP if there are any changes.  
Have a good weekend,

Marilyn << File: card invite.doc >>

---

**From:** Jeffrey.Taylor2@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/27/2003 5:14:11 AM  
**Subject:** : RE: Eureka

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Jeffrey.Taylor2@usdoj.gov" <Jeffrey.Taylor2@usdoj.gov> (  
"Jeffrey.Taylor2@usdoj.gov" <Jeffrey.Taylor2@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:27-MAY-2003 09:14:11.00  
SUBJECT:: RE: Eureka  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Non-Read Receipt Notification

Your Message : RE: Eureka  
Message ID: 85256D24.00734CD0.00@sgeop03.eop  
Was Not Read By : Jeffrey.Taylor2@usdoj.gov  
On : Tue, 27 May 2003 9:12:14 -0400

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/27/2003 10:39:08 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAY-2003 14:39:08.00  
SUBJECT::  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I have a full list from 1789 on employment at time of appointment.

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/27/2003 10:51:47 AM  
**Subject:** : Ari on Lieberman letter

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 27-MAY-2003 14:51:47.00

SUBJECT:: Ari on Lieberman letter

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Q What's the White House response, Ari, to the letter Senator Lieberman has sent to the Chief of Staff, asking for help in tracking down whatever federal government involvement there might be with the missing Texas Democratic legislature?

MR. FLEISCHER: Let me make sure I understand this correctly. Is this the letter that's dated today that was given to the Washington Post yesterday before it was even given to the White House? That very serious letter that -- yes. Well, I think you can tell by the manner in which this letter was sent to the White House, it was intended less to be a serious letter and more to be a campaign gambit by somebody who is running for the presidency. Otherwise I think it would have been treated as most letters are, sent to the White House first, received, and then it would have been discussed publicly if the author had intended it to be discussed publicly, which would have been fine. But there -- as you know, Homeland Security is taking a look at this, and that's where the matter lies.

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/27/2003 6:59:10 AM  
**Subject:** : Can you come by now to talk about the court with Judge?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:27-MAY-2003 10:59:10.00  
SUBJECT:: Can you come by now to talk about the court with Judge?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;

---

**From:** CN=Elizabeth Hogan/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Paul B. Dyck/WHO/EOP@EOP [ WHO ] <Paul B. Dyck>  
**Sent:** 5/27/2003 7:47:29 AM  
**Subject:** : re-elect question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Elizabeth Hogan ( CN=Elizabeth Hogan/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAY-2003 11:47:29.00  
SUBJECT:: re-elect question  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Paul B. Dyck ( CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,

What role can I play in helping the campaign determine who's who in the administration, ie. politicals in the Departments, and how these individuals can be of help to the campaign or even potential hires for the campaign ?

Are there any restrictions with me serving as a reference for any of the politicals with in the Administration... commenting to campaign employees on the individual's skill set, work ethic, background/experience ?

Thank you for your help,

Elizabeth Hogan  
6-7103

---

**From:** Simendinger, Alexis <asimendinger@nationaljournal.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/27/2003 7:57:21 AM  
**Subject:** : Re: Gonzales memo on campaigning

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Simendinger, Alexis" <asimendinger@nationaljournal.com> ( "Simendinger, Alexis"  
<asimendinger@nationaljournal.com> [ UNKNOWN ] )  
CREATION DATE/TIME:27-MAY-2003 11:57:21.00  
SUBJECT:: Re: Gonzales memo on campaigning  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,  
I was away for the Memorial Day weekend, so am catching up... Did the  
White House release the new memo regarding EOP staff/campaign issues, as we  
discussed last Thursday?  
Also, if it's not too much trouble, can your office assistant fax me a  
copy of the related memos from the Clinton years, to which you referred?  
My fax is 202-833-8069.  
Thanks much,  
Alexis Simendinger  
National Journal  
202-739-8490 Phone

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/27/2003 7:57:45 AM  
**Subject:** : IN THE PRESIDENT'S WORDS: Advancing Freedom and Fighting AIDS  
**Attachments:** P\_5CSPG003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )  
CREATION DATE/TIME:27-MAY-2003 11:57:45.00  
SUBJECT:: IN THE PRESIDENT'S WORDS: Advancing Freedom and Fighting AIDS  
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(See attached file: 052203 - ITPW - AIDS.doc)

IN THE PRESIDENT'S WORDS:  
Advancing Freedom and Fighting AIDS  
Tuesday, May, 27 2003

As the President prepares to sign H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, we take a look back at U.S. leadership on this issue through the President's words.

For more information on American leadership to combat HIV/AIDS, please visit <http://www.whitehouse.gov/infocus/hiv aids/>

Also, please note that Dr. Joseph O'Neill, Director of the Office of National AIDS Policy, will host "Ask the White House" today at 4 pm.  
<http://www.whitehouse.gov/>

"The advance of freedom and hope is challenged by the spread of AIDS...It is a desperate struggle for any person, or any nation, to build a better future in the shadow of death. Yet, this shadow can be lifted. AIDS can be prevented, and AIDS can be treated. Lives can be saved, and others extended by many years...When I travel to Europe next week, I will challenge our allies to make a similar commitment which will save even more lives. I will remind them that the clock is ticking -- that every single day 8,000 more people will die from AIDS in Africa. There will be 14,000 more infections. I will urge our European partners, and Japan, and Canada, to join a great mission of rescue, and to match their good intentions with real resources." Remarks on the Emergency Plan for AIDS Relief at the Coast Guard Academy, May 21, 2003

"Fighting AIDS on a global scale is a massive and complicated undertaking. Yet, this cause is rooted in the simplest of moral duties. When we see this kind of preventable suffering, when we see a plague leaving graves and orphans across a continent, we must act. When we see the wounded traveler on the



road to Jericho, we will not, America will not pass to the other side of the road."

Remarks Urging Congress on HIV/AIDS Initiative, April 29, 2003

"As we show our compassion here at home, I feel strongly about our need to show our compassion abroad, as well. Some of you have been to Africa, and have seen the suffering. Some of you know firsthand the stories about thousands of abandoned children who are in orphanages, crowded orphanages, because their mom...and/or dad have died because of AIDS. Some of you know the startling statistics that the people of the continent face. It's a pandemic. It's destruction of human life, the likes of which the modern world hasn't seen. And we need to do something about it."

Remarks at the 2003 "Congress of Tomorrow"

Republican Retreat Reception, February 9, 2003

"Because the AIDS diagnosis is considered a death sentence, many folks don't seek treatment, and that's a reality. It's as if the AIDS pandemic just continues to feed upon itself over and over and over again, because of hopelessness. This country needs to provide some hope -- because this disease can be prevented and it can be treated, that's important for our fellow citizens to know. Anti-retroviral drugs are now dramatically more affordable in many nations, and these drugs are used to extend the lives of those with HIV. In other words, these drugs are really affordable. And when the treatment has come to Africa, it is also important for our citizens to understand the effect of that treatment. It's called the Lazarus effect. When one patient is rescued by medicine, as if back from the dead, many others with AIDS seek testing and treatment, because it is the first sign of hope they have ever seen. We have the opportunity to bring that hope to millions."

Speech on Fighting HIV/AIDS, January 31, 2003

"Part of being a compassionate country also means we need to be compassionate abroad. That's one of the reasons I laid out a powerful AIDS initiative for the citizens in Africa who suffer from AIDS. It's an initiative that I believe will lend the great heart of the American people to the salvation of life after life after life on that continent."

Remarks to the USA Freedom Corps, January 30, 2003

"We have confronted, and will continue to confront, HIV/AIDS in our own country. And to meet a severe and urgent crisis abroad, tonight I propose the Emergency Plan for AIDS Relief -- a work of mercy beyond all current international efforts to help the people of Africa. This comprehensive plan will prevent 7 million new AIDS infections, treat at least 2 million people with life-extending drugs, and provide humane care for millions of people suffering from AIDS, and for children orphaned by AIDS."

State of the Union Address, January 28, 2003

"The United States will also continue to lead the world in providing the resources to defeat HIV-AIDS. In addition, we have pledged to help poor countries get access to the emergency life-saving drugs they need to fight HIV-AIDS and other infectious epidemics. The AIDS pandemic has caused extraordinary loss and suffering across your

continent and the world, and all governments have a moral obligation to confront it."  
Videotaped Remarks to the African Growth and Opportunity Act Forum, January 15, 2003

"Now, therefore, I, George W. Bush, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim December 1, 2002, as World AIDS Day. I invite the ...American people to join me in reaffirming our commitment to combating HIV/AIDS. I encourage all Americans to participate in appropriate commemorative programs and ceremonies...to remember those who have lost their lives to this deadly disease and to comfort and support those living with and impacted by HIV/AIDS."  
Proclamation of 2002 World AIDS Day, November 27, 2002

"Every year -- it's important for my fellow Americans to understand this statistic -- every year, approximately 2 million HIV-infected women give birth. More than one in three will pass the virus on to her baby, meaning that on the continent of Africa there are close to 2,000 more infected infants every day. We will begin to save many of these young lives by focusing our efforts on countries where the problem is most severe, and where our help can have the greatest impact. We will pursue proven and effective medical strategies that we know will make a difference. And when the lives of babies and mothers are at stake, the only measure of compassion is real results."  
Remarks at a Summit Dinner, June 20, 2002

"The global devastation of HIV/AIDS staggers the imagination and shocks the conscience. The disease has already killed over 20 million people and it's poised to kill at least 40 million more. In Africa, the disease clouds the future of entire nations and threatens to hold back the hopes of an entire continent. In the hardest-hit countries of sub-Saharan Africa as much as one-third of the adult population is infected with HIV, and 10 percent or more of the school teachers will die of AIDS within five years. The wasted human lives that lie behind these numbers are a call to action for every person on the planet and for every government."  
Remarks in the Rose Garden, June 19, 2002

"As we enter the third decade of the AIDS pandemic, our hearts go out to those who have been afflicted with or affected by this deadly disease. We resolve to stand together as a Nation and with the world to fight AIDS on all fronts. We resolve to provide the resources necessary to combat HIV/AIDS. And we resolve to ensure that those suffering with HIV/AIDS receive effective care and treatment, compassionate understanding, and encouraging hope."  
Remarks about 2001 World AIDS Day, November 30, 2001

"We must bring peace and health to Africa -- a neighbor to Europe, a heritage to many Americans, a continent in crisis, and a place of enormous potential. We must work together to...fight the spread of AIDS that may make 40 million children into orphans; and help all of Africa share in the trade and promise of the modern world."  
Remarks at Warsaw University (Poland), June 15, 2001

"The devastation across the globe left by AIDS...the sheer number of those infected and dying is almost beyond comprehension. Suffering on the African continent has

been especially great. AIDS alone has left at least 11 million orphans in sub-Saharan Africa. In several African countries, as many as half of today's 15-year-olds could die of AIDS. In a part of the world where so many have suffered from war and want and famine, these latest tribulations are the cruelest of fates."  
Proposal of a Global Fund to Fight HIV/AIDS, May 11, 2001

THE WHITE HOUSE  
Office of Global Communications  
For more information log on to  
<http://www.whitehouse.gov/ogc>

\*\*\*\*\*  
You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.

- 052203 - ITPW - AIDS.doc  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_5CSPG003\_WHO.TXT\_1>



## ***In the President's Words***

### **Advancing Freedom and Fighting AIDS**

***Tuesday, May 27, 2003***



"The advance of freedom and hope is challenged by the spread of AIDS...It is a desperate struggle for any person, or any nation, to build a better future in the shadow of death. Yet, this shadow can be lifted. AIDS can be prevented, and AIDS can be treated. Lives can be saved, and others extended by many years....When I travel to Europe next week, I will challenge our allies to make a similar commitment which will save even more lives. I will remind them that the clock is ticking -- that every single day 8,000 more people will die from AIDS in Africa. There will be 14,000 more infections. I will urge our European partners, and Japan, and Canada, to join a great mission of rescue, and to match their good intentions with real resources."

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*Remarks at the 2003 "Congress of Tomorrow" Republican Retreat Reception, February 9, 2003*

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“Every year -- it's important for my fellow Americans to understand this statistic -- every year, approximately 2 million HIV-infected women give birth. More than one in three will pass the virus on to her baby, meaning that on the continent of Africa there are close to 2,000 more infected infants every day. We will begin to save many of these young lives by focusing our efforts on countries where the problem is most severe, and where our help can have the greatest impact. We will pursue proven and effective medical strategies that we know will make a difference. And when the lives of babies and mothers are at stake, the only measure of compassion is real results.”

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*Remarks about 2001 World AIDS Day, November 30, 2001*

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*Proposal of a Global Fund to Fight HIV/AIDS, May 11, 2001*

**THE WHITE HOUSE**

**Office of Global Communications**

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REV\_00119869

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 5/27/2003 8:32:36 AM  
**Subject:** : need to get this book asap even if from another library

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAY-2003 12:32:36.00  
SUBJECT:: need to get this book asap even if from another library  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Lee Epstein, Washington University, St. Louis  
Jeffrey A. Segal, SUNY, Stony Brook  
Harold J. Spaeth, Michigan State University  
and Thomas G. Walker, Emory University  
November 2002. 450 pages.  
Hardbound. ISBN 1-56802-592-0. \$100.00.  
Description

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**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>  
**Sent:** 5/27/2003 12:41:12 PM  
**Subject:**

<http://www.house.gov/portman/biography.htm>

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Edward Ingle/WHO/EOP@EOP [ WHO ] <Edward Ingle>  
**Sent:** 5/27/2003 8:42:27 AM  
**Subject:** : Re: Working Group Meeting Today

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAY-2003 12:42:27.00  
SUBJECT:: Re: Working Group Meeting Today  
TO:Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

what is topic of meeting?

From: Edward Ingle on 05/27/2003 11:33:31 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Working Group Meeting Today

fyi. are you guys in counsel's office in the loop on this?

----- Forwarded by Edward Ingle/WHO/EOP on 05/27/2003  
11:33 AM -----

From: Henry C Hager/WHO/EOP@Exchange on 05/27/2003 10:47:31 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: Working Group Meeting Today

There will be a working group meeting;at 3:00pm;TODAY in Room 180 to  
discuss;the upcoming  
Bush-Cheney;campaign;event;scheduled for Tuesday, June 17 in DC.;;

;  
If you can't make the meeting please make sure that someone from you  
department is in attendance.

;  
Thank you

Message Sent

To: \_\_\_\_\_  
Stephanie E. Linder/WHO/EOP@EOP  
Lindsay J. Bourns/WHO/EOP@EOP  
Todd W. Beyer/WHO/EOP@EOP  
Kelley Gannon/WHO/EOP@EOP  
Margaret A. Reid/WHO/EOP@EOP  
Ashley D. Drummond/WHO/EOP@EOP  
OPA - Political Affairs@EOP  
OPL - Public Liaison@EOP  
OSI - Strategic Initiatives@EOP  
IGA Intergovernmental Affairs@EOP  
Jane M. Cook Media Affairs/WHO/EOP@EOP  
Edmund A. Walsh/WHO/EOP@EOP  
Reed Dickens/WHO/EOP@Exchange

REV\_00119876



Blake Gottesman/WHO/EOP@Exchange  
Scott N. Sforza/WHO/EOP@EOP  
Gregory J. Jenkins/WHO/EOP@EOP  
Gretchen P. Steen/WHO/EOP@EOP  
Office of Media Affairs@EOP  
Colleen Litkenhaus/WHO/EOP@Exchange  
Lindsey C. Kozberg/WHO/EOP@EOP  
Eric H. Otto/OPD/EOP@Exchange  
Israel Hernandez/WHO/EOP@Exchange  
Tracy Young/WHO/EOP@EOP  
Mercedes M. Viana/WHO/EOP@EOP  
Emilio T. Gonzalez/NSC/EOP@EOP  
Bradford D. Dayspring/WHO/EOP@EOP  
OCA - Office of Cabinet Affairs@EOP  
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Ashley Snee/WHO/EOP@Exchange  
Jeremy L. White/WHO/EOP@EOP  
David Kuo/WHO/EOP@EOP  
Steven A. Atkiss/WHO/EOP@EOP  
Kevin Warsh/OPD/EOP@EOP  
Kathleen Mynster/WHO/EOP@EOP  
Jose Mallea/WHO/EOP@Exchange  
Kasey S. Pipes/WHO/EOP@EOP  
Allison L. Riepenhoff/WHO/EOP@Exchange  
Christie Parell/WHO/EOP@EOP  
Laura F. Fullerton/WHO/EOP@EOP  
Christal R. West/WHO/EOP@Exchange  
Ashley Holbrook/WHO/EOP@Exchange  
Adam B. Ingols/WHO/EOP@Exchange  
Anne E. Campbell/WHO/EOP@Exchange  
Erin A. Vargo/WHO/EOP@EOP  
Jennifer A. Wray/WHO/EOP@EOP  
Brian Reardon/OPD/EOP@EOP  
Brian R. Besanceney/WHO/EOP@EOP  
Ruth E. Elliott/NSC/EOP@EOP  
Kimberly A. Douglass/WHO/EOP@Exchange  
Georgia D. Godfrey/WHO/EOP@Exchange  
Kori N. Schake/NSC/EOP@EOP  
Terra Gray/WHO/EOP@Exchange  
Shannon Burkhardt/WHO/EOP@EOP  
Erin E. Healy/WHO/EOP@EOP  
Stephen M. Lineberry/WHO/EOP@EOP  
Kara G. Figg/WHO/EOP@Exchange  
Jared B. Weinstein/WHO/EOP@Exchange

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 5/27/2003 8:42:05 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAY-2003 12:42:05.00  
SUBJECT: :  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

<http://www.house.gov/portman/biography.htm>

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**From:** CN=Edward Ingle/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/27/2003 8:43:26 AM  
**Subject:** : Re: Working Group Meeting Today

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAY-2003 12:43:26.00  
SUBJECT:: Re: Working Group Meeting Today  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

you know as much as i do. i just was a recipient of the email and wanted to make sure you/your office knew about it and were comfortable with it.

Brett M. Kavanaugh  
05/27/2003 12:41:40 PM  
Record Type: Record

To: Edward Ingle/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Working Group Meeting Today

what is topic of meeting?

From: Edward Ingle on 05/27/2003 11:33:31 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Working Group Meeting Today

fyi. are you guys in counsel's office in the loop on this?

----- Forwarded by Edward Ingle/WHO/EOP on 05/27/2003  
11:33 AM -----

From: Henry C Hager/WHO/EOP@Exchange on 05/27/2003 10:47:31 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: Working Group Meeting Today

There will be a working group meeting;at 3:00pm;TODAY in Room 180 to discuss;the upcoming Bush-Cheney;campaign;event;scheduled for Tuesday, June 17 in DC.;;  
;  
If you can't make the meeting please make sure that someone from you department is in attendance.  
;  
Thank you

REV\_00119879

Message Sent

To:

---

Stephanie E. Linder/WHO/EOP@EOP  
Lindsay J. Bourns/WHO/EOP@EOP  
Todd W. Beyer/WHO/EOP@EOP  
Kelley Gannon/WHO/EOP@EOP  
Margaret A. Reid/WHO/EOP@EOP  
Ashley D. Drummond/WHO/EOP@EOP  
OPA - Political Affairs@EOP  
OPL - Public Liaison@EOP  
OSI - Strategic Initiatives@EOP  
IGA Intergovernmental Affairs@EOP  
Jane M. Cook Media Affairs/WHO/EOP@EOP  
Edmund A. Walsh/WHO/EOP@EOP  
Reed Dickens/WHO/EOP@Exchange  
Blake Gottesman/WHO/EOP@Exchange  
Scott N. Sforza/WHO/EOP@EOP  
Gregory J. Jenkins/WHO/EOP@EOP  
Gretchen P. Steen/WHO/EOP@EOP  
Office of Media Affairs@EOP  
Colleen Litkenhaus/WHO/EOP@Exchange  
Lindsey C. Kozberg/WHO/EOP@EOP  
Eric H. Otto/OPD/EOP@Exchange  
Israel Hernandez/WHO/EOP@Exchange  
Tracy Young/WHO/EOP@EOP  
Mercedes M. Viana/WHO/EOP@EOP  
Emilio T. Gonzalez/NSC/EOP@EOP  
Bradford D. Dayspring/WHO/EOP@EOP  
OCA - Office of Cabinet Affairs@EOP  
Josh Deckard/WHO/EOP@Exchange  
Julieanne H. Thomas/WHO/EOP@EOP  
John D. Estes/WHO/EOP@EOP  
Sonya E. Medina/WHO/EOP@Exchange  
Brian C. Jones/WHO/EOP@EOP  
Ashley Snee/WHO/EOP@Exchange  
Jeremy L. White/WHO/EOP@EOP  
David Kuo/WHO/EOP@EOP  
Steven A. Atkiss/WHO/EOP@EOP  
Kevin Warsh/OPD/EOP@EOP  
Kathleen Mynster/WHO/EOP@EOP  
Jose Mallea/WHO/EOP@Exchange  
Kasey S. Pipes/WHO/EOP@EOP  
Allison L. Riepenhoff/WHO/EOP@Exchange  
Christie Parell/WHO/EOP@EOP  
Laura F. Fullerton/WHO/EOP@EOP  
Christal R. West/WHO/EOP@Exchange  
Ashley Holbrook/WHO/EOP@Exchange  
Adam B. Ingols/WHO/EOP@Exchange  
Anne E. Campbell/WHO/EOP@Exchange  
Erin A. Vargo/WHO/EOP@EOP  
Jennifer A. Wray/WHO/EOP@EOP  
Brian Reardon/OPD/EOP@EOP  
Brian R. Besanceney/WHO/EOP@EOP  
Ruth E. Elliott/NSC/EOP@EOP  
Kimberly A. Douglass/WHO/EOP@Exchange  
Georgia D. Godfrey/WHO/EOP@Exchange  
Kori N. Schake/NSC/EOP@EOP  
Terra Gray/WHO/EOP@Exchange  
Shannon Burkhardt/WHO/EOP@EOP  
Erin E. Healy/WHO/EOP@EOP  
Stephen M. Lineberry/WHO/EOP@EOP  
Kara G. Figg/WHO/EOP@Exchange  
Jared B. Weinstein/WHO/EOP@Exchange



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Theodore W. Ulliot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliot>  
**Sent:** 5/27/2003 8:50:39 AM  
**Subject:** : had to skip lunch

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAY-2003 12:50:39.00  
SUBJECT:: had to skip lunch  
TO:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;Theodore W. Ulliyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliyot>  
**Sent:** 5/27/2003 8:56:12 AM  
**Subject:** : new portfolios  
**Attachments:** P\_AEVPG003\_WHO.TXT\_1.xlw

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:27-MAY-2003 12:56:12.00  
SUBJECT:: new portfolios  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Theodore W. Ulliyot ( CN=Theodore W. Ulliyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Attached is an updated portfolio sheet.; Please let me know of any changes you would like asap.;

;

Thanks  
Patrick

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_AEVPG003\_WHO.TXT\_1>

**Document Produced Natively**



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**From:** Bumatay, Patrick J.  
**To:** <Ullyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>  
**Sent:** 5/27/2003 1:18:26 PM  
**Subject:** State Assignments

I have not heard of any swapping with states. Does anybody want to change those? FYI - Reg is from the South and would be happy to take any southern states on.

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;Theodore W. Ulliot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliot>  
**Sent:** 5/27/2003 9:19:24 AM  
**Subject:** : State Assignments

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:27-MAY-2003 13:19:24.00

SUBJECT:: State Assignments

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

I have not heard of any swapping with states.; Does anybody want to change those?; FYI - Reg is from the South and would be happy to take any southern states on.

---

**From:** Hager, Henry C  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/27/2003 1:22:26 PM  
**Subject:** FW: Working Group Meeting Today

-----Original Message-----

**From:** Hager, Henry C

**Sent:** Tuesday, May 27, 2003 10:48 AM

**To:** Linder, Stephanie E.; Bourns, Lindsay J.; Beyer, Todd W.; Gannon, Kelley; Reid, Margaret A.; Drummond, Ashley D.; Opa - Political Affairs; Opl - Public Liaison; Osi - Strategic Initiatives; Iga Intergovernmental Affairs; Cook Media Affairs, Jane M.; Walsh, Edmund A.; Dickens, Reed; Gottesman, Blake; Sforza, Scott N.; Jenkins, Gregory J.; Steen, Gretchen P.; Office Of Media Affairs; Litkenhaus, Colleen; Kozberg, Lindsey C.; Otto, Eric H.; Hernandez, Israel; Young, Tracy; Viana, Mercedes M.; Gonzalez, Emilio T.; Dayspring, Bradford D.; Oca - Office Of Cabinet Affairs; Deckard, Josh ; Thomas, Julieanne H.; Estes, John D.; Medina, Sonya E.; Jones, Brian C.; Snee, Ashley; White, Jeremy L.; Kuo, David; Atkiss, Steven A.; Warsh, Kevin; Mynster, Kathleen; Mallea, Jose; Pipes, Kasey S.; Riepenhoff, Allison L.; Parell, Christie; Fullerton, Laura F.; West, Christal R.; Holbrook, Ashley ; Ingols, Adam B.; Campbell, Anne E.; Vargo, Erin A.; Wray, Jennifer A.; Reardon, Brian; Besanceney, Brian R.; Elliott, Ruth E.; Douglass, Kimberly A.; Godfrey, Georgia D.; Schake, Kori N.; Gray, Terra ; Burkhart, Shannon; Healy, Erin E.; Lineberry, Stephen M.; Figg, Kara G.; Weinstein, Jared B.

**Subject:** Working Group Meeting Today

**Importance:** High

There will be a working group meeting at 3:00pm TODAY in Room 180 to discuss the upcoming Bush-Cheney campaign event scheduled for Tuesday, June 17 in DC.

If you can't make the meeting please make sure that someone from you department is in attendance.

Thank you

---

**From:** CN=Henry C Hager/OU=WHO/O=EOP@Exchange [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/27/2003 9:23:29 AM  
**Subject:** : FW: Working Group Meeting Today

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Henry C Hager ( CN=Henry C Hager/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
CREATION DATE/TIME:27-MAY-2003 13:23:29.00  
SUBJECT:: FW: Working Group Meeting Today  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;  
-----Original Message-----  
From: Hager, Henry C  
Sent: Tuesday, May 27, 2003 10:48 AM  
To: Linder, Stephanie E.; Bourns, Lindsay J.; Beyer, Todd W.; Gannon, Kelley; Reid, Margaret A.; Drummond, Ashley D.; Opa - Political Affairs; Opl - Public Liaison; Osi - Strategic Initiatives; Iga Intergovernmental Affairs; Cook Media Affairs, Jane M.; Walsh, Edmund A.; Dickens, Reed; Gottesman, Blake; Sforza, Scott N.; Jenkins, Gregory J.; Steen, Gretchen P.; Office Of Media Affairs; Litkenhaus, Colleen; Kozberg, Lindsey C.; Otto, Eric H.; Hernandez, Israel; Young, Tracy; Viana, Mercedes M.; Gonzalez, Emilio T.; Dayspring, Bradford D.; Oca - Office Of Cabinet Affairs; Deckard, Josh ; Thomas, Julieanne H.; Estes, John D.; Medina, Sonya E.; Jones, Brian C.; Snee, Ashley; White, Jeremy L.; Kuo, David; Atkiss, Steven A.; Warsh, Kevin; Mynster, Kathleen; Mallea, Jose; Pipes, Kasey S.; Riepenhoff, Allison L.; Parell, Christie; Fullerton, Laura F.; West, Christal R.; Holbrook, Ashley ; Ingols, Adam B.; Campbell, Anne E.; Vargo, Erin A.; Wray, Jennifer A.; Reardon, Brian; Besanceney, Brian R.; Elliott, Ruth E.; Douglass, Kimberly A.; Godfrey, Georgia D.; Schake, Kori N.; Gray, Terra ; Burkhardt, Shannon; Healy, Erin E.; Lineberry, Stephen M.; Figg, Kara G.; Weinstein, Jared B.  
Subject: Working Group Meeting Today  
Importance: High

There will be a working group meeting;at 3:00pm;TODAY in Room 180 to discuss;the upcoming Bush-Cheney;campaign;event;scheduled for Tuesday, June 17 in DC.;;

;  
If you can't make the meeting please make sure that someone from you department is in attendance.

;  
Thank you

---

**From:** CN=Henry C Hager/OU=WHO/O=EOP@Exchange [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/27/2003 9:23:09 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Henry C Hager ( CN=Henry C Hager/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
CREATION DATE/TIME:27-MAY-2003 13:23:09.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes sir. I will forward you the email and make sure to include you on future email distributions.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, May 27, 2003 12:46 PM  
To: Hager, Henry C  
Subject:

I was told there was a working group mtg today for June 17 Presidential event and just wanted to confirm the nature of the meeting. Thanks.

---

**From:** Kavanaugh, Brett M.  
**To:** <Hager, Henry C>  
**Sent:** 5/27/2003 1:33:01 PM  
**Subject:** Re: FW: Working Group Meeting Today

what is general agenda? Is this an advance type meeting?

From: Henry C Hager/WHO/EOP@Exchange on 05/27/2003 01:22:26 PM

Record Type: Record

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

cc:

Subject: FW: Working Group Meeting Today

-----Original Message-----

**From:** Hager, Henry C

**Sent:** Tuesday, May 27, 2003 10:48 AM

**To:** Linder, Stephanie E.; Bourns, Lindsay J.; Beyer, Todd W.; Gannon, Kelley; Reid, Margaret A.; Drummond, Ashley D.; Opa - Political Affairs; Opl - Public Liaison; Osi - Strategic Initiatives; Iga Intergovernmental Affairs; Cook Media Affairs, Jane M.; Walsh, Edmund A.; Dickens, Reed; Gottesman, Blake; Sforza, Scott N.; Jenkins, Gregory J.; Steen, Gretchen P.; Office Of Media Affairs; Litkenhaus, Colleen; Kozberg, Lindsey C.; Otto, Eric H.; Hernandez, Israel; Young, Tracy; Viana, Mercedes M.; Gonzalez, Emilio T.; Dayspring, Bradford D.; Oca - Office Of Cabinet Affairs; Deckard, Josh ; Thomas, Julieanne H.; Estes, John D.; Medina, Sonya E.; Jones, Brian C.; Snee, Ashley; White, Jeremy L.; Kuo, David; Atkiss, Steven A.; Warsh, Kevin; Mynster, Kathleen; Mallea, Jose; Pipes, Kasey S.; Riepenhoff, Allison L.; Parell, Christie; Fullerton, Laura F.; West, Christal R.; Holbrook, Ashley ; Ingols, Adam B.; Campbell, Anne E.; Vargo, Erin A.; Wray, Jennifer A.; Reardon, Brian; Besanceney, Brian R.; Elliott, Ruth E.; Douglass, Kimberly A.; Godfrey, Georgia D.; Schake, Kori N.; Gray, Terra ; Burkhart, Shannon; Healy, Erin E.; Lineberry, Stephen M.; Figg, Kara G.; Weinstein, Jared B.

**Subject:** Working Group Meeting Today

**Importance:** High

There will be a working group meeting at 3:00pm TODAY in Room 180 to discuss the upcoming

Bush-Cheney campaign event scheduled for Tuesday, June 17 in DC.

If you can't make the meeting please make sure that someone from you department is in attendance.

Thank you

REV\_00119894

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Comisac, RenaJohnson (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
**Sent:** 5/27/2003 9:43:50 AM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 27-MAY-2003 13:43:50.00

SUBJECT: :

TO: "Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> (  
"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> [ UNKNOWN ]  
)

READ: UNKNOWN

##### End Original ARMS Header #####

Sorry, I was out Friday. Not sure about Pastor Upton; he may have been  
part of big groups we have met with.



---

**From:** Kristi.L.Remington@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/27/2003 1:45:44 PM  
**Subject:** : RE: per Viet's request

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (  
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:27-MAY-2003 17:45:44.00  
SUBJECT:: RE: per Viet's request  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : RE: per Viet's request  
Was Read By : Kristi.L.Remington@usdoj.gov  
On : Tue, 27 May 2003 17:44:02 -0400

---

**From:** Hager, Henry C  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/27/2003 1:49:17 PM  
**Subject:** RE: FW: Working Group Meeting Today

It is initial planning for this finance event and the first opportunity to discuss how these events will work and who does what between the WH and campaign

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, May 27, 2003 1:33 PM  
**To:** Hager, Henry C  
**Subject:** Re: FW: Working Group Meeting Today

what is general agenda? Is this an advance type meeting?

From: Henry C Hager/WHO/EOP@Exchange on 05/27/2003 01:22:26 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: FW: Working Group Meeting Today

-----Original Message-----

**From:** Hager, Henry C  
**Sent:** Tuesday, May 27, 2003 10:48 AM  
**To:** Linder, Stephanie E.; Bourns, Lindsay J.; Beyer, Todd W.; Gannon, Kelley; Reid, Margaret A.; Drummond, Ashley D.; Opa - Political Affairs; Opl - Public Liaison; Osi - Strategic Initiatives; Iga Intergovernmental Affairs; Cook Media Affairs, Jane M.; Walsh, Edmund A.; Dickens, Reed; Gottesman, Blake; Sforza, Scott N.; Jenkins, Gregory J.; Steen, Gretchen P.; Office Of Media Affairs; Litkenhaus, Colleen; Kozberg, Lindsey C.; Otto, Eric H.; Hernandez, Israel; Young, Tracy; Viana, Mercedes M.; Gonzalez, Emilio T.; Dayspring, Bradford D.; Oca - Office Of Cabinet Affairs; Deckard, Josh ; Thomas, Julieanne H.; Estes, John D.; Medina, Sonya E.; Jones, Brian C.; Snee, Ashley; White, Jeremy L.; Kuo, David; Atkiss, Steven A.; Warsh, Kevin; Mynster, Kathleen; Mallea, Jose; Pipes, Kasey S.; Riepenhoff, Allison L.; Parell, Christie; Fullerton, Laura F.; West, Christal R.; Holbrook, Ashley ; Ingols, Adam B.; Campbell, Anne E.; Vargo, Erin A.; Wray, Jennifer A.; Reardon, Brian; Besanceney, Brian R.; Elliott, Ruth E.; Douglass, Kimberly A.; Godfrey, Georgia D.; Schake, Kori N.; Gray, Terra ; Burkhart, Shannon; Healy, Erin E.; Lineberry, Stephen M.; Figg, Kara G.; Weinstein, Jared B.

**Subject:** Working Group Meeting Today  
**Importance:** High

There will be a working group meeting at 3:00pm TODAY in Room 180 to discuss the upcoming Bush-Cheney campaign event scheduled for Tuesday, June 17 in DC.

If you can't make the meeting please make sure that someone from you department is in attendance.

Thank you

REV\_00119898



---

**From:** CN=Henry C Hager/OU=WHO/O=EOP@Exchange [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/27/2003 9:50:15 AM  
**Subject:** : RE: FW: Working Group Meeting Today

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Henry C Hager ( CN=Henry C Hager/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
CREATION DATE/TIME:27-MAY-2003 13:50:15.00  
SUBJECT:: RE: FW: Working Group Meeting Today  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

It is initial planning for this finance event and the first opportunity to discuss how these events will work and who does what between the WH and campaign

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, May 27, 2003 1:33 PM  
To: Hager, Henry C  
Subject: Re: FW: Working Group Meeting Today

what is general agenda? Is this an advance type meeting?

From: Henry C Hager/WHO/EOP@Exchange on 05/27/2003 01:22:26 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: FW: Working Group Meeting Today

-----Original Message-----

From: Hager, Henry C  
Sent: Tuesday, May 27, 2003 10:48 AM  
To: Linder, Stephanie E.; Bourns, Lindsay J.; Beyer, Todd W.; Gannon, Kelley; Reid, Margaret A.; Drummond, Ashley D.; Opa - Political Affairs; Opl - Public Liaison; Osi - Strategic Initiatives; Iga Intergovernmental Affairs; Cook Media Affairs, Jane M.; Walsh, Edmund A.; Dickens, Reed; Gottesman, Blake; Sforza, Scott N.; Jenkins, Gregory J.; Steen, Gretchen P.; Office Of Media Affairs; Litkenhaus, Colleen; Kozberg, Lindsey C.; Otto, Eric H.; Hernandez, Israel; Young, Tracy; Viana, Mercedes M.; Gonzalez, Emilio T.; Dayspring, Bradford D.; Oca - Office Of Cabinet Affairs; Deckard, Josh ; Thomas, Julieanne H.; Estes, John D.; Medina, Sonya E.; Jones, Brian C.; Snee, Ashley; White, Jeremy L.; Kuo, David; Atkiss, Steven A.; Warsh, Kevin; Mynster, Kathleen; Mallea, Jose; Pipes, Kasey S.; Riepenhoff, Allison L.; Parell, Christie; Fullerton, Laura F.; West, Christal R.; Holbrook, Ashley ; Ingols, Adam B.; Campbell, Anne E.; Vargo, Erin A.; Wray, Jennifer A.; Reardon, Brian; Besanceney, Brian R.; Elliott, Ruth E.; Douglass, Kimberly A.; Godfrey, Georgia D.; Schake, Kori N.; Gray, Terra ; Burkhardt, Shannon; Healy, Erin E.; Lineberry, Stephen M.; Figg, Kara G.; Weinstein, Jared B.  
Subject: Working Group Meeting Today  
Importance: High

There will be a working group meeting at 3:00pm TODAY in Room 180 to discuss the upcoming Bush-Cheney campaign event scheduled for Tuesday, June 17 in DC.

REV\_00119900

If you can't make the meeting please make sure that someone from your department is in attendance.

Thank you

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Brosnahan, Jennifer R.>; <Newstead, Jennifer G.>; <Bartolomucci, H. Christopher>; <Sampson, Kyle>; <Francisco, Noel J.>; <Powell, Benjamin A.>; <Ulyot, Theodore W.>  
**Sent:** 5/27/2003 2:50:39 PM  
**Subject:** Ari on Lieberman letter

Q           What's the White House response, Ari, to the letter Senator Lieberman has sent to the Chief of Staff, asking for help in tracking down whatever federal government involvement there might be with the missing Texas Democratic legislature?

MR. FLEISCHER: Let me make sure I understand this correctly. Is this the letter that's dated today that was given to the Washington Post yesterday before it was even given to the White House? That very serious letter that -- yes. Well, I think you can tell by the manner in which this letter was sent to the White House, it was intended less to be a serious letter and more to be a campaign gambit by somebody who is running for the presidency. Otherwise I think it would have been treated as most letters are, sent to the White House first, received, and then it would have been discussed publicly if the author had intended it to be discussed publicly, which would have been fine. But there -- as you know, Homeland Security is taking a look at this, and that's where the matter lies.

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/27/2003 3:38:30 PM  
**Subject:** : White House Global Messenger -- 5/28/03  
**Attachments:** P\_S6GQG003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )  
CREATION DATE/TIME:27-MAY-2003 19:38:30.00  
SUBJECT:: White House Global Messenger -- 5/28/03  
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(See attached file: GM 5-28-03 FINAL.doc)

THE GLOBAL MESSENGER  
Wednesday, May 28, 2003

\*\*\*\*\*KEY POINTS: AIDS IN AFRICA\*\*\*\*\*

"The United States of America has a long tradition of sacrifice in the cause of freedom, and generosity in the service of humanity. We are the nation of the Marshall Plan, the Berlin Airlift, and the Peace Corps. And now we are the nation of the Emergency Plan for AIDS Relief."  
- President Bush, 5/27/03

\*HIV/AIDS is one of the greatest medical challenges of our time. The disease has killed more than 20 million people. Today, 42 million more are living with HIV. Across Africa, this disease is filling graveyards and creating orphans and leaving millions in a desperate fight for their own lives.

\*This legislation authorizes \$15 billion to combat HIV/AIDS, tuberculosis, and malaria, making it the largest up front commitment in history for an international public health initiative.

\*America believes in the value and dignity of every human life. In the face of preventable death and suffering, we have a moral duty to act, and we are acting.

\*This Act of Congress addresses one of the most urgent needs of the modern world. Because of the AIDS pandemic, a child born today in sub-Saharan Africa has a life expectancy of 47 years. This disease falls most heavily on women and children. Nearly 60 percent of those infected by HIV in sub-Saharan Africa are women.

\*During his trip to Europe later this week, President Bush will challenge our partners and our friends to follow our lead and to make similar commitments -- so, together, we can save even more lives.

\*The suffering in Africa is great. The suffering in the Caribbean is great. America has the power and we have the moral duty to help.

For more information, please visit

REV\_00119910

<http://www.whitehouse.gov/infocus/hiv aids/>

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Daylight. Subject to Change.

12:00 pm White House Briefing  
12:30 pm State Department Briefing  
2:15 pm President Bush signs H.R. 2, the Jobs and Growth  
Tax Relief Reconciliation Act of 2003, East Room

\*\*\*\*\*AIDS LEGISLATION\*\*\*\*\*

On May 27, President Bush signed H.R. 1298,  
the Leadership Against HIV/AIDS, Tuberculosis  
and Malaria Act of 2003.

Provisions of the legislation include:

- \*Purchase low cost anti-retroviral medications and other drugs
- \*Set up a broad network to deliver drugs to the farthest reaches  
of Africa
- \*Train doctors, nurses and other health care professionals to  
treat HIV/AIDS patients
- \*Renovate, build and equip clinics and labs
- \*Support the care of AIDS orphans by training and hiring  
child care workers
- \*Provide home-based care to ease suffering of those living with AIDS
- \*Provide HIV testing
- \*Support abstinence-based prevention education for young people
- \*Assist faith-based and community organizations to provide  
treatment, prevention and support
- \*Monitor and evaluate the program so we can track its success

We have the potential - in this decade - to:

- \*Prevent 7 million new HIV infections
- \*Provide life-extending drugs to at least two million infected people
- \*Give humane care to 10 million HIV sufferers and AIDS orphans

THE WHITE HOUSE  
Office of Global Communications  
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\*\*\*\*\*

You have previously expressed interest in obtaining  
news and information from the White House.

The White House Office of Global Communications  
distributes information about the President's  
messages to the world. This office distributes  
updates on major international topics such  
as the global war on terror, the case for regime  
change in Iraq, and more broadly, the ways in  
which we can all better communicate the aspirations  
and interests that Americans share with freedom-loving  
people everywhere.

- GM 5-28-03 FINAL.doc

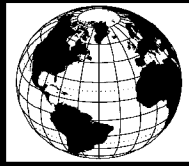
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_S6QG003\_WHO.TXT\_1>





# THE GLOBAL MESSENGER

Wednesday, May 28, 2003



## **TODAY'S SCHEDULE**

*All Times Eastern Daylight. Subject to Change*

- 12:00 pm White House Briefing
- 12:30 pm State Department Briefing
- 2:15 pm President Bush signs H.R. 2, the Jobs and Growth Tax Relief Reconciliation Act of 2003, East Room

## **SUMMARY: AIDS LEGISLATION**

*On May 27, President Bush signed H.R. 1298, the Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003.*

*Provisions of the legislation include:*

- Purchase low cost anti-retroviral medications and other drugs
- Set up a broad network to deliver drugs to the farthest reaches of Africa
- Train doctors, nurses and other health care professionals to treat HIV/AIDS patients
- Renovate, build and equip clinics and labs
- Support the care of AIDS orphans by training and hiring child care workers
- Provide home-based care to ease suffering of those living with AIDS
- Provide HIV testing
- Support abstinence-based prevention education for young people
- Assist faith-based and community organizations to provide treatment, prevention and support
- Monitor and evaluate the program so we can track its success

We have the potential – in this decade – to:

- Prevent 7 million new HIV infections
- Provide life-extending drugs to at least two million infected people
- Give humane care to 10 million HIV sufferers and AIDS orphans

## **KEY POINTS: AIDS IN AFRICA**

*"The United States of America has a long tradition of sacrifice in the cause of freedom, and generosity in the service of humanity. We are the nation of the Marshall Plan, the Berlin Airlift, and the Peace Corps. And now we are the nation of the Emergency Plan for AIDS Relief."*

**– President Bush, 5/27/03**

- HIV/AIDS is one of the greatest medical challenges of our time. The disease has killed more than 20 million people. Today, 42 million more are living with HIV. Across Africa, this disease is filling graveyards and creating orphans and leaving millions in a desperate fight for their own lives.
- This legislation authorizes \$15 billion to combat HIV/AIDS, tuberculosis, and malaria, making it the largest up front commitment in history for an international public health initiative.
- America believes in the value and dignity of every human life. In the face of preventable death and suffering, we have a moral duty to act, and we are acting.
- This Act of Congress addresses one of the most urgent needs of the modern world. Because of the AIDS pandemic, a child born today in sub-Saharan Africa has a life expectancy of 47 years. This disease falls most heavily on women and children. Nearly 60 percent of those infected by HIV in sub-Saharan Africa are women.
- During his trip to Europe later this week, President Bush will challenge our partners and our friends to follow our lead and to make similar commitments -- so, together, we can save even more lives.
- The suffering in Africa is great. The suffering in the Caribbean is great. America has the power and we have the moral duty to help.

*For more information, please visit  
<http://www.whitehouse.gov/infocus/hiv aids/>*

**THE WHITE HOUSE**  
**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00119912

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 5/27/2003 11:39:22 AM  
**Subject:** : updated new portfolio  
**Attachments:** P\_FA5QG003\_WHO.TXT\_1.xlw

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:27-MAY-2003 15:39:22.00  
SUBJECT:: updated new portfolio  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Please review this latest version of the Staff Portfolio.; I am presenting this to David within 20 mins.;

;

Thanks,  
Patrick

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_FA5QG003\_WHO.TXT\_1>

**Document Produced Natively**

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**From:** CN=Nanette Everson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/27/2003 1:11:40 PM  
**Subject:** : Hatch Act and Part Time PAS

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAY-2003 17:11:40.00  
SUBJECT:: Hatch Act and Part Time PAS  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

seems right up your alley; I essentially read from your memo at the First Lady's briefing; thanks.

----- Forwarded by Nanette Everson/WHO/EOP on 05/27/2003  
05:10 PM -----

Virginia B. Saxton  
05/27/2003 09:00:40 AM  
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP  
cc:  
Subject: Hatch Act and Part Time PAS

Nanette

I am hoping you might be able to help me explain to a candidate the limits on political activity imposed on PAS appointees.

We are considering someone for the Inter-American Foundation, which is a part-time position, and before moving forward she has questions about what type of limits would apply to her in terms of her political activity.

Specifically, she is interested in participating in the 2004 presidential campaign as a volunteer and also may be asked to serve as treasurer for a congressional campaign. Would she be allowed to take part in such activities if she was a member of the Inter-American Foundation board?

Any help or direction you could provide would be most helpful!

Thank you.  
Ginny Saxton  
PPO  
456-2105

---

**From:** Viet.Dinh@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/27/2003 1:58:20 PM  
**Subject:** : RE: per Viet's request

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Viet.Dinh@usdoj.gov" <Viet.Dinh@usdoj.gov> ( "Viet.Dinh@usdoj.gov"  
<Viet.Dinh@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:27-MAY-2003 17:58:20.00  
SUBJECT:: RE: per Viet's request  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : RE: per Viet's request  
Was Read By : Viet.Dinh@usdoj.gov  
On : Tue, 27 May 2003 17:56:11 -0400

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**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/27/2003 3:04:00 PM  
**Subject:** :  
**Attachments:** P\_VGFQG003\_WHO.TXT\_1.wpd

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAY-2003 19:04:00.00  
SUBJECT:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_VGFQG003\_WHO.TXT\_1>

10. Have you ever been a party (whether plaintiff, defendant or in any other capacity) to any litigation?
11. Please advise the Committee of any unfavorable information that may affect your nomination.

AFFIDAVIT

I, \_\_\_\_\_, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(NAME)

\_\_\_\_\_  
(NOTARY)



## I. BIOGRAPHICAL INFORMATION (PUBLIC)

1. Full name (include any former names used.)
2. Address: List current place of residence and office address(es).
3. Date and place of birth.
4. Marital Status (include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).
5. Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.
6. Employment Record: List (by year) all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.
7. Military Service: Have you had any military service? If so, give particulars, including the dates, branch of service, rank or rate, serial number and type of discharge received.
8. Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee.
9. Bar Associations: List all bar associations, legal or judicial-related committees or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.
10. Other Memberships: List all organizations to which you belong that are active in lobbying before public bodies. Please list all other organizations to which you belong.
11. Court Admission: List all courts in which you have been admitted to practice, with dates of admission and lapses if any such memberships lapsed. Please

explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.

12. Published Writings: List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited. Please supply one copy of all published material not readily available to the Committee. Also, please supply a copy of all speeches by you on issues involving constitutional law or legal policy. If there were press reports about the speech, and they are readily available to you, please supply them.
13. Health: What is the present state of your health? List the date of your last physical examination.
14. Judicial Office: State (chronologically) any judicial offices you have held, whether such position was elected or appointed, and a description of the jurisdiction of each such court.
15. Citations: If you are or have been a judge, provide: (1) citations for the ten most significant opinions you have written; (2) a short summary of and citations for all appellate opinions where your decisions were reversed or where your judgment was affirmed with significant criticism of your substantive or procedural rulings; and (3) citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, please provide copies of the opinions.
16. Public Office: State (chronologically) any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. State (chronologically) any unsuccessful candidacies for elective public office.

17. Legal Career:

- a. Describe chronologically your law practice and experience after graduation from law school including:
  1. whether you served as clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk;
  2. whether you practiced alone, and if so, the addresses and dates;
  3. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each;
- b.
  1. What has been the general character of your law practice, dividing it into periods with dates if its character has changed over the years?
  2. Describe your typical former clients, and mention the areas, if any, in which you have specialized.
- c.
  1. Did you appear in court frequently, occasionally, or not at all? If the frequency of your appearances in court varied, describe each such variance, giving dates.
  2. What percentage of these appearances was in:
    - (a) federal courts;
    - (b) state courts of record;
    - (c) other courts.
  3. What percentage of your litigation was:
    - (a) civil;
    - (b) criminal.

4. State the number of cases in courts of record you tried to verdict or judgment (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.
  5. What percentage of these trials was:
    - (a) jury;
    - (b) non-jury.
18. Litigation: Describe the ten most significant litigated matters which you personally handled. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:
  - (a) the date of representation;
  - (b) the name of the court and the name of the judge or judges before whom the case was litigated; and
  - (c) the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
19. Legal Activities: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe the nature of your participation in this question, please omit any information protected by the attorney-client privilege (unless the privilege has been waived.)

## II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers. Please describe the arrangements you have made to be compensated in the future for any financial or business interest.
2. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated.
3. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.
4. List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding \$500 or more (If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here.)
5. Please complete the attached financial net worth statement in detail (Add schedules as called for).
6. Have you ever held a position or played a role in a political campaign? If so, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

## FINANCIAL STATEMENT

### NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

| ASSETS                                  |  |  |  | LIABILITIES                                      |  |  |  |
|-----------------------------------------|--|--|--|--------------------------------------------------|--|--|--|
| Cash on hand and in banks               |  |  |  | Notes payable to banks-secured                   |  |  |  |
| U.S. Government securities-add schedule |  |  |  | Notes payable to banks-unsecured                 |  |  |  |
| Listed securities-add schedule          |  |  |  | Notes payable to relatives                       |  |  |  |
| Unlisted securities--add schedule       |  |  |  | Notes payable to others                          |  |  |  |
| Accounts and notes receivable:          |  |  |  | Accounts and bills due                           |  |  |  |
| Due from relatives and friends          |  |  |  | Unpaid income tax                                |  |  |  |
| Due from others                         |  |  |  | Other unpaid income and interest                 |  |  |  |
| Doubtful                                |  |  |  | Real estate mortgages payable-add schedule       |  |  |  |
| Real estate owned-add schedule          |  |  |  | Chattel mortgages and other liens payable        |  |  |  |
| Real estate mortgages receivable        |  |  |  | Other debts-itemize:                             |  |  |  |
| Autos and other personal property       |  |  |  |                                                  |  |  |  |
| Cash value-life insurance               |  |  |  |                                                  |  |  |  |
| Other assets itemize:                   |  |  |  |                                                  |  |  |  |
|                                         |  |  |  |                                                  |  |  |  |
|                                         |  |  |  |                                                  |  |  |  |
|                                         |  |  |  | Total liabilities                                |  |  |  |
|                                         |  |  |  | Net Worth                                        |  |  |  |
| Total Assets                            |  |  |  | Total liabilities and net worth                  |  |  |  |
| CONTINGENT LIABILITIES                  |  |  |  | GENERAL INFORMATION                              |  |  |  |
| As endorser, comaker or guarantor       |  |  |  | Are any assets pledged? (Add schedule)           |  |  |  |
| On leases or contracts                  |  |  |  | Are you defendant in any suits or legal actions? |  |  |  |
| Legal Claims                            |  |  |  | Have you ever taken bankruptcy?                  |  |  |  |
| Provision for Federal Income Tax        |  |  |  |                                                  |  |  |  |
| Other special debt                      |  |  |  |                                                  |  |  |  |

### III. GENERAL (PUBLIC)

1. An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.
  
2. The American Bar Association's Commentary to its Code of Judicial Conduct

states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion. Do you currently belong, or have you belonged, to any organization which discriminates -- through either formal membership requirements or the practical implementation of membership policies? If so, list, with dates of membership. What you have done to try to change these policies?

3. Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, did it recommend your nomination? Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and interviews in which you participated).
4. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any specific case, legal issue or question in a manner that could reasonably be interpreted as asking how you would rule on such case, issue, or question? If so, please explain fully.
5. Please discuss your views on the following criticism involving "judicial activism."

The role of the Federal judiciary within the Federal government, and within society generally, has become the subject of increasing controversy in recent years. It has become the target of both popular and academic criticism that alleges that the judicial branch has usurped many of the prerogatives of other branches and levels of government.

Some of the characteristics of this "judicial activism" have been said to include:

- a. A tendency by the judiciary toward problem-solution rather than grievance-resolution;
- b. A tendency by the judiciary to employ the individual plaintiff as a vehicle for the imposition of far-reaching orders extending to broad classes of individuals;
- c. A tendency by the judiciary to impose broad, affirmative duties upon governments and society;

- d. A tendency by the judiciary toward loosening jurisdictional requirements such as standing and ripeness; and
- e. A tendency by the judiciary to impose itself upon other institutions in the manner of an administrator with continuing oversight responsibilities.



#### IV. CONFIDENTIAL

1. Full name (include any former names used).
2. Address: List current place of residence and office addresses). List all office and home telephone numbers where you may be reached.
3. Have you ever been discharged from employment for any reason or have you ever resigned after being informed that your employer intended to discharge you?
4. Have you and your spouse filed and paid all taxes (federal, state and local) as of the date of your nomination? Please indicate if you filed "married filing separately". Did you make any back tax payments prior to your nominations? If so, give full details.
5. Has a tax lien or other collection procedure (to include receipt of computer balance due notices) ever been instituted against you by federal, state, or local authorities? If so, give full details.
6. Have you or your spouse ever been the subject of any audit, investigation, or inquiry for either federal, state, or local taxes? If so, give full details.
7. Have you or your spouse ever declared bankruptcy? If so, give particulars.
8. Have you to your knowledge ever been under federal, state, or local investigation for a possible violation of either a civil or criminal statute or administrative agency regulation? If so, give full details. Has any organization of which you were an officer, director, or active participant ever been the subject of such an investigation with respect to activities within your responsibility? If so, give full details.
9. Have you ever been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group for a breach of ethics, unprofessional conduct or a violation of any rule of practice? If so, give particulars.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Courtney S. Elwood/OVP/EOP@Exchange@EOP [ OVP ] <Courtney S. Elwood>  
**Sent:** 5/27/2003 3:07:42 PM  
**Subject:** : sorry to be difficult to talk to today; was crashing on something; should have finalized tomorrow; also, i can explain rnc issues

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:27-MAY-2003 19:07:42.00

SUBJECT:: sorry to be difficult to talk to today; was crashing on something; should have finalized tomorrow; also, i can explain rnc issues

TO:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange@EOP [ OVP ] )

READ:UNKNOWN

##### End Original ARMS Header #####

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**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/27/2003 3:08:03 PM  
**Subject:** :  
**Attachments:** P\_IKFQG003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-MAY-2003 19:08:03.00  
SUBJECT:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_IKFQG003\_WHO.TXT\_1>

|                                   |  |  |  |                                                  |  |  |  |
|-----------------------------------|--|--|--|--------------------------------------------------|--|--|--|
| Total Assets                      |  |  |  | Total liabilities and net worth                  |  |  |  |
| CONTINGENT LIABILITIES            |  |  |  | GENERAL INFORMATION                              |  |  |  |
| As endorser, comaker or guarantor |  |  |  | Are any assets pledged? (Add schedule)           |  |  |  |
| On leases or contracts            |  |  |  | Are you defendant in any suits or legal actions? |  |  |  |
| Legal Claims                      |  |  |  | Have you ever taken bankruptcy?                  |  |  |  |
| Provision for Federal Income Tax  |  |  |  |                                                  |  |  |  |
| Other special debt                |  |  |  |                                                  |  |  |  |

### III. GENERAL (PUBLIC)

1. An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.
2. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion. Do you currently belong, or have you belonged, to any organization which discriminates -- through either formal membership requirements or the practical implementation of membership policies? If so, list, with dates of membership. What you have done to try to change these policies?
3. Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, did it recommend your nomination? Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and interviews in which you participated).

4. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any specific case, legal issue or question in a manner that could reasonably be interpreted as asking how you would rule on such case, issue, or question? If so, please explain fully.
5. Please discuss your views on the following criticism involving "judicial activism."

The role of the Federal judiciary within the Federal government, and within society generally, has become the subject of increasing controversy in recent years. It has become the target of both popular and academic criticism that alleges that the judicial branch has usurped many of the prerogatives of other branches and levels of government.

Some of the characteristics of this Ajudicial activism@ have been said to include:

- a. A tendency by the judiciary toward problem-solution rather than grievance-resolution;
- b. A tendency by the judiciary to employ the individual plaintiff as a vehicle for the imposition of far-reaching orders extending to broad classes of individuals;
- c. A tendency by the judiciary to impose broad, affirmative duties upon governments and society;
- d. A tendency by the judiciary toward loosening jurisdictional requirements such as standing and ripeness; and

- e. A tendency by the judiciary to impose itself upon other institutions in the manner of an administrator with continuing oversight responsibilities.

#### IV. CONFIDENTIAL

1. Full name (include any former names used).
2. Address: List current place of residence and office addresses). List all office and home telephone numbers where you may be reached.
3. Have you ever been discharged from employment for any reason or have you ever resigned after being informed that your employer intended to discharge you?
4. Have you and your spouse filed and paid all taxes (federal, state and local) as of the date of your nomination? Please indicate if you filed "married filing separately". Did you make any back tax payments prior to your nominations? If so, give full details.
5. Has a tax lien or other collection procedure (to include receipt of computer balance due notices) ever been instituted against you by federal, state, or local authorities? If so, give full details.
6. Have you or your spouse ever been the subject of any audit, investigation, or inquiry for either federal, state, or local taxes? If so, give full details.
7. Have you or your spouse ever declared bankruptcy? If so, give particulars.
8. Have you to your knowledge ever been under federal, state, or local investigation for a possible violation of either a civil or criminal statute or administrative agency

regulation? If so, give full details. Has any organization of which you were an officer, director, or active participant ever been the subject of such an investigation with respect to activities within your responsibility? If so, give full details.

9. Have you ever been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group for a breach of ethics, unprofessional conduct or a violation of any rule of practice? If so, give particulars.
10. Have you ever been a party (whether plaintiff, defendant or in any other capacity) to any litigation?
11. Please advise the Committee of any unfavorable information that may affect your nomination.



AFFIDAVIT

I, \_\_\_\_\_, do swear that the  
information provided in this statement is, to the best of my knowledge, true and accurate.

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(NAME)

\_\_\_\_\_  
(NOTARY)

## I. BIOGRAPHICAL INFORMATION (PUBLIC)

1. Full name (include any former names used.)
2. Address: List current place of residence and office address(es).
3. Date and place of birth.
4. Marital Status (include maiden name of wife, or husband's name). List spouse's occupation, employer=s name and business address(es).
5. Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.
6. Employment Record: List (by year) all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.
7. Military Service: Have you had any military service? If so, give particulars, including the dates, branch of service, rank or rate, serial number and type of discharge received.
8. Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee.

9. Bar Associations: List all bar associations, legal or judicial-related committees or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.
10. Other Memberships: List all organizations to which you belong that are active in lobbying before public bodies. Please list all other organizations to which you belong.
11. Court Admission: List all courts in which you have been admitted to practice, with dates of admission and lapses if any such memberships lapsed. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.
12. Published Writings: List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited. Please supply one copy of all published material not readily available to the Committee. Also, please supply a copy of all speeches by you on issues involving constitutional law or legal policy. If there were press reports about the speech, and they are readily available to you, please supply them.
13. Health: What is the present state of your health? List the date of your last physical examination.
14. Judicial Office: State (chronologically) any judicial offices you have held, whether such position was elected or appointed, and a description of the jurisdiction of each such court.
15. Citations: If you are or have been a judge, provide: (1) citations for the ten most significant opinions you have written; (2) a short summary of and citations for all

appellate opinions where your decisions were reversed or where your judgment was affirmed with significant criticism of your substantive or procedural rulings; and (3) citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, please provide copies of the opinions.

16. Public Office: State (chronologically) any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. State (chronologically) any unsuccessful candidacies for elective public office.

17. Legal Career:

- a. Describe chronologically your law practice and experience after graduation from law school including:
  - 1. whether you served as clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk;
  - 2. whether you practiced alone, and if so, the addresses and dates;
  - 3. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each;
- b.
  - 1. What has been the general character of your law practice, dividing it into periods with dates if its character has changed over the years?
  - 2. Describe your typical former clients, and mention the areas, if any, in which you have specialized.
- c.
  - 1. Did you appear in court frequently, occasionally, or not at all?  
If the frequency of your appearances in court varied, describe each such variance, giving dates.

2. What percentage of these appearances was in:
  - (a) federal courts;
  - (b) state courts of record;
  - (c) other courts.
  
3. What percentage of your litigation was:
  - (a) civil;
  - (b) criminal.

4. State the number of cases in courts of record you tried to verdict or judgment (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.
  5. What percentage of these trials was:
    - (a) jury;
    - (b) non-jury.
18. Litigation: Describe the ten most significant litigated matters which you personally handled. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:
  - (a) the date of representation;
  - (b) the name of the court and the name of the judge or judges before whom the case was litigated; and
  - (c) the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
19. Legal Activities: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe the nature of your participation in this question, please omit any information protected by the attorney-client privilege (unless the privilege has been waived.)

## II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers. Please describe the arrangements you have made to be compensated in the future for any financial or business interest.
2. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated.
3. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.
4. List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding \$500 or more (If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here.)



5. Please complete the attached financial net worth statement in detail (Add schedules as called for).
6. Have you ever held a position or played a role in a political campaign? If so, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

## FINANCIAL STATEMENT

### NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

| ASSETS                                  |  |  |  | LIABILITIES                                |  |  |  |
|-----------------------------------------|--|--|--|--------------------------------------------|--|--|--|
| Cash on hand and in banks               |  |  |  | Notes payable to banks-secured             |  |  |  |
| U.S. Government securities-add schedule |  |  |  | Notes payable to banks-unsecured           |  |  |  |
| Listed securities-add schedule          |  |  |  | Notes payable to relatives                 |  |  |  |
| Unlisted securities--add schedule       |  |  |  | Notes payable to others                    |  |  |  |
| Accounts and notes receivable:          |  |  |  | Accounts and bills due                     |  |  |  |
| Due from relatives and friends          |  |  |  | Unpaid income tax                          |  |  |  |
| Due from others                         |  |  |  | Other unpaid income and interest           |  |  |  |
| Doubtful                                |  |  |  | Real estate mortgages payable-add schedule |  |  |  |
| Real estate owned-add schedule          |  |  |  | Chattel mortgages and other liens payable  |  |  |  |
| Real estate mortgages receivable        |  |  |  | Other debts-itemize:                       |  |  |  |
| Autos and other personal property       |  |  |  |                                            |  |  |  |
| Cash value-life insurance               |  |  |  |                                            |  |  |  |
| Other assets itemize:                   |  |  |  |                                            |  |  |  |
|                                         |  |  |  |                                            |  |  |  |
|                                         |  |  |  |                                            |  |  |  |
|                                         |  |  |  | Total liabilities                          |  |  |  |
|                                         |  |  |  | Net Worth                                  |  |  |  |
|                                         |  |  |  |                                            |  |  |  |

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/27/2003 8:25:20 PM  
**Subject:** : Any

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 00:25:20.00  
SUBJECT:: Any  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Movement or decision on holmes? Manny has no word on the frist dewine  
chat.

.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 5/28/2003 5:03:26 AM  
**Subject:** : Re: Are you done with the Supreme Court book from the library?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 09:03:26.00  
SUBJECT:: Re: Are you done with the Supreme Court book from the library?  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

yes

Jonathan F. Ganter  
05/28/2003 09:01:08 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Are you done with the Supreme Court book from the library?

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 5:32:50 AM  
**Subject:** : RE: quick q: when is my briefing(s) on Kuhl?

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:28-MAY-2003 09:32:50.00

SUBJECT:: RE: quick q: when is my briefing(s) on Kuhl?

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

At 11. In Mansfield.

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

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/28/2003 1:37:05 AM  
**Subject:** : OpinionJournal - On the Editorial Page - May 28, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME:28-MAY-2003 05:37:05.00  
SUBJECT:: OpinionJournal - On the Editorial Page - May 28, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY ROBERT L. BARTLEY  
<http://www.opinionjournal.com/editorial/?id=110003550>

A look into the parallel universe of Clinton spinmeister Sidney Blumenthal.  
12:01 a.m. EDT

Dorothy Rabinowitz's Media Log  
<http://www.opinionjournal.com/medialog/?id=110003551>

A look inside a German POW camp.  
12:01 a.m. EDT

The Real World BY CLAUDIA ROSETT  
<http://www.opinionjournal.com/columnists/cRosett/?id=110003548>

A journalist gets two years in prison for telling the truth.  
12:01 a.m. EDT

Extra  
<http://www.opinionjournal.com/extra/?id=110003549>

A chronology: What really happened during the Clinton years.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Springtime in Paris  
Medicare reformers can learn from the French.  
May 28 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105408152330652700,00.html%3Fmod%3Dopinion>

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International Court Jesters  
A Greek bar association files a war crimes complaint against Tony Blair.  
May 28 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105408182276464200,00.html%3Fmod%3Dopinion>

~~~~~

Health Insurance on the Web  
The better, cheaper way to help the uninsured.  
May 28 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105408207813561100,00.html%3Fmod%3Dopinion>

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#### Commentary

No Wars, Only Scandals  
A look into the parallel universe of Clinton spinmeister Sidney Blumenthal.  
By ROBERT L. BARTLEY  
May 28 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105408223513089800,00.html%3Fmod%3Dopinion>

~~~~~

Economics vs. Dogma  
Britain must decided whether to join the euro.  
By GORDON BROWN  
May 28 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105408337017663800,00.html%3Fmod%3Dopinion>

~~~~~

#### Business World

Weighing Candidate Health Plans  
What is Dick Gephardt really offering?  
By HOLMAN W. JENKINS JR.  
May 28 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105408353823714700,00.html%3Fmod%3Dopinion>

~~~~~

#### Leisure & Arts

Recalling the Great Jazz Clubs  
It's worth commemorating the tiny New York clubs that brought so many musicians to light.  
By DANIEL HENNINGER  
May 28 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105409284788553700,00.html%3Fmod%3Dopinion>

~~~~~

Venice Preserved?  
There's never a gondola when you need one.  
By JOHN KEAHEY  
May 28 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105409352395851300,00.html%3Fmod%3Dopinion>

~~~~~

Television  
Prisoners of Another War  
A look inside a German camp.  
By DOROTHY RABINOWITZ  
May 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105409427010773400,00.html%3Fmod%3Dopinion>

~~~~~

Books  
From Manor House to Mutiny  
"Gentelman Revolutionary"  
By EDWARD J. RENEHAN JR.  
May 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105409474570976700,00.html%3Fmod%3Dopinion>

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Commentary (Europe)

Le Plus Ca Change . . .  
"The Fall of France"  
By RUPERT DARWALL  
May 28 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105407743763783600,00.html%3Fmod%3Dopinion>

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Time Off  
Diversions  
In the Spirit of the Trees; The Art and Design of Antique Smoking Pipes  
May 28 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10539971479797800,00.html%3Fmod%3Dopinion>

~~~~~

International

At Least There's a Map  
The Israeli cabinet's approval of the White House-backed "road map" is the latest consequence of the Iraqi liberation  
From The Wall Street Journal Europe  
May 28 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105407534662497600,00.html%3Fmod%3Dopinion>

~~~~~

No One Brands It Like Beckham  
Perseverance and focus have made English football superstar David Beckham England's MVP and the biggest marketing phenomenon since Diana.  
By THERESE RAPHAEL  
From The Wall Street Journal Europe  
May 28 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105407788033817900,00.html%3Fmod%3Dopinion>

~~~~~



A Tale of Two Koizumis

Japan's tragedy is that Koizumi's progress in foreign policy is not matched on the economic front.

From The Asian Wall Street Journal

May 28 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105407094931330700,00.html%3Fmod%3Dopinion>

~~~~~

Playing Politics With SARS

Talk about fiddling while Beijing burns (with fever).

From The Asian Wall Street Journal

May 28 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105407244510574100,00.html%3Fmod%3Dopinion>

~~~~~

Fear in Burma

The brutal military dictatorship has a tough time letting go after losing democratic elections thirteen years ago.

By BENEDICT ROGERS

From The Asian Wall Street Journal

May 28 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105407316275475000,00.html%3Fmod%3Dopinion>

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**From:** CN=Andrew D. Ciafardini/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** James A. Waters/OMB/EOP@EOP [ OMB ] <James A. Waters>  
**Sent:** 5/28/2003 6:42:02 AM  
**Subject:** : Political Vetting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Andrew D. Ciafardini ( CN=Andrew D. Ciafardini/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 10:42:02.00  
SUBJECT:: Political Vetting  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:James A. Waters ( CN=James A. Waters/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett -

As you know, I currently conduct vetting for Presidential Schedule items (greeters and venues) for the Scheduling Office. Now that we are moving quickly into the Presidential election campaign, I wanted to get some guidance from your office on what items we are allowed to vet for campaign events and which ones we are prohibited from doing.

Since the scheduling office serves the President wherever he goes, are we allowed to vet the following items using government resources:

- 1) Presidential Campaign Sites
- 2) Presidential Greeters and Participants at Campaign Events

Thanks,

- Andrew Ciafardini

PS - On a separate note, James Waters will be replacing me on around the week of June 13 and assuming my current responsibilities.

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 4:04:46 AM  
**Subject:** : RE: revised political activity memo

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 08:04:46.00  
SUBJECT:: RE: revised political activity memo  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Is this different than the version you sent last night?

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, May 28, 2003 7:51 AM  
To: Gonzales, Alberto R.; Leitch, David G.; Addington, David S.  
Cc: Nelson, Carolyn  
Subject: revised political activity memo

This reflects input from all three of you regarding last draft.

<< File: political activity who memo 5 28 03 #2.doc >>

---

**From:** CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 8:22:35 AM  
**Subject:** : RE: sorry to be difficult to talk to today; was crashing on something; should have finalized tomorrow; also, i can explain rnc issues

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ] )  
CREATION DATE/TIME:28-MAY-2003 12:22:35.00  
SUBJECT:: RE: sorry to be difficult to talk to today; was crashing on something; should have finalized tomorrow; also, i can explain rnc issues  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

No problem. Let me know when you come up for air.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, May 27, 2003 7:06 PM  
To: Elwood, Courtney S.  
Subject: sorry to be difficult to talk to today; was crashing on something; should have finalized tomorrow; also, i can explain rnc issues

---

**From:** CN=Adrian G. Gray/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 8:38:08 AM  
**Subject:** : conference call

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Adrian G. Gray ( CN=Adrian G. Gray/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 12:38:08.00  
SUBJECT:: conference call  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The Leadership Institute has invited Norton to do a call with their  
"Donors" - but say money is not being raised with the call. Is this  
something she can do?

AG  
----- Forwarded by Adrian G. Gray/WHO/EOP on 05/28/2003  
12:36 PM -----

Doug.Domenech@ios.doi.gov  
05/28/2003 12:08:05 PM  
Record Type: Record

To: Adrian G. Gray/WHO/EOP@EOP  
cc:  
Subject: conference call

AG: You see any problem with this? I assume you know that the Leadership  
Institute is run by the Virginia National Committeeman, Morton Blackwell.

Doug Domenech  
White House Liaison  
Office of the Secretary  
US Department of the Interior  
1849 C Street, NW  
Washington, DC 20240  
202-208-5647

----- Forwarded by Doug Domenech/WHL/OS/DOI on 05/28/2003 12:03 PM -----

"Longyear, Walt"  
<WLongyear@LIMail To: Doug  
Domenech/WHL/OS/DOI@DOI  
.us> cc:  
Subject: conference call  
05/28/2003 12:00  
PM

Dear Doug,

REV\_00119987

Each month or so Leadership Institute hosts a conference call with our high-dollar donors and a Member of Congress or a federal official. The call lasts 20 minutes and is held at a time that fits the schedule of the highlighted guest.

I am writing to see whether the Secretary of the Interior might be willing to participate in a conference call in late June or July.

The format is very simple. Secretary Norton would talk for 10 minutes or so about something that she thinks is important or gives a briefing on what is happening in her department. There is a 10-minute period for questions if time permits.

These conference calls give our donors opportunities to get to know conservative leaders and to learn up-to-date information that they might not know otherwise.

No fundraising is done during this call.

The conference call needs to take place after 1:00 pm due to time zone changes. It can be done from any location as long as a phone is available.

I need about two weeks ahead of time to schedule the conference call with the vendor and to announce it to the donors who might participate.

Please ask Secretary Norton to give this invitation her consideration.

Sincerely,

Walter Longyear  
Vice President for Development  
The Leadership Institute  
(703) 247-2000 x 260

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>  
**CC:** courtney s. elwood/ovp/eop@exchange@eop [ OVP ] <courtney s. elwood>  
**Sent:** 5/28/2003 8:43:48 AM  
**Subject:** : Re: Political dos and don'ts

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 12:43:48.00  
SUBJECT:: Re: Political dos and don'ts  
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:courtney s. elwood ( CN=courtney s. elwood/OU=ovp/O=eop@exchange@eop [ OVP ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

that plus the upcoming memo should do the trick

Nanette Everson  
05/28/2003 12:27:15 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Courtney S. Elwood/OVP/EOP@Exchange@EOP  
Subject: Political dos and don'ts

I just had one slide and it was the one you had reviewed and approved. I can give her that, but you may have other materials you would like to provide.

----- Forwarded by Nanette Everson/WHO/EOP on 05/28/2003 12:26 PM -----

From: Courtney S. Elwood/OVP/EOP@Exchange on 05/27/2003 03:56:31 PM  
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP  
cc:  
Subject: Political dos and don'ts

David tells me that you devote a section of your ethics briefing to what people can and cannot do w/r/t political campaigns.; True?; If so, would you mind sharing with me any documents/slides that you use during the briefings and any other resources that you have found useful?; Many, many thanks.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 5/28/2003 4:55:17 AM  
**Subject:** : schlapp

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 08:55:17.00  
SUBJECT:: schlapp  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

call me re schlapp/judge



---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 4:59:46 AM  
**Subject:** : RE: DRAFT political memo; please review asap and identify to me any issues you see; thanks

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 08:59:46.00  
SUBJECT:: RE: DRAFT political memo; please review asap and identify to me any issues you see; thanks  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

When is this going out?

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, May 28, 2003 8:01 AM  
To: McClellan, Scott ; Snee, Ashley  
Subject: DRAFT political memo; please review asap and identify to me any issues you see; thanks

<< File: political activity who memo 5 28 03 #2.doc >>

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 5:01:57 AM  
**Subject:** : Are you done with the Supreme Court book from the library?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 09:01:57.00  
SUBJECT:: Are you done with the Supreme Court book from the library?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>  
**Sent:** 5/28/2003 5:06:10 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 09:06:10.00  
SUBJECT: :  
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

thanks for backup on my concern; something clearly had gotten screwy.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>  
**CC:** Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>;miranda, manuel (frist) <manuel\_miranda@frist.senate.gov>  
**Sent:** 5/28/2003 5:21:39 AM  
**Subject:** : quick q: when is my briefing(s) on Kuhl?

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 28-MAY-2003 09:21:39.00

SUBJECT:: quick q: when is my briefing(s) on Kuhl?

TO: "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )

READ: UNKNOWN

CC: Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

CC: "miranda, manuel (frist)" <manuel\_miranda@frist.senate.gov> ( "miranda, manuel (frist)" <manuel\_miranda@frist.senate.gov> [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

---

**From:** Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>;Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**Sent:** 5/28/2003 5:24:45 AM  
**Subject:** : RE: quick q: when is my briefing(s) on Kuhl?

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:28-MAY-2003 09:24:45.00

SUBJECT:: RE: quick q: when is my briefing(s) on Kuhl?

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

11 am -- Mansfield Room

I'm going to distribute the Kuhl letter from the WH to Hatch/Leahy, as well as the 15 page set of talking points that Kristi put together.

---

Steven J. Duffield  
Judiciary Policy Analyst & Counsel  
Senate Republican Policy Committee  
347 Russell Senate Office Building  
(202) 224-3463 Fax (202) 224-1235

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Wednesday, May 28, 2003 9:21 AM  
To: Duffield, Steven (RPC)  
Cc: Miranda, Manuel (Frist); Wendy\_J.\_Grubbs@oa.eop.gov  
Subject: quick q: when is my briefing(s) on Kuhl?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>;Christopher J. Orr/WHO/EOP@EOP [ WHO ] <Christopher J. Orr>  
**Sent:** 5/28/2003 5:24:37 AM  
**Subject:** : on new WH Web email under "legal/judicial," there should be a category for "judges" along with the many other listed legal issues

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 09:24:37.00  
SUBJECT:: on new WH Web email under "legal/judicial," there should be a category for "judges" along with the many other listed legal issues  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Adrian G. Gray/WHO/EOP@EOP [ WHO ] <Adrian G. Gray>  
**Sent:** 5/28/2003 9:39:07 AM  
**Subject:** : Re: conference call

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 13:39:07.00  
SUBJECT:: Re: conference call  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Adrian G. Gray ( CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

One more q. What level of donors?

.

----- Original Message -----  
From:Adrian G. Gray/WHO/EOP  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/28/2003 12:45:02 PM  
Subject: Re: conference call

leadership institute - they do job training and placement for conservatives

Brett M. Kavanaugh  
05/28/2003 12:42:45 PM  
Record Type: Record

To: Adrian G. Gray/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: conference call

what is this group?

From: Adrian G. Gray on 05/28/2003 12:37:20 PM  
Record Type: Record

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

The Leadership Institute has invited Norton to do a call with their "Donors" - but say money is not being raised with the call. Is this something she can do?

AG  
----- Forwarded by Adrian G. Gray/WHO/EOP on 05/28/2003  
12:36 PM -----

REV\_00120000

Doug\_Domenech@ios.doi.gov  
05/28/2003 12:08:05 PM  
Record Type: Record

To: Adrian G. Gray/WHO/EOP@EOP  
cc:  
Subject: conference call

AG: You see any problem with this? I assume you know that the Leadership Institute is run by the Virginia National Committeeman, Morton Blackwell.

Doug Domenech  
White House Liaison  
Office of the Secretary  
US Department of the Interior  
1849 C Street, NW  
Washington, DC 20240  
202-208-5647

----- Forwarded by Doug Domenech/WHL/OS/DOI on 05/28/2003 12:03 PM -----

"Longyear, Walt"  
<WLongyear@LIMail To: Doug  
Domenech/WHL/OS/DOI@DOI  
.us> cc:  
Subject: conference call  
05/28/2003 12:00  
PM

Dear Doug,

Each month or so Leadership Institute hosts a conference call with our high-dollar donors and a Member of Congress or a federal official. The call lasts 20 minutes and is held at a time that fits the schedule of the highlighted guest.

I am writing to see whether the Secretary of the Interior might be willing to participate in a conference call in late June or July.

The format is very simple. Secretary Norton would talk for 10 minutes or so about something that she thinks is important or gives a briefing on what is happening in her department. There is a 10-minute period for questions if time permits.

These conference calls give our donors opportunities to get to know conservative leaders and to learn up-to-date information that they might not know otherwise.

No fundraising is done during this call.

REV\_00120001



The conference call needs to take place after 1:00 pm due to time zone changes. It can be done from any location as long as a phone is available.

I need about two weeks ahead of time to schedule the conference call with the vendor and to announce it to the donors who might participate.

Please ask Secretary Norton to give this invitation her consideration.

Sincerely,

Walter Longyear  
Vice President for Development  
The Leadership Institute  
(703) 247-2000 x 260

---

**From:** CN=Eric W. Terrell/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Colleen Litkenhaus/WHO/EOP@Exchange@EOP [ WHO ] <Colleen Litkenhaus>  
**Sent:** 5/28/2003 5:59:00 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Eric W. Terrell ( CN=Eric W. Terrell/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 09:59:00.00  
SUBJECT: :  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

would like to run this by you  
----- Forwarded by Eric W. Terrell/WHO/EOP on 05/28/2003  
09:57 AM -----

mtoner@fec.gov  
05/28/2003 09:47:29 AM  
Record Type: Record

To: Eric W. Terrell/WHO/EOP@EOP  
cc:  
Subject:

Eric:

Thank you again for the copy of the WH Travel policies handbook; it has been very helpful. The FEC is holding a public hearing on June 6th where travel issues and the Commission's current regulations in this area may be discussed. Do you have any problem with the Commission using the handbook at the hearing?

Michael

---

**From:** Bumatay, Patrick J.  
**To:** <Kavanaugh, Brett M.>;<Powell, Benjamin A.>  
**Sent:** 5/28/2003 10:12:21 AM  
**Subject:** FW: Appointed 5/28/03

-----Original Message-----

**From:** McCathran, William W.  
**Sent:** Wednesday, May 28, 2003 10:08 AM  
**To:** Bumatay, Patrick J.  
**Cc:** Saunders, G. Timo; Kalbaugh, David E.  
**Subject:** Appointed 5/28/03

L. Scott Coogler, USDJ, No. AL and Consuelo Maria Callahan, USCJ, 9th Cir.

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 6:13:23 AM  
**Subject:** : FW: Appointed 5/28/03

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 10:13:23.00  
SUBJECT:: FW: Appointed 5/28/03  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

-----Original Message-----

From: McCathran, William W.  
Sent: Wednesday, May 28, 2003 10:08 AM  
To: Bumatay, Patrick J.  
Cc: Saunders, G. Timo; Kalbaugh, David E.  
Subject: Appointed 5/28/03

L. Scott Coogler, USDJ, No. AL and Consuelo Maria Callahan, USCJ, 9th Cir.

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 10:47:25 AM  
**Subject:** : FW: Questions for Congressional Record

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 14:47:25.00  
SUBJECT:: FW: Questions for Congressional Record  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;  
;  
-----Original Message-----  
From: Litkenhaus, Colleen  
Sent: Wednesday, May 28, 2003 2:42 PM  
To: Gill, Faisal M.; Ulliyot, Theodore W.  
Subject: FW: Questions for Congressional Record

Can you help me word this response?

;  
;  
Question 158:; Why did this administration reinstate the payments of  
bonuses to political appointees? (POC ) WHO M&A)  
;  
The CFR allows for all Federal Employees to receive bonus.; This  
administration continued the practice of issuing bonus which has been  
historically done.  
;  
;

---

**From:** CN=J. Elizabeth Farrell/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 7:32:58 AM  
**Subject:** : Lunch with John Schmitz

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 11:32:58.00  
SUBJECT:: Lunch with John Schmitz  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

John Schmitz is planning on having lunch with you tomorrow at around 12:15, he wants to know where you would like to meet him - the Mess is completely booked for Thursday and Friday, both seatings. He suggested the Metropolitan Club? I can call his assistant back and let her know what is good for you.

Thanks,  
Liz

---

**From:** CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 8:06:23 AM  
**Subject:** : OA

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 12:06:23.00  
SUBJECT:: OA  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I've compared last year's answers to this year's. There was a great deal of information provided last year in some of the categories. For example, detailed breakdowns of President, VP and First Lady and staff travel were provided; extensive OHS information was provided; etc.

I think we should cut back the OA answers in a few categories of questions that were not addressed last year. My list is:

Questions concerning reimbursement procedures for political travel  
Questions concerning reimbursement procedures for photographic services  
and the list of reimbursement of photos by outside sources  
Questions concerning WH tours and access to the WH  
Questions concerning bonuses paid to political appointees  
Questions concerning WH renovations

What do you think? Also, would you be willing to draft something appropriate on the political travel questions (the ones which are currently answered by reference to a Boyden Gray memo)? I'll do the others.

thanks

JN

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>  
**Sent:** 5/28/2003 8:26:47 AM  
**Subject:** : Re: Lunch with John Schmitz

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 12:26:47.00  
SUBJECT:: Re: Lunch with John Schmitz  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Met club would be good.

.

----- Original Message -----  
From:J. Elizabeth Farrell/WHO/EOP  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/28/2003 11:32:16 AM  
Subject: Lunch with John Schmitz

John Schmitz is planning on having lunch with you tomorrow at around 12:15, he wants to know where you would like to meet him - the Mess is completely booked for Thursday and Friday, both seatings. He suggested the Metropolitan Club? I can call his assistant back and let her know what is good for you.

Thanks,  
Liz



---

**From:** CN=Nanette Everson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Courtney S. Elwood/OVP/EOP@Exchange@EOP [ OVP ] <Courtney S. Elwood>  
**Sent:** 5/28/2003 8:28:02 AM  
**Subject:** : Political dos and don'ts

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 12:28:02.00  
SUBJECT:: Political dos and don'ts  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange@EOP [ OVP ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I just had one slide and it was the one you had reviewed and approved. I can give her that, but you may have other materials you would like to provide.

----- Forwarded by Nanette Everson/WHO/EOP on 05/28/2003  
12:26 PM -----

From: Courtney S. Elwood/OVP/EOP@Exchange on 05/27/2003 03:56:31 PM  
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP  
cc:  
Subject: Political dos and don'ts

David tells me that you devote a section of your ethics briefing to what people can and cannot do w/r/t political campaigns.; True?; If so, would you mind sharing with me any documents/slides that you use during the briefings and any other resources that you have found useful?; Many, many thanks.

---

**From:** CN=J. Elizabeth Farrell/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 8:32:52 AM  
**Subject:** : Re: Lunch with John Schmitz

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 12:32:52.00  
SUBJECT:: Re: Lunch with John Schmitz  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Ok, you're confirmed at the Met Club at 12:15 tomorrow (thursday) - they are making the reservations.

Brett M. Kavanaugh  
05/28/2003 12:25:55 PM  
Record Type: Record

To: J. Elizabeth Farrell/WHO/EOP@EOP, Brett M.  
Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: Lunch with John Schmitz

Met club would be good.

.

----- Original Message -----  
From:J. Elizabeth Farrell/WHO/EOP  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/28/2003 11:32:16 AM  
Subject: Lunch with John Schmitz

John Schmitz is planning on having lunch with you tomorrow at around 12:15, he wants to know where you would like to meet him - the Mess is completely booked for Thursday and Friday, both seatings. He suggested the Metropolitan Club? I can call his assistant back and let her know what is good for you.

Thanks,  
Liz

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 12:38:40 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 16:38:40.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Question 141: Does the USSS do a background check on all individuals attending events and meetings at the White House Complex before access can be granted?

A. For security reasons, we are not able to provide this information in this context.

;

Question 142: During this administration, have White House aides ever overruled a building-access recommendation made by the USSS?

A. The USSS and White House Staff collaborate in making decisions on access to the complex.

;

;

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Adrian G. Gray/WHO/EOP@EOP [ WHO ] <Adrian G. Gray>  
**Sent:** 5/28/2003 8:43:27 AM  
**Subject:** : Re: conference call

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 12:43:27.00  
SUBJECT:: Re: conference call  
TO:Adrian G. Gray ( CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

what is this group?

From: Adrian G. Gray on 05/28/2003 12:37:20 PM  
Record Type: Record

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

The Leadership Institute has invited Norton to do a call with their  
"Donors" - but say money is not being raised with the call. Is this  
something she can do?

AG  
----- Forwarded by Adrian G. Gray/WHO/EOP on 05/28/2003  
12:36 PM -----

Doug Domenech@ios.doi.gov  
05/28/2003 12:08:05 PM  
Record Type: Record

To: Adrian G. Gray/WHO/EOP@EOP  
cc:  
Subject: conference call

AG: You see any problem with this? I assume you know that the Leadership  
Institute is run by the Virginia National Committeeman, Morton Blackwell.

Doug Domenech  
White House Liaison  
Office of the Secretary  
US Department of the Interior  
1849 C Street, NW  
Washington, DC 20240  
202-208-5647

----- Forwarded by Doug Domenech/WHL/OS/DOI on 05/28/2003 12:03 PM -----

"Longyear, Walt"  
<WLongyear@LIMail> To: Doug

REV\_00120019

Domenech/WHL/OS/DOI@DOI  
.us> cc:  
Subject: conference call  
05/28/2003 12:00  
PM

Dear Doug,

Each month or so Leadership Institute hosts a conference call with our high-dollar donors and a Member of Congress or a federal official. The call lasts 20 minutes and is held at a time that fits the schedule of the highlighted guest.

I am writing to see whether the Secretary of the Interior might be willing to participate in a conference call in late June or July.

The format is very simple. Secretary Norton would talk for 10 minutes or so about something that she thinks is important or gives a briefing on what is happening in her department. There is a 10-minute period for questions if time permits.

These conference calls give our donors opportunities to get to know conservative leaders and to learn up-to-date information that they might not know otherwise.

No fundraising is done during this call.

The conference call needs to take place after 1:00 pm due to time zone changes. It can be done from any location as long as a phone is available.

I need about two weeks ahead of time to schedule the conference call with the vendor and to announce it to the donors who might participate.

Please ask Secretary Norton to give this invitation her consideration.

Sincerely,

Walter Longyear  
Vice President for Development  
The Leadership Institute  
(703) 247-2000 x 260

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange@EOP [ WHO ] <Colleen Litkenhaus>  
**Sent:** 5/28/2003 8:44:52 AM  
**Subject:** : OA

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 12:44:52.00  
SUBJECT:: OA  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

fyi

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/28/2003 12:44 PM -----

Jennifer G. Newstead  
05/28/2003 12:01:14 PM  
Record Type: Record

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

I've compared last year's answers to this year's. There was a great deal of information provided last year in some of the categories. For example, detailed breakdowns of President, VP and First Lady and staff travel were provided; extensive OHS information was provided; etc.

I think we should cut back the OA answers in a few categories of questions that were not addressed last year. My list is:

Questions concerning reimbursement procedures for political travel  
Questions concerning reimbursement procedures for photographic services  
and the list of reimbursement of photos by outside sources  
Questions concernig WH tours and access to the WH  
Questions concerning bonuses paid to political appointees  
Quesions concerning WH renovations

What do you think? Also, would you be willing to draft something appropriate on the political travel questions (the ones which are currently answered by reference to a Boyden Gray memo)? I'll do the others.

thanks

JN

---

**From:** CN=Adrian G. Gray/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 8:45:51 AM  
**Subject:** : Re: conference call

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Adrian G. Gray ( CN=Adrian G. Gray/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 12:45:51.00  
SUBJECT:: Re: conference call  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

leadership institute - they do job training and placement for  
conservatives

Brett M. Kavanaugh  
05/28/2003 12:42:45 PM  
Record Type: Record

To: Adrian G. Gray/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: conference call

what is this group?

From: Adrian G. Gray on 05/28/2003 12:37:20 PM  
Record Type: Record

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

The Leadership Institute has invited Norton to do a call with their  
"Donors" - but say money is not being raised with the call. Is this  
something she can do?

AG  
----- Forwarded by Adrian G. Gray/WHO/EOP on 05/28/2003  
12:36 PM -----

Doug.Domenech@ios.doi.gov  
05/28/2003 12:08:05 PM  
Record Type: Record

To: Adrian G. Gray/WHO/EOP@EOP  
cc:  
Subject: conference call

AG: You see any problem with this? I assume you know that the Leadership Institute is run by the Virginia National Committeeman, Morton Blackwell.

Doug Domenech  
White House Liaison  
Office of the Secretary  
US Department of the Interior  
1849 C Street, NW  
Washington, DC 20240  
202-208-5647

----- Forwarded by Doug Domenech/WHL/OS/DOI on 05/28/2003 12:03 PM -----

"Longyear, Walt"  
<WLongyear@LIMail To: Doug  
Domenech/WHL/OS/DOI@DOI  
.us> cc:  
Subject: conference call  
05/28/2003 12:00  
PM

Dear Doug,

Each month or so Leadership Institute hosts a conference call with our high-dollar donors and a Member of Congress or a federal official. The call lasts 20 minutes and is held at a time that fits the schedule of the highlighted guest.

I am writing to see whether the Secretary of the Interior might be willing to participate in a conference call in late June or July.

The format is very simple. Secretary Norton would talk for 10 minutes or so about something that she thinks is important or gives a briefing on what is happening in her department. There is a 10-minute period for questions if time permits.

These conference calls give our donors opportunities to get to know conservative leaders and to learn up-to-date information that they might not know otherwise.

No fundraising is done during this call.

The conference call needs to take place after 1:00 pm due to time zone changes. It can be done from any location as long as a phone is available.

I need about two weeks ahead of time to schedule the conference call with the vendor and to announce it to the donors who might participate.

Please ask Secretary Norton to give this invitation her consideration.

Sincerely,

Walter Longyear  
Vice President for Development  
The Leadership Institute  
(703) 247-2000 x 260

REV\_00120023





---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 1:12:15 PM  
**Subject:** : Tim Campen is asking the Hill for another extension - middle of next week

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 17:12:15.00  
SUBJECT:: Tim Campen is asking the Hill for another extension - middle of next week  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Not sure what the response from the hill will be - but fyi

---

**From:** CN=Adrian G. Gray/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 10:01:42 AM  
**Subject:** : Re: conference call

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Adrian G. Gray ( CN=Adrian G. Gray/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 14:01:42.00  
SUBJECT:: Re: conference call  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Leadership Institute is a nonpartisan 501C3 organization that does political and media relations training. They are expecting \$1,000 plus donors ...they will invite about 800 but only expect about a 100 on the phone. Mehlman did this call once.

Brett M. Kavanaugh  
05/28/2003 01:38:14 PM  
Record Type: Record

To: Adrian G. Gray/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: conference call

One more q. What level of donors?

.

----- Original Message -----  
From:Adrian G. Gray/WHO/EOP  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/28/2003 12:45:02 PM  
Subject: Re: conference call

leadership institute - they do job training and placement for conservatives

Brett M. Kavanaugh  
05/28/2003 12:42:45 PM  
Record Type: Record

To: Adrian G. Gray/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: conference call

what is this group?

From: Adrian G. Gray on 05/28/2003 12:37:20 PM  
Record Type: Record

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

The Leadership Institute has invited Norton to do a call with their "Donors" - but say money is not being raised with the call. Is this something she can do?

AG  
----- Forwarded by Adrian G. Gray/WHO/EOP on 05/28/2003  
12:36 PM -----

Doug\_Domenech@ios.doi.gov  
05/28/2003 12:08:05 PM  
Record Type: Record

To: Adrian G. Gray/WHO/EOP@EOP  
cc:  
Subject: conference call

AG: You see any problem with this? I assume you know that the Leadership Institute is run by the Virginia National Committeeman, Morton Blackwell.

Doug Domenech  
White House Liaison  
Office of the Secretary  
US Department of the Interior  
1849 C Street, NW  
Washington, DC 20240  
202-208-5647  
----- Forwarded by Doug Domenech/WHL/OS/DOI on 05/28/2003 12:03 PM -----

"Longyear, Walt"  
<WLongyear@LIMail To: Doug  
Domenech/WHL/OS/DOI@DOI  
.us> cc:  
Subject: conference call  
05/28/2003 12:00  
PM

Dear Doug,

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I am writing to see whether the Secretary of the Interior might be willing to participate in a conference call in late June or July.

REV\_00120027

The format is very simple. Secretary Norton would talk for 10 minutes or so about something that she thinks is important or gives a briefing on what is happening in her department. There is a 10-minute period for questions if time permits.

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Sincerely,

Walter Longyear  
Vice President for Development  
The Leadership Institute  
(703) 247-2000 x 260

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>  
**Sent:** 5/28/2003 2:37:28 PM  
**Subject:** : wendy grubbs at WH Leg Affairs

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 18:37:28.00  
SUBJECT:: wendy grubbs at WH Leg Affairs  
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Adrian G. Gray/WHO/EOP@EOP [ WHO ] <Adrian G. Gray>  
**Sent:** 5/28/2003 10:39:57 AM  
**Subject:** : Re: conference call

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 28-MAY-2003 14:39:57.00  
SUBJECT: : Re: conference call  
TO: Adrian G. Gray ( CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

This is ok. She should not solicit, of course.

From: Adrian G. Gray on 05/28/2003 02:00:53 PM  
Record Type: Record

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

Leadership Institute is a nonpartisan 501C3 organization that does political and media relations training. They are expecting \$1,000 plus donors ...they will invite about 800 but only expect about a 100 on the phone. Mehlman did this call once.

Brett M. Kavanaugh  
05/28/2003 01:38:14 PM  
Record Type: Record

To: Adrian G. Gray/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: conference call

One more q. What level of donors?

.

----- Original Message -----  
From: Adrian G. Gray/WHO/EOP  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 05/28/2003 12:45:02 PM  
Subject: Re: conference call

leadership institute - they do job training and placement for conservatives

Brett M. Kavanaugh  
05/28/2003 12:42:45 PM  
Record Type: Record

To: Adrian G. Gray/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: conference call

what is this group?

From: Adrian G. Gray on 05/28/2003 12:37:20 PM  
Record Type: Record

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

The Leadership Institute has invited Norton to do a call with their  
"Donors" - but say money is not being raised with the call. Is this  
something she can do?

AG  
----- Forwarded by Adrian G. Gray/WHO/EOP on 05/28/2003  
12:36 PM -----

Doug\_Domenech@ios.doi.gov  
05/28/2003 12:08:05 PM  
Record Type: Record

To: Adrian G. Gray/WHO/EOP@EOP  
cc:  
Subject: conference call

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Doug Domenech  
White House Liaison  
Office of the Secretary  
US Department of the Interior  
1849 C Street, NW  
Washington, DC 20240  
202-208-5647

----- Forwarded by Doug Domenech/WHL/OS/DOI on 05/28/2003 12:03 PM -----

"Longyear, Walt"  
<WLongyear@LIMail To: Doug  
Domenech/WHL/OS/DOI@DOI  
.us> cc:  
Subject: conference call  
05/28/2003 12:00  
PM



Dear Doug,

Each month or so Leadership Institute hosts a conference call with our high-dollar donors and a Member of Congress or a federal official. The call lasts 20 minutes and is held at a time that fits the schedule of the highlighted guest.

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Sincerely,

Walter Longyear  
Vice President for Development  
The Leadership Institute  
(703) 247-2000 x 260

---

**From:** CN=Harriet Miers/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 10:43:50 AM  
**Subject:** : RE: FW: Lima and Indiana Letters

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 14:43:50.00  
SUBJECT:: RE: FW: Lima and Indiana Letters  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks, that is what I thought but we wanted to make certain.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, May 28, 2003 2:40 PM  
To: Miers, Harriet  
Subject: Re: FW: Lima and Indiana Letters

I would consider this entirely official.

From: Harriet Miers/WHO/EOP@Exchange on 05/28/2003 01:26:12 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: FW: Lima and Indiana Letters

Brett, I have a call into you about this. Can these letters be put on official stationery because the event was official and who should pay for the mailing?

-----Original Message-----

From: Hernandez, Israel  
Sent: Wednesday, May 28, 2003 1:18 PM  
To: Sayle, Desiree T.; Kavanaugh, Brett M.; Miers, Harriet  
Cc: Johnson, Collister W.  
Subject: Lima and Indiana Letters

<< File: LimaLetters1.doc >> << File: IndianaLockoutLetters.doc >>

Desiree, Brett, and Harriet,

Here is what I have received from Cuddy Johnson:

As you may remember, we have had two recent rallies at which a number of constituents (with tickets) were unable to get into the events.

One of the things we did last time this happened (NC - Winston-Salem Freedom Corps Rally - Jan. 30, 2002) was gather the addresses of those who complained to the ticketing organization (in the case of NC, it was the office of Congressman Burr) and send those supporters a letter from the President. The letter did not put the President in the position of apologizing, but did recognize their difficulty in getting in and express appreciation for their effort and support. We are sending them to Desiree because the events were official White House events focused on the President's priorities.

The two most recent events where this happened were:

- 1) Lima, OH: Tank Plant Event (April 24, 2003) - 14 received addresses.
- 2) Indianapolis, IN: Economic Rally (May 15, 2003) - 450 received addresses.

It is really important to send letters to these folks. Attached are drafts of the letters, already formatted and ready to be signed. Please call if you have any questions about postage or anything else.

Thanks

Iz

---

**From:** CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 10:51:54 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ] )  
CREATION DATE/TIME:28-MAY-2003 14:51:54.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Ah, yes, I remember David mentioning it to me. It is a very good memo.  
I'm curious, though, why there is no express mention of the prohibition on  
contributing to employer or employing authority?

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, May 28, 2003 2:41 PM  
To: Elwood, Courtney S.  
Subject:

fyi: David A. has seen and approved.

<< File: political activity who memo 5 28 03 #2.doc >>

---

**From:** CN=Theodore W. Ulliot/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 11:10:44 AM  
**Subject:** : FW: Questions for Congressional Record

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 15:10:44.00  
SUBJECT:: FW: Questions for Congressional Record  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett, I checked the matrix and saw that this question is assigned to you and Kyle, so I suggested to Colleen that she contact you.

----- Forwarded by Theodore W. Ulliot/WHO/EOP on  
05/28/2003 03:09 PM -----

From: Colleen Litkenhaus/WHO/EOP@Exchange on 05/28/2003 02:41:43 PM  
Record Type: Record

To: Faisal M. Gill/WHO/EOP@EOP, Theodore W. Ulliot/WHO/EOP@EOP  
cc:  
Subject: FW: Questions for Congressional Record

Can you help me word this response?

;

;

Question 158.; Why did this administration reinstate the payments of bonuses to political appointees? (POC ) WHO M&A)

;

The CFR allows for all Federal Employees to receive bonus.; This administration continued the practice of issuing bonus which has been historically done.

;

;

---

**From:** Kavanaugh, Brett M.  
**To:** joschal@dcigroup.com <Nelson, Carolyn>  
**CC:** joschal@dcigroup.com <joschal@dcigroup.com>  
**Sent:** 5/28/2003 3:15:46 PM  
**Subject:** RE: Bush Photo  
**Attachments:** att1.htm

Can we track down photos with President from 7/16/2002 with Texas gang re Owen?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/28/2003 03:15 PM -----

05/28/2003 02:54:10 PM

Record Type: Record

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

cc:

Subject: RE: Bush Photo

i know you have better things to work on than this - but i've been asked again if we'll be able to track it down. is there someone in your office who can help me find the photos? thanks. happy memorial day.

-----Original Message-----

From: joschal@dcigroup.com [<mailto:joschal@dcigroup.com>]

Sent: Tuesday, May 20, 2003 8:43 AM

To: Brett Kavanaugh (Brett\_M.\_Kavanaugh@who.eop.gov)

Subject: FW: Bush Photo

i wasn't aware that the group of Texans who came LAST YEAR had photos taken.

is it still possible to get copies? i'll get addresses for everyone if so.

thanks.

-----Original Message-----

REV\_00120048

From: Todd Olsen [<mailto:to@olsen-delisi.com>]

Sent: Monday, May 19, 2003 10:50 PM

To: Jennifer Oshcal

Subject: Fw: Bush Photo

can you help me with the request below?

----- Original Message -----

From: "Richard Pena"

To: "Todd Olsen"

Sent: Sunday, May 11, 2003 4:29 PM

Subject: Bush Photo

> Hello Todd:

>

> You may remember I was part of the Texas group that went to Wash. D.C. to

> lobby on behalf of Justice Pricilla Owen. It was a great experience. We

> met the President on July 16, 2002, and did what we could.

>

> The President took a photo with each of us. I know it takes some time

> to receive these. I have not received mine yet, and was wondering if an

> inquiry could be made to see if things are on track for such receipt. I

> hate to bother you with such a minor thing, but I'm redoing my office and

> sure would be proud to have it hanging.

>

> Thanks...Richard

>

> Law Offices of Richard Pena, P.C.

> 2028 E. Ben White, Suite 220

> Austin, Texas 78741

> (512) 327-6884 (phone)

> (512) 327-8354 (fax)

> richard@rpena73.com

>

>

- att1.htm <>



i know you have better things to work on than this - but i've been asked again if we'll be able to track it down. is there someone in your office who can help me find the photos? thanks. happy memorial day.

-----Original Message-----

**From:** joschal@dcigroup.com [mailto:joschal@dcigroup.com]  
**Sent:** Tuesday, May 20, 2003 8:43 AM  
**To:** Brett Kavanaugh (Brett\_M.\_Kavanaugh@who.eop.gov)  
**Subject:** FW: Bush Photo

i wasn't aware that the group of Texans who came LAST YEAR had photos taken. is it still possible to get copies? i'll get addresses for everyone if so. thanks.

-----Original Message-----

**From:** Todd Olsen [mailto:to@olsen-delisi.com]  
**Sent:** Monday, May 19, 2003 10:50 PM  
**To:** Jennifer Oshcal  
**Subject:** Fw: Bush Photo

can you help me with the request below?

----- Original Message -----

From: "Richard Pena" <richard@rpena73.com>  
To: "Todd Olsen" <TO@od-s.com>  
Sent: Sunday, May 11, 2003 4:29 PM  
Subject: Bush Photo

> Hello Todd:

>

> You may remember I was part of the Texas group that went to Wash. D.C. to  
> lobby on behalf of Justice Pricilla Owen. It was a great experience. We  
> met the President on July 16, 2002, and did what we could.

>

> The President took a photo with each of us. I know it takes some time  
> to receive these. I have not received mine yet, and was wondering if an  
> inquiry could be made to see if things are on track for such receipt. I  
> hate to bother you with such a minor thing, but I'm redoing my office and  
> sure would be proud to have it hanging.

>  
> Thanks...Richard  
>  
> Law Offices of Richard Pena, P.C.  
> 2028 E. Ben White, Suite 220  
> Austin, Texas 78741  
> (512) 327-6884 (phone)  
> (512) 327-8354 (fax)  
> richard@rpena73.com  
>  
>

---

**From:** Sheila.Joy@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 11:28:27 AM  
**Subject:** : RE: FW: e-mail version of SF-86

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ( "Sheila.Joy@usdoj.gov"  
<Sheila.Joy@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:28-MAY-2003 15:28:27.00  
SUBJECT:: RE: FW: e-mail version of SF-86  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I am sorry I do not -- I would recommend typing them in similar format  
without blocks on white paper with a reference to which question you are  
responding - FBI will take it that way.

-----Original Message-----  
From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Wednesday, May 28, 2003 3:22 PM  
To: Joy, Sheila  
Subject: Re: FW: e-mail version of SF-86

Do you have continuation sheets as well in this format?

(Embedded  
image moved "Sheila.Joy@usdoj.gov" <Sheila.Joy  
to file: 05/28/2003 09:10:05 AM  
pic19880.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: FW: e-mail version of SF-86

-----



---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/28/2003 3:48:44 PM  
**Subject:** fyi- political memo

If we want the admin alert to go out today, we will need to submit the memo to mgt ASAP.

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 11:49:46 AM  
**Subject:** : fyi- political memo

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 15:49:46.00  
SUBJECT:: fyi- political memo  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

If we want the admin alert to go out today, we will need to submit the memo to mgt ASAP.

---

**From:** Litkenhaus, Colleen  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/28/2003 4:37:21 PM  
**Subject:**

Question 141: Does the USSS do a background check on all individuals attending events and meetings at the White House Complex before access can be granted?

A. For security reasons, we are not able to provide this information in this context.

Question 142: During this administration, have White House aides ever overruled a building-access recommendation made by the USSS?

A. The USSS and White House Staff collaborate in making decisions on access to the complex.

---

**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>  
**Sent:** 5/28/2003 4:39:55 PM  
**Subject:** edited

Question 141: Does the USSS do a background check on all individuals attending events and meetings at the White House Complex before access can be granted?

A. For security reasons, it is not appropriate to provide information about the specific nature of background checks and related security procedures in this context.

Question 142: During this administration, have White House aides ever overruled a building-access recommendation made by the USSS?

A. The USSS and White House Staff collaborate in making decisions on access to the complex.



---

**From:** CN=Sonya E. Medina/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>  
**Sent:** 5/28/2003 1:14:20 PM  
**Subject:** : FW: THANKS!

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Sonya E. Medina ( CN=Sonya E. Medina/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 17:14:20.00  
SUBJECT:: FW: THANKS!  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can you help me with a response for this?; They were a very nice family  
but I know I am not able to accept any CDs.; I just want to be polite . .

.  
;  
Any help you can offer would be great!

.  
Thanks.

SEM

-----Original Message-----

From: chris christian [mailto:chris@dallastexas.cc]  
Sent: Wednesday, May 28, 2003 4:45 PM  
To: Medina, Sonya E.  
Subject: THANKS!

Sonya, thank you so much for the tour at the west wing.; My family had a  
wonderful time and you were so nice to meet us there.; Go to this web site  
and pick as many cd's as you might be interested in and I will have them  
sent.; Just email me the titles.; I would love to let you hear some of the  
music we have.; You were a great inspiration to Casey, she came away with  
a great interest in being more involved in the political process..; Thanks  
Again!!

.  
Chris Christian

.  
[http://www.cdstreet.com/cgi-bin/artisthome\\_db.cgi?1239132](http://www.cdstreet.com/cgi-bin/artisthome_db.cgi?1239132)  
<[http://www.cdstreet.com/cgi-bin/artisthome\\_db.cgi?1239132](http://www.cdstreet.com/cgi-bin/artisthome_db.cgi?1239132)>  
.  
[www.homesweethomerecords.com](http://www.homesweethomerecords.com) <<http://www.homesweethomerecords.com>>

.  
.  
send me your home address and the list of cd's you might be interested in.

**From:** Robert.Coughlin@usdoj.gov  
**To:** H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Brian.Jones@ed.gov <Brian.Jones@ed.gov>; Viet.Dinh@usdoj.gov <Viet.Dinh@usdoj.gov>; Paul.D.Clement@usdoj.gov <Paul.D.Clement@usdoj.gov>; Patrick.Philbin@usdoj.gov <Patrick.Philbin@usdoj.gov>; 'escalia@gibsondunn.com' <escalia@gibsondunn.com>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; Jeffrey.Taylor2@usdoj.gov <Jeffrey.Taylor2@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Adam.Ciongoli@usdoj.gov <Adam.Ciongoli@usdoj.gov>  
**Sent:** 5/28/2003 1:18:33 PM  
**Subject:** : RE: Eureka June 2

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Robert.Coughlin@usdoj.gov" <Robert.Coughlin@usdoj.gov> ( "Robert.Coughlin@usdoj.gov" <Robert.Coughlin@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:28-MAY-2003 17:18:33.00  
SUBJECT:: RE: Eureka June 2  
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"'Brian.Jones@ed.gov'" <Brian.Jones@ed.gov> (Receipt Notification Requested) (IPM Return Requested) ( "'Brian.Jones@ed.gov'" <Brian.Jones@ed.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Viet.Dinh@usdoj.gov" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ( "Viet.Dinh@usdoj.gov" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Paul.D.Clement@usdoj.gov" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ( "Paul.D.Clement@usdoj.gov" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Patrick.Philbin@usdoj.gov" <Patrick.Philbin@usdoj.gov> (Receipt Notification Requested) ( "Patrick.Philbin@usdoj.gov" <Patrick.Philbin@usdoj.gov> (Receipt Notification Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"'escalia@gibsondunn.com'" <escalia@gibsondunn.com> (Receipt Notification Requested) (IPM Return Requested) ( "'escalia@gibsondunn.com'" <escalia@gibsondunn.com> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Jeffrey.Taylor2@usdoj.gov" <Jeffrey.Taylor2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ( "Jeffrey.Taylor2@usdoj.gov" <Jeffrey.Taylor2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Adam.Ciongoli@usdoj.gov" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ( "Adam.Ciongoli@usdoj.gov" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I'm in.

-----Original Message-----

From: Ciongoli, Adam  
Sent: Wednesday, May 28, 2003 4:42 PM  
To: Ciongoli, Adam; Philbin, Patrick;  
'H.\_Christopher\_Bartolomucci@who.eop.gov'; 'Brian.Jones@ed.gov';

REV\_00120068

'Theodore\_W.\_Ullyot@who.eop.gov'; Clement, Paul D;  
'escalia@gibsondunn.com'; 'Brett\_M.\_Kavanaugh@who.eop.gov'; Coughlin,  
Robert; 'Noel\_Francisco@who.eop.gov'; Dinh, Viet; Taylor, Jeffrey  
Subject: Eureka June 2

Monsieur Ullyot has reminded me that next Monday is the first Monday of  
June. Who's available for the usual?

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 2:12:15 PM  
**Subject:** : Mtg re: Leon Holmes

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:28-MAY-2003 18:12:15.00

SUBJECT:: Mtg re: Leon Holmes

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Chris/Brett-

;

Can you make a 9 am on Friday re: Holmes? Meeting will be in the Judge's Office.

;

---

**From:** CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 5/28/2003 2:46:00 PM  
**Subject:** : Anyone want to walk over to Noel's party?

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 28-MAY-2003 18:46:00.00

SUBJECT:: Anyone want to walk over to Noel's party?

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>  
**Sent:** 5/28/2003 2:46:26 PM  
**Subject:** : Re: Anyone want to walk over to Noel's party?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:28-MAY-2003 18:46:26.00  
SUBJECT:: Re: Anyone want to walk over to Noel's party?  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

yes

Jennifer G. Newstead  
05/28/2003 06:45:12 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: Anyone want to walk over to Noel's party?

Message Sent

To: \_\_\_\_\_  
Theodore W. Ulliyot/WHO/EOP@EOP  
H. Christopher Bartolomucci/WHO/EOP@EOP  
Brett M. Kavanaugh/WHO/EOP@EOP  
Jennifer R. Brosnahan/WHO/EOP@EOP  
Kyle Sampson/WHO/EOP@EOP  
Benjamin A. Powell/WHO/EOP@EOP

---

**From:** Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/28/2003 4:50:40 PM  
**Subject:** : Thanks

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:28-MAY-2003 20:50:40.00

SUBJECT:: Thanks

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Thanks for coming up today. This focus group was very interesting and should give us some real help going forward. Frank is rushing to turn around his analysis by early next week, and he will probably be presenting it to the Steering Committee Senators next Wednesday, too.

-----

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

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/29/2003 1:25:30 AM  
**Subject:** : OpinionJournal - On the Editorial Page - May 29, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME:29-MAY-2003 05:25:30.00  
SUBJECT:: OpinionJournal - On the Editorial Page - May 29, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003555>

The Bush administration needs an assertive mideast policy.  
12:01 a.m. EDT

John Fund's Political Diary  
<http://www.opinionjournal.com/diary/?id=110003553>

The Clintons create a political vacuum for Democrats.  
12:01 a.m. EDT

Leisure & Arts BY NAT HENTOFF  
<http://www.opinionjournal.com/la/?id=110003554>

Comic pioneer Lenny Bruce deserves a posthumous pardon.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

The Seinfeld Deflation  
The economic show about nothing.  
May 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105416623447167000,00.html%3Fmod%3Dopinion>

~~~~~

Two Cheers for Chile  
Securing another bilateral plank in the U.S. global free-trade strategy.  
May 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105416661495635600,00.html%3Fmod%3Dopinion>

~~~~~

Missing Mideast Momentum  
The Bush administration needs an assertive policy.  
May 29 2003



<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105416685040598500,00.html%3Fmod%3Dopinion>

~~~~~

#### Commentary

##### Self-Defense, Pirates and Contraband

It is lawful to interdict North Korea's arms shipments.

By RUTH WEDGWOOD

May 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB1054167071366600,00.html%3Fmod%3Dopinion>

~~~~~

##### S.O.S. From Afghanistan

The local government gives the U.S. possibly its last chance for success.

By AHMED RASHID and BARNETT R. RUBIN

May 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB1054168123746800,00.html%3Fmod%3Dopinion>

~~~~~

#### Politics & People

##### Can-Do Kids

Poignant writing and boundless courage from elementary school students.

By ALBERT R. HUNT

May 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105416339829442100,00.html%3Fmod%3Dopinion>

~~~~~

#### Leisure & Arts

##### Television

##### Prisoners of Another War

A look inside a German camp.

By DOROTHY RABINOWITZ

May 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105409427010773400,00.html%3Fmod%3Dopinion>

~~~~~

##### Books

##### From Manor House to Mutiny

"Gentelman Revolutionary"

By EDWARD J. RENEHAN JR.

May 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105409474570976700,00.html%3Fmod%3Dopinion>

~~~~~

##### Architecture

##### The Very Model of a Modular House

Pre-fab can be fabulous.

By DANIEL AKST

May 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105417203833497800,00.html%3Fmod%3Dopinion>

~~~~~

Posthumous Pardon for Lenny Bruce  
A comic pioneer deserves a posthumous pardon.  
By NAT HENTOFF  
May 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105417164621005000,00.html%3Fmod%3Dopinion>

~~~~~

Books  
High Art, Sharp Judgments  
"The Burlington Magazine: A Century Anthology"  
By HILTON KRAMER  
May 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105416964367740400,00.html%3Fmod%3Dopinion>

~~~~~

Theater  
Dancers, Platforms, and Mirrors  
"John Jasperse Company" at the Dance Theater Workshop, New York through  
June 8.  
By ROBERT GRESKOVIC  
May 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105416998939457900,00.html%3Fmod%3Dopinion>

~~~~~

International

Nepal's Greatest Challenge  
Nepal's potential can be achieved by improving economic freedom.  
By RAKESH WADHWA and MARGALIT EDELMAN  
From The Asian Wall Street Journal  
May 29 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105415146022430500,00.html%3Fmod%3Dopinion>

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<http://StartupJournal.com>

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---

**From:** CN=Allison L. Riepenhoff/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>; Linda M. Gambatesa/WHO/EOP@Exchange [ WHO ] <Linda M. Gambatesa>; Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>  
**CC:** Tracy Jucas/WHO/EOP@EOP [ WHO ] <Tracy Jucas>  
**Sent:** 5/29/2003 4:32:40 AM  
**Subject:** : Meeting with Joe Hagin

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff ( CN=Allison L. Riepenhoff/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:29-MAY-2003 08:32:40.00

SUBJECT:: Meeting with Joe Hagin

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Linda M. Gambatesa ( CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Joe has requested a meeting today re: campaign.

;

This will take place in the Ward Room at 5:00 pm.; Due to the Europe;trip tomorrow, this is the only time we can fit this in, I apologize for any inconvenience it may cause.

;

;Thanks!

---

**From:** CN=Peter H. Wehner/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>  
**Sent:** 5/29/2003 7:17:55 AM  
**Subject:** : Meeting at your convenience

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Peter H. Wehner ( CN=Peter H. Wehner/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-MAY-2003 11:17:55.00  
SUBJECT:: Meeting at your convenience  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett:

Karl thought, and I strongly agree, it would be a good idea for Matt and me to sit down with you to discuss ethics matters as they relate to the campaign. I was planning to meet with people both inside and outside the administration, to seek their guidance and counsel as it relates to the White House and '04, and I want to make sure in advance that I know the "do's and don'ts" in terms of what to ask and how to frame matters. I want to be whatever I do is wholly appropriate -- and your guidance would be invaluable.

Could you let me know when's a good time for us to meet?

Many thanks.

Pete

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>  
**Sent:** 5/29/2003 3:35:28 AM  
**Subject:** : Reports

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:29-MAY-2003 07:35:28.00

SUBJECT:: Reports

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

I believe that each of you is currently assigned to do a brief write up on possible judicial candidates.; To permit the judge to keep on schedule with potential upcoming meetings, please make every effort to complete those write ups by early next week -- say, COB Tuesday.; Chris has already completed one such write up, and seems to have followed a useful format if you're wondering what the work product might look like.; Many thanks.;

---

**From:** Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>;Brian Benczkowski (E-mail) <Brian.A.Benczkowski@usdoj.gov>  
**Sent:** 5/29/2003 7:53:36 AM  
**Subject:** : Claude Allen editorial -- here we go

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:29-MAY-2003 11:53:36.00  
SUBJECT:: Claude Allen editorial -- here we go  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Brian Benczkowski (E-mail)" <Brian.A.Benczkowski@usdoj.gov> ( "Brian Benczkowski (E-mail)" <Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Just a process argument -- so far.  
<<<Editorial asserts that the Bush administration should withdraw the nomination of Claude Allen to the U.S. Court of Appeals for the 4th Circuit in order to preserve "a semblance of balance on a court that observers say is already the most conservative in the nation." Allen, a Virginian, would fill the seat of the late Marylander Judge Francis Murnaghan Jr., "a liberal thinker, a progressive and a distinguished advocate of civil rights." The previous nominee for this seat "was rejected by Maryland's Democratic senators ... because he was not a member of the Maryland bar." Arguing that the 4th Circuit needs "a variety of viewpoints," the editorial calls on Gov. Robert Ehrlich Jr. (R.) to "exercise whatever clout he has in the White House to put a Marylander in the Maryland seat." Editorial, 4th Circuit Balance, Baltimore Sun, May 27, 2003. <<http://www.sunspot.net/bal-ed.court27may27,0,575632.story>> >>>

---

Steven J. Duffield  
Judiciary Policy Analyst & Counsel  
Senate Republican Policy Committee  
347 Russell Senate Office Building  
(202) 224-3463 Fax (202) 224-1235

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/29/2003 4:24:50 AM  
**Subject:** : FW: QFR Extension

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:29-MAY-2003 08:24:50.00  
SUBJECT:: FW: QFR Extension  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;  
-----Original Message-----  
From: Gambatesa, Linda M.  
Sent: Thursday, May 29, 2003 8:04 AM  
To: Litkenhaus, Colleen  
Subject: FW: QFR Extension

fyi  
-----Original Message-----  
From: Campen, Tim  
Sent: Thursday, May 29, 2003 7:55 AM  
To: Gambatesa, Linda M.  
Subject: QFR Extension

Rich Efford, our staff POC at Treasury and Postal, is out of town until sometime Friday.; So we'll send him an email and leave him a voice mail asking for an extension until 4 June.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Allison L. Riepenhoff/WHO/EOP@Exchange [ WHO ] <Allison L. Riepenhoff>  
**Sent:** 5/29/2003 4:51:40 AM  
**Subject:** : Re: Meeting with Joe Hagin

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-MAY-2003 08:51:40.00  
SUBJECT:: Re: Meeting with Joe Hagin  
TO:Allison L. Riepenhoff ( CN=Allison L. Riepenhoff/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I will be there

From: Allison L. Riepenhoff/WHO/EOP@Exchange on 05/29/2003 08:31:31  
AM  
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP, Colleen  
Litkenhaus/WHO/EOP@Exchange, Linda M. Gambatesa/WHO/EOP@Exchange, Brett M.  
Kavanaugh/WHO/EOP@EOP  
cc: Tracy Jucas/WHO/EOP@EOP  
Subject: Meeting with Joe Hagin

Joe has requested a meeting today re: campaign.

;  
This will take place in the Ward Room at 5:00 pm.; Due to the Europe;trip  
tomorrow, this is the only time we can fit this in, I apologize for any  
inconvenience it may cause.  
;  
;Thanks!

---

**From:** CN=Allison L. Riepenhoff/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>; Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>; Linda M. Gambatesa/WHO/EOP@Exchange [ WHO ] <Linda M. Gambatesa>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Tracy Jucas/WHO/EOP@EOP [ WHO ] <Tracy Jucas>  
**Sent:** 5/29/2003 4:56:38 AM  
**Subject:** : RE: Meeting with Joe Hagin- please cancel

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff ( CN=Allison L. Riepenhoff/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:29-MAY-2003 08:56:38.00

SUBJECT:: RE: Meeting with Joe Hagin- please cancel

TO:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Linda M. Gambatesa ( CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Sorry for the confusion. We will reschedule soon.

---

**From:** CN=Amanda K. Burdick/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/29/2003 5:47:44 AM  
**Subject:** : approvals for Ken

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Amanda K. Burdick ( CN=Amanda K. Burdick/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-MAY-2003 09:47:44.00  
SUBJECT:: approvals for Ken  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,  
This might be a silly question. I am running invites with Ken's name on them by counsel at the campaign.  
Since it has the President's name on it.... Ken Mehlman, Campaign Manager, Bush-Cheney '04..... should I run them by you still? or is this only a campaign issue?  
Please advise.  
Thanks,  
Amanda Burdick

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/29/2003 5:47:08 AM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:29-MAY-2003 09:47:08.00

SUBJECT::

TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Bush Camp Seeks To Mobilize Evangelical Base For 2004. Howard Fineman writes on the Newsweek web site (5/28), &The Bush Crowd loathes talking to the press, but they don't hide their aims. Their straightforward goal for '04 is to boost turnout of +The Base, -- defined, in the modern Republican Party, as voters who practice traditional religions in traditional ways. That means evangelical Christians, of course, but also, and increasingly, socially conservative (if economically liberal) Roman Catholics, adherents of various strains of Eastern Orthodoxy and non-Reform Jews. Here's one of the most salient facts of politics today: There is a close and growing correlation between dutiful church attendance and identification with the GOP. The president's visit to Krakow-the start of a trip that will include stops in Russia, France and the Middle East-is perfectly timed. He'll be there on Saturday, so that news of his visit to the hometown of the Polish Pope will be in every Sunday paper. You think they'll notice that in, say, Pittsburgh or Chicago? I asked Karl Rove more than a year ago what his goal was for '04. His straightforward, unblinking answer: to increase evangelical turnout.<sup>8</sup> Fineman continues, &You don't tend to think of the Department of the Interior as a hotbed of religiosity or, for that matter, the Federal Emergency Management Agency. Sure enough, though, FEMA recently decided to allow religious groups to be paid for taking part in storm and earthquake relief efforts. And the Department of Housing and Urban Development is funneling money into construction of religious centers, as long as the dominant purpose of the structure is +social service.,<sup>8</sup> Fineman also notes, &There's only one high-profile matter that is truly risky: the choice of a nominee for the Supreme Court. To make this strategy work, the president has to pick a religious traditionalist of some kind, which means one who openly-proudly-opposes abortion and favors a Human Life Amendment to the constitution. That kind of nominee would generate the kind of fight the White House doesn't really want to see, for it could mobilize the other side. Better to fly below radar. Which is why, inside the White House, they might want to invent their own kind of religious practice: praying for the health of the members of the High Court.<sup>8</sup>

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 5/29/2003 5:53:03 AM  
**Subject:** : please give Judge and David one Kuhl binder each

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-MAY-2003 09:53:03.00  
SUBJECT:: please give Judge and David one Kuhl binder each  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>  
**Sent:** 5/29/2003 5:57:01 AM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:29-MAY-2003 09:57:01.00

SUBJECT::

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

still no paper from Waldman

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 5/29/2003 6:30:05 AM  
**Subject:** : quick request

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-MAY-2003 10:30:05.00  
SUBJECT:: quick request  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

can you get me phone number for Frank Jimenez, who is White House Liaison  
at HUD. Also, what is zip code for HUD? thanks

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/29/2003 6:35:37 AM  
**Subject:** : Re: quick request

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-MAY-2003 10:35:37.00  
SUBJECT:: Re: quick request  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Isn't Matt Hunter the WHL at HUD? I believe Jimenez is COS.

Frank Jimenez- 202.708.2713  
HUD Zip 20410



---

**From:** CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/29/2003 7:12:36 AM  
**Subject:** : Approval from Brett? - Ohio Administration Travel

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-MAY-2003 11:12:36.00  
SUBJECT:: Approval from Brett? - Ohio Administration Travel  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett -

We send out regular emails from our government computers to state leadership about upcoming Administration Travel in their state. The list includes the chief of staffs for all GOP congressional, statewide, and target county officials, as well as select Party leadership.

As you know, Administration surrogates are beginning to travel to states to attend fundraisers for the President's re-election campaign. Are we allowed to notify this same list of those travel dates? Please see an example email below to Ohio's state leadership list - note the 6/24 and 6/30 events by FLOTUS and VPOTUS, respectively, and the event listing as "a political event".

c

----- Forwarded by Collister W. Johnson/WHO/EOP on  
05/29/2003 11:07 AM -----

David B. Rachelson  
05/29/2003 10:57:43 AM  
Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP  
cc:  
Subject: Ohio Administration Travel

Please find below upcoming Administration travel to Ohio:

6/6 - Karl Rove will be in Dayton to attend a fundraiser for the Ohio Victory Committee.

6/13 - Education Under Secretary Eric Andell will be in Cincinnati to speak to the Directors of the 18 nationwide Safe School Centers.

6/20 - Homeland Security Secretary Tom Ridge will be in Cleveland to discuss TBD topic.

6/20 - EPA Administrator Whitman will be in Cincinnati to attend the Brownfields announcement with Senator Voinovich.

6/24 - The First Lady will attend a political event in Cincinnati

6/30 - Vice President Dick Cheney will attend a political event in Akron.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Collister W. Johnson/WHO/EOP@EOP [ WHO ] <Collister W. Johnson>  
**Sent:** 5/29/2003 7:23:24 AM  
**Subject:** : Re: Approval from Brett? - Ohio Administration Travel

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-MAY-2003 11:23:24.00  
SUBJECT:: Re: Approval from Brett? - Ohio Administration Travel  
TO:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This is appropriate except that the word "fundraiser" should not be used.  
Substitute "political event."

Collister W. Johnson  
05/29/2003 11:11:50 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Approval from Brett? - Ohio Administration Travel

Brett -

We send out regular emails from our government computers to state leadership about upcoming Administration Travel in their state. The list includes the chief of staffs for all GOP congressional, statewide, and target county officials, as well as select Party leadership.

As you know, Administration surrogates are beginning to travel to states to attend fundraisers for the President's re-election campaign. Are we allowed to notify this same list of those travel dates? Please see an example email below to Ohio's state leadership list - note the 6/24 and 6/30 events by FLOTUS and VPOTUS, respectively, and the event listing as "a political event".

c

----- Forwarded by Collister W. Johnson/WHO/EOP on  
05/29/2003 11:07 AM -----

David B. Rachelson  
05/29/2003 10:57:43 AM  
Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP  
cc:  
Subject: Ohio Administration Travel

Please find below upcoming Administration travel to Ohio:

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6/13 - Education Under Secretary Eric Andell will be in Cincinnati to speak to the Directors of the 18 nationwide Safe School Centers.

6/20 - Homeland Security Secretary Tom Ridge will be in Cleveland to discuss TBD topic.

6/20 - EPA Administrator Whitman will be in Cincinnati to attend the Brownfields announcement with Senator Voinovich.

6/24 - The First Lady will attend a political event in Cincinnati

6/30 - Vice President Dick Cheney will attend a political event in Akron.

---

**From:** CN=Edward A. Boling/OU=CEQ/O=EOP [ CEQ ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/29/2003 7:30:42 AM  
**Subject:** : FOIA issue and litigation heads-up

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Edward A. Boling ( CN=Edward A. Boling/OU=CEQ/O=EOP [ CEQ ] )  
CREATION DATE/TIME:29-MAY-2003 11:30:42.00  
SUBJECT:: FOIA issue and litigation heads-up  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

1) We have a pending FOIA request for copies of documents (broadly defined) to and from chemical industry entities regarding policy recommendations on the issue of chemical security or the vulnerability of chemical plants to terrorism within the time frame October 1, 2001 to April 28, 2003. One responsive document is a 9/23/2002 letter to Karl Rove and Mr. Rove's 10/31/2003 reply forwarding that letter to us. I need to find out if there would be objections to the release of the incoming letter and/or Mr. Rove's response. I can withhold Mr. Rove's response as falling outside the scope of the request (it's not a CEQ communication) but that argument doesn't really justify withholding the incoming letter.

2) The last of the lawsuits challenging President Clinton's use of the Antiquities Act (designating the Grand Staircase-Escalante National Monument) is moving forward on cross-motions for summary judgment. DOJ has had a motion to dismiss/summary judgment pending for some time but this case had been on a long hiatus while the 10th Circuit resolved intervention and congressional ratification issues. On 10/31/2002, Judge Benson (D. Utah) entered an amended scheduling order for dispositive motions. Plaintiffs and defendant-intervors have now filed their motions for summary judgment and the U.S. response/reply brief is due July 7. Would you be the point of contact for reviewing that brief (expected the week of June 23)?

---

**From:** CN=Paul Perkins/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/29/2003 11:40:06 AM  
**Subject:** : Briefing on June 11

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-MAY-2003 15:40:06.00  
SUBJECT:: Briefing on June 11  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,  
Would you be able to speak at a briefing to 170-180 Capital Research  
Center interns? It will be on Wednesday, June 11, from 4:20-4:40 in room  
450?  
Thanks,  
Paul.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Amanda K. Burdick/WHO/EOP@EOP [ WHO ] <Amanda K. Burdick>  
**Sent:** 5/29/2003 7:45:15 AM  
**Subject:** : Re: approvals for Ken

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-MAY-2003 11:45:15.00  
SUBJECT:: Re: approvals for Ken  
TO:Amanda K. Burdick ( CN=Amanda K. Burdick/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I would like to get a copy of them, but I do not need to be in the approval chain. Thanks.

Amanda K. Burdick

05/29/2003 09:46:57 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: approvals for Ken

Brett,  
This might be a silly question. I am running invites with Ken's name on them by counsel at the campaign.  
Since it has the President's name on it.... Ken Mehlman, Campaign Manager, Bush-Cheney '04..... should I run them by you still? or is this only a campaign issue?  
Please advise.  
Thanks,  
Amanda Burdick

---

**From:** CN=Amanda K. Burdick/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/29/2003 12:17:20 PM  
**Subject:** : Re: approvals for Ken

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Amanda K. Burdick ( CN=Amanda K. Burdick/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-MAY-2003 16:17:20.00  
SUBJECT:: Re: approvals for Ken  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

thanks. they are being revised right now, then i'll get you a copy.

Brett M. Kavanaugh  
05/29/2003 11:44:36 AM  
Record Type: Record

To: Amanda K. Burdick/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: approvals for Ken

I would like to get a copy of them, but I do not need to be in the approval chain. Thanks.

Amanda K. Burdick  
  
05/29/2003 09:46:57 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: approvals for Ken

Brett,  
This might be a silly question. I am running invites with Ken's name on them by counsel at the campaign.  
Since it has the President's name on it.... Ken Mehlman, Campaign Manager, Bush-Cheney '04..... should I run them by you still? or is this only a campaign issue?  
Please advise.  
Thanks,  
Amanda Burdick



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>  
**Sent:** 5/29/2003 10:22:38 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-MAY-2003 14:22:38.00  
SUBJECT::  
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The Associated Press  
Wednesday, May 28, 2003; 6:48 PM  
WASHINGTON - Racial and ethnic data are essential to health care, law enforcement and criminal justice policy, social scientists said Wednesday, discussing a ballot initiative that would bar California from collecting such information.  
Studies on disparate medical treatment, incarceration rates and loan approvals for blacks and whites would be threatened if voters in March approve the racial privacy initiative championed by affirmative action opponent Ward Connerly, the sociologists said at a forum on Capitol Hill. The information is vital "so long as race is used as a basis of access or denial," said Troy Duster, a professor at the University of California at Berkeley and New York University.  
The measure could strike the "race box" from many government forms by forbidding state and local governments from classifying students, contractors or employees by race, ethnicity, color or national origin. The measure exempts some data collected for medical research, descriptions of prisoners or criminal suspects, and cases where the federal government requires that agencies report racial data.  
Connerly said the arguments against the initiative use circular reasoning. "They say we can't get rid of the categories until we're colorblind. Until we get rid of the categories, we can't be colorblind," he said in a telephone interview following the forum.  
Connerly, who says he is part white, part American Indian and part African-American, argues that identifying people by race is meaningless and a form of segregation.  
Eight years ago, Connerly led the fight to drop race in University of California admissions and went on to successfully dismantle many public affirmative action programs statewide.  
Connerly, who is a University of California regent, says his initiative is the next step toward a "colorblind society."  
But two weeks ago, fellow regents went on record in opposition to Connerly's campaign.  
Duster called Connerly's argument "seductive," noting that recent polls show 60 percent of California voters support the initiative.  
But he said the appeal is illusory because race is a factor in decisions throughout society. "I don't have racial privacy when I drive my car down the street or I go for loan," Duster said.  
Statistics on the racial composition of juries in Texas played a key role in the Supreme Court's decision in February to strike down a death sentence, he said.  
Brian Smedley, a senior program officer at the Institute of Medicine, said medical studies have shown persistent disparities in the treatment of black and white patients, regardless of insurance or income.  
"We couldn't find a single area of disease or illness where these disparities were not evident," Smedley said.  
Former San Diego Police Chief Jerry Sanders said authorities would never root out the practice of racial profiling if they could not compile data to document its existence.  
Duster said he is frustrated that the debate over racial and ethnic data is so starkly framed. On the one hand, mixed-race families are

increasingly common and molecular biologists say that race is irrelevant in their research. On the other hand, race remains an important social marker.

"It can be both whimsical and arbitrary and also deeply embedded," Duster said. "That's hard to handle in a debate."

---

---

**From:** Jeffrey.B.Clark@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/29/2003 11:30:56 AM  
**Subject:** : Gey FIFRA Preemption Case

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Jeffrey.B.Clark@usdoj.gov" <Jeffrey.B.Clark@usdoj.gov> (  
"Jeffrey.B.Clark@usdoj.gov" <Jeffrey.B.Clark@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:29-MAY-2003 15:30:56.00  
SUBJECT:: Gey FIFRA Preemption Case  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Just left you a voicemail about this, but call me if you want to discuss.  
Worth telling you what went on and is going on. 514-3370.

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>  
**Sent:** 5/29/2003 11:54:09 AM  
**Subject:** : Supreme Court

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 29-MAY-2003 15:54:09.00

SUBJECT:: Supreme Court

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

The Judge will host an impromptu staff meeting today at 4:15 to discuss the SC. Please let me know if you can't make it.

;

Thanks!;

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Lisa J. Macecevic/OMB/EOP [ OMB ] <Lisa J. Macecevic>  
**Sent:** 5/29/2003 12:10:04 PM  
**Subject:** RECEIVED: Guidance needed re HR361 - Sports Agents Responsibility & Trust Act

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-MAY-2003 16:10:04.00  
SUBJECT:RECEIVED: Guidance needed re HR361 - Sports Agents Responsibility & Trust Act  
TO:Lisa J. Macecevic ( CN=Lisa J. Macecevic/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

RETURN RECEIPT

Your Document:  
Guidance needed re HR361 - Sports Agents Responsibility & Trust Act  
was successfully received by:  
CN=Brett M. Kavanaugh/OU=WHO/O=EOP  
at:  
05/29/2003 04:07:57 PM

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Monique L. Dilworth/OA/EOP [ OA ] <Monique L. Dilworth>  
**Sent:** 5/29/2003 2:08:12 PM  
**Subject:** RECEIVED: QFR Coordination - 2nd Round

##### Begin Original ARMS Header #####  
RECORD TYPE: FEDERAL (NOTES READ RECEIPT)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:29-MAY-2003 18:08:12.00  
SUBJECT:RECEIVED: QFR Coordination - 2nd Round  
TO:Monique L. Dilworth ( CN=Monique L. Dilworth/OU=OA/O=EOP [ OA ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

RETURN RECEIPT

Your Document:  
QFR Coordination - 2nd Round  
was successfully received by:  
CN=Brett M. Kavanaugh/OU=WHO/O=EOP  
at:  
05/29/2003 06:06:36 PM

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/30/2003 3:34:27 AM  
**Subject:** : FW: Colin Newman

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:30-MAY-2003 07:34:27.00  
SUBJECT:: FW: Colin Newman  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

FYI  
-----Original Message-----  
From: Bolten, Joshua B.  
Sent: Thursday, May 29, 2003 9:27 PM  
To: Leitch, David G.  
Subject: Colin Newman

Colin, who is applying for a paralegal position, was a volunteer/intern on my campaign policy staff.; Good guy, strong GWB supporter, hard worker.; Let me know if you'd like more.; thx; jb

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Peter H. Wehner/WHO/EOP@EOP [ WHO ] <Peter H. Wehner>  
**CC:** matthew a. schlapp/who/eop@eop [ WHO ] <matthew a. schlapp>  
**Sent:** 5/30/2003 3:37:10 AM  
**Subject:** : Re: Meeting at your convenience

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:30-MAY-2003 07:37:10.00  
SUBJECT:: Re: Meeting at your convenience  
TO:Peter H. Wehner ( CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:matthew a. schlapp ( CN=matthew a. schlapp/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Absolutely. I know Matt will be busy today (!), but you all pick a day and we can do it.

Peter H. Wehner  
05/29/2003 11:17:06 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Matthew A. Schlapp/WHO/EOP@EOP  
Subject: Meeting at your convenience

Brett:

Karl thought, and I strongly agree, it would be a good idea for Matt and me to sit down with you to discuss ethics matters as they relate to the campaign. I was planning to meet with people both inside and outside the administration, to seek their guidance and counsel as it relates to the White House and '04, and I want to make sure in advance that I know the "do's and don'ts" in terms of what to ask and how to frame matters. I want to be whatever I do is wholly appropriate -- and your guidance would be invaluable.

Could you let me know when's a good time for us to meet?

Many thanks.

Pete



**From:** CN=Leonard B. Rodriguez/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Amanda K. Burdick/WHO/EOP@EOP [ WHO ] <Amanda K. Burdick>  
**Sent:** 5/30/2003 4:33:15 AM  
**Subject:** : Card invite revisions  
**Attachments:** P\_618TG003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Leonard B. Rodriguez ( CN=Leonard B. Rodriguez/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:30-MAY-2003 08:33:15.00  
SUBJECT:: Card invite revisions  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Amanda K. Burdick ( CN=Amanda K. Burdick/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Need you sign-off on the attached invite. Bringing a hard copy to you as well.

Amanda--

Can you make sure Josefiak also signs-off on the attached invite

----- Forwarded by Leonard B. Rodriguez/WHO/EOP on  
05/30/2003 08:30 AM -----

David M. Thomas  
05/28/2003 07:51:54 AM  
Record Type: Record

To: Melissa S. Bennett/WHO/EOP@Exchange@EOP, Adrian G.  
Gray/WHO/EOP, Leonard B. Rodriguez/WHO/EOP@EOP  
cc:  
Subject: Card invite revisions

Are you OK with this?

----- Forwarded by David M. Thomas/WHO/EOP on 05/28/2003  
07:50 AM -----

Kevin Messner <[PRA 6]>  
05/27/2003 10:30:37 PM  
Record Type: Record

To: David M. Thomas/WHO/EOP@EOP  
cc:  
Subject: Card invite revisions

Here is a revised invite for final approval.

Thanks.

Kevin Messner

- 6-26-03 Renzi Event with Card.doc

REV\_00120158

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_618TG003\_WHO.TXT\_1>

# **Congressman Rick Renzi**

**(AZ-01)**

*Invites You To*  
**A Roundtable Discussion and Reception**  
With Special Guest

## **Andrew Card**

**Thursday, June 26, 2003**

**Roundtable 6:30 pm**  
**Remarks & Reception 7:00 pm**

**U.S. Chamber of Commerce**  
*1615 H Street, NW, Washington, DC*

**Roundtable & Reception \$2,000**  
**Reception \$1,000**

*\*Space limited for Roundtable\**

Please RSVP to David Bowser  
or Laura Cone (703) 575-7676 or  
e-mail [info@keelencomm.com](mailto:info@keelencomm.com)

Please make checks payable to  
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PO Box 2776  
Arlington, VA 22202

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employer for contributions where aggregate is in excess of \$200 in a calendar year.  
Contributions from corporations and foreign nationals are prohibited

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/30/2003 5:20:11 AM  
**Subject:** : read this

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:30-MAY-2003 09:20:11.00  
SUBJECT:: read this  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####  
  
<http://tedstrong.com/estradaclash.shtml>  
<<http://tedstrong.com/estradaclash.shtml>>

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/30/2003 1:38:31 AM  
**Subject:** : OpinionJournal - On the Editorial Page - May 30, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME:30-MAY-2003 05:38:31.00  
SUBJECT:: OpinionJournal - On the Editorial Page - May 30, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY ROBERT L. POLLOCK  
<http://www.opinionjournal.com/editorial/?id=110003562>

Iraqis embrace freedom--even though it starts off messy.  
12:01 a.m. EDT

Wonder Land BY DANIEL HENNINGER  
<http://www.opinionjournal.com/columnists/dhenninger/?id=110003563>

Annika Sorenstam and the dawn of rights fatigue.  
12:01 a.m. EDT

On the Taste Page

<http://opinionjournal.com/taste/>

Who'll symbolize the "new Russia," Paul McCartney or Felix Dzerzhinsky?

12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Atlanticism of the Willing  
Bush can't mend Europe's new great divide.  
May 30 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105425497643707000,00.html%3Fmod%3Dopinion>

~~~~~

Err Waves  
How FCC rules may create the next NextWave.  
May 30 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105425531097534800,00.html%3Fmod%3Dopinion>

~~~~~

The Death Tax Lives On  
Many of the 50 states won't let it die.

May 30 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105425563060254400,00.html%3Fmod%3Dopinion>

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#### Commentary

##### Great Expectations

Iraqis embrace freedom -- even though it starts off messy.

By ROBERT L. POLLOCK

May 30 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105425716333420900,00.html%3Fmod%3Dopinion>

~~~~~

##### The Market Is Half Full

What happens if the empirical side lines up with the optimistic side?

By JAMES J. CRAMER

May 30 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105425768738868600,00.html%3Fmod%3Dopinion>

~~~~~

#### Wonder Land

##### The Dawn of Rights Fatigue

She's the best woman golfer. Not Martin Luther King.

By DANIEL HENNINGER

May 30 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105425439195779800,00.html%3Fmod%3Dopinion>

~~~~~

#### The Americas

##### It's Time for Mexico to Dollarize

The peso is just too expensive to keep.

By STEVE H. HANKE

May 30 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105425398319945100,00.html%3Fmod%3Dopinion>

~~~~~

#### International

##### Bush in Krakow, Among True Allies

Poland shares America's values and geopolitical goals.

By RADEK SIKORSKI

From The Wall Street Journal Europe

May 30 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105424387711243900,00.html%3Fmod%3Dopinion>

~~~~~

##### Kim Can't Kill the Free Market

Free markets thrive in even the most inhospitable environment.

By DANNY GITTINGS  
From The Wall Street Journal Europe  
May 30 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105424478995672600,00.html%3Fmod%3Dopinion>

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<http://cj.careercast.com/taxis/jm/jobPostForm.html?lookid=cj&jp=C>

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>;David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/30/2003 7:36:58 AM  
**Subject:** : Holmes editorial in Florida

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:30-MAY-2003 11:36:58.00

SUBJECT:: Holmes editorial in Florida

TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
05/30/2003 11:34 AM -----

Jeanie S. Mamo  
05/30/2003 11:31:29 AM  
Record Type: Record

To: Ashley Snee/WHO/EOP@Exchange@EOP, Brett M.  
Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: St. Pete (FL)Times (5/30/03) EDITORIAL re: A terrible  
court choice

A terrible court choice  
A Times Editorial  
St. Petersburg Times  
published May 30, 2003

While high-profile battles rage in the Senate over some of President Bush's more controversial nominees to the federal appellate bench, less attention is being paid to his district court picks. One, James Leon Holmes, an attorney in private practice in Arkansas, is particularly worrisome. The choice of Holmes is further evidence that Bush is trying to pack the courts with conservative ideologues.

Holmes, a former president of Arkansas Right to Life, is a man whose view of the world is so dated and backward that he shouldn't be put in charge of a classroom, much less a federal district courtroom. He questions the basic premise of gender equality. In a 1997 article he co-wrote with his wife, Holmes states that the Bible dictates a subordinate role for wives, saying "the woman is to place herself under the authority of the man." He writes that choosing any other way is "distorting the relationship between male and female" and "is as sacrilegious as profaning any of the other sacraments."

The article excoriates modern feminism, charging that it has brought society "artificial contraception and abortion on demand with recognition of homosexual liaisons soon to follow."

"No matter how often we condemn abortion," Holmes writes, "to the extent we adopt the feminist principle that the distinction between the sexes is



of no consequence and should be disregarded in the organization of society . . . we are contributing to the culture of death."

In other writings Holmes has equated abortion rights supporters with Nazis, and he dismissed concerns over the impact of a total ban on abortion on rape victims with the inaccurate and compassionless assertion that "conceptions from rape occur with approximately the same frequency as snowfall in Miami." He has said since he regrets that comment.

This is the man Bush has plucked from obscurity to elevate to the federal bench. Senate Democrats may not have handled every judicial nomination fairly, but in some cases Bush has gone out of his way to find some of the most narrow-minded, extreme thinkers on the political right to place in judicial lifetime appointments.

Holmes' twisted notions of women's equality are out of step with constitutional law and modern thinking. He shouldn't be given a chance to impose his rigid moralism for the rest of his life from the bench.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Joel D. Kaplan/WHO/EOP@Exchange@EOP [ WHO ] <Joel D. Kaplan>  
**Sent:** 5/30/2003 3:41:49 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:30-MAY-2003 07:41:49.00  
SUBJECT:  
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Donation To GOP From Tribe Seeking Meeting With Norton Draws Attention.  
The AP (5/30, Yost) reports, &Just months after President Bush took office, the Republican Party accepted a \$100,000 check from an Indian tribe seeking help in getting a meeting with Interior Secretary Gale Norton, according to internal GOP records. After the check was sent, the lobbyist for the Agua Caliente Indian band sent a thank-you letter to the GOP suggesting Norton's office was considering its meeting request. The leader of the tribe eventually got to air its concerns to the interior secretary during a congressional tour near the tribe's home in Palm Springs, Calif.<sup>8</sup> Republican Party &officials say tribal officials were never promised anything in return for their six-figure check in 2001. +We may pass along a request, but that's the extent of it,, said Jim Dyke, a spokesman for the Republican National Committee.<sup>8</sup> Agua Caliente tribal chairman Richard Milanovich &said Thursday there was no connection between the tribe's check and the request for a meeting with Norton, adding, +It wasn't to look for any particular favors from anyone.,<sup>8</sup>

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>  
**Sent:** 5/30/2003 3:47:41 AM  
**Subject:** : Re: Mtg re: Leon Holmes

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:30-MAY-2003 07:47:41.00  
SUBJECT:: Re: Mtg re: Leon Holmes  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Is this on?

From: Carolyn Nelson/WHO/EOP@Exchange on 05/28/2003 06:11:08 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, H. Christopher  
Bartolomucci/WHO/EOP@EOP  
cc:  
Subject: Mtg re: Leon Holmes

Chris/Brett-

;

Can you make a 9 am on Friday re: Holmes? Meeting will be in the Judge's  
Office.

;

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>  
**Sent:** 5/30/2003 3:55:07 AM  
**Subject:** : Holmes meeting reminder

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:30-MAY-2003 07:55:07.00

SUBJECT:: Holmes meeting reminder

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

9:00 am today in the Judge's Office re: Leon Holmes.

;

Thanks!

;

;

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>; Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>; David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>  
**Sent:** 5/30/2003 4:10:26 AM  
**Subject:** : FW: A PRIMER FOR LATER TODAY OR TONIGHT

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 30-MAY-2003 08:10:26.00  
SUBJECT:: FW: A PRIMER FOR LATER TODAY OR TONIGHT  
TO: Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

;  
-----Original Message-----  
From: Doug Hoelscher [mailto:dhoelscher@georgewbush.com]  
Sent: Thursday, May 29, 2003 9:05 PM  
To: Bumatay, Patrick J.  
Subject: FW: A PRIMER FOR LATER TODAY OR TONIGHT

very funny  
-----Original Message-----  
From: Ken Mehlman [mailto:kmehlman@georgewbush.com]  
Sent: Thursday, May 29, 2003 3:50 PM  
To: Ken Mehlman  
Subject: A PRIMER FOR LATER TODAY OR TONIGHT

Top 10 Ways You Will Know Schlapp is a Father

10. The delivery room at Georgetown Hospital will be littered with food wrappers  
9.; Attending in the delivery room will be Hoelscher, McMaster and Ganter  
8.; The baby will faint instead of screaming when the doctor slapped it  
7.; Two words;; Schlapp hips  
6.; Even though it was just born, the baby will look like he's 60 years old.  
5.; Before it can even crawl, the baby will waddle  
4.; The tag on the baby's toe will say "Schlaap" (pronounced SCHLOPP)  
3.; The grandparents will instantly argue over the Baptism attendee list  
2.; Jerry Fallwell will officiate the Baptism.  
1.; The baby will stop crying only after they gave him bratworst.

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Paul B. Dyck/WHO/EOP@EOP [ WHO ] <Paul B. Dyck>  
**CC:** a. merrill hughes/ovp/eop@eop [ OVP ] <a. merrill hughes>  
**Sent:** 5/30/2003 8:29:51 AM  
**Subject:** : Re: Haley Barbour Program  
**Attachments:** P\_7MLTG003\_WHO.TXT\_1.htm; P\_7MLTG003\_WHO.TXT\_2.pdf

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 30-MAY-2003 12:29:51.00  
SUBJECT: : Re: Haley Barbour Program  
TO: Paul B. Dyck ( CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
CC: a. merrill hughes ( CN=a. merrill hughes/OU=ovp/O=eop@eop [ OVP ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

We would like to have a disclaimer, but need to discuss first with Judge Gonzales who is not here today. Can they wait until Monday?

Paul B. Dyck  
05/30/2003 11:30:05 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, A. Merrill Hughes/OVP/EOP@EOP  
cc: Catherine J. Martin/OVP/EOP@EOP  
Subject: Haley Barbour Program

Merrill - the program below is very simple, but I asked that they send for approval. Merrill had mentioned that there had been discussion when you all approved the invite that there may need to be some sort of disclaimer on the program. Do they need to add anything?

----- Forwarded by Paul B. Dyck/WHO/EOP on 05/30/2003  
11:27 AM -----

Melissa Hederman <melissa@haleybarbour.com>  
05/29/2003 02:37:58 PM  
Record Type: Record

To: Paul B. Dyck/WHO/EOP@EOP  
cc: 'Craig Ray' <[REDACTED] PRA 6 [REDACTED]>  
Subject: Program 2

Here's a revised program front--no Mississippi flag!

We'd still like to have approval on this by COB tomorrow if we can.  
Thanks!

Melissa Hederman

- att1.htm  
- Program2.pdf

REV\_00120183

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_7MLTG003\_WHO.TXT\_1>

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_7MLTG003\_WHO.TXT\_2>

Here' s a revised program front--no Mississippi flag!

We'd still like to have approval on this by COB tomorrow if we can. Thanks!

Melissa Hederman



*A luncheon  
with  
Haley Barbour  
and honored guest  
Vice President Dick Cheney  
Monday, June 9, 2003*

*Welcome*

*Presentation of Colors*

*Pledge of Allegiance*

*Star Spangled Banner*

*Invocation*

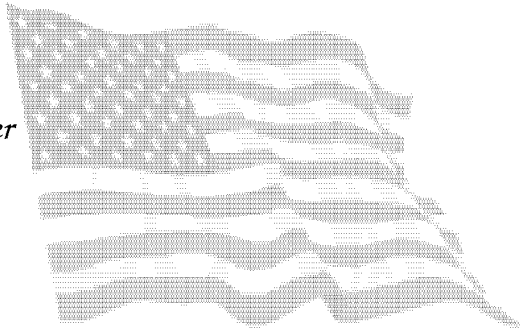
*Music*

*Introduction of Vice President Dick Cheney*

*Haley Barbour*

*Remarks*

*Vice President Dick Cheney*



---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/30/2003 8:43:56 AM  
**Subject:** : Frist favor

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:30-MAY-2003 12:43:56.00

SUBJECT:: Frist favor

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Brett,

Jim Blumstein of Tennessee has been trying to schedule a meeting with the Judge. He is a friend of the Frist family. I mentioned him to you. How can we go about scheduling a meeting?

Manny

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 5/30/2003 9:05:40 AM  
**Subject:** : can you call oschal and update her on pictures from texas event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:30-MAY-2003 13:05:40.00  
SUBJECT:: can you call oschal and update her on pictures from texas event  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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**From:** Montiel, Charlotte L.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 5/30/2003 9:22:35 AM  
**Subject:** FW: Message Meeting Room Change

-----Original Message-----

**From:** Ritacco, Krista L.

**Sent:** Friday, May 30, 2003 9:20 AM

**To:** Yunker, Jacob H.; Allgood, Lauren K.; Ball, Andrea G.; Barrales, Ruben S.; Bennett, Melissa S.; Besanceney, Brian R.; Buchan, Claire ; Burkhart, Shannon; Burks, Jonathan W.; Campbell, Anne E.; Christie, Ronald I.; Ciafardini, Andrew D.; Conde, Roberta L.; Cooper, Rory S.; DeFrancis, Suzy; Devenish, Nicolle; Douglas, Penny G.; Duffy, Trent D.; Ellison, Kimberly; Eskew, Tucker A.; Figg, Kara G.; Gerdelman, Sue H.; Gillmor, Eleanor L.; Grant, Britt; Gray, Adrian G.; Gray, Ann ; Hager, Henry C; Healy, Erin E.; Hennessey, Keith; Hernandez, Israel; Hughes, Taylor A.; Ingle, Edward; Jackson, Barry S.; Kaplan, Joel; Kozberg, Lindsey C.; Kupfer, Jeffrey F.; Kyle, Ross M.; Lawrimore, Emily A.; Lefkowitz, Jay P.; Lineberry, Stephen M.; Litkenhaus, Colleen; Mallea, Jose; Martin, Catherine J.; McClellan, Scott ; McCord, Lauren; McDonald, Rebekah; McQuade, Vickie A.; Mehlman, Ken; Middlemas, A. Morgan; Millerwise, Jennifer; Millison, Cathy L.; Montiel, Charlotte L.; Nelson, Carolyn; Nipper, Wendy L.; Parell, Christie; Pelletier, Eric C.; Perez, Anna M.; Ralston, Susan B.; Reese, Shelley; Riepenhoff, Allison L.; Rodriguez, Noelia ; Rogers, Edwina C.; Rust, Kathryn E.; Ryun, Catharine A.; Schulte, Gregory L.; Sforza, Scott N.; Smith, Heidi M.; Snee, Ashley; Torgerson, Karin B.; Towey, Jim; Vestewig, Lauren J.; Walters, Katherine M.; Wehner, Peter H.; Westine, Lezlee J.; Williams, Mary C.; Wozniak, Natalie S.

**Subject:** Message Meeting Room Change

Message Meeting for Monday will be moved to EEOB 180

Thanks

---

**From:** Sheila.Joy@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/30/2003 5:39:16 AM  
**Subject:** : Brett -- Kristi is coming over this morning for judge interview -- if you can catch her I am sure she would bring your paperwork back here and save you a trip

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ( "Sheila.Joy@usdoj.gov"  
<Sheila.Joy@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:30-MAY-2003 09:39:16.00  
SUBJECT:: Brett -- Kristi is coming over this morning for judge interview -- if you can  
catch her I am sure she would bring your paperwork back here and save you a trip  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

D

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**From:** CN=Andrew D. Ciafardini/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/30/2003 5:40:10 AM  
**Subject:** : checking in...

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Andrew D. Ciafardini ( CN=Andrew D. Ciafardini/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:30-MAY-2003 09:40:10.00  
SUBJECT:: checking in...  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett -

Just wanted to check in on an email I sent earlier this week regarding campaign related vetting.

Brad Blakeman was looking for some guidance on this for this week, and I wanted to check if you knew anything at this point regarding the email questions.

Thanks,

- Andrew

Deputy Director of Scheduling - Research  
202-456-2363 -- Office  
202-494-2637 -- Mobile  
Andrew\_D.\_Ciafardini@who.eop.gov

---

**From:** Sheila.Joy@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>  
**Sent:** 5/30/2003 6:47:16 AM  
**Subject:** : DOJ Building Pass

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ( "Sheila.Joy@usdoj.gov"  
<Sheila.Joy@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME:30-MAY-2003 10:47:16.00

SUBJECT:: DOJ Building Pass

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (Receipt Notification  
Requested) (IPM Return Requested) ( "Kristi.L.Remington@usdoj.gov"

<Kristi.L.Remington@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [  
UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Brett, Apparently security issued a building pass when you came over --  
do you still have it? If so, I think Kristi is over at WH for interviews  
and could you give it to her. Thanks Sheila

cc Kristi

---

**From:** Advance <advance@nationalreview.com>  
**To:** Advance <advance@nationalreview.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 5/30/2003 11:22:37 AM  
**Subject:** : Advance e-copy of National Review's June 16, 2003 Issue

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Advance <advance@nationalreview.com> ( Advance <advance@nationalreview.com> [ UNKNOWN ] )

CREATION DATE/TIME:30-MAY-2003 15:22:37.00

SUBJECT:: Advance e-copy of National Review's June 16, 2003 Issue

TO:Advance <advance@nationalreview.com> ( Advance <advance@nationalreview.com> [ UNKNOWN ] )

READ:UNKNOWN

BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

<http://www.nationalreview.com/advance/advance061603.asp>

So Much Process, So Little Peace  
By John O'Sullivan

No agreement should be made with opponents who are ambiguous on the key point of whether they can and will halt terrorism. Arafat claims that he cannot control terrorist groups; Sinn Fein promised only to try to persuade the IRA to halt violence. These were legalistic fictions. Any future peace process must establish with absolute clarity that the insurgent side will both halt its own terrorism and assist the lawful repression of terrorism mounted by others. Or the deal is off. Moreover, governments that embark on a peace process must have--and tell people they have--a Plan B in case the process fails. The constant recital by British ministers of the line "there is no Plan B" merely let Sinn Fein-IRA know that they could ratchet up their demands indefinitely with no fear that the Blair government might walk away from the table. How could it do so? It had no Plan B. Israel's doves were similarly handicapped.

Hide and Seek... and Seek  
By Jim Lacey

As the hunt goes on, there are some simple truths that many seem to be forgetting: 1) At one time, Saddam had enough chemical weapons and toxins to annihilate the eastern United States; 2) in the past, he used those weapons against his enemies, internal and external; and 3) he was an aggressive dictator who massacred his own people and bullied and periodically invaded neighboring countries. For the past ten years, Saddam may have found it too costly or too difficult to maintain his WMD program. If that is true, we have U.N. sanctions to thank--and the United States, which maintained pressure on the Iraqi regime and those who appeased it. Which leads to the greatest truth of all: In time, sanctions would have been relaxed and U.S. attention would have shifted elsewhere. And when that happened, Saddam would have had the ability, wherewithal, and proven inclination to quickly reconstitute a WMD program. The world is better off without that risk.

Arrest <I>This</I>  
By Lee A. Casey & David B. Rivkin Jr.



Once the war against Saddam Hussein reached a successful conclusion, the war against that war entered a new phase. Activists, asserting that the United States committed "war crimes" in Iraq, are even now in the process of initiating criminal prosecutions against American officials, including President George W. Bush and Gen. Tommy Franks, as well as British prime minister Tony Blair. These actions have been brought in Belgium and Switzerland; the Belgian government already has "referred" the Franks case to the U.S. Justice Department--giving the U.S. an opportunity to punish its general lest the Belgian government do it for us. This Belgian missive should be rejected and returned forthwith, along with a note politely explaining that the writ of Albert II, king of the Belgians, does not run on these shores. To give this referral any other consideration would work to validate the profoundly flawed legal theory on which Belgium's actions are based.

Rich Man, Poor Man  
By Kevin A. Hassett

As the 2004 campaign begins in earnest, it appears the Democrats' preferred strategy will be to tie a weak economy to President Bush's economic policies. But what will they talk about if the economy gets strong? Several pieces in the <I>New York Times</I> suggest the answer: income inequality. The best example is a <I>Times Magazine</I> piece by Paul Krugman contending that we are entering a new Gilded Age as "extravagant as the original." He recounts anecdotes of truly awe-inspiring wealth, of executives being treated like "royalty," and reports that in 1998 the 13,000 richest families had about the same combined income as the 20 million poorest households. The data are pretty striking, and reveal that income is far more concentrated at the top than it used to be. What should one do about it?

How Firm a Foundation  
By Neal B. Freeman

At mid-century, the Ford family was confronted by three influences: its own awakening sense of charitable obligation; the mounting concern among its lawyers that the estate tax could dislodge the family from control of the Ford Motor Company; and the urgency felt by Ford PR executives to associate the family name with good works. Thus was born the first American mega-foundation. The later history of the Ford Foundation has been one of trust betrayed--and audacity rewarded. Consider the problem of the American Left at mid-century. They had grand designs, as ever--vast plans for what other people should do with their time and their money--but precious few resources. The truly left-wing capitalists--the Cyrus Eatons and so forth--were famous in a man-bites-dog way, but they were always few in number. To reshape the American economy in its own image, the Left resolved to use the assets of America's proto-capitalist, the first great entrepreneur of the American century: Henry Ford.

St. Mugg at 100  
By Paul Johnson

Mugg was never a tub-thumper. He made the fullest use of TV, as well as the presses, but he was always subtle, cogent, hugely literate, often witty, always humorous, never angry or fumiferous. His appeal was always a halfway house between the powerful reasoning of St. Paul in his Epistle to the Romans and the mysticism of St. John of the Cross. His model was Mother Teresa, whose work he helped to popularize. Mugg had a contorted self-taught version of the pre-war English upper-class accent which was sui generis and gave to his TV sayings and sermons an unforgettable allure. His white hair and bronzed monkey-face, creased in

laughter and often illuminated by joy, turned him into one of the most arresting sights on the box. He loved TV and hated it; admitted it was the most intoxicating vice of all, subsuming all the rest, but found it indispensable to his work of evangelism, as well as an irresistible temptation to vanity.

#### Getting to the Bottom of This 'Neo' Nonsense By Ramesh Ponnuru

The principal theoretical debate between neoconservatives and other kinds of conservatives in the 1990s did not concern whether the internal character of states affects their external behavior and should therefore affect U.S. policy. It concerned, rather, the wisdom of military intervention for purely (or almost purely) humanitarian purposes. Neocons supported military action against Slobodan Milosevic for moral reasons. Most conservatives either opposed it, or supported it grudgingly and only because previous American action in the Balkans had created derivative national interests there. The war on terrorism has settled this question for the moment, and not in the neocons' favor. We are involved in a war to protect a core national interest: the physical security of our countrymen. Merely humanitarian intervention is a luxury that we are doing without. If Milosevic were starting an ethnic-cleansing rampage in the Balkans today, we probably would not be taking military action against him.

#### Presidential Pants on Fire? By Byron York

What seems particularly galling to liberal writers is the notion that Bush is getting away with his lies even as his predecessor was flayed for lesser offenses. "If a Democrat, say, Bill Clinton, engaged in Bush-scale dishonesty, the press would be all over him," Drake Bennett and Heidi Pauken wrote in a recent issue of <I>The American Prospect</I>. "Unless the voters and the press start paying attention, all the president's lies will have little political consequence--except to certify that we have become something less than a democracy." What's going on here? Certainly George W. Bush, like every other politician, has said things, sometimes in off-the-cuff remarks, that were wrong. But was he lying? Like Bill Clinton? As appealing as the idea may be to the president's opponents, a look at the record shows that the charges just don't stand up to scrutiny.

#### A Conservative View of the Court By Michael S. Greve

Not so long ago, liberals could be counted on to agitate for a "living Constitution," and conservatives for "strict construction." But those fronts have been crumbling. In the fights over President Bush's judicial nominees, Democrats are now inveighing against "conservative judicial activism"--as evidenced by the Rehnquist Court's perceived contempt for precedent and the democratic process. To counter these charges, Republicans must begin by recognizing that judicial "activism" is a question of constitutional substance, not judicial style. A decision that elevates judicial power over republican government without a constitutional warrant is plainly activist. A decision to reverse that precedent is the opposite. Such a reversal might be termed "activist" in the trivial sense that it involves a change in the status quo. But the Supreme Court must, on appropriate occasions, overrule its own precedents. A consistent failure to do so would signal that the Supreme Court considered its own edicts, rather than the Constitution itself, to be the supreme law of the land.

<http://www.nationalreview.com/advance/advance061603.asp>

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Bartolomucci, H. Christopher>; <Grubbs, Wendy J.>  
**Sent:** 5/30/2003 11:34:42 AM  
**Subject:** Holmes editorial in Florida

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/30/2003 11:34 AM -----

Jeanie S. Mamo

05/30/2003 11:31:29 AM

Record Type: Record

To: Ashley Snee/WHO/EOP@Exchange@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: St. Pete (FL)Times (5/30/03) EDITORIAL re: A terrible court choice

## A terrible court choice

A Times Editorial

© St. Petersburg Times

published May 30, 2003

While high-profile battles rage in the Senate over some of President Bush's more controversial nominees to the federal appellate bench, less attention is being paid to his district court picks. One, James Leon Holmes, an attorney in private practice in Arkansas, is particularly worrisome. The choice of Holmes is further evidence that Bush is trying to pack the courts with conservative ideologues.

Holmes, a former president of Arkansas Right to Life, is a man whose view of the world is so dated and backward that he shouldn't be put in charge of a classroom, much less a federal district courtroom. He questions the basic premise of gender equality. In a 1997 article he co-wrote with his wife, Holmes states that the Bible dictates a subordinate role for wives, saying "the woman is to place herself under the authority of the man." He writes that choosing any other way is "distorting the relationship between male and female" and "is as sacrilegious as profaning any of the other sacraments."

The article excoriates modern feminism, charging that it has brought society "artificial contraception and abortion on demand with recognition of homosexual liaisons soon to follow."

"No matter how often we condemn abortion," Holmes writes, "to the extent we adopt the feminist principle that the distinction between the sexes is of no consequence and should be disregarded in the organization of society . . . we are contributing to the culture of death."

In other writings Holmes has equated abortion rights supporters with Nazis, and he dismissed concerns over the impact of a total ban on abortion on rape victims with the inaccurate and compassionless assertion that "conceptions from rape occur with approximately the same frequency as snowfall in Miami." He has said since he regrets that comment.

This is the man Bush has plucked from obscurity to elevate to the federal bench. Senate Democrats may not have handled every judicial nomination fairly, but in some cases Bush has gone out of his way to find some of the most narrow-minded, extreme thinkers on the political right to place in judicial lifetime appointments.

Holmes' twisted notions of women's equality are out of step with constitutional law and modern thinking. He shouldn't be given a chance to impose his rigid moralism for the rest of his life from the bench.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Sheila.Joy@usdoj.gov <Sheila.Joy@usdoj.gov>  
**CC:** kristi.l.remington@usdoj.gov <kristi.l.remington@usdoj.gov>  
**Sent:** 5/30/2003 7:40:49 AM  
**Subject:** : Re: DOJ Building Pass

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 30-MAY-2003 11:40:49.00

SUBJECT:: Re: DOJ Building Pass

TO: "Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ( "Sheila.Joy@usdoj.gov"

<Sheila.Joy@usdoj.gov> [ UNKNOWN ] )

READ: UNKNOWN

CC: "kristi.l.remington@usdoj.gov" <kristi.l.remington@usdoj.gov> (receipt notification requested) (ipm return requested) ( "kristi.l.remington@usdoj.gov"

<kristi.l.remington@usdoj.gov> (receipt notification requested) (ipm return requested) [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

I have it still and Kristi has departed. Do I need to bring it back?  
Also, I gave Kristi my fingerprint cards.

"Sheila.Joy@usdoj.gov" <Sheila.Joy  
05/30/2003 10:45:51 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: "Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)  
Subject: DOJ Building Pass

Brett, Apparently security issued a building pass when you came over --  
do you still have it? If so, I think Kristi is over at WH for interviews  
and could you give it to her. Thanks Sheila

cc Kristi

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>  
**Sent:** 5/30/2003 11:47:36 AM  
**Subject:** : Kelly Welsh

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:30-MAY-2003 15:47:36.00

SUBJECT:: Kelly Welsh

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

the number is 312-557-8265

---

**From:** Kristi.L.Remington@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/30/2003 7:50:06 AM  
**Subject:** : RE: DOJ Building Pass

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (  
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:30-MAY-2003 11:50:06.00  
SUBJECT:: RE: DOJ Building Pass  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

yes - you need to get it back to us.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M\_Kavanaugh@who.eop.gov]  
Sent: Friday, May 30, 2003 11:40 AM  
To: Joy, Sheila  
Cc: Remington, Kristi L  
Subject: Re: DOJ Building Pass

I have it still and Kristi has departed. Do I need to bring it back?  
Also, I  
gave Kristi my fingerprint cards.

(Embedded  
image moved "Sheila.Joy@usdoj.gov" <Sheila.Joy  
to file: 05/30/2003 10:45:51 AM  
pic18128.pcx)

Record Type: Record

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

cc: "Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov>  
(Receipt  
Notification Requested) (IPM Return Requested)  
Subject: DOJ Building Pass

Brett, Apparently security issued a building pass when you came over --  
do you  
still have it? If so, I think Kristi is over at WH for interviews and  
could you  
give it to her. Thanks Sheila

cc Kristi

REV\_00120209





---

**From:** Kristi.L.Remington@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/30/2003 7:50:07 AM  
**Subject:** : Re: DOJ Building Pass

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (  
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:30-MAY-2003 11:50:07.00  
SUBJECT:: Re: DOJ Building Pass  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : Re: DOJ Building Pass  
Was Read By : Kristi.L.Remington@usdoj.gov  
On : Fri, 30 May 2003 11:42:22 -0400

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>  
**Sent:** 5/30/2003 7:51:20 AM  
**Subject:** : RE: DOJ Building Pass

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:30-MAY-2003 11:51:20.00  
SUBJECT:: RE: DOJ Building Pass  
TO:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (  
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

ok, I'll bring it back now. Sorry about that.

"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington  
05/30/2003 11:48:54 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: DOJ Building Pass

yes - you need to get it back to us.

-----Original Message-----  
From: Brett\_M.\_Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Friday, May 30, 2003 11:40 AM  
To: Joy, Sheila  
Cc: Remington, Kristi L  
Subject: Re: DOJ Building Pass

I have it still and Kristi has departed. Do I need to bring it back?  
Also, I  
gave Kristi my fingerprint cards.

(Embedded  
image moved "Sheila.Joy@usdoj.gov" <Sheila.Joy  
to file: 05/30/2003 10:45:51 AM  
pic18128.pcx)

Record Type: Record

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

cc: "Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov>  
(Receipt  
Notification Requested) (IPM Return Requested)  
Subject: DOJ Building Pass

Brett, Apparently security issued a building pass when you came over --  
do you  
still have it? If so, I think Kristi is over at WH for interviews and  
could you  
give it to her. Thanks Sheila

cc Kristi

---

**From:** Kristi.L.Remington@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/30/2003 7:57:16 AM  
**Subject:** : RE: DOJ Building Pass

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (  
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:30-MAY-2003 11:57:16.00  
SUBJECT:: RE: DOJ Building Pass  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

you can send someone over to give it back -- you don't have to deliver it personally.

-----Original Message-----  
From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M\_Kavanaugh@who.eop.gov]  
Sent: Friday, May 30, 2003 11:51 AM  
To: Remington, Kristi L  
Subject: RE: DOJ Building Pass

ok, I'll bring it back now. Sorry about that.

(Embedded  
image moved "Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington  
to file: 05/30/2003 11:48:54 AM  
pic22368.pcx)

Record Type: Record

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

cc:  
Subject: RE: DOJ Building Pass

yes - you need to get it back to us.

-----Original Message-----  
From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M\_Kavanaugh@who.eop.gov]  
Sent: Friday, May 30, 2003 11:40 AM  
To: Joy, Sheila  
Cc: Remington, Kristi L  
Subject: Re: DOJ Building Pass

I have it still and Kristi has departed. Do I need to bring it back?  
Also, I

REV\_00120214

gave Kristi my fingerprint cards.

(Embedded  
image moved "Sheila.Joy@usdoj.gov" <Sheila.Joy  
to file: 05/30/2003 10:45:51 AM  
pic18128.pcx)

Record Type: Record

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

cc: "Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov>  
(Receipt  
Notification Requested) (IPM Return Requested)  
Subject: DOJ Building Pass

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do you  
still have it? If so, I think Kristi is over at WH for interviews and  
could you  
give it to her. Thanks Sheila

cc Kristi

---

**From:** Sheila.Joy@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/30/2003 8:01:51 AM  
**Subject:** : Re: DOJ Building Pass

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ( "Sheila.Joy@usdoj.gov"  
<Sheila.Joy@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:30-MAY-2003 12:01:51.00  
SUBJECT:: Re: DOJ Building Pass  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : Re: DOJ Building Pass  
Was Read By : Sheila.Joy@usdoj.gov  
On : Fri, 30 May 2003 11:58:54 -0400

---

**From:** Sheila.Joy@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/30/2003 8:06:38 AM  
**Subject:** : RE: DOJ Building Pass

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ( "Sheila.Joy@usdoj.gov"  
<Sheila.Joy@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:30-MAY-2003 12:06:38.00  
SUBJECT:: RE: DOJ Building Pass  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Kristi has given me the fingerprints. On the building pass - can you put it in an envelope addressed to me and give it to John. Kyle has requested a USAtty file and once I get it from Higbee I will ask John to come pick that file up and he can return the pass. thanks

-----Original Message-----  
From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Friday, May 30, 2003 11:40 AM  
To: Joy, Sheila  
Cc: Remington, Kristi L  
Subject: Re: DOJ Building Pass

I have it still and Kristi has departed. Do I need to bring it back?  
Also, I  
gave Kristi my fingerprint cards.

(Embedded  
image moved "Sheila.Joy@usdoj.gov" <Sheila.Joy  
to file: 05/30/2003 10:45:51 AM  
pic18128.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: "Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov>  
(Receipt  
Notification Requested) (IPM Return Requested)  
Subject: DOJ Building Pass

Brett, Apparently security issued a building pass when you came over -- do you still have it? If so, I think Kristi is over at WH for interviews and could you give it to her. Thanks Sheila



cc Kristi

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Sheila.Joy@usdoj.gov <Sheila.Joy@usdoj.gov>  
**Sent:** 5/30/2003 8:28:30 AM  
**Subject:** : RE: DOJ Building Pass

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 30-MAY-2003 12:28:30.00  
SUBJECT: RE: DOJ Building Pass  
TO: "Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ( "Sheila.Joy@usdoj.gov"  
<Sheila.Joy@usdoj.gov> [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Liz Farrell is bringing it over along with some over stuff.

"Sheila.Joy@usdoj.gov" <Sheila.Joy  
05/30/2003 12:01:18 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: DOJ Building Pass

Kristi has given me the fingerprints. On the building pass - can you put it in an envelope addressed to me and give it to John. Kyle has requested a USAtty file and once I get it from Higbee I will ask John to come pick that file up and he can return the pass. thanks

-----Original Message-----  
From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Friday, May 30, 2003 11:40 AM  
To: Joy, Sheila  
Cc: Remington, Kristi L  
Subject: Re: DOJ Building Pass

I have it still and Kristi has departed. Do I need to bring it back?  
Also, I  
gave Kristi my fingerprint cards.

(Embedded  
image moved "Sheila.Joy@usdoj.gov" <Sheila.Joy  
to file: 05/30/2003 10:45:51 AM  
pic18128.pcx)

Record Type: Record

REV\_00120228

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

cc: "Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov>  
(Receipt  
Notification Requested) (IPM Return Requested)  
Subject: DOJ Building Pass

Brett, Apparently security issued a building pass when you came over --  
do you  
still have it? If so, I think Kristi is over at WH for interviews and  
could you  
give it to her. Thanks Sheila

cc Kristi

---

**From:** Sheila.Joy@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/30/2003 8:42:56 AM  
**Subject:** : RE: DOJ Building Pass

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ( "Sheila.Joy@usdoj.gov"  
<Sheila.Joy@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:30-MAY-2003 12:42:56.00  
SUBJECT:: RE: DOJ Building Pass  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

thank you

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M\_Kavanaugh@who.eop.gov]  
Sent: Friday, May 30, 2003 12:28 PM  
To: Joy, Sheila  
Subject: RE: DOJ Building Pass

Liz Farrell is bringing it over along with some over stuff.

(Embedded  
image moved "Sheila.Joy@usdoj.gov" <Sheila.Joy  
to file: 05/30/2003 12:01:18 PM  
pic18782.pcx)

Record Type: Record

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

cc:  
Subject: RE: DOJ Building Pass

Kristi has given me the fingerprints. On the building pass - can you put it in an envelope addressed to me and give it to John. Kyle has requested a USAtty file and once I get it from Higbee I will ask John to come pick that file up and he can return the pass. thanks

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M\_Kavanaugh@who.eop.gov]  
Sent: Friday, May 30, 2003 11:40 AM  
To: Joy, Sheila  
Cc: Remington, Kristi L  
Subject: Re: DOJ Building Pass

REV\_00120230

I have it still and Kristi has departed. Do I need to bring it back?  
Also, I  
gave Kristi my fingerprint cards.

(Embedded  
image moved "Sheila.Joy@usdoj.gov" <Sheila.Joy  
to file: 05/30/2003 10:45:51 AM  
pic18128.pcx)

Record Type: Record

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

cc: "Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov>  
(Receipt  
Notification Requested) (IPM Return Requested)  
Subject: DOJ Building Pass

Brett, Apparently security issued a building pass when you came over --  
do you  
still have it? If so, I think Kristi is over at WH for interviews and  
could you  
give it to her. Thanks Sheila

cc Kristi

---

**From:** CN=A. Merrill Hughes/OU=OVP/O=EOP [ OVP ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/30/2003 8:52:51 AM  
**Subject:** : A. Merrill Hughes/OVP/EOP is out of the office.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:A. Merrill Hughes ( CN=A. Merrill Hughes/OU=OVP/O=EOP [ OVP ] )  
CREATION DATE/TIME:30-MAY-2003 12:52:51.00  
SUBJECT:: A. Merrill Hughes/OVP/EOP is out of the office.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I will be out of the office from 05/26/2003 until 06/02/2003.

If you need immediate assistance, please call 202.456.9042 and ask to speak with Cathie Martin. Otherwise, I will be checking my email periodically and will respond to you as soon as possible.

---

**From:** Bearson, Darren W.  
**To:** <Ingle, Edward>  
**CC:** <Kavanaugh, Brett M.>;<Schlapp, Matthew A.>;<Bearson, Darren W.>;<Montgomery, Brian D.>;<Troy, Tevi>;<Jucas, Tracy>  
**Sent:** 5/30/2003 1:13:17 PM  
**Subject:** Re: ADMINISTRATIVE ALERT: Political Activity

I am sure Matt would love to join the call and play whatever role is appropriate. I have added Tracy to the email because she is handling his schedule. As you all know, Matt became a father early this morning and is not in today.

From: Edward Ingle on 05/30/2003 12:01:27 PM

Record Type: Record

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

cc: matthew a. schlapp/who/eop@eop, darren w. bearson/who/eop@eop, Brian D. Montgomery/WHO/EOP@Exchange@EOP, Tevi Troy/WHO/EOP@Exchange@EOP

bcc:

Subject: Re: ADMINISTRATIVE ALERT: Political Activity 

good idea. brett, do you guys have any sort of conference call mechanism that you use with agency general counsels? we have a twice weekly conf call with chiefs of staff (mondays and thursdays at 9:20) which we could expand to include GCs and white house liaisons, and could get you and matt on that call to go over the fine points and make the push as you suggest.

Brett M. Kavanaugh

05/30/2003 11:34:27 AM

Record Type: Record

To: Edward Ingle/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP, Darren W. Bearson/WHO/EOP@EOP

cc:

Subject: ADMINISTRATIVE ALERT: Political Activity

I think we should convene a conference call with Cabinet general counsels and WH liaisons next week to push them to put out appropriate political guidance for their departments.

PostMaster

05/30/2003 10:17:30 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: ADMINISTRATIVE ALERT: Political Activity



May 30, 2003

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: ALBERTO R. GONZALES  
COUNSEL TO THE PRESIDENT  
SUBJECT: POLITICAL ACTIVITY

This memorandum summarizes rules and policies with respect to political activity for a candidate, campaign, political group, or political party. We will renew and supplement this guidance as appropriate before the 2004 elections. At all times, you should contact the Counsel's Office if you have any questions about appropriate political activity. You also should keep in mind, as always, that appearance and propriety issues can occasionally arise even with respect to perfectly lawful activity. Finally, the Chief of Staff has asked me to remind you that the decision whether to engage in political activity or make contributions to political entities or campaigns, including with respect to the re-election campaign of the President, is a personal matter for each employee and that no one is under any obligation to engage in such activity.

**Basic Rules and Policies**



The basic rules and policies you should follow with respect to your political activity are straightforward. You are permitted to engage in a variety of political activity, as detailed more fully below, subject to certain important restrictions:

- First, you may not use your official authority for the purpose of interfering with or affecting the result of an election. That means, for example, that you may not knowingly permit your official title to be used on invitations to political fundraisers. (If your title is used by others inadvertently and without your knowledge, you should contact the Counsel's Office promptly about appropriate steps to take.) You also may not use your official authority to coerce any person to engage in or refrain from political activity.
- Second, you may not personally solicit, receive, or accept political contributions. Also, you may not host or sponsor political fundraisers. However, you *may* speak at, attend, and be the featured guest at political fundraisers so long as you do not personally solicit contributions. But you should always clear such activity with the Office of Political Affairs and the Counsel's Office *before* accepting an invitation to be a guest speaker at a fundraiser.

### **On-Duty and On-Site Activity**

All employees are responsible at all times for performing their official duties and responsibilities. White House employees whose duties can continue after normal duty hours and away from the normal duty post also are permitted by law to engage while on duty and in the office in otherwise permitted political activity, such as meetings and telephone calls related to elections, campaigns, or political parties. (Note that political fundraising and fundraisers may *never* occur on official government property.) However, any such political activity should be limited so that it is not inconsistent with official duties or otherwise inappropriate. In addition, any non-incidental costs that the government would not have incurred but for any political activity should be paid or reimbursed by a political entity. Finally, detailees are not permitted to engage in political activity while on duty and in their offices, but may do so off duty and off site.

It is important to note that certain White House employees may be required in the performance of their official duties to assist or accompany the President, the Vice President, the First Lady, Mrs. Cheney, or others with respect to political activity. This may entail, for example, duties related to security, scheduling, advance, or communications, among other duties. Such assistance is permissible and appropriate.

### **Travel and Costs**

When a government officer or employee engages in political activity, the government should not pay (or must be reimbursed) for non-incidental costs that it would not have incurred but for the political activity.

The issue arises primarily with respect to travel costs. The appropriate political entity ordinarily pays the relevant travel costs associated with political activity (or the costs for the political portion of mixed official-political travel). The government is not reimbursed, however, for: (i) the costs that result from security needs; or (ii) the compensation or expenses of persons required to accompany or assist the official engaging in political activity. Also, White House cars ordinarily should not be used for transportation to political events except as necessary for security purposes or to accompany the President, Vice President, First Lady, or Mrs. Cheney.

With respect to office equipment, your Office will be contacted by the Office of Management and Administration regarding appropriate reimbursement by the relevant political entity for those uses of equipment that can incur non-incidental additional charges (primarily from paper and long-distance costs). As appropriate, separate equipment may be installed in certain offices by the Office of Management and

### Select List of Permitted Political Activities

Subject to applicable prohibitions, including the prohibitions on improper use of official title and solicitation of contributions discussed above, you *may* engage in the following political activities:

- participation in political organizations, which includes:
  - being a member of a political party;
  - serving as an officer of a political party;
  - attending and participating in nominating caucuses;
  - participating in a political convention or rally; and
  - serving as a delegate to a political convention.
- participation in political campaigns, which includes:
  - canvassing for votes;
    - endorsing or opposing a candidate in an advertisement, broadcast, campaign literature, or similar material;
    - addressing a convention, caucus, rally, or similar gathering of a political party or political group; and
    - actively managing the political campaign of a partisan political candidate or candidate for political party office.
- participation in elections, including:
  - voting; and
  - driving voters to polling places.
- attendance and speaking at fundraising events:

*You may not solicit, receive, or accept political contributions, and you may not host or sponsor fundraisers. However, you may:*

  - make lawful political contributions;
- attend political fundraisers;
  - manage or organize political fundraisers hosted and sponsored by others (you may not host or sponsor fundraisers or otherwise personally solicit contributions);
  - speak as a featured guest at political fundraisers so long as you do not solicit contributions and so long as the event otherwise complies with the legal requirements of the Bipartisan Campaign Reform Act;

- be listed as a guest speaker on the invitation for a fundraiser so long as the invitation does not list your official title; and
- solicit, accept, or receive uncompensated volunteer services for a campaign from any individual (however, a superior may not ask his or her subordinate employee to provide such services, nor may he or she target a company or entity with official matters pending before the agency for provision of such services).

### **Employees of the Vice President**

Employees of the Vice President (and especially those whose salary is disbursed by the Secretary of the Senate) should consult the Counsel to the Vice President regarding political activity or contributions.

### **Conclusion**

Above all, please remember that we are all employees of the President or Vice President and that our performance reflects upon them. All of us must comply with applicable laws and regulations, and must also comply with the high ethical standards they have set for us.

#00295

Message Sent To: \_\_\_\_\_

All WHO Users

All OVP Users

All OPD Users

All OHS-1800G Users

All OHS-EEOB Users

All OHS-NAC Users

---

**From:** Bartolomucci, H. Christopher  
**To:** <Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ulliot, Theodore W.>  
**Sent:** 5/30/2003 1:32:08 PM  
**Subject:** Jay Waldman died today

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Snee, Ashley>; <Grubbs, Wendy J.>  
**Sent:** 5/30/2003 2:25:49 PM  
**Subject:** The Judge's Roberts/Estrada double standard op-ed will run in Washington Post Monday

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>;David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 5/30/2003 10:28:00 AM  
**Subject:** : The Judge's Roberts/Estrada double standard op-ed will run in Washington Post Monday

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:30-MAY-2003 14:28:00.00

SUBJECT:: The Judge's Roberts/Estrada double standard op-ed will run in Washington Post Monday

TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/30/2003 11:42:56 AM  
**Subject:** : meeting with Judge  
**Attachments:** P\_X5WTG003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:30-MAY-2003 15:42:56.00  
SUBJECT:: meeting with Judge  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,

Is it possible to set up a meeting with Judge Gonzalez for Prof. Jim Blumstein (Vanderbilt) on Wednesday anytime in the morning?

Manny  
- att1.htm  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_X5WTG003\_WHO.TXT\_1>

Brett,

Is it possible to set up a meeting with Judge Gonzalez for Prof. Jim Blumstein (Vanderbilt) on Wednesday anytime in the morning?

Manny



---

**From:** CN=Adrian G. Gray/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 5/30/2003 1:10:51 PM  
**Subject:** : Administration Asset Deployment & Bush/Cheney 2004

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Adrian G. Gray ( CN=Adrian G. Gray/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:30-MAY-2003 17:10:51.00  
SUBJECT:: Administration Asset Deployment & Bush/Cheney 2004  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett: If the campaign were to start asking cabinet members and other administration officials to do Bush/Cheney 2004 events, can they ask them to do the following:

1. Fundraisers for BC2004: these would be a part of a coordinated plan of FRs throughout the country.
2. Meetings with political leadership: these would be meetings with BC2004 state & local leadership when the travel to states
3. Bush Team Leader recruitment events: these events would be a reward for volunteers joining the grassroots organizations in the states.
4. Phone calls to donors: these would be curtesy calls to state finance leadership for BC2004 - money would not be raised on these calls

If the campaign gets the OK to start asking Administration officials to do this, can they do the following two things to get the ball rolling:

1. Host a conference call in which BC2004 staff, WH staff, and agency staff
2. Produce memos for agency leads on relavant requests

**From:** CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** [PRA 6] @ inet [ UNKNOWN ] <[PRA 6] @ inet>  
**Sent:** 5/30/2003 1:21:43 PM  
**Subject:** : Fw: braxton request - legality?  
**Attachments:** P\_R11UG003\_WHO.TXT\_1.htm

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:30-MAY-2003 17:21:43.00

SUBJECT:: Fw: braxton request - legality?

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:[PRA 6] @ inet ( [PRA 6] @ inet [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Brett -

see below, from Congresswoman Shelley Moore Capito's folks. Your legal guidance?

c

-----Original Message-----

From: McCuskey, Anne

Sent: Friday, May 30, 2003 3:53 PM

To: Johnson, Mark

Subject: braxton request

mark -- the braxton county republican executive committee wants to place a full page ad in the program for the "Gassaway Days" festival this summer

the ad is proposed as a tribute to the troops in Enduring Freedom, and they would like to include a photo of the President and one of Shelley

there will be no political content

the committee will pay for the ad

they would like to know:

1. is this permitted?

2. can we send them the photos to use in the ad?

please let me know,

thanks, anne

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_R11UG003\_WHO.TXT\_1>

REV\_00120259

----- Original Message -----

**From:** Johnson, Mark

**To:** [REDACTED] PRA 6

**Sent:** Friday, May 30, 2003 3:59 PM

**Subject:** FW: braxton request

-----Original Message-----

**From:** McCuskey, Anne

**Sent:** Friday, May 30, 2003 3:53 PM

**To:** Johnson, Mark

**Subject:** braxton request

mark -- the braxton county republican executive committee wants to place a full page ad in the program for the "Gassaway Days" festival this summer

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please let me know,

thanks, anne

---

**From:** Leitch, David G.  
**To:** <Gonzales, Alberto R.>; <Kavanaugh, Brett M.>  
**Sent:** 6/1/2003 9:18:59 PM  
**Subject:** Fw:

Casper, Wyoming newspaper on Myers.

-----Original Message-----

**From:** **PRA 6**  
**To:** Leitch, David G.  
**Sent:** Sun Jun 01 21:16:19 2003  
**Subject:**

The Star - Tribune

Myers' judicial nod turns controversial

By TED MONOSON Washington bureau

WASHINGTON -- Ranchers and environmentalists are facing off over the nomination of a former aide to retired Wyoming U.S. Sen. Alan Simpson to serve on the Ninth Circuit Court of Appeals.

Ranchers say that William G. Myers III, a 47-year-old Idaho native who is currently the Interior Department's top lawyer, would bring knowledge of the West and respect for ranchers' rights to the Ninth Circuit.

Critics of the Ninth Circuit, which is based in San Francisco, say that it produces many liberal decisions that are out of step with the law and the interests of the West.

"It's a very liberal court and environmentalists don't want to see him on it," National Cattlemen's Beef Association (NCBA) lobbyist Chandler Keys said. "If he gets confirmed, he's not going to have a bunch of soul mates. He will be drinking coffee by himself."

Before his appointment as Interior Department solicitor in July 2001, Myers was executive director of the Public Lands Council and director of federal lands for the Cattlemen.

The Public Lands Council represents the NCBA as well as the American Sheep Industry Association, the American Farm Bureau Federation and the Association of National Grasslands. Myers also served as a lawyer for the Denver-based firm Holland and Hart LLP doing work for the livestock industry that some environmentalists say makes him unfit to serve as a judge.

"He obviously comes in with a clear ideology," said National Parks Conservation Association Northern Rockies Office Senior Director Tony Jewett. "His history has been in defending commodity uses, not public uses of federal lands. His confirmation would be another nail in the administration's attempt to hand over the public lands to private industry." Jewett and other environmentalists are particularly concerned about Myers' opposition to grazing regulations that were put in place when Bruce Babbitt led the Interior Department during the Clinton administration.

The 1995 regulations eliminated rules that permitted only ranchers to own grazing permits and gave the federal government ownership of range improvements, like fencing and stockwater wells. Before the change, grazing permit holders' owned the range improvements. Myers also opposed the re-introduction of wolves to Yellowstone National Park and President Clinton's prohibition on building roads in parts of the National Forest system.

Myers' critics say that as the Interior Department's top lawyer, he has continued to look after the interests of ranchers and other industries that use federal lands, while seeking to limit environmental regulations.

The Associated Press reported that Myers told a Winnemucca, Nev., gathering of the Nevada Cattlemen's Association on Nov. 15, 2002, "It has gotten to the point where you can hardly dig a post hole without having to do an environmental analysis." Myers supporters say that his decisions would be based on the law and not on his personal opinions.

"In my dealings with him he has never been hesitant to point out that your emotions may be here, but reality is over there," said Jim Magagna, executive vice president of the Wyoming Stock Growers Association. "It wasn't what we always wanted to hear, but it was the correct legal opinion." Magagna said that many of Myers' opinions that concern environmentalists are the positions of the organizations that he worked for and it was his job to express those opinions.

REV\_00120281

Myers began his career in government as a legislative counsel for former Republican Wyoming Sen. Alan K. Simpson.

The former senator does not share environmentalists' concerns about Myers position on public lands issues and said that his former aide would be a good addition to the Ninth Circuit.

"He'd be terrific and lord knows they need him," Simpson said. "That is the goofiest court in America."

Simpson noted that a large number of the Ninth Circuit's decisions have been overturned by the Supreme Court. The court was sharply criticized by both Democrats and Republicans for ruling that the word "God" should be removed from the Pledge of Allegiance.

"The frustration with the Ninth Circuit is that there are states in it that are not California," Simpson said. "It needs somebody who understands the West and knows about commodities and grazing." The addition of judges like Myers is necessary to rein in the environmentalists who control the court, according to Simpson.

"I always wonder about the enviros and their opposition to commodities," Simpson said. "If they have their way instead of having cattle pooping on the prairie, they would have subdivisions and people pooping on the prairie."

"He'll never satisfy the tree huggers," Simpson said. "They'd love to eat him alive."

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"He has different opinions on policies than I do, but I don't think that makes him unfit to serve on the federal bench," France said.

The Ninth Circuit has jurisdiction over cases in Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington, the U.S. Territory of Guam, and the Commonwealth of the Northern Mariana Island. The court has decided many issues that also have an impact on Wyoming.

The Tenth Circuit, which is based in Denver, has jurisdiction over Colorado, Kansas, Oklahoma, New Mexico, Utah and Wyoming.

President Bush nominated Myers on May 15. The Senate Judiciary Committee has not scheduled a hearing for him yet. Senate Democrats and Republicans have been at loggerheads over several of the administration's judicial nominees. It is unclear if there will be significant disagreement over Myers' nomination.

As Interior Department solicitor, Myers is in charge of more than 300 lawyers at the National Park Service, Fish and Wildlife Service, Bureau of Land Management and Bureau of Indian Affairs.

Magagna said that he was optimistic that many of the Western Democrats who represent large numbers of ranchers would support Myers' nomination.

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>  
**Sent:** 6/1/2003 5:20:03 PM  
**Subject:** : Fw:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 1-JUN-2003 21:20:03.00  
SUBJECT:: Fw:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Casper, Wyoming newspaper on Myers.

.

-----Original Message-----

From: [PRA 6] <[PRA 6]>  
To: Leitch, David G. <David.G.Leitch@who.eop.gov>  
Sent: Sun Jun 01 21:16:19 2003  
Subject:

The Star - Tribune

Myers' judicial nod turns controversial

By TED MONOSON Washington bureau  
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industry." Jewett and other environmentalists are particularly concerned about Myers' opposition to grazing regulations that were put in place when Bruce Babbitt led the Interior Department during the Clinton administration.

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---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>  
**Sent:** 6/1/2003 5:36:42 PM  
**Subject:** : Roberts

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUN-2003 21:36:42.00  
SUBJECT:: Roberts  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Checked and he actually now has argued 39 SCT cases -- and I  
double-checked that with him tonight. The change will be reflected in  
Judge's op-ed tomorrow. Just wanted you to know before you pick up the  
paper in a.m.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Judge Carolyn Kuhl <CKuhl@LASuperiorCourt.org>  
**Sent:** 6/1/2003 5:43:04 PM  
**Subject:** : from CNN Capital Gang Saturday

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUN-2003 21:43:04.00  
SUBJECT:: from CNN Capital Gang Saturday  
TO:Judge Carolyn Kuhl <CKuhl@LASuperiorCourt.org> ( Judge Carolyn Kuhl  
<CKuhl@LASuperiorCourt.org> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

SHIELDS: Kate O'Beirne.

O'BEIRNE: The latest judicial nominee to face vehement opposition from Senate Democrats is Judge Carolyn Kuhl of California Superior Court, nominated to the Ninth Circuit Court of Appeals.

Threatening another filibuster raises the question of whether Democrats are holding women and minorities, like Priscilla Owen and Miguel Estrada, and now Kuhl, to a double standard. The complaint against Judge Kuhl, about an abortion case she worked on 17 years ago, was never raised about a male nominee who worked with her on the case.

Women and minorities need not apply?

---

**From:** Adam.Charnes@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/1/2003 5:45:23 PM  
**Subject:** : Sutton

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov> ( "Adam.Charnes@usdoj.gov"  
<Adam.Charnes@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 1-JUN-2003 21:45:23.00

SUBJECT:: Sutton

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Who is going on Tuesday fro your office?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Adam.Charnes@usdoj.gov <Adam.Charnes@usdoj.gov>  
**Sent:** 6/1/2003 5:46:32 PM  
**Subject:** : Re: Sutton

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUN-2003 21:46:32.00  
SUBJECT:: Re: Sutton  
TO:"Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov> ( "Adam.Charnes@usdoj.gov"  
<Adam.Charnes@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

will check.

"Adam.Charnes@usdoj.gov" <Adam.Charnes  
06/01/2003 09:43:49 PM  
Record Type: Record

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

Who is going on Tuesday fro your office?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>  
**Sent:** 6/1/2003 5:46:23 PM  
**Subject:** : Sutton

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUN-2003 21:46:23.00  
SUBJECT:: Sutton  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Are you going to Sutton swearing in? Is anyone from our office?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>  
**Sent:** 6/1/2003 5:57:28 PM  
**Subject:** : if you are not already going, i tend to think you should go to Sutton swearing in

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUN-2003 21:57:28.00  
SUBJECT:: if you are not already going, i tend to think you should go to Sutton swearing in  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/1/2003 6:07:58 PM  
**Subject:** : Re: Roberts

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 1-JUN-2003 22:07:58.00  
SUBJECT:: Re: Roberts  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Sorry about my error. I thought it was an even 19 SG and 19 private.

.

-----Original Message-----

From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>  
To: Leitch, David G. <David\_G.\_Leitch@who.eop.gov>  
Sent: Sun Jun 01 21:36:04 2003  
Subject: Roberts

Checked and he actually now has argued 39 SCt cases -- and I double-checked that with him tonight.; The change will be reflected in Judge's op-ed tomorrow.; Just wanted you to know before you pick up the paper in a.m.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** judge carolyn kuhl <ckuhl@lasuperiorcourt.org>  
**Sent:** 6/1/2003 6:10:32 PM  
**Subject:** : Human events editorial

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUN-2003 22:10:32.00  
SUBJECT:: Human events editorial  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:judge carolyn kuhl <ckuhl@lasuperiorcourt.org> ( judge carolyn kuhl  
<ckuhl@lasuperiorcourt.org> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Democrats to Court Nominees: Only White Males Need Apply

By David Freddoso

In their zeal to bar conservatives from the federal bench\*especially those who appear to have the potential for later elevation to the Supreme Court\* Senate Democrats have chosen to mount their most aggressive anti-confirmation battles against President Bush,s minority and female nominees, a conservative legal group is charging.

This disparity of treatment, say members of the Committee for Justice (CFJ), is most clearly demonstrated by the Democratic opposition to Carolyn Kuhl, whom Bush has nominated to the San Francisco-based U.S. Court of Appeals for the 9th Circuit.

Kuhl, whom liberal groups are referring to as &Scalia in a skirt,8 is a California Superior Court judge who served as deputy assistant attorney general under President Reagan.ÿ Senate Democrats are currently considering preventing Kuhl,s confirmation by filibuster, just as they are currently filibustering the appellate court nominations of Miguel Estrada, an Hispanic, and Priscilla Owen, who,ÿ like Kuhl, is a conservative woman. Democrats have not yet reached a final decision on whether to do so, however, said David Carle, spokesman for Sen. Patrick Leahy (D.-Vt.), the ranking Democrat on the Judiciary Committee.

Liberals have attacked Kuhl because of a 1986 amicus brief that she co-authored on behalf of the Reagan Administration.ÿ The brief, filed in the 1986 U.S. Supreme Court case of Thornburgh v. American College of Obstetricians and Gynecologists, urged overturning Roe v. Wade, the 1973 decision that legalized abortion on demand in all 50 states.

That this brief should form the basis of the Democratic opposition to Kuhl is telling, because last November Senate Democrats allowed, by unanimous consent, the confirmation of John M. Rogers to the U.S. Court of Appeals for the 6th Circuit.ÿ With Kuhl, Rogers co-authored the Thornburgh brief.ÿ He is a white male.

When asked why the Democrats would allow the confirmation of Rogers but not Kuhl, Leahy,s spokesman, Carle, said he would try to call back with an explanation.ÿ He had not done so as of press time.

CFJ Chairman Boyden Gray noted in a written statement that Rogers was not even asked about the Thornburgh brief during his confirmation hearing last June.ÿ The Judiciary Committee approved Rogers in July on a voice vote. CFJ spokesman Sean Rushton, pointing to the filibusters against Estrada and Owen\*both of whom are rated &well-qualified8 by the American Bar Association\*told Human Events that Democrats fear confirming qualified conservative nominees who are not stereotypical middle-aged white males.ÿ Democrats will have a harder time politically trying to stop a female, non-whitenominee if Bush later tries to elevate one to the Supreme Court, he said.ÿ

&They don,t want to see a conservative woman judge who may, for example, oppose Roe v. Wade,8 he said.ÿ &That doesn,t fit the script for them.8ÿ On May 9, the Judiciary Committee recommended Kuhl,s confirmation in a 10-to-9 party-line vote.



Sen. Dianne Feinstein (D.-Calif.), a committee member who represents Kuhl, s home state, praised the nominee at her April 1 confirmation hearing.ÿ &I have never had so many letters from judges in support of a [judicial] candidate,8 she said.ÿ &These letters are clearly not pro forma.ÿ She is obviously an extraordinarily bright woman.8ÿ However, Feinstein was ultimately convinced by Democrats to vote against recommending confirmation.ÿ

California,s other senator, Barbara Boxer (D.), has opposed Kuhl all along, denouncing her as &anti-choice.

&Carolyn Kuhl has a long and troubling record as a right-wing ideologue and as a judge whose record demonstrates indifference to the rights of individuals,8 wrote Ralph Neas, president of the leftist group People for the American Way.ÿ &She does not deserve a powerful lifetime seat on the federal appeals court.8ÿ

Neas is a key player in the Democrats, plan to filibuster Bush appellate court nominees, and his far-left group has released highly critical and hyperbolic reports on several, calling them &extremists.8ÿ

Bush,s appointment of Kuhl is meant to balance out the radical San Francisco-based 9th Circuit, whose judges recently ruled that God must be struck from the Pledge of Allegiance and that the 2nd Amendment to the Bill of Rights does not contain an individual right to keep and bear arms (see Human Events, Jan. 6 issue, coverbox).ÿ Both of these decisions are being appealed.

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@doj.opinionjournal.com [ UNKNOWN ] <otep@doj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/2/2003 1:32:25 AM  
**Subject:** : OpinionJournal - On the Editorial Page - June 2, 2003

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )

CREATION DATE/TIME: 2-JUN-2003 05:32:25.00

SUBJECT:: OpinionJournal - On the Editorial Page - June 2, 2003

TO:otep@doj.opinionjournal.com ( otep@doj.opinionjournal.com [ UNKNOWN ] )

READ:UNKNOWN

BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page

<http://www.opinionjournal.com/editorial/?id=110003573>

No weapons yet? So what? Liberating Iraq was still the right thing to do.

12:01 a.m. EDT

Thinking Things Over BY ROBERT L. BARTLEY

<http://www.opinionjournal.com/columnists/rbartley/?id=110003572>

The real problem with corporate reporting is conceptual.

12:01 a.m. EDT

Peggy Noonan

<http://www.opinionjournal.com/columnists/pnoonan/?id=110003569>

Introducing "A Heart, a Cross, and a Flag."

12:01 a.m. EDT

Extra BY PETER F. DRUCKER

<http://www.opinionjournal.com/extra/?id=110003570>

A company that doesn't turn a profit is shirking its social responsibility.

12:01 a.m. EDT

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Review & Outlook

Weapons of Mass Distortion

The effort to discredit Blair and Bush after they won the war.

Jun 02 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105450187713259400,00.html%3Fmod%3Dopinion>

~~~~~

La Vita Non Dolce

Why McDonald's defamation doesn't go down well.

Jun 02 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105451724562900600,00.html%3Fmod%3Dopinion>

~~~~~

AOL's Famous Victory

How the online pioneer lost sight of its customers.

Jun 02 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105451785245152500,00.html%3Fmod%3Dopinion>

~~~~~

Commentary

Why Smart Managers Do Dumb Things

What really caused the accounting scandals.

By G. BENNETT STEWART III

Jun 02 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105451853057791100,00.html%3Fmod%3Dopinion>

~~~~~

Give Us Disclosure, Not Audits

The SEC should ensure that investors get the best information possible.

By PETER J. WALLISON

Jun 02 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105451843561524900,00.html%3Fmod%3Dopinion>

~~~~~

Road Warriors

Driving in America is actually much safer than we could expect.

By BROCK YATES

Jun 02 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105451812425927600,00.html%3Fmod%3Dopinion>

~~~~~

Thinking Things Over

Economic Profit vs. Accounting Profit

The real problem with corporate reporting is conceptual.

By ROBERT L. BARTLEY

Jun 02 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105451874584631900,00.html%3Fmod%3Dopinion>

~~~~~

International

Forgive Russia, But Don't Forget  
True allies share not just intersecting interests but common values and a  
democracy able to underpin them.  
From The Wall Street Journal Europe  
Jun 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105450137743479500,00.html%3Fmod%3Dopinion>

~~~~~

A Russian's Perspective on American Power  
It is clear now that the law of the fist dominates the new world order.  
By DMITRY ROGOZIN  
From The Wall Street Journal Europe  
Jun 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105450291760738400,00.html%3Fmod%3Dopinion>

~~~~~

A Very Special Relationship  
Britain's role in the puzzle that is an integrated Europe will determine  
its long-term leverage in Washington.  
By FREDERICK KEMPE  
From The Wall Street Journal Europe  
Jun 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105453023448515100,00.html%3Fmod%3Dopinion>

~~~~~

'Energy: A New Trans-Atlantic Link'  
One area of concern in which Europe and America have a great deal in  
common is not receiving the attention it deserves.  
By BORUT GRGIC  
From The Wall Street Journal Europe  
Jun 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105450530747658400,00.html%3Fmod%3Dopinion>

~~~~~

A New Confidence in Tokyo  
Global deflation risks have many of Tokyo's policy makers starting to  
again believe in the supremacy of the Japanese model. They're wrong.  
By JESPER KOLL  
From The Asian Wall Street Journal  
Jun 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105450564394579500,00.html%3Fmod%3Dopinion>

~~~~~

Go West, Japan  
Japan has become America's newest best friend.  
By IAN BREMMER  
From The Asian Wall Street Journal  
Jun 02 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105450596040985700,00.html%3Fmod%3Dopinion>

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<http://www.careerjournal.com/marketplace/resumedatabase/index.html>

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>  
**Sent:** 6/2/2003 6:02:49 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 10:02:49.00  
SUBJECT::  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

did we get a letter from McMillan?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>  
**Sent:** 6/2/2003 7:19:07 AM  
**Subject:** : Re: Hungar

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 11:19:07.00  
SUBJECT:: Re: Hungar  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Yes. Excellent. Talked to him this am.

.

----- Original Message -----  
From: Kyle Sampson/WHO/EOP  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 06/02/2003 11:16:23 AM  
Subject: Hungar

got the Larry Wallace slot

---

**From:** CN=Theodore W. Ulliyot/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 6/2/2003 4:48:27 AM  
**Subject:** : Meeting with Judge re CA6 -- propose 10:30 am

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Theodore W. Ulliyot ( CN=Theodore W. Ulliyot/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 08:48:27.00  
SUBJECT:: Meeting with Judge re CA6 -- propose 10:30 am  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can you guys make it at 10:30 this morning? If so, let's do 10:30 (Carrie can you confirm whether Leitch can make it at 10:30).



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** steve.colloton@usdoj.gov @ inet [ UNKNOWN ] <steve.colloton@usdoj.gov @ inet>  
**Sent:** 6/2/2003 4:54:56 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 08:54:56.00  
SUBJECT: :  
TO:steve.colloton@usdoj.gov @ inet ( steve.colloton@usdoj.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Any news?

---

**From:** Sheila.Joy@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/2/2003 9:13:31 AM  
**Subject:** : RE: Do you have letters from Coffey (CA7) and McMillian (CA8)

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ( "Sheila.Joy@usdoj.gov"  
<Sheila.Joy@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 2-JUN-2003 13:13:31.00  
SUBJECT:: RE: Do you have letters from Coffey (CA7) and McMillian (CA8)  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

No - haven't seen either

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Monday, June 02, 2003 12:47 PM  
To: Joy, Sheila  
Subject: Do you have letters from Coffey (CA7) and McMillian (CA8)

---

**From:** CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/2/2003 9:29:13 AM  
**Subject:** : Re: do we have a coffey letter yet?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 13:29:13.00  
SUBJECT:: Re: do we have a coffey letter yet?  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

yes, he faxed it to me on May 22. Letter is dated May 19, 2003. (I don't have the letter he sent via mail yet as it is probably working its way through the corresp section).

Brett M. Kavanaugh  
06/02/2003 01:14:27 PM  
Record Type: Record

To: Benjamin A. Powell/WHO/EOP@EOP  
cc:  
Subject: do we have a coffey letter yet?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange [ WHO ] <Ashley Snee>  
**CC:** scott mcclellan/who/eop@exchange [ WHO ] <scott mcclellan>  
**Sent:** 6/2/2003 9:36:28 AM  
**Subject:** : Re: FW: section 623

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 13:36:28.00  
SUBJECT:: Re: FW: section 623  
TO: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
CC: scott mcclellan ( CN=scott mcclellan/OU=who/O=eop@exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

That's me. Will call you.

From: Ashley Snee/WHO/EOP@Exchange on 06/02/2003 01:33:06 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Scott McClellan/WHO/EOP@Exchange  
Subject: FW: section 623

Brett - Could you call me about this. If you are not the GC person for this issue, just point me in their direction. Thanks

-----Original Message-----  
From: Dana T Milbank [mailto:milbankd@washpost.com]  
Sent: Monday, June 02, 2003 1:19 PM  
To: Snee, Ashley  
Subject: section 623

Ashley--

For tomorrow's notebook, am looking at the following passage from Knight Ridder on May 13. Dems say it violates Sec. 623 of treasury-postal approps (printed below). I assume you folks have ways to avoid this (separate phones, faxes etc) and would like to know what those are. Thanks much.  
  
DM 334 7570.

It was the latest in a recent spate of Air Force One visits to states where senators are resisting Bush's program. But the president's personal interventions came only after persistent coordination between the White House and top employers in those states aimed at bending key senators to their wills, according to senators, congressional aides and

business

lobbyists.

"We've done ads, we've done mailings," said John J. Castellani, president of The Business Roundtable, an influential group of top executives, many of them major employers in crucial states. "We've had visits in the states. We've had meetings, written op-eds. The only thing we haven't done is a prayer breakfast."

Working through its political office and its office of business liaison, the White House has contacted local business leaders either directly or through national business groups to get them to lobby their senators on behalf of Bush's tax cuts. Among senators who said they'd been lobbied this way are Nelson, Max Baucus, D-Mont., Olympia Snowe, R-Maine, and George Voinovich, R-Ohio. Other targets include Sens. Mary Landrieu, D-La., and Blanche Lincoln, D-Ark.

SEC. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** thungar@gibsondunn.com @ inet [ UNKNOWN ] <thungar@gibsondunn.com @ inet>  
**Sent:** 6/2/2003 5:54:14 AM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 2-JUN-2003 09:54:14.00

SUBJECT: :

TO: thungar@gibsondunn.com @ inet ( thungar@gibsondunn.com @ inet [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

[http://www.goldsteinhowe.com/blog/archive/2003\\_06\\_01\\_SCOTUSblog.cfm](http://www.goldsteinhowe.com/blog/archive/2003_06_01_SCOTUSblog.cfm)

---

**From:** CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/2/2003 6:03:26 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 10:03:26.00  
SUBJECT:: Re:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I haven't seen it yet.

Brett M. Kavanaugh  
06/02/2003 10:01:58 AM  
Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP  
cc:  
Subject:

did we get a letter from McMillan?

---

**From:** Kristi.L.Remington@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/2/2003 6:04:40 AM  
**Subject:** : kuhl

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (  
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 2-JUN-2003 10:04:40.00  
SUBJECT:: kuhl  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

NPR story this morning on Kuhl

<http://discover.npr.org/features/feature.jhtml?wfId=1283114>



---

**From:** Ralston, Susan B.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/2/2003 10:09:58 AM  
**Subject:** Karl's schedule

Please call me re: the time Karl spends on official business.  
x 6-2369

---

**From:** CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/2/2003 6:11:00 AM  
**Subject:** : Karl's schedule

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 2-JUN-2003 10:11:00.00

SUBJECT:: Karl's schedule

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Please call me re: the time Karl spends on official business.

x 6-2369

---

**From:** CN=Paul B. Dyck/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/2/2003 6:21:56 AM  
**Subject:** : Georgia, June 20 question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Paul B. Dyck ( CN=Paul B. Dyck/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 10:21:56.00  
SUBJECT:: Georgia, June 20 question  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

For the below, is it appropriate for me to forward as an fyi without comment to relevant regional finance person on campaign?

----- Forwarded by Paul B. Dyck/WHO/EOP on 06/02/2003  
10:19 AM -----

From: William Greene on 06/02/2003 10:18:59 AM  
Record Type: Record

To: Paul B. Dyck/WHO/EOP@EOP  
cc:  
Subject: Georgia, June 20 question

Paul...Kent and Otis have a question about hosting.... it'd be great if the proper folks could call Kent.

----- Forwarded by William Greene/WHO/EOP on 06/02/2003  
10:15 AM -----

Kent Sole <ksole@IngramLeGrand.com>  
05/28/2003 05:13:29 PM  
Record Type: Record

To: William Greene/WHO/EOP@EOP  
cc:  
Subject: Fundraising

Bill,

Can you put me in touch with the person organizing the Georgia Fundraising effort? The owner of our company (Otis Ingram) found out about the event being held for the President at Reynolds Plantation and would like to be involved.

Thanks,

Kent

Kent C. Sole  
Director, Governmental Affairs  
Ingram and LeGrand Lumber Company

REV\_00120340

Macon, GA 31201

478-742-8423 (office)

478-742-5395 (fax)

[ksole@ingramlegrand.com](mailto:ksole@ingramlegrand.com)

[www.ingramlegrand.com](http://www.ingramlegrand.com)

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>  
**Sent:** 6/2/2003 10:30:02 AM  
**Subject:** : Re: Sutton Investiture

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 14:30:02.00  
SUBJECT:: Re: Sutton Investiture  
TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

yes, he and Nathan are going.

Kyle Sampson  
06/02/2003 02:17:20 PM  
Record Type: Record

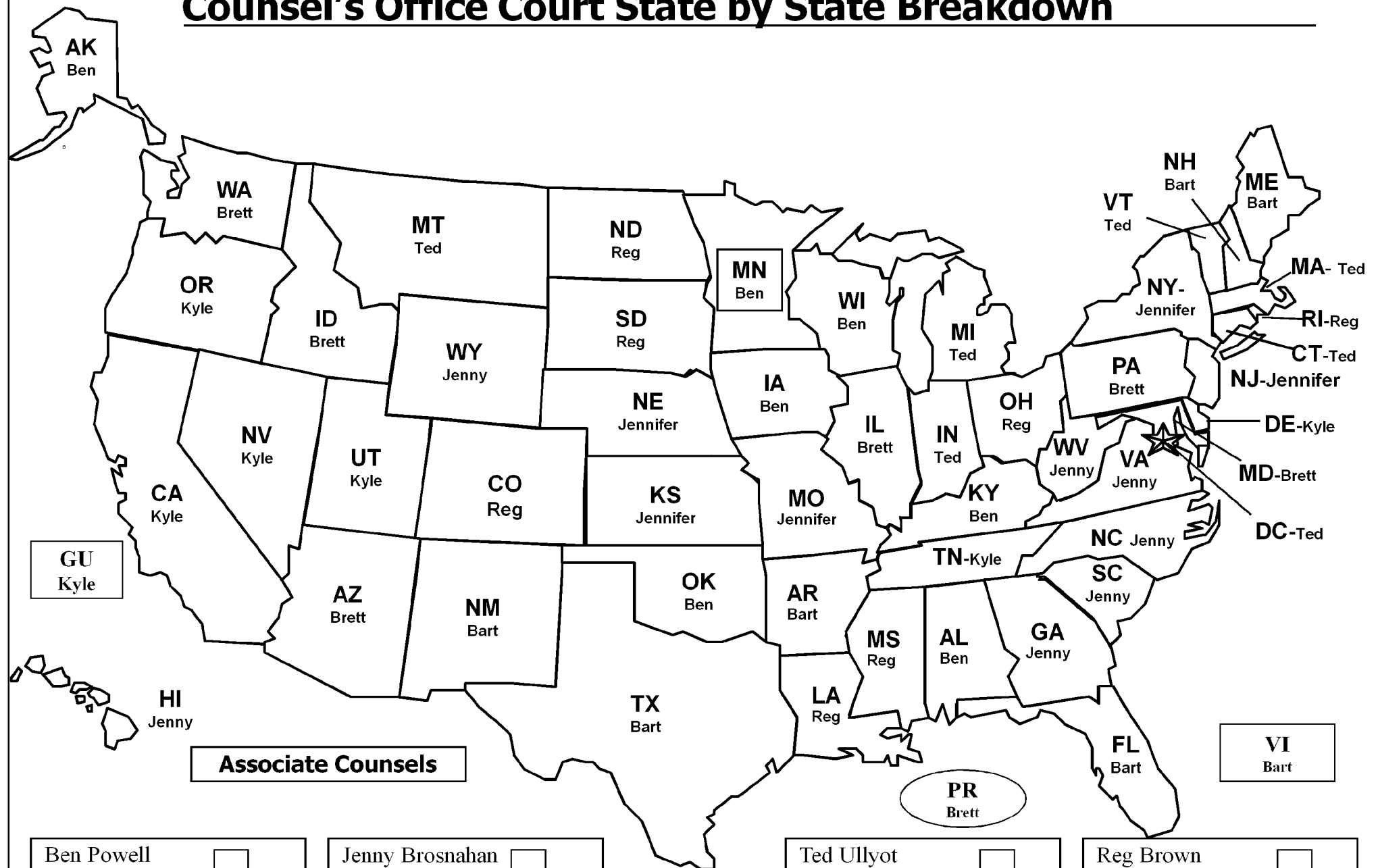
To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Sutton Investiture

Can we just send Charnes?

---

**From:** Bumatay, Patrick J.  
**To:** <Leitch, David G.>;<Ganter, Jonathan F.>;<Farrell, J. Elizabeth>;<Montiel, Charlotte L.>;<Nelson, Carolyn>;<Ulyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>  
**Sent:** 6/2/2003 10:33:37 AM  
**Subject:** updated portfolios  
**Attachments:** Agency Contacts - June 2003.xls; Counsel Assignments - May 2003.xls; State Assignments.ppt

## Counsel's Office Court State by State Breakdown



Ben Powell  
456-7909

Jenny Brosnahan  
456-7361

Ted Ulyot  
456-2318

Reg Brown  
456-5073

Chris Bartolomucci  
456-7963 \*Also has Court of International

Brett Kavanaugh  
456-7984

Jennifer Newstead  
456-1984

**Kyle Sampson**  
456-5257

\*Also has Court of Appeals Armed Forces  
Court of Appeals Federal Circuit  
Court of Appeals Veterans Claims  
US Tax Court

**Document Produced Natively**



| Address 2                           | City, State    | Zip        | WH Counsel   |
|-------------------------------------|----------------|------------|--------------|
| 1400 Independence Ave. SW           | Washington, DC | 20250      | Chris        |
| 14th and Consitution Ave. NW        | Washington, DC | 20230      | Ted          |
| The Pentagon                        | Arlington, VA  | 20301      | Chris        |
| 400 Maryland Ave, SW                | Washington, DC | 20202      | Jenny        |
| 1000 Independence Ave.              | Washington, DC | 20585      | Kyle         |
| 1200 Pennsylvania Ave. NW           | Washington, DC | 20460      | Kyle         |
| 500 C St. SW                        | Washington, DC | 20472      | Ben          |
|                                     | Washington, DC |            | Ben          |
| 200 Independence Ave. SW ,          | Washington, DC | 20201      | Jennifer     |
| 451 7th St. SW, DC 20410            | Washington, DC | 20410      | Reg          |
| 1849 C St. NW                       | Washington, DC | 20240-0001 | Kyle         |
| 950 Pennsylvania Ave. NW            | Washington, DC | 20530      | Ted/Jennifer |
| 200 Constitution Ave. NW            | Washington, DC | 20210      | Reg          |
| Eisenhower Excutive Office Building | Washington, DC | 20503      | Jenny        |
| 2201 C St. NW                       | Washington, DC | 20520      | Ben          |
| 400 Seventh St. SW                  | Washington, DC | 20590      | Brett        |
|                                     | Washington, DC |            | Brett        |
| 1500 Pennsylvania Avenue            | Washington, DC | 20220      | Brett        |
| 600 Seventeenth St. NW              | Washington, DC | 20508      | Reg          |
| 810 Vermont Avenue                  | Washington, DC | 20420      | Jenny        |
|                                     |                |            | Chris        |
|                                     |                |            |              |

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>  
**Sent:** 6/2/2003 10:41:22 AM  
**Subject:** : RE: for transmission asap to President with cover ARG memo to Harriet, cover ARG memo to President, and data sheet

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 14:41:22.00  
SUBJECT:: RE: for transmission asap to President with cover ARG memo to Harriet, cover ARG memo to President, and data sheet  
TO: Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

yes, thanks.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 06/02/2003 02:38:25 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
CC:  
Subject: RE: for transmission asap to President with cover ARG memo to Harriet, cover ARG memo to President, and data sheet

FYI - I added a "not" in the last sentence of the confirmation considerations.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Monday, June 02, 2003 2:24 PM  
To: Bumatay, Patrick J.  
Subject: for transmission asap to President with cover ARG memo to Harriet, cover ARG memo to President, and data sheet

<< File: titus memo.doc >>

---

**From:** Hungar, Thomas G. <THungar@gibsondunn.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/2/2003 6:53:25 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Hungar, Thomas G." <THungar@gibsondunn.com> ( "Hungar, Thomas G."  
<THungar@gibsondunn.com> [ UNKNOWN ] )  
CREATION DATE/TIME: 2-JUN-2003 10:53:25.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks. Great editorial, by the way.

-----Original Message-----

From: Brett\_M.\_Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Monday, June 02, 2003 9:53 AM  
To: Hungar, Thomas G.  
Subject:

[http://www.goldsteinhowe.com/blog/archive/2003\\_06\\_01\\_SCOTUSblog.cfm](http://www.goldsteinhowe.com/blog/archive/2003_06_01_SCOTUSblog.cfm)

=====  
===  
  
This message may contain confidential and privileged information. If it  
has been sent to you in error, please reply to advise the sender of the  
error and then immediately delete this message.  
=====

===

---

**From:** Steve.Colloton@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/2/2003 7:10:10 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Steve.Colloton@usdoj.gov" <Steve.Colloton@usdoj.gov> ( "Steve.Colloton@usdoj.gov"  
<Steve.Colloton@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 2-JUN-2003 11:10:10.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Sen. Harkin's staff says the senator will meet with me on June 6-8 when he  
is in Des Moines.

-----

Sent from my BlackBerry Wireless Handheld

---

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/2/2003 7:17:07 AM  
**Subject:** : Hungar

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 11:17:07.00  
SUBJECT:: Hungar  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

got the Larry Wallace slot

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Steve.Colloton@usdoj.gov <Steve.Colloton@usdoj.gov>  
**Sent:** 6/2/2003 7:29:40 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 11:29:40.00  
SUBJECT:: Re:  
TO: "Steve.Colloton@usdoj.gov" <Steve.Colloton@usdoj.gov> ( "Steve.Colloton@usdoj.gov"  
<Steve.Colloton@usdoj.gov> [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Excellent. Any other intelligence?

"Steve.Colloton@usdoj.gov" <Steve.Colloton  
06/02/2003 11:08:50 AM  
Record Type: Record

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

Sen. Harkin's staff says the senator will meet with me on June 6-8 when he  
is in Des Moines.

-----  
Sent from my BlackBerry Wireless Handheld

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>  
**Sent:** 6/2/2003 11:31:29 AM  
**Subject:** Boston Globe story on filibusters and Supreme Court

## **HIGH COURT NOMINATIONS MAY HINGE ON FILIBUSTER DEBATE**

### **SENATE IS DIVIDED ON CONSTITUTIONALITY**

**BYLINE:** By Lyle Denniston, Globe Correspondent

#### **BODY:**

**WASHINGTON** - Talk of a possible vacancy on the Supreme Court is rising with the arrival of June and the last month of the current term. If there is an opening, however, a nominee's fate may depend on what happens to the filibuster rule in the Senate, now under siege.

A filibuster, one of the Senate's most cherished eccentricities, is a debate that can go on and on - a blocking maneuver that works simply because it is so hard to stop in a closely divided Senate. This year, its use against lower court nominations has run on for months.

The continuing slowdown on two conservative nominees is widely regarded as a rehearsal for coming battles if a Supreme Court justice retires and President Bush picks a controversial replacement.

Aware of that prospect, and frustrated by the current filibuster, President Bush last month complained that "we are facing a crisis in the Senate, and therefore a crisis in our judiciary."

But the Democratic leader in the Senate, Tom Daschle of South Dakota, has said there is no crisis and there is nothing wrong with the filibuster rule. "If it ain't broke, don't fix it," he said in May.

The precedent for filibustering judicial nominations was set in 1968 when Republican senators thwarted the Democratic nomination of Justice Abe Fortas to become chief justice. The technique was not renewed on judgeships until this year, when Democrats brought it back to try to head off two of Bush's nominees to federal appeals courts - Miguel Estrada and Priscilla Owen.

As the Supreme Court's future is pondered, the filibuster looms large in the background.

The filibuster is now under fierce challenge in all three branches of government. The most drastic form of a challenge would involve a ruling from the Senate chair, occupied for the occasion by Vice President Dick Cheney, that filibusters no longer can be used against judicial nominees - a simple, unmistakable display of power that could leave the Democratic minority with no option but to stall virtually all Senate business.

"It is not called the nuclear option for nothing," said Elliot M. Minberg, legal director of People for the American Way, a liberal group that supports the current filibustering.

This is not something that either Republican or Democratic senators are actively talking about in public, because it looks drastic in the gentle-mannered Senate. But lobbyists seem preoccupied with it these days.

Supporters of the option, like conservative legal advocate Jay Alan Sekulow of the American Center for Law and Justice, prefer to call it "the constitutional option." They argue that filibusters aimed at judicial nominations are unconstitutional, and their option would simply restore majority rule on

those nominations.

Short of that option, there are other challenges building. The president, reaching deep into the Senate's own affairs, has suggested that the chamber speed up its process on judgeships. The Senate's own Republican leadership is seeking to weaken the filibuster rule.

The rule is also under assault from a number of conservative activist groups. And among academics, there is a continuing debate whether the filibuster is unconstitutional. The Senate will begin formal study of all of the options on Thursday, when its Rules Committee holds an afternoon hearing.

One conservative group, Judicial Watch - a legal advocacy organization that in nine years of existence has brought suit more than 100 times, mainly against the government - has filed a lawsuit claiming that the filibuster of judgeship nominees is unconstitutional.

Judicial Watch asked the US District Court to strike down the filibuster rule and order the Senate and its officers to let the two pending appeals court nominations come to a final vote - one that would ensure the nominees' confirmation.

In a rare display of agreement on the emotionally charged subject of filibusters, the Senate last month voted unanimously and without debate to defend itself against that lawsuit.

At this point, however, it is unclear what the Senate's defense will be. Some freshman Senate Republicans have talked publicly about pursuing the constitutional claim in court themselves, so there may be some resistance to mounting a legal argument that the issue is none of the courts' business. The Senate Legal Counsel will begin framing a defense shortly.

Each of the several options has its critics, but there is no consensus yet that all of them ultimately will fail.

The new rumbling over the filibuster can be traced to simple numbers: the 100-member Senate is divided 51-49, with Republicans holding control. The filibuster this year has taken that control away from them on at least two court nominations.

Senate Rule 22, the filibuster rule, requires 60 votes, not a majority of 51, to stop a filibuster and let the Senate proceed to a final vote. That means that if 41 senators want to keep a filibuster going, it can't be stopped because 59 opposing votes would not be enough.

Although changing the Senate rules ordinarily would require only a simple majority of 51 votes, a proposed change can itself be filibustered, and another Senate rule says it takes 67 votes (not 60) to end a filibuster against a rule change. That means 34 senators can block a rule change even if 66 want it.

Senate rules would have to be changed to adopt President Bush's suggestion for a more rapid timetable of Senate review of judicial nominees or to approve a Senate GOP leaders' proposal to reduce in steps the votes required to shut off a filibuster, from 60 to 51. Both ideas, if they make it to the Senate floor, would be subject to filibuster.

Thus, two out of three options now being discussed may be in for a seemingly endless struggle. Advocates on opposite sides of the filibuster controversy, like Minckberg and Sekulow, agreed that the two options suggested by Bush and Senate GOP leaders could be doomed.

That is what has brought on talk of the third option. It would work this way: Republicans would raise a parliamentary point that Rule 22 does not apply at all to judicial nominations, and so a majority of 51 prevails.



---

**From:** Steve.Colloton@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/2/2003 7:34:50 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Steve.Colloton@usdoj.gov" <Steve.Colloton@usdoj.gov> ( "Steve.Colloton@usdoj.gov"  
<Steve.Colloton@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 2-JUN-2003 11:34:50.00

SUBJECT:: RE:

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Quiet.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Monday, June 02, 2003 10:29 AM  
To: Colloton, Steve  
Subject: Re:

Excellent. Any other intelligence?

(Embedded  
image moved "Steve.Colloton@usdoj.gov" <Steve.Colloton  
to file: 06/02/2003 11:08:50 AM  
pic20385.pcx)

Record Type: Record

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

cc:  
Subject: Re:

Sen. Harkin's staff says the senator will meet with me on June 6-8 when he  
is in  
Des Moines.

-----

Sent from my BlackBerry Wireless Handheld

REV\_00120357

---

**From:** Riepenhoff, Allison L.  
**To:** <Kavanaugh, Brett M.>  
**CC:** <Nelson, Carolyn>  
**Sent:** 6/2/2003 11:42:18 AM  
**Subject:** Lawyers 10 K

Are you running that one on June 14?

---

**From:** CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/2/2003 7:48:29 AM  
**Subject:** : I'm lunching w/ Stuart Bowen @ the mess on Friday; want to join?

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 2-JUN-2003 11:48:29.00

SUBJECT:: I'm lunching w/ Stuart Bowen @ the mess on Friday; want to join?

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

---

**From:** MailRouter [ SYS ]  
**To:** Brett M. Kavanaugh/WHO/EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/2/2003 8:06:40 AM  
**Subject:** DELIVERY FAILURE: The e-mail address could not be found. Perhaps the recipient moved to a different e-mail organization, or there was a mistake in the address. Check the address and try again. [MAPI Reason Code: 0, MAPI Diagnostic Code 0]

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES NONDELIVERY RECEIPT )  
CREATOR:MailRouter ( MailRouter [ SYS ] )  
CREATION DATE/TIME: 2-JUN-2003 12:06:40.00  
SUBJECT:DELIVERY FAILURE: The e-mail address could not be found. Perhaps the recipient moved to a different e-mail organization, or there was a mistake in the address. Check the address and try again. [MAPI Reason Code: 0, MAPI Diagnostic Code 0]  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

DELIVERY FAILURE REPORT

Your Document:  
Boston Globe story on filibusters and Supreme Court  
could not be delivered to:  
CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange;CN=David G. Leitch/OU=WHO/O=EOP@Exchange  
because:  
The e-mail address could not be found. Perhaps the recipient moved to a different e-mail organization, or there was a mistake in the address. Check the address and try again. [MAPI Reason Code: 0, MAPI Diagnostic Code 0]  
Routing Path:  
/o=EOP/ou=First Administrative Group/cn=Configuration/cn=Connections/cn=SMEOP05-LME-NOTES;  
CN=MAIL5/O=EOP;CN=Mail2/O=EOP

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Theodore W. Ulliyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliyot>;David G. Leitch/WHO  
/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 6/2/2003 8:25:22 AM  
**Subject:** : tidbit

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 12:25:22.00  
SUBJECT:: tidbit  
TO:Theodore W. Ulliyot ( CN=Theodore W. Ulliyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

"(Daschle campaign manager Steve) Hildebrand said the campaign has assembled embarrassing information on several conservatives who are considering more attack ads against Daschle. The information includes videotape of a conservative activist discussing how he paid for his girlfriend's abortion."  
"'You'll see us spending a lot of time attacking the attackers,' Hildebrand said."

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Annette E. Rooney/OMB/EOP [ OMB ] <Annette E. Rooney>  
**Sent:** 6/2/2003 12:46:32 PM  
**Subject:** RECEIVED: Due 10:00 AM Tuesday - Revised State Victims of Terrorism Ltr

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 2-JUN-2003 16:46:32.00

SUBJECT: RECEIVED: Due 10:00 AM Tuesday - Revised State Victims of Terrorism Ltr

TO: Annette E. Rooney ( CN=Annette E. Rooney/OU=OMB/O=EOP [ OMB ] )

READ: UNKNOWN

##### End Original ARMS Header #####

RETURN RECEIPT

Your Document:

Due 10:00 AM Tuesday - Revised State Victims of Terrorism Ltr

was successfully received by:

CN=Brett M. Kavanaugh/OU=WHO/O=EOP

at:

06/02/2003 04:45:17 PM

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** sheila.joy@usdoj.gov @ inet [ UNKNOWN ] <sheila.joy@usdoj.gov @ inet>  
**Sent:** 6/2/2003 8:47:58 AM  
**Subject:** : Do you have letters from Coffey (CA7) and McMillian (CA8)

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 12:47:58.00  
SUBJECT:: Do you have letters from Coffey (CA7) and McMillian (CA8)  
TO:sheila.joy@usdoj.gov @ inet ( sheila.joy@usdoj.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>  
**CC:** Courtney S. Elwood/OVP/EOP@Exchange@EOP [ OVP ] <Courtney S. Elwood>  
**Sent:** 6/2/2003 12:52:33 PM  
**Subject:** : draft disclaimer for program at events for state and local candidates where limits are above federal limits

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 16:52:33.00  
SUBJECT:: draft disclaimer for program at events for state and local candidates where limits are above federal limits  
TO: David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )  
READ: UNKNOWN  
CC: Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange@EOP [ OVP ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

This is language that Courtney and I worked out and that has been cleared by relevant campaign/party lawyers. Please advise:

"Nothing said by the President [Vice President] at this event should be understood as a solicitation beyond federally permissible limits -- namely, up to \$2000 per election from an individual's own funds and no funds from a corporation, labor organization, or minor."



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>  
**Sent:** 6/2/2003 9:15:18 AM  
**Subject:** : do we have a coffey letter yet?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 13:15:18.00  
SUBJECT:: do we have a coffey letter yet?  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 6/2/2003 9:29:54 AM  
**Subject:** : Re: do we have a coffey letter yet?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 13:29:54.00  
SUBJECT:: Re: do we have a coffey letter yet?  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

can you get me a copy of this

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
06/02/2003 01:28 PM -----

Benjamin A. Powell  
06/02/2003 01:28:21 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: do we have a coffey letter yet?

yes, he faxed it to me on May 22. Letter is dated May 19, 2003. (I don't have the letter he sent via mail yet as it is probably working its way through the corresp section).

Brett M. Kavanaugh  
06/02/2003 01:14:27 PM  
Record Type: Record

To: Benjamin A. Powell/WHO/EOP@EOP  
cc:  
Subject: do we have a coffey letter yet?

---

**From:** Kavanaugh, Brett M.  
**To:** <Ralston, Susan B.>  
**Sent:** 6/2/2003 2:28:38 PM  
**Subject:** Re: Karl's schedule

returned call

From: Susan B. Ralston/WHO/EOP@Exchange on 06/02/2003 10:09:58 AM

Record Type: Record

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

cc:

Subject: Karl's schedule

Please call me re: the time Karl spends on official business.

x 6-2369

---

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/2/2003 10:31:10 AM  
**Subject:** : Re: Sutton Investiture

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 14:31:10.00  
SUBJECT:: Re: Sutton Investiture  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

I'll send Sutton and e-mail right now, apologizing for not being able to make it.

Brett M. Kavanaugh  
06/02/2003 02:29:12 PM  
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Sutton Investiture

yes, he and Nathan are going.

Kyle Sampson  
06/02/2003 02:17:20 PM  
Record Type: Record

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

Can we just send Charnes?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>  
**Sent:** 6/2/2003 2:34:52 PM  
**Subject:** : Re: CA3 PA

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 2-JUN-2003 18:34:52.00

SUBJECT:: Re: CA3 PA

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

goodness

H. Christopher Bartolomucci

06/02/2003 06:27:10 PM

Record Type: Record

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

cc:

Subject: CA3 PA

The usual suspects are starting to come out of the woodwork. I heard from supporters of Byer and Robreno today.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** m.edward.whelan@usdoj.gov @ inet [ UNKNOWN ] <m.edward.whelan@usdoj.gov @ inet>  
**Sent:** 6/2/2003 10:38:25 AM  
**Subject:** : FW: section 623

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 14:38:25.00  
SUBJECT:: FW: section 623  
TO:m.edward.whelan@usdoj.gov @ inet ( m.edward.whelan@usdoj.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Does same analysis applies to section 623 of treasury-postal approps as well? Indeed, is WHO an "agency" for purposes of approps bill?

SEC. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/2/2003 2:40:27 PM  
**Subject:** : White House Global Messenger -- 6/03/03

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )

CREATION DATE/TIME: 2-JUN-2003 18:40:27.00

SUBJECT:: White House Global Messenger -- 6/03/03

TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

THE GLOBAL MESSENGER

Tuesday, June 03, 2003

\*\*\*KEY POINTS: FROM THE G-8 SUMMIT\*\*\*

President Bush went to the G-8 Summit in Evian, France to encourage cooperation on key global priorities: spurring economic growth; combating terrorism; preventing the proliferation of weapons of mass destruction; and promoting prosperity in the developing world.

\*Combating HIV/AIDS

? President Bush's new initiative for 5-year, \$15 billion Emergency Plan for AIDS Relief triples U.S. spending on combating HIV/AIDS. The President urged other G-8 leaders to make similar commitments.

\*MCA - The President discussed his pledge of \$1.3 billion in 2004 to assist countries with sound development policies. This new plan for linking development assistance to policies is known as the Millennium Challenge Account initiative, and U.S. funding levels will increase to \$5 billion annually by 2006.

\*Famine Relief - President Bush called for urgent action to address famine, in particular to assist the 38 million people at risk of starving in Sub-Saharan Africa. America is the world's leading donor to the UN World Food Program. The President urged his European partners to reconsider policies that discourage African farmers from using safe biotechnology to increase agricultural productivity.

\*Increasing Trade - The President called on all countries to contribute to the goal of opening global markets and increasing prosperity through free trade, pointing out how the U.S. increased its share of Sub-Saharan exports from 1996 to 2001.

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

President Bush meets with leaders from the region, Sharm el Sheikh, Egypt

\*\*\*MASS GRAVES\*\*\*

Many mass grave sites have been identified in Iraq, providing further evidence of Saddam Hussein's atrocities against the Iraqi people. The Coalition is working to help grieving families

REV\_00120384

search for lost relatives and preserve evidence for future prosecutions by the new Iraqi government against the perpetrators. Some activities include:

\*A team of U.S. forensic experts has arrived to assess the sites and determine security needs. They will work with other Coalition assessment teams.

\*To strike the delicate balance between the interests of families searching for loved ones and broader justice issues, ORHA is working with local leaders where digging has already begun to coordinate the process; providing security at sites where digging has not begun; and sending forensic teams to conduct exhumations of grave sites.

\*ORHA will work with existing Iraqi organizations to establish an Iraqi Committee on Missing Persons (ICMP). It will collect the records of Iraqis who have disappeared and compile a national database to integrate the information with findings of the forensic investigative teams.

\*Prosecution of crimes against humanity committed by the former regime will be conducted through an Iraqi-led process assisted and supported by the international community as needed.

\*To ensure that prosecutors have access to evidence, ORHA will form an evidence coordination team. The team will create centralized and systematic warehouses for the storage, documentation and preservation of evidence.

\*\*\*KEY QUOTE\*\*\*

"America and Europe are called to advance the cause of freedom and peace, and these two commitments are inseparable. It is human rights and private property, the rule of law and free trade and political openness that undermine the appeal of extremism and create the stable environment that peace requires. We are determined to demonstrate the power of these ideals in the reconstruction of Afghanistan and Iraq. And these ideals will provide the foundation for a reformed and peaceful and independent Palestinian state."  
--President Bush, 5/31/03  
THE WHITE HOUSE  
Office of Global Communications  
For more information log on to  
<http://www.whitehouse.gov/ogc>

\*\*\*\*\*

You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.



---

**From:** CN=A. Merrill Hughes/OU=OVP/O=EOP@Exchange [ OVP ]  
**To:** David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Brett M. Kavanaugh/WHO  
/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/2/2003 11:09:11 AM  
**Subject:** : Barbour program

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:A. Merrill Hughes ( CN=A. Merrill Hughes/OU=OVP/O=EOP@Exchange [ OVP ] )  
CREATION DATE/TIME: 2-JUN-2003 15:09:11.00  
SUBJECT:: Barbour program  
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Since I've been out for a few days, wanted to check the status of the  
wording/disclaimer that you thought we should include on the program for  
the Barbour event on the 9th.; If Paul has already asked about this today,  
forgive me for doubling up...

;  
Many thanks,  
Merrill

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** A. Merrill Hughes/OVP/EOP@Exchange [ OVP ] <A. Merrill Hughes>  
**CC:** david s. addington/ovp/eop@eop [ OVP ] <david s. addington>  
**Sent:** 6/2/2003 11:22:23 AM  
**Subject:** : Re: Barbour program

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 15:22:23.00  
SUBJECT:: Re: Barbour program  
TO:A. Merrill Hughes ( CN=A. Merrill Hughes/OU=OVP/O=EOP@Exchange [ OVP ] )  
READ:UNKNOWN  
CC:david s. addington ( CN=david s. addington/OU=ovp/O=eop@eop [ OVP ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I should have an answer for you shortly that I first will discuss with David and then with you and Paul Dyck. Thanks.

From: A. Merrill Hughes/OVP/EOP@Exchange on 06/02/2003 03:08:10 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, David S. Addington/OVP/EOP@EOP  
cc:  
Subject: Barbour program

Since I've been out for a few days, wanted to check the status of the wording/disclaimer that you thought we should include on the program for the Barbour event on the 9th.; If Paul has already asked about this today, forgive me for doubling up...

;  
Many thanks,  
Merrill

---

**From:** Karre, Meredith <Meredith.Karre@Heritage.org>  
**CC:** Thomas, Ginni <ginni.thomas@Heritage.org>; Gattuso, James <James.Gattuso@Heritage.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/2/2003 11:30:32 AM  
**Subject:** : Invitation to Heritage roundtable discussion on aviation issues  
**Attachments:** P\_FXCVG003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Karre, Meredith" <Meredith.Karre@Heritage.org> ( "Karre, Meredith"  
<Meredith.Karre@Heritage.org> [ UNKNOWN ] )  
CREATION DATE/TIME: 2-JUN-2003 15:30:32.00  
SUBJECT:: Invitation to Heritage roundtable discussion on aviation issues  
CC:"Thomas, Ginni" <ginni.thomas@Heritage.org> ( "Thomas, Ginni"  
<ginni.thomas@Heritage.org> [ UNKNOWN ] )  
READ:UNKNOWN  
CC:"Gattuso, James" <James.Gattuso@Heritage.org> ( "Gattuso, James"  
<James.Gattuso@Heritage.org> [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

> This is to invite you to participate in a roundtable discussion at Heritage, on June 6 at 12 noon, on free trade in aviation. The session will feature a presentation by Dorothy Robyn and James Reitzes of the Brattle Group, authors of a recent study on the issue entitled "The Economic Impact of an EU-US Open Aviation Area," followed by open discussion among the attendees. It's a particularly timely issue, given the vast changes that are already taking place in aviation both here and in Europe. We are hoping that -- with your participation -- to have a lively and useful debate on these international aviation issues.

> I hope you can join us. To RSVP, please contact Margaret Hamlin of our office (margaret.hamlin@heritage.org, 608-6244) or reply directly to me. Also, if you know of any associates who would be interested in participating, please feel free to pass on this invitation to them, or let me know. Full details are in the attached invitation.

> I looking forward to seeing you here on June 6. (My apologies if you have received multiple copies of this invitation).

>  
> > <<Aviation luncheon.doc>>  
>

> James L. Gattuso  
> Research Fellow in Regulatory Policy  
> The Heritage Foundation  
> 214 Massachusetts Ave. NE  
> Washington, D.C. 20002  
>

> (202) 608-6244  
>

- Aviation luncheon.doc

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_FXCVG003\_WHO.TXT\_1>



**You are Invited to a Roundtable Luncheon on:**

## **Beyond Open Skies: Why Not Free Trade in Aviation?**

**featuring**

**Dorothy Robyn and James Reitzes**

The Brattle Group

Co-authors: "The Economic Impact of an EU-US Open Aviation Area"

**Moderators**

**James L. Gattuso and Ronald D. Utt**

The Heritage Foundation

**When:** Friday, June 6, 2003, 12:00 noon to 2:00

**Where:** Davis Policy Center, The Heritage Foundation,  
214 Massachusetts Ave., NE, Washington DC

The past two years have been rough ones for the airline industry, both in the U.S. and internationally. Terrorism, wars, and SARS have reduced passenger volumes and increased costs. At the same time, challenges from low-cost airlines have further challenged the way traditional carriers do business. With all this, could now be the time to introduce more competition by lowering transatlantic trade barriers that hinder transatlantic competition and integration? Dorothy Robyn and James Reitzes say yes, and outline the potential benefits in a study recently completed by the Brattle Group for the European Commission. Please join us for what should be a lively and informative discussion of this controversial issue.

Seating is limited, so please confirm your attendance at your earliest convenience to [Margaret.hamlin@heritage.org](mailto:Margaret.hamlin@heritage.org), or call 608-6166.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** m.edward.whelan@usdoj.gov @ inet [ UNKNOWN ] <m.edward.whelan@usdoj.gov @ inet>  
**Sent:** 6/2/2003 11:41:06 AM  
**Subject:** : also, can you re-FAX the 603 memo to 456-5104

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 15:41:06.00  
SUBJECT:: also, can you re-FAX the 603 memo to 456-5104  
TO:m.edward.whelan@usdoj.gov @ inet ( m.edward.whelan@usdoj.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>  
**Sent:** 6/2/2003 12:17:25 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 16:17:25.00  
SUBJECT::  
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

memo on way up. no final word on other yet.

---

**From:** Sean Rushton <SRushton@CommitteeforJustice.org>  
**To:** SRushton@CommitteeforJustice.org [ UNKNOWN ] <SRushton@CommitteeforJustice.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/2/2003 12:30:42 PM  
**Subject:** : CFJ on NPR.  
**Attachments:** P\_9FGVG003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Sean Rushton <SRushton@CommitteeforJustice.org> ( Sean Rushton  
<SRushton@CommitteeforJustice.org> [ UNKNOWN ] )  
CREATION DATE/TIME: 2-JUN-2003 16:30:42.00  
SUBJECT:: CFJ on NPR.  
TO:SRushton@CommitteeforJustice.org ( SRushton@CommitteeforJustice.org [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Profile: Judge Carolyn Kuhl, nominated to the US 9th Circuit Court of Appeals, faces opposition from Senate Democrats

2 June 2003  
NPR: Morning Edition

JOHN YDSTIE, host: A Los Angeles Superior Court judge is the latest judicial nominee to face stiff opposition from Senate Democrats, including both of her home state senators. President Bush has nominated Judge Carolyn Kuhl to the US 9th Circuit Court of Appeals. She has the support of many local lawyers, but her opponents say her record as a Justice Department lawyer and as a judge reflects a conservative bias they find troubling. NPR's Richard Gonzalez reports.

RICHARD GONZALEZ reporting:

Carolyn Kuhl is a 52-year-old St. Louis native, who graduated with high honors from Princeton and Duke University Law School. Fresh out of school, she clerked for then judge, now Supreme Court Justice Anthony Kennedy, when he sat on the 9th Circuit Court of Appeals, the same panel for which Kuhl is nominated. Some supporters say Kuhl, a conservative, would bring balance to the 9th Circuit, which is known for its left-leaning decisions. Sean Rushton is executive director of the Committee for Justice, a Washington, DC-based group organized to support President Bush's judicial nominees.

Mr. SEAN RUSHTON (Executive Director, Committee for Justice): She is considered, by both Democrats and Republicans who know her in the state of California, as an independent judge. She is not an ideologue. She sticks to the rule of law and interprets the law as is clearly written.

Ms. JUDITH SCHAEFFER (People for the American Way): This is not someone who has the right judgment to be given a lifetime appointment on the federal appellate court, which is the second most important court in our country.

GONZALEZ: Judith Schaeffer is with People for the American Way, a liberal group that promotes protection of First Amendment rights. She says Kuhl has a long record of hostility towards women's rights, civil rights and access to justice by ordinary Americans. For example, she says, as a young political appointee to the Reagan Justice Department, Kuhl argued for the Supreme Court to overturn Roe v. Wade, the court ruling that effectively legalized abortion. She also played a key role in persuading the Justice Department to restore tax-exempt status to Bob Jones University, despite that institution's policy of banning interracial dating. The Bob Jones decision set off a firestorm and

eventually the Supreme Court ruled that the university was not entitled to tax-exempt status. In her recent Senate confirmation hearing, Kuhl acknowledged that she had been wrong.

Judge CAROLYN KUHL: It was wrong because the Justice Department should have been defending the traditional position of the IRS and it was wrong because it didn't put non-discrimination first, and that's where the emphasis should have been.

GONZALEZ: Kuhl was also asked about her ruling in a privacy case. In 1999, she dismissed a suit brought by a breast cancer survivor, Azucena Sanchez-Scott. Two years earlier, during a breast examination, Sanchez-Scott's doctor had brought another man into the room without disclosing that the man was a drug company salesman. Sanchez-Scott filed suit against the doctor, the drug salesman and his company, alleging they had violated her privacy rights. Sanchez-Scott says she was let down twice, first by her doctor and then by Judge Kuhl.

Ms. AZUCENA SANCHEZ-SCOTT: She denied my case because she said that it was my responsibility to take care of my privacy, that the doctor was not responsible for protecting my privacy and didn't give me a chance to go before a jury so that they can determine that.

GONZALEZ: Kuhl ruled that because Sanchez-Scott had not explicitly objected to the drug salesman's presence, then there was no reasonable expectation of privacy. The California Appeals Court unanimously overturned Kuhl's ruling and at her confirmation hearing, several senators, among them Illinois Democrat Richard Durbin, asked Kuhl to clarify her position.

Senator RICHARD DURBIN (Democrat, Illinois): Would you like to explain your concept of privacy as it applies to that fact situation?

Judge KUHL: Yes, Senator. First of all, I think the woman, I'm sure, was very upset with her doctor and had a right to be upset with her doctor for allowing this third person into the examining room. And they also...

Sen. DURBIN: It's a pretty outrageous situation, isn't it?

Judge KUHL: I think it is an outrageous situation.

Sen. DURBIN: But you didn't see it as an invasion of privacy.

Judge KUHL: Well, I was trying to interpret California law. I think that the Court of Appeals has clarified that law in this area. I'm happy that it's been clarified and I certainly would follow that in the future.

Sen. DURBIN: I would think common sense would have clarified that.

GONZALEZ: Kuhl's opponents say that when it comes to discrimination against women, labor relations, veterans rights or protections for whistle-blowers, she has a troubling record. Still, she is rated well qualified by the American Bar Association and has the support of the litigation section of the Los Angeles Bar Association. Among her defenders is Leo Terrell, a Democrat and civil rights attorney for the NAACP in Los Angeles. Terrell says Kuhl sided with his client in a job discrimination suit brought against the city.

Mr. LEO TERRELL (NAACP): I would not go out and support this judge if I didn't have personal experience with her. And my personal interaction with her, I can describe her in one word: fair.

GONZALEZ: The Senate Judiciary Committee voted to send Kuhl's nomination to the Senate floor with 10 Republicans supporting her and nine Democrats opposed. One Republican senator, Arlen Specter of Pennsylvania, said that he has some misgivings about Kuhl's record and would not commit to voting for her. No date has been set for the floor



action. Richard Gonzalez, NPR News, San Francisco.

Sean Rushton

Executive Director

Committee for Justice

1275 Pennsylvania Avenue, NW

Tenth Floor

Washington, DC 20004

202-481-6850 phone

202-487-6439 mobile

[www.committeeforjustice.org](http://www.committeeforjustice.org)

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_9FGVG003\_WHO.TXT\_1>

## Profile: Judge Carolyn Kuhl, nominated to the US 9th Circuit Court of Appeals, faces opposition from Senate Democrats

2 June 2003

NPR: Morning Edition

JOHN YDSTIE, host: A Los Angeles Superior Court judge is the latest judicial nominee to face stiff opposition from Senate Democrats, including both of her home state senators. President Bush has nominated Judge Carolyn Kuhl to the US 9th Circuit Court of Appeals. She has the support of many local lawyers, but her opponents say her record as a Justice Department lawyer and as a judge reflects a conservative bias they find troubling. NPR's Richard Gonzalez reports.

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Judge CAROLYN KUHL: It was wrong because the Justice Department should have been defending the traditional position of the IRS and it was wrong because it didn't put non-discrimination first, and that's where the emphasis should have been.

GONZALEZ: Kuhl was also asked about her ruling in a privacy case. In 1999, she dismissed a suit brought by a breast cancer survivor, Azucena Sanchez-Scott. Two years earlier, during a breast examination, Sanchez-Scott's doctor had brought another man into the room without disclosing that the man was a drug company salesman. Sanchez-Scott filed suit against the doctor, the drug salesman and his company, alleging they had violated her privacy rights. Sanchez-Scott says she was let down twice, first by her doctor and then by Judge Kuhl.

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Judge KUHL: I think it is an outrageous situation.

Sen. DURBIN: But you didn't see it as an invasion of privacy.

Judge Kuhl: Well, I was trying to interpret California law. I think that the Court of Appeals has clarified that law in this area. I'm happy that it's been clarified and I certainly would follow that in the future.

Sen. DURBIN: I would think common sense would have clarified that.

GONZALEZ: Kuhl's opponents say that when it comes to discrimination against women, labor relations, veterans rights or protections for whistle-blowers, she has a troubling record. Still, she is rated well-qualified by the American Bar Association and has the support of the litigation section of the Los Angeles Bar Association. Among her defenders is Leo Terrell, a Democrat and civil rights attorney for the NAACP in Los Angeles. Terrell says Kuhl sided with his client in a job discrimination suit brought against the city.

Mr. LEO TERRELL (NAACP): I would not go out and support this judge if I didn't have personal experience with her. And my personal interaction with her, I can describe her in one word: fair.

GONZALEZ: The Senate Judiciary Committee voted to send Kuhl's nomination to the Senate floor with 10 Republicans supporting her and nine Democrats opposed. One Republican senator, Arlen Specter of Pennsylvania, said that he has some misgivings about Kuhl's record and would not commit to voting for her. No date has been set for the floor action. Richard Gonzalez, NPR News, San Francisco.

-

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-

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>  
**Sent:** 6/2/2003 1:04:56 PM  
**Subject:** : RE: op-eds

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUN-2003 17:04:56.00  
SUBJECT:: RE: op-eds  
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Confirm Judge Pickering  
by Alberto R. Gonzales

The controversy over President Bush's nomination of Judge Charles Pickering to the U.S. Court of Appeals for the Fifth Circuit, and the recent threats by some Senators to filibuster to prevent an up-or-down Senate vote, illustrate how far the judicial confirmation process has degenerated. Judge Pickering is well-qualified, he should receive an up-or-down Senate vote (as should all judicial nominees), and he should be confirmed.

In 1990, the Democrat-controlled Senate confirmed Judge Pickering unanimously to be a federal district judge, and he has since served with distinction. He previously worked in private practice and as a county prosecutor, city judge, and state legislator. He graduated first in his law school class. He has been extraordinarily active in community service activities. The American Bar Association rated him &well-qualified.<sup>8</sup> And he has very strong bipartisan support, including from Democrat Governor Musgrove, Democrat Attorney General Moore, Clinton Administration Assistant Attorney General Frank Hunger, and 18 past Presidents of the state bar, among many others.

While sometimes cloaked in other language, the opposition to Judge Pickering has boiled down to a single allegation: that he has demonstrated racial insensitivity during his life. That is a serious charge; indeed, no allegation with respect to a prospective judicial nominee is taken more seriously by President Bush. But the allegation does not square with Judge Pickering's record, both professional and personal. Judge Pickering has a long record of advancing racial harmony and progress in Mississippi. His efforts began in the 1960,s and have continued to the present. As Charles Evers, the brother of slain Mississippi civil rights leader Medgar Evers, stated, Judge Pickering &was standing up for blacks in Mississippi when no other white man would.<sup>8</sup> An account of these efforts demonstrates that the attacks against Judge Pickering have been ill-informed.

In the 1960,s, Judge Pickering was a county prosecutor in Mississippi who aggressively investigated and prosecuted the Ku Klux Klan. Charles Harrison, the first African-American police officer in the Laurel, Mississippi, police department, explained that &Charles Pickering worked with the FBI to investigate and prosecute violent KKK members. He put his, his wife,s, and his children,s lives at risk by doing this.<sup>8</sup> And as a direct result, Judge Pickering lost his re-election as county attorney. Chet Dillard, a Mississippi District Attorney at the time, stated: & Charles has always stood tall for justice when very few people would make a stand at all.<sup>8</sup>

In the 1960,s and 1970,s, Judge Pickering sent his children to majority-black public schools in Mississippi. He explained: &My young daughters ) the first year that they paired schools, which meant that they would be going to a majority-black school; it was a previously all-black

school ) they went to the previously black school and that is where they got their education. We stayed with the public schools. We helped integrate the public schools.<sup>8</sup>

In 1971, Judge Pickering ran for state senate and received two-thirds of the African-American vote. Then in 1976, soon after he became chair of the state Republican Party, Judge Pickering hired the state party's first African-American staffer, James King. Mr. King has stated that Judge Pickering was a &mentor<sup>8</sup> and added: &I have known Judge Pickering for 25 years and can and do state without hesitation that he is a man of great morals and principles and I have found him to be completely void of racism in his approach to dealing with issues of race.<sup>8</sup>

In 1981, as a private lawyer, Judge Pickering defended an African-American man accused of robbing a white woman at knifepoint. The defendant's father stated that &Judge Pickering believed that my son was entitled to a good defense even though it was not a popular move for him politically.<sup>8</sup>

In 1983, while Judge Pickering was President of the Mississippi Baptists, the Southern Baptist Convention invited an African-American pastor to speak at the convention for the first time. And in the late 1980's, when an African-American was denied admission to a fraternity that Judge Pickering had belonged to, Judge Pickering discussed the matter with his son (Congressman Pickering), who flew down from Washington, addressed the chapter, and integrated it.

Judge Pickering's efforts have continued to this day. In 1988 and 1989, Judge Pickering chaired a bi-racial, bipartisan commission in Jones County that was formed to advance race relations. In 1998, Judge Pickering became a member of the University of Mississippi Institute for Racial Reconconciliation and later served on the board. And Judge Pickering authored a 1999 article entitled &Racial Harmony Requires Commitment.<sup>8</sup>

Based on this extensive record, numerous people ) black and white, Republican and Democrat ) have written letters of support that debunk the Washington-based criticism of Judge Pickering. The former president of the NAACP in Forrest County wrote that Judge Pickering has been a &major bridge builder<sup>8</sup> and has &developed platforms that have eased racial tensions.<sup>8</sup> Former Democrat Governor Winter wrote that Judge Pickering & has been one of this state's most dedicated and effective voices for breaking down racial barriers.<sup>8</sup> Johnny Dupree, the African-American Mayor of Hattiesburg, wrote that &Judge Pickering is a model citizen<sup>8</sup> and &has received much praise from local and state African American leaders who can attest to his commitment to being fair toward all citizens.<sup>8</sup> Judge Damon Keith, one of the country's leading appeals court judges and an African-American appointee of President Carter, wrote that he was & absolutely convinced that Judge Pickering's entire life has been dedicated to the principle spelled out in the Declaration of Independence that says all men are created equal.<sup>8</sup> Finally, Frank Hunger, who was Assistant Attorney General under President Clinton and is Al Gore's brother-in-law, wrote: &I have known Judge Pickering for nearly thirty years and have the utmost respect for him as a fair-minded judge who would never knowingly do anything improper or unethical. He is a person of great integrity, strong moral character, courage and compassion who treats all who come before him in a fair and dignified way. . . I think it most regrettable that his nomination has become controversial.<sup>8</sup>

Opponents have ignored this record and support and instead seized on two main issues to try to demonize Judge Pickering. First, Judge Pickering wrote a student paper in 1959 that analyzed Mississippi's law against inter-racial marriage (nearly two dozen states had such laws in force before the Supreme Court finally declared them unconstitutional in 1967). The article analyzes the law, but does not take a moral position on it, and critics have seized on the lack of criticism to attack Judge Pickering. The law was reprehensible and warrants explicit condemnation, as Judge Pickering himself has explained. The 1959 student paper does not negate Judge Pickering's extensive 40-year history of promoting racial harmony and progress for African-Americans in which he has worked to

integrate his state, his church, his public schools, his fraternity, and his dinner table.

Second, some have pointed to Judge Pickering's actions in a cross-burning case in 1994, arguing that he was lenient in sentencing a convicted cross-burner. That allegation is a gross distortion. Four facts bear emphasis. First, there were three defendants involved, and the prosecutors inexplicably allowed two (including the ringleader) to plead guilty with no prison time. Second, Judge Pickering sentenced the third defendant to 27 months, imprisonment, which was more prison time than the Justice Department had offered this defendant in plea bargain negotiations; moreover, the Justice Department did not appeal the sentencing decision. Third, Judge Pickering expressed concern about the inequitable sentences imposed on the three defendants and the possible disparity that might arise if a mandatory minimum sentence applied (he has expressed similar concerns in other cases), all of which stemmed from the fact that the prosecutors had allowed the ringleader of the incident to plead guilty with no prison time. Fourth, and most important for present purposes, there is no doubt that Judge Pickering believed the crime reprehensible. At the sentencing hearings, Judge Pickering stated the following: "This is conduct that is reprehensible. It cannot, it will not be tolerated . . . . You are going to the penitentiary because of what you did. And it is an area that we have got to stamp out, that we have got to learn to live races among each other. And the type of conduct that you exhibited cannot and will not be tolerated. You did that which does hinder good race relations and was a despicable act. I would suggest to you that during the time that you are in the prison that you do some reading on race relations."

Judge Pickering is, as the American Bar Association concluded, well qualified. His record should be debated and analyzed fairly, he should receive an up-or-down Senate vote, and he should be confirmed.

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**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**Sent:** 6/2/2003 5:26:32 PM  
**Subject:**

**Bush judicial nominees:**

Judge Gonzales has another op-ed — today's is in the *Washington Post* — calling for an end to the Estrada filibuster.

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Brosnahan, Jennifer R.>; <Newstead, Jennifer G.>; <Bartolomucci, H. Christopher>; <Sampson, Kyle>; <Francisco, Noel J.>; <Powell, Benjamin A.>; <Ulliot, Theodore W.>  
**Sent:** 6/2/2003 5:35:03 PM  
**Subject:** berenson on cnn now



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 6/2/2003 1:36:02 PM  
**Subject:** : berenson on cnn now

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 2-JUN-2003 17:36:02.00

SUBJECT:: berenson on cnn now

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;Theodore W. Ulliot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliot>;Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 6/2/2003 1:40:18 PM  
**Subject:** : Berenson

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 2-JUN-2003 17:40:18.00

SUBJECT:: Berenson

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

is on CNN now.

;

Channel 42.

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**From:** Azar, Alex (HHS/OS) <Alex.Azar@hhs.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/3/2003 4:58:37 AM  
**Subject:** : Out of Office AutoReply: Reporter call

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov> ( "Azar, Alex (HHS/OS)"  
<Alex.Azar@hhs.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 3-JUN-2003 08:58:37.00  
SUBJECT:: Out of Office AutoReply: Reporter call  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I will be out of the office the week of June 2-6, with limited ability to return calls or to review emails. If you have an urgent matter, please contact one of my deputies or my assistant, Pam Roller, at 202-690-7741 for immediate assistance.

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/3/2003 1:22:57 AM  
**Subject:** : OpinionJournal - On the Editorial Page - June 3, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME: 3-JUN-2003 05:22:57.00  
SUBJECT:: OpinionJournal - On the Editorial Page - June 3, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
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From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003577>

Even more duckies don't pay taxes, but liberals say they're not lucky enough.  
12:01 a.m. EDT

The Western Front BY BRENDAN MINITER  
<http://www.opinionjournal.com/columnists/bminiter/?id=110003575>

A brutal murderer tries to hide behind the Bible.  
12:01 a.m. EDT

Leisure & Arts BY JOHN MCDONOUGH  
<http://www.opinionjournal.com/la/?id=110003576>

Bob Hope, film star and postmodern pioneer.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Even Luckier Duckies  
When a tax cut becomes a welfare check.  
Jun 03 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10546063779007100,00.html%3Fmod%3Dopinion>

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The Big Picture  
Why the brouhaha over the FCC loosening ownership restrictions?  
Jun 03 2003

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Erbitux and the Press  
How the media missed the bigger ImClone story.  
Jun 03 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105460672830097300,00.html%3Fmod%3Dopinion>

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#### Commentary

False Hopes for the Economy  
Productivity gains that have long been anticipated are how booms end --  
not how they're created.  
By EDMUND S. PHELPS  
Jun 03 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105460485066678700,00.html%3Fmod%3Dopinion>

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Directions at the Crossroads  
The next "roadmap" question: What will Bush do?  
By DENNIS ROSS  
Jun 03 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105460558674254900,00.html%3Fmod%3Dopinion>

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#### Global View

A Summit Without Illusions  
Chirac got his photo op, but still needs to patch things up with Bush.  
By GEORGE MELLOAN  
Jun 03 2003

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#### Leisure & Arts

Raise Your Popcorn  
Bob Hope was a film star and postmodern pioneer.  
By JOHN MCDONOUGH  
Jun 03 2003

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Nothing But Air? Shooting Skills Waning in NBA  
Why coached are slowing the game down.  
By DAN ACKMAN  
Jun 03 2003

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Books  
The Soul of Wit  
"The Morality of Laughter"  
By ROGER KIMBALL  
Jun 03 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105460667361022900,00.html%3Fmod%3Dopinion>

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#### Music

On Disc: Tasty Blends of East and West

Turkish music and the 18th-century classical compositions it inspired are worth a look.

By BARRYMORE LAURENCE SCHERER

Jun 03 2003

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#### Time Off

Diversions

Monhegan Island Art

Jun 03 2003

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#### International

##### Labour's Short-Circuit

Tony Blair's ex-ministers are blaming him for a "monumental blunder" in Iraq. So, was it wrong to uncover the mass graves and prevent future murders?

From The Wall Street Journal Europe

Jun 03 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105459442354649100,00.html%3Fmod%3Dopinion>

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##### Asia's Other Rogue Regime

Burma's economy is in shambles, but the military junta in Rangoon continues to thumb its nose at its own citizens and the international community.

From The Wall Street Journal Europe

Jun 03 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105459804792204400,00.html%3Fmod%3Dopinion>

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##### Globalization Will Bring Democracy

Ending economic isolation in the Muslim world will help encourage more tolerance of political freedom and democracy.

By DAVID HALE

From The Wall Street Journal Europe

Jun 03 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105459588197307800,00.html%3Fmod%3Dopinion>

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##### Another Dark Day in Burma

Burma's confidence-building process is back to square one.

By AUNG ZAW  
From The Asian Wall Street Journal  
Jun 03 2003

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Charles Spies - Legal <CSpies@rnchq.org>  
**Sent:** 6/3/2003 6:50:58 AM  
**Subject:** : Re: disclaimer language

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 3-JUN-2003 10:50:58.00

SUBJECT:: Re: disclaimer language

TO: Charles Spies - Legal <CSpies@rnchq.org> ( Charles Spies - Legal <CSpies@rnchq.org> [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

"Any solicitation by a Federal officeholder at this event seeks only federally permissible funds, that is, up to \$2000 per candidate per election from an individual's own funds, and no funds from a corporation, labor organization or minor."



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**From:** Leitch, David G.  
**To:** noel.francisco@usdoj.gov <Gonzales, Alberto R.>;noel.francisco@usdoj.gov <Kavanaugh, Brett M.>;noel.francisco@usdoj.gov <Spellings, Margaret M.>;noel.francisco@usdoj.gov <Lefkowitz, Jay P.>  
**CC:** noel.francisco@usdoj.gov <noel.francisco@usdoj.gov>  
**Sent:** 6/3/2003 7:02:58 AM  
**Subject:** Weekly Standard on Race-Neutral Alternatives and Education Department  
**Attachments:** WeeklyStandard\_med.gif

 The Weekly Standard

Color Us Neutral  
by Terry Eastland, for the Editors  
06/09/2003, Volume 008, Issue 38

WHILE THE NATION AWAITS the Supreme Court's rulings in the Michigan affirmative action cases, the Bush administration has launched an effort designed to stimulate interest in race-neutral means of enhancing educational opportunities for racial and ethnic minorities. The project has proceeded quietly, with the Education Department taking the lead. One must hope that the Court's decisions in the Michigan cases won't cut short this important initiative.

It began in March when the Education Department's Office for Civil Rights issued "Race-Neutral Alternatives in Postsecondary Education: Innovative Approaches to Diversity." The publication provides information on the various race-neutral programs that are being implemented around the country, without endorsing any particular one, the point being to make them more widely known and to encourage educators to consider them seriously, even to come up with new ones of their own.

In late April, the Office for Civil Rights followed up with a two-day conference in Miami attended by representatives of more than 100 colleges and universities, including Brown, Penn, Notre Dame, Baylor, Virginia Tech, Brigham Young, and Southern Methodist. Since then the office has continued to collect and distribute information on race-neutral alternatives.

The result has been to broaden discussion of this subject beyond where the Justice Department left it in its Michigan briefs. At issue in those cases are the undergraduate and law schools' race-based admissions policies. In arguing that the Constitution forbids "race-based policies when race-neutral alternatives are available," the Justice Department gave as examples of the latter the policies used by Texas, California, and Florida that guarantee admission to the highest-ranked students in each high school graduating class--the top 10 percent in Texas, the top 4 percent in California, and the top 20 percent in Florida.

Those policies--and their results so far--are spelled out in "Race-Neutral Alternatives in Postsecondary Education," and representatives of the three states discussed them in Miami. But the Office for Civil Rights is also publicizing socioeconomic affirmative action, which Texas, California, and Florida are using on a limited basis. Under this approach, as Richard Kahlenberg, author of "The Remedy: Class, Race, and Affirmative Action," explained during the conference, preferences are extended to students who have performed well academically despite having faced various social and economic obstacles. In determining socioeconomic

disadvantage, admissions officers take into account, among other factors, parents' education, family income, family structure, and school quality.

Both the class-rank and socioeconomic approaches operate at the point where students seek admission. Yet it is widely recognized that many students need help much earlier in their schooling if they are to have the skills, resources, and abilities actually to compete for places in good colleges--and then succeed.

For this reason, the Office for Civil Rights is also drawing attention to "developmental" approaches--such as "partnerships" in which universities work with nearby low-performing elementary and secondary schools. The University of California, the University of Pennsylvania, the University of Vermont, and the University of Florida have partnerships with such schools. The partnerships take various forms, depending on the need. In some cases, the universities tutor and mentor students, and advise them about the courses they need to take to prepare for college. In other cases, they help schools devise curricula, train teachers, or even provide classroom instruction.

Another developmental approach involves the expansion of Advanced Placement courses. As "Race-Neutral Alternatives" points out, taking AP courses helps high school students in at least three ways: They may learn more because they are in more demanding courses; they may get higher GPAs as a result of taking AP courses, which sometimes carry extra points; and they may earn college credits. Unfortunately, many inner-city and rural high schools, if they offer AP courses at all, offer fewer than other high schools do. Texas and Florida have undertaken to change that, and the results so far are impressive. In Texas, student participation in AP courses has climbed by 57 percent since 1999, with most of the increase coming from schools that had never before offered such courses. And in Florida, the number of students in low-performing schools who are taking AP courses has increased from 4,000 to 7,000 in the past two years.

It's hard not to notice that most of the race-neutral alternatives the Department of Education is publicizing are found in Texas, California, and Florida. There is a reason for that: Those states were forced to abandon racial preferences--which meant, if they were to pursue diversity, they had to do so by race-neutral means. A court (the federal appeals court for the 5th Circuit) told Texas to quit using racial preferences. A majority of the people in California (voting for Proposition 209) told California to use them no more. And a savvy governor (Jeb Bush) employed an executive order to tell Florida that the era of racial preferences was over.

Education officials clearly believe that race-neutral approaches will eventually yield racial and ethnic diversity--meaning an integrated student body. The department doesn't contend, however, that this integration must be defined numerically. The Office for Civil Rights thus parts company with Michigan and other schools using race-based policies that require a "critical mass" of underrepresented students in a class if the educational benefits of diversity are to be secured. For Michigan, the chief educational benefit is supposed to be a transformation of the attitudes of all students, especially those in the majority. "Race-Neutral Alternatives" doesn't critique that idea of diversity--which is vigorously disputed in the Michigan litigation. Both Justice and Education have shied away from the issue, no doubt because President Bush has at times seemed to support diversity as a tool of social engineering. So a still broader conversation on diversity has been left for others to join. Soon enough, we'll know whether the Supreme Court has engaged it.

"Race-Neutral Alternatives" correctly notes that "any race-neutral program is unlikely to produce racial diversity with the precision that using race will"--meaning the precision achieved by a critical-mass quota. And some race-neutral alternatives have drawn criticism on grounds that they aren't really race-neutral. Class-rank and percentage plans in particular are said to be constitutionally dubious. They use race-neutral criteria, goes the argument, yet those criteria were chosen in order to favor certain groups--and disfavor others. But wherever one comes down on that issue, the class-rank plans at least have the merit of not treating individuals differently on account of their race.

The conversation the Education Department has begun is worth having precisely because it is past time that colleges and universities stopped treating applicants in a racially discriminatory manner. "We've spent a lot of time defining the present [preferential] system," said Gerald Reynolds, the assistant secretary for civil rights,

during the Miami conference. "Why can't we spend time on this?" The nation will be able to spend a lot more time on race-neutral alternatives if the Court renders--as it should--an unambiguous judgment against racial preferences.

*--Terry Eastland, for the Editors*

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---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Theodore W. Ulliot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliot>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>  
**Sent:** 6/3/2003 4:56:54 AM  
**Subject:** : Berenson is going to Sutton investiture

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-JUN-2003 08:56:54.00  
SUBJECT:: Berenson is going to Sutton investiture  
TO:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Theodore W. Ulliyot/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** kyle sampson/who/eop@eop [ WHO ] <kyle sampson>  
**Sent:** 6/3/2003 4:58:32 AM  
**Subject:** : Re: Berenson is going to Sutton investiture

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Theodore W. Ulliyot ( CN=Theodore W. Ulliyot/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-JUN-2003 08:58:32.00  
SUBJECT:: Re: Berenson is going to Sutton investiture  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:kyle sampson ( CN=kyle sampson/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

And Charnes will read the Commission?

Brett M. Kavanaugh  
06/03/2003 08:56:06 AM  
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP, Theodore W. Ulliyot/WHO/EOP@EOP  
cc:  
Subject: Berenson is going to Sutton investiture

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Andrew D. Ciafardini/WHO/EOP@EOP [ WHO ] <Andrew D. Ciafardini>  
**CC:** james a. waters/omb/eop@eop [ OMB ] <james a. waters>  
**Sent:** 6/3/2003 5:01:17 AM  
**Subject:** : Re: Political Vetting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-JUN-2003 09:01:17.00  
SUBJECT:: Re: Political Vetting  
TO:Andrew D. Ciafardini ( CN=Andrew D. Ciafardini/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:james a. waters ( CN=james a. waters/OU=omb/O=eop@eop [ OMB ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes as to people. What does vetting "sites" entail?

Andrew D. Ciafardini  
05/28/2003 10:41 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: James A. Waters/OMB/EOP@EOP  
Subject: Political Vetting

Brett -

As you know, I currently conduct vetting for Presidential Schedule items (greeters and venues) for the Scheduling Office. Now that we are moving quickly into the Presidential election campaign, I wanted to get some guidance from your office on what items we are allowed to vet for campaign events and which ones we are prohibited from doing.

Since the scheduling office serves the President wherever he goes, are we allowed to vet the following items using government resources:

- 1) Presidential Campaign Sites
- 2) Presidential Greeters and Participants at Campaign Events

Thanks,

- Andrew Ciafardini

PS - On a separate note, James Waters will be replacing me on around the week of June 13 and assuming my current responsibilities.

---

**From:** CN=Andrew D. Ciafardini/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/3/2003 5:06:18 AM  
**Subject:** : Re: Political Vetting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Andrew D. Ciafardini ( CN=Andrew D. Ciafardini/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-JUN-2003 09:06:18.00  
SUBJECT:: Re: Political Vetting  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

sites would entail any fundraising venue or campaign rally/event location  
the President would visit.

Brett M. Kavanaugh  
06/03/2003 09:00:28 AM  
Record Type: Record

To: Andrew D. Ciafardini/WHO/EOP@EOP  
cc: james a. waters/omb/eop@eop  
bcc:  
Subject: Re: Political Vetting

Yes as to people. What does vetting "sites" entail?

Andrew D. Ciafardini  
05/28/2003 10:41 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: James A. Waters/OMB/EOP@EOP  
Subject: Political Vetting

Brett -

As you know, I currently conduct vetting for Presidential Schedule items  
(greeters and venues) for the Scheduling Office. Now that we are moving  
quickly into the Presidential election campaign, I wanted to get some  
guidance from your office on what items we are allowed to vet for campaign  
events and which ones we are prohibited from doing.

Since the scheduling office serves the President wherever he goes, are we  
allowed to vet the following items using government resources:

- 1) Presidential Campaign Sites
- 2) Presidential Greeters and Participants at Campaign Events

Thanks,

- Andrew Ciafardini

PS - On a separate note, James Waters will be replacing me on around the week of June 13 and assuming my current responsibilities.



---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/3/2003 9:23:16 AM  
**Subject:** FW: Feinstein letter

Do you have this?

-----Original Message-----

**From:** Comisac, RenaJohnson (Judiciary) [mailto:Rena\_Johnson\_Comisac@Judiciary.senate.gov]  
**Sent:** Monday, June 02, 2003 9:41 PM  
**To:** Grubbs, Wendy J.  
**Cc:** Green, Tanya (Judiciary)  
**Subject:** Feinstein letter

I have a copy of the 5/6 letter Judge Gonzales sent Feinstein, but I do not have a copy of the 5/5 letter Feinstein sent President Bush that prompted the response from Gonzales. Can you please fax me a copy at 228-1698? Thanks.

CONFIDENTIALITY NOTE: The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities named as addressees. If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of this message is strictly prohibited. If you have received this message in error, please forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.

---

**From:** Bumatay, Patrick J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/3/2003 9:53:26 AM  
**Subject:** RE: Feinstein letter

Pls. call me about this. I think I have it, but it is unsigned and not on letterhead.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, June 03, 2003 9:25 AM  
**To:** Bumatay, Patrick J.  
**Subject:** FW: Feinstein letter

Do you have a copy of the Feinstein letter to us?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/03/2003 09:24 AM -----

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/03/2003 09:23:16 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: FW: Feinstein letter

Do you have this?

-----Original Message-----

**From:** Comisac, RenaJohnson (Judiciary) [[mailto:Rena\\_Johnson\\_Comisac@Judiciary.senate.gov](mailto:Rena_Johnson_Comisac@Judiciary.senate.gov)]  
**Sent:** Monday, June 02, 2003 9:41 PM  
**To:** Grubbs, Wendy J.  
**Cc:** Green, Tanya (Judiciary)  
**Subject:** Feinstein letter

I have a copy of the 5/6 letter Judge Gonzales sent Feinstein, but I do not have a copy of the 5/5 letter Feinstein sent President Bush that prompted the response from Gonzales. Can you please fax me a copy at 228-1698? Thanks.

CONFIDENTIALITY NOTE: The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities named as addressees. If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of this message is strictly prohibited. If you have received this message in error, please forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.

REV\_00120527

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**From:** CN=Andrea G. Ball/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Israel Hernandez/WHO/EOP@Exchange [ WHO ] <Israel Hernandez>  
**Sent:** 6/3/2003 10:18:06 AM  
**Subject:** : RE: Need approval: Mrs. Bush Cincinnati Invite

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Andrea G. Ball ( CN=Andrea G. Ball/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 3-JUN-2003 14:18:06.00  
SUBJECT:: RE: Need approval: Mrs. Bush Cincinnati Invite  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Looks ok to me - I assume Brett you think ok?

-----Original Message-----

From: Hernandez, Israel  
Sent: Tuesday, June 03, 2003 1:19 PM  
To: Kavanaugh, Brett M.; Ball, Andrea G.  
Subject: FW: Need approval: Mrs. Bush Cincinnati Invite

Josefiak will approve at the Campaign. Sending this to you to make sure there are no problems from Counsel and Mrs. Bush's office.

Please respond. Regrettably, this is time sensitive so a quick response would be greatly appreciated.

Thanks

Iz

---

**From:** CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/3/2003 10:45:47 AM  
**Subject:** : RE: FW: Need approval: Mrs. Bush Cincinnati Invite

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 3-JUN-2003 14:45:47.00  
SUBJECT:: RE: FW: Need approval: Mrs. Bush Cincinnati Invite  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Correct. He is National Finance Chairman

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, June 03, 2003 2:37 PM  
To: Hernandez, Israel  
Subject: Re: FW: Need approval: Mrs. Bush Cincinnati Invite

Mercer Reynolds does not now have a government job, correct?

From: Israel Hernandez/WHO/EOP@Exchange on 06/03/2003 01:19:16 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Andrea G. Ball/WHO/EOP@Exchange  
cc:  
Subject: FW: Need approval: Mrs. Bush Cincinnati Invite

Josefiak will approve at the Campaign. Sending this to you to make sure there are no problems from Counsel and Mrs. Bush's office.

Please respond. Regrettably, this is time sensitive so a quick response would be greatly appreciated.

Thanks

Iz << File: EOHL01.pdf >>

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** a. merrill hughes/ovp/eop@exchange@eop [ OVP ] <a. merrill hughes>; paul b. dyck/who/eop@eop [ WHO ] <paul b. dyck>  
**CC:** courtney s. elwood/ovp/eop@exchange@eop [ OVP ] <courtney s. elwood>; david s. addington/ovp/eop@eop [ OVP ] <david s. addington>  
**Sent:** 6/3/2003 10:48:56 AM  
**Subject:** : Re: Language for inclusion in program for 6/9 event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-JUN-2003 14:48:56.00  
SUBJECT:: Re: Language for inclusion in program for 6/9 event  
TO: a. merrill hughes ( CN=a. merrill hughes/OU=ovp/O=eop@exchange@eop [ OVP ] )  
READ: UNKNOWN  
TO: paul b. dyck ( CN=paul b. dyck/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
CC: courtney s. elwood ( CN=courtney s. elwood/OU=ovp/O=eop@exchange@eop [ OVP ] )  
READ: UNKNOWN  
CC: david s. addington ( CN=david s. addington/OU=ovp/O=eop@eop [ OVP ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

One additional point: It should be printed in the program in the same size font as the rest of the text. If they have a draft, we would like to see it before they go to final. Thanks.

Brett M. Kavanaugh  
06/03/2003 12:56:40 PM  
Record Type: Record

To: Paul B. Dyck/WHO/EOP@EOP, A. Merrill  
Hughes/OVP/EOP@Exchange@EOP  
cc: David S. Addington/OVP/EOP@EOP, Courtney S.  
Elwood/OVP/EOP@Exchange@EOP  
Subject: Language for inclusion in program for 6/9 event

Please have them insert the following language into the printed program.  
Thanks.

"Any solicitation by a Federal officeholder at this event seeks only  
federally  
permissible funds, that is, up to \$2000 per candidate per election from an  
individual's own funds, and no funds from a corporation, labor  
organization or  
minor."

---

**From:** Kavanaugh, Brett M.  
**To:** <Bumatay, Patrick J.>  
**Sent:** 6/3/2003 11:27:22 AM  
**Subject:** message

OK for Passkeys Foundation.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** A. Merrill Hughes/OVP/EOP@Exchange@EOP [ OVP ] <A. Merrill Hughes>;Paul B. Dyck/WHO/EOP@EOP [ WHO ] <Paul B. Dyck>  
**CC:** Courtney S. Elwood/OVP/EOP@Exchange@EOP [ OVP ] <Courtney S. Elwood>;David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>  
**Sent:** 6/3/2003 8:57:29 AM  
**Subject:** : Language for inclusion in program for 6/9 event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-JUN-2003 12:57:29.00  
SUBJECT:: Language for inclusion in program for 6/9 event  
TO:A. Merrill Hughes ( CN=A. Merrill Hughes/OU=OVP/O=EOP@Exchange@EOP [ OVP ] )  
READ:UNKNOWN  
TO:Paul B. Dyck ( CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange@EOP [ OVP ] )  
READ:UNKNOWN  
CC:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Please have them insert the following language into the printed program.  
Thanks.

"Any solicitation by a Federal officeholder at this event seeks only  
federally  
permissible funds, that is, up to \$2000 per candidate per election from an  
individual's own funds, and no funds from a corporation, labor  
organization or  
minor."

---

**From:** CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>  
**Sent:** 6/3/2003 10:20:16 AM  
**Subject:** : RE: Trinkets for Congressional Picnic

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-JUN-2003 14:20:16.00  
SUBJECT:: RE: Trinkets for Congressional Picnic  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett, see the chain below. Do you know how the RNC funds that pay for the picnic are accepted, and if so, do you know if we could use the same mechanism to accept the yoyos?

thx

----- Forwarded by Jennifer G. Newstead/WHO/EOP on  
06/03/2003 02:18 PM -----

From: Jeanie L. Figg/WHO/EOP@Exchange on 06/03/2003 01:22:43 PM  
Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP  
cc: Catherine S. Fenton/WHO/EOP@Exchange  
Subject: RE: Trinkets for Congressional Picnic

The National Park Service does not want to accept the yoyos because they are going to be given away. (Since NPS is a cosponsor of the Egg Roll they have a little more latitude in accepting gifts for that event.) They are leery of jeopardizing their status that allows them to accept various items and services "for the good go the national parks."

Is there some easy way for the RNC to accept the donation and then give to us? We don't want to make a big issue out of this. In fairness though, I need to let the yoyo people know quickly if we need to cancel.

thanks

-----Original Message-----

From: Newstead, Jennifer G.  
Sent: Thursday, May 29, 2003 1:32 PM  
To: Figg, Jeanie L.  
Cc: Fenton, Catherine S.  
Subject: Re: Trinkets for Congressional Picnic

Yes. The National Park Service has the legal authority to accept gifts to the White House in certain circumstances. From what you've told me I think this would qualify, but I would suggest that you contact Ann Bowman Smith, the White House liaison for the National Park Service. She can check with her legal advisors there and confirm that it is OK. Assuming it is, they can then advise on the paperwork necessary.

Hope that helps.

Jennifer



From: Jeanie L. Figg/WHO/EOP@Exchange on 05/29/2003 01:02:50 PM  
Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP  
cc: Catherine S. Fenton/WHO/EOP@Exchange  
Subject: Trinkets for Congressional Picnic

Jennifer,

We are planning the annual picnic for members of congress and their families to be held on June 18. For past picnics we have had plastic cups printed to give to each guest. I believe that the RNC has covered this expense.

For this year we would like to change to giving guests a yoyo, yes, I said yoyo. We have a company interested in donating them. This is the same company that donated them to the Easter Egg Roll for the past 2 years.

Could you give me some guidance on how to go about accepting these legally?

Jeanie Figg  
X69400 << File: Notebook.jpg >>

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Charles Spies - Legal <CSpies@rnchq.org>  
**CC:** tom josefiak - legal <tomj@rnchq.org>  
**Sent:** 6/3/2003 2:34:32 PM  
**Subject:** : Ambassadors

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 3-JUN-2003 18:34:32.00

SUBJECT:: Ambassadors

TO: Charles Spies - Legal <CSpies@rnchq.org> ( Charles Spies - Legal <CSpies@rnchq.org> [ UNKNOWN ] )

READ: UNKNOWN

CC: tom josefiak - legal <tomj@rnchq.org> ( tom josefiak - legal <tomj@rnchq.org> [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

State Legal confirms that they are free to contribute. When they are on post, they should simply drop a check in the mail and not be conspicuous about their political activity/contribution.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>  
**Sent:** 6/3/2003 10:35:07 AM  
**Subject:** : Re: phone call

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-JUN-2003 14:35:07.00  
SUBJECT:: Re: phone call  
TO: Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Have someone return the call and explain that we are the White House and that they need to call the campaign or party for further information on political activity.

Matthew A. Schlapp  
06/03/2003 02:22:23 PM  
Record Type: Record

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

how do I handle. Can i have the campaign call him?  
----- Forwarded by Matthew A. Schlapp/WHO/EOP on  
06/03/2003 02:22 PM -----

Carolyn F. Atkinson  
06/03/2003 08:58:14 AM  
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP  
cc:  
Subject: phone call

Matt,  
I'm passing on information from a voice message that was left on the volunteer line. Schuller (did not give his first name) wants information on what he called the "Rangers." He said he thinks it is the group that contributes \$200,000. He did leave a phone number - 203-496-7750.

Carolyn

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>  
**Sent:** 6/3/2003 10:51:34 AM  
**Subject:** : Re: phone call

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-JUN-2003 14:51:34.00  
SUBJECT:: Re: phone call  
TO: Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

We should just tell them that they can contact the Bush-Cheney campaign or the RNC and that they can get in contact with those entities through the Internet or by calling telephone information. I would not routinely give out specific numbers as that may look overly suggestive as this point.

Matthew A. Schlapp  
06/03/2003 02:44:18 PM  
Record Type: Record

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

can we give contact information?

Brett M. Kavanaugh  
06/03/2003 02:34:18 PM  
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: phone call

Have someone return the call and explain that we are the White House and that they need to call the campaign or party for further information on political activity.

Matthew A. Schlapp  
06/03/2003 02:22:23 PM  
Record Type: Record

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

how do I handle. CAn i have the campaign call him?  
----- Forwarded by Matthew A. Schlapp/WHO/EOP on  
06/03/2003 02:22 PM -----

Carolyn F. Atkinson  
06/03/2003 08:58:14 AM  
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP  
cc:  
Subject: phone call

Matt,  
I'm passing on information from a voice message that was left on the  
volunteer line. Schuller (did not give his first name) wants information  
on what he called the "Rangers." He said he thinks it is the group that  
contributes \$200,000. He did leave a phone number - 203-496-7750.

Carolyn

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>  
**CC:** jennifer r. brosnahan/who/eop@eop [ WHO ] <jennifer r. brosnahan>  
**Sent:** 6/3/2003 11:24:15 AM  
**Subject:** : RE: Trinkets for Congressional Picnic

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-JUN-2003 15:24:15.00  
SUBJECT:: RE: Trinkets for Congressional Picnic  
TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
CC: jennifer r. brosnahan ( CN=jennifer r. brosnahan/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

The congressional bar b q is an official event paid for out of official funds as I understand it.

Jennifer G. Newstead  
06/03/2003 02:19:27 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Jennifer R. Brosnahan/WHO/EOP@EOP  
Subject: RE: Trinkets for Congressional Picnic

Brett, see the chain below. Do you know how the RNC funds that pay for the picnic are accepted, and if so, do you know if we could use the same mechanism to accept the yoyos?

thx

----- Forwarded by Jennifer G. Newstead/WHO/EOP on  
06/03/2003 02:18 PM -----

From: Jeanie L. Figg/WHO/EOP@Exchange on 06/03/2003 01:22:43 PM  
Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP  
cc: Catherine S. Fenton/WHO/EOP@Exchange  
Subject: RE: Trinkets for Congressional Picnic

The National Park Service does not want to accept the yoyos because they are going to be given away. (Since NPS is a cosponsor of the Egg Roll they have a little more latitude in accepting gifts for that event.) They are leery of jeopardizing their status that allows them to accept various items and services "for the good go the national parks."

Is there some easy way for the RNC to accept the donation and then give to us? We don't want to make a big issue out of this. In fairness though, I need to let the yoyo people know quickly if we need to cancel.

thanks

-----Original Message-----

From: Newstead, Jennifer G.  
Sent: Thursday, May 29, 2003 1:32 PM

REV\_00120603

To: Figg, Jeanie L.  
Cc: Fenton, Catherine S.  
Subject: Re: Trinkets for Congressional Picnic

Yes. The National Park Service has the legal authority to accept gifts to the White House in certain circumstances. From what you've told me I think this would qualify, but I would suggest that you contact Ann Bowman Smith, the White House liaison for the National Park Service. She can check with her legal advisors there and confirm that it is OK. Assuming it is, they can then advise on the paperwork necessary.

Hope that helps.

Jennifer

From: Jeanie L. Figg/WHO/EOP@Exchange on 05/29/2003 01:02:50 PM  
Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP  
cc: Catherine S. Fenton/WHO/EOP@Exchange  
Subject: Trinkets for Congressional Picnic

Jennifer,  
We are planning the annual picnic for members of congress and their families to be held on June 18. For past picnics we have had plastic cups printed to give to each guest. I believe that the RNC has covered this expense.

For this year we would like to change to giving guests a yoyo, yes, I said yoyo. We have a company interested in donating them. This is the same company that donated them to the Easter Egg Roll for the past 2 years.

Could you give me some guidance on how to go about accepting these legally?

Jeanie Figg  
X69400 << File: Notebook.jpg >>

---

**From:** CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** jennifer g. newstead/who/eop@eop [ WHO ] <jennifer g. newstead>  
**Sent:** 6/3/2003 11:32:44 AM  
**Subject:** : RE: Trinkets for Congressional Picnic

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-JUN-2003 15:32:44.00  
SUBJECT:: RE: Trinkets for Congressional Picnic  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:jennifer g. newstead ( CN=jennifer g. newstead/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

We should find out whether the RNC really paid for the plastic cups (if not the food) given out at past picnics, as suggested below, and if so under what authority they were accepted.

Brett - is the picnic for all members of Congress, or just Republicans?  
If all, it doesn't make sense that RNC was the cup donor.

Brett M. Kavanaugh  
06/03/2003 03:23:26 PM  
Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP  
cc: jennifer r. brosnahan/who/eop@eop  
bcc:  
Subject: RE: Trinkets for Congressional Picnic

The congressional bar b q is an official event paid for out of official funds as I understand it.

Jennifer G. Newstead  
06/03/2003 02:19:27 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Jennifer R. Brosnahan/WHO/EOP@EOP  
Subject: RE: Trinkets for Congressional Picnic

Brett, see the chain below. Do you know how the RNC funds that pay for the picnic are accepted, and if so, do you know if we could use the same mechanism to accept the yoyos?

thx

----- Forwarded by Jennifer G. Newstead/WHO/EOP on  
06/03/2003 02:18 PM -----

From: Jeanie L. Figg/WHO/EOP@Exchange on 06/03/2003 01:22:43 PM

REV\_00120605



Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP  
cc: Catherine S. Fenton/WHO/EOP@Exchange  
Subject: RE: Trinkets for Congressional Picnic

The National Park Service does not want to accept the yoyos because they are going to be given away. (Since NPS is a cosponsor of the Egg Roll they have a little more latitude in accepting gifts for that event.) They are leery of jeopardizing their status that allows them to accept various items and services "for the good go the national parks."

Is there some easy way for the RNC to accept the donation and then give to us? We don't want to make a big issue out of this. In fairness though, I need to let the yoyo people know quickly if we need to cancel.

thanks

-----Original Message-----

From: Newstead, Jennifer G.  
Sent: Thursday, May 29, 2003 1:32 PM  
To: Figg, Jeanie L.  
Cc: Fenton, Catherine S.  
Subject: Re: Trinkets for Congressional Picnic

Yes. The National Park Service has the legal authority to accept gifts to the White House in certain circumstances. From what you've told me I think this would qualify, but I would suggest that you contact Ann Bowman Smith, the White House liaison for the National Park Service. She can check with her legal advisors there and confirm that it is OK. Assuming it is, they can then advise on the paperwork necessary.

Hope that helps.

Jennifer

From: Jeanie L. Figg/WHO/EOP@Exchange on 05/29/2003 01:02:50 PM  
Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP  
cc: Catherine S. Fenton/WHO/EOP@Exchange  
Subject: Trinkets for Congressional Picnic

Jennifer,

We are planning the annual picnic for members of congress and their families to be held on June 18. For past picnics we have had plastic cups printed to give to each guest. I believe that the RNC has covered this expense.

For this year we would like to change to giving guests a yoyo, yes, I said yoyo. We have a company interested in donating them. This is the same company that donated them to the Easter Egg Roll for the past 2 years.

Could you give me some guidance on how to go about accepting these legally?

Jeanie Figg  
X69400 << File: Notebook.jpg >>

REV\_00120606



---

**From:** CN=Kevin Warsh/OU=OPD/O=EOP [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** diana l. schacht/opd/eop@eop [ OPD ] <diana l. schacht>  
**Sent:** 6/3/2003 2:49:15 PM  
**Subject:** : Re: Are you going to asbestos hearing tomorrow?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME: 3-JUN-2003 18:49:15.00  
SUBJECT:: Re: Are you going to asbestos hearing tomorrow?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:diana l. schacht ( CN=diana l. schacht/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

no. have conflict. thx

---

**From:** CN=Diana L. Schacht/OU=OPD/O=EOP [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/3/2003 2:49:23 PM  
**Subject:** : Re: Are you going to asbestos hearing tomorrow?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME: 3-JUN-2003 18:49:23.00  
SUBJECT:: Re: Are you going to asbestos hearing tomorrow?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Wasn't planning on it. Are you?

---

**From:** Tom Josefiak - Legal <tomj@rnchq.org>  
**To:** Charles Spies - Legal <CSpies@rnchq.org>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ]  
<Brett M. Kavanaugh>  
**Sent:** 6/3/2003 2:55:17 PM  
**Subject:** : RE: Ambassadors

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tom Josefiak - Legal <tomj@rnchq.org> ( Tom Josefiak - Legal <tomj@rnchq.org> [ UNKNOWN ] )  
CREATION DATE/TIME: 3-JUN-2003 18:55:17.00  
SUBJECT:: RE: Ambassadors  
TO:Charles Spies - Legal <CSpies@rnchq.org> ( Charles Spies - Legal <CSpies@rnchq.org> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks for the quick turn-around

-----Original Message-----

From: Brett\_M.\_Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Tuesday, June 03, 2003 6:34 PM  
To: Charles Spies - Legal  
Cc: Tom Josefiak - Legal  
Subject: Ambassadors

State Legal confirms that they are free to contribute. When they are on post, they should simply drop a check in the mail and not be conspicuous about their political activity/contribution.

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/4/2003 1:24:12 AM  
**Subject:** : OpinionJournal - On the Editorial Page - June 4, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME: 4-JUN-2003 05:24:12.00  
SUBJECT:: OpinionJournal - On the Editorial Page - June 4, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003581>

The G-8 takes on what's left of the axis of evil.  
12:01 a.m. EDT

Leisure & Arts BY JOE MORGENSTERN  
<http://www.opinionjournal.com/la/?id=110003579>

Young fans miss out on foreign movies.  
12:01 a.m. EDT

Extra BY JAMES TARANTO  
<http://www.opinionjournal.com/extra/?id=110003580>

In Jayson Blair's wake, newspapers inch away from political correctness.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

One Down, Two to Go  
The G-8 takes on what's left of the axis of evil.  
Jun 04 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105468606114910900,00.html%3Fmod%3Dopinion>

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The Penn Is Mightier . . .  
Sean Penn practices commercial speech.  
Jun 04 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105468626439822000,00.html%3Fmod%3Dopinion>

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Decapitating Congress  
What would happen if a substantial number of Congressmen were killed?  
Jun 04 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105468646327635700,00.html%3Fmod%3Dopinion>

~~~~~

#### Commentary

##### Blood Money

It's time for the European Union and Arab states to stop funding Hamas.

By MATTHEW LEVITT

Jun 04 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105468399570608800,00.html%3Fmod%3Dopinion>

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##### The Dismal Science? Hardly!

Where would Michael Dell and Bill Gates be if they'd gotten degrees in economics?

By ROBERT D. MCTEER, JR.

Jun 04 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105468461457428900,00.html%3Fmod%3Dopinion>

~~~~~

##### Indian Summer

Recent scandals at the New York Times seem to be prompting introspection at other newspapers.

By JAMES TARANTO

Jun 04 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105468534161817900,00.html%3Fmod%3Dopinion>

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#### Business World

##### Is the Euro Working?

Tony Blair has to decide if Britain should join.

By HOLMAN W. JENKINS JR.

Jun 04 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105468316140559900,00.html%3Fmod%3Dopinion>

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#### Leisure & Arts

##### Music

Cowhands at Carnegie Hall

"The Great American Cowboy in Concert"

By RICHARD GEHR

Jun 04 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB10546903197473600,00.html%3Fmod%3Dopinion>

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##### Subtitles, Please

Young fans miss out on foreign movies.

By JOE MORGENSTERN

Jun 04 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105469074828644500,00.html%3Fmod%3Dopinion>

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Vintage Warplanes Carry History Into the Sky  
The B-17 Flying Fortress is more like a flying sardine can.  
By WILLIAM E. BURROWS  
Jun 04 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105469115936324000,00.html%3Fmod%3Dopinion>

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Books  
If the Roof Falls In  
"The Coming Crash in the Housing Market"  
By DANIEL AKST  
Jun 04 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105468978190769900,00.html%3Fmod%3Dopinion>

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Books  
Privatization Is Not Enough  
"Privatizing China"  
By JAMES T. AREDDY  
Jun 04 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105467659443552000,00.html%3Fmod%3Dopinion>

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Time Off  
Diversions  
Teva Mountain Games; Monhegan Island Art.  
Jun 04 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105460755817892100,00.html%3Fmod%3Dopinion>

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International

Korea's Copycat  
The nuclear programs of Iran and North Korea are a threat to world security.  
From The Wall Street Journal Europe  
Jun 04 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105468066760355300,00.html%3Fmod%3Dopinion>

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Self-Help for Africa  
African leaders need to promote democracy and reform economies.  
From The Wall Street Journal Europe  
Jun 04 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105468019175343100,00.html%3Fmod%3Dopinion>



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#### Mbeki's Choice

South Africa's president must not disregard the rule of law.

By SALIL TRIPATHI

From The Wall Street Journal Europe

Jun 04 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105467921383649800,00.html%3Fmod%3Dopinion>

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#### Reordering a Region

The anointed will no longer rule over the peasants.

By MICHAEL GONZALEZ

From The Wall Street Journal Europe

Jun 04 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105467849930799000,00.html%3Fmod%3Dopinion>

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#### China's Banks Don't Need a Bailout

Gradualism is the right approach, and it is working.

By STEPHEN M. HARNER

From The Asian Wall Street Journal

Jun 04 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105467589416202500,00.html%3Fmod%3Dopinion>

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#### Who's Really to Blame for Low Coffee Prices?

Government intervention in various forms is causing the coffee crisis.

By KENDRA OKONSKI

From The Asian Wall Street Journal

Jun 04 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10546780017943400,00.html%3Fmod%3Dopinion>

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[http://opinionjournal.com/forms/get\\_email\\_page.html](http://opinionjournal.com/forms/get_email_page.html).

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**From:** CN=Scott Stanzel/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>  
**CC:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**BCC:** Jeanie S. Mamo ( Jeanie S. Mamo/WHO/EOP [ WHO ] )  
**Sent:** 6/4/2003 8:17:52 AM  
**Subject:** : Milwaukee Journal Sentinel - Tussle likely in filling judgeship

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Scott Stanzel ( CN=Scott Stanzel/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 4-JUN-2003 12:17:52.00  
SUBJECT:: Milwaukee Journal Sentinel - Tussle likely in filling judgeship  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Original URL: <http://www.jsonline.com/news/nat/jun03/145450.asp>

Tussle likely in filling judgeship  
Kohl, Feingold to fight for use of commission  
By CRAIG GILBERT  
cgilbert@journalsentinel.com  
Last Updated: June 3, 2003  
Washington - The Bush White House and Wisconsin's two Democratic senators appear headed for a clash over how to fill a key vacancy on the federal appeals bench.  
In interviews Tuesday, Sens. Herb Kohl and Russ Feingold both said they would fight to ensure the use of a bipartisan commission in Wisconsin to choose finalists for an expected vacancy on the 7th Circuit U.S. Court of Appeals in Chicago.  
The White House has gone along with the commission process for federal trial judges.  
But it says it wants more leeway in the case of an appellate judge and would not rely on the recommendations of a commission.  
"Then we have a battle," said Kohl Tuesday. "Who knows where it will go. We'll fight the fight."  
Feingold made similar comments, saying, "If the White House wants to tangle on whether or not we should have a commission, I think this is something Sen. Kohl and I will stand up for."  
Both senators sit on the Judiciary Committee, which approves nominees to the federal bench. Along with the deference usually accorded home-state senators, that puts the two Democrats in a position to make confirmation difficult for a Wisconsin judicial nominee whom they oppose.  
The vacancy will occur when 81-year-old Judge John L. Coffey of Whitefish Bay assumes senior status and a reduced workload. Coffey was appointed by President Reagan in 1982.  
Commissions have been used in the state for years to generate short lists of candidates for presidents to choose from when nominating federal judges and prosecutors. They exist not by statute but by agreement of the political actors involved.  
But the Bush White House is taking the position that an appellate seat is different.  
The fiercest nomination battles between the Republican White House and Senate Democrats have been over the appellate courts, which do far more to shape law in the country than trial judges.  
White House spokesman Scott Stanzel said Tuesday that commissions have not been used anywhere else in the country to generate finalists for the appellate courts since Bush has been president.  
"The president looks forward to choosing a highly qualified candidate with experience and integrity," Stanzel said.  
The last appellate nominee from Wisconsin, Terence Evans in 1995, went

through the commission process. Others before him, including Coffey, did not.

Kohl said the Democratic White House of Bill Clinton resisted the use of a commission before the Evans nomination was made, and "we had to fight it through with him."

Past commissions have been made up of appointees from the bar association and lawmakers in both parties, providing a bipartisan mechanism for recommendations.

But in today's landscape, a commission's political significance is that it gives two Democratic U.S. senators some say in winnowing the field of candidates under a Republican president.

"I think we should resist the White House on this. They are treading on a very solid Wisconsin tradition," Feingold said.

Asked whether he would oppose any nominee who does not go through the commission process, Feingold said, "I'm not even going to think about it. I am going to assume cooler heads will prevail."

But Feingold said that in concert with Kohl, "I'll take whatever steps are necessary to preserve the commission."

Kohl said he didn't think the president would be giving up much control over the process by using a commission.

"All he has to do is put his person through the commission, and there's probably 98 percent chance this person would come through the commission," Kohl said. "I think you can work it out in a way that pretty much gets him what he wants, but we still preserve the idea of a commission."

Also expected to have input into the nomination is the state's senior Republican congressman, House Judiciary Chairman Jim Sensenbrenner of Menomonee Falls.

In an interview Tuesday, Sensenbrenner said how the White House selects a nominee is up to the White House.

"I'd hope the senators would look at the nominee rather than the process," Sensenbrenner said.

Sensenbrenner said his "one fear" if there's a deadlock over the vacancy is that the White House might end up going outside the state to fill the position. Coffey's seat on the federal court is Wisconsin's by tradition, not by statute.

---

**From:** CN=James A. Waters/OU=OMB/O=EOP [ OMB ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Andrew D. Ciafardini/WHO/EOP [ WHO ] <Andrew D. Ciafardini>  
**Sent:** 6/4/2003 8:20:02 AM  
**Subject:** : Vetting Question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:James A. Waters ( CN=James A. Waters/OU=OMB/O=EOP [ OMB ] )  
CREATION DATE/TIME: 4-JUN-2003 12:20:02.00  
SUBJECT:: Vetting Question  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Andrew D. Ciafardini ( CN=Andrew D. Ciafardini/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,

As of June 16, I will be handling the vetting for the President's events -- taking Andrew Ciafardini's job. He and I have been asked to go over the RNC this Friday, June 6 to give the Bush-Cheney campaign a Vetting Seminar. Andrew will lead the meeting, and I'd like to attend just so I'm in the loop with their team.

Before we finalize the meeting we wanted to make sure there's no issue with me attending the meeting since I'm on the OMB payroll till June 15.

Thanks.

James  
x5-5883

---

**From:** CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/4/2003 5:29:27 AM  
**Subject:** : FW: MESSAGE MEETING REMINDER

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 4-JUN-2003 09:29:27.00  
SUBJECT:: FW: MESSAGE MEETING REMINDER  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;  
-----Original Message-----  
From: Ritacco, Krista L.  
Sent: Wednesday, June 04, 2003 9:22 AM  
To: Yunker, Jacob H.; Allgood, Lauren K.; Ball, Andrea G.; Barrales, Ruben S.; Bennett, Melissa S.; Besanceney, Brian R.; Buchan, Claire ; Burkhart, Shannon; Burks, Jonathan W.; Campbell, Anne E.; Christie, Ronald I.; Ciafardini, Andrew D.; Conde, Roberta L.; Cooper, Rory S.; DeFrancis, Suzy; Devenish, Nicolle; Douglas, Penny G.; Duffy, Trent D.; Ellison, Kimberly; Eskew, Tucker A.; Figg, Kara G.; Gerdelman, Sue H.; Gillmor, Eleanor L.; Goergen, Barbara J.; Grant, Britt; Gray, Adrian G.; Gray, Ann ; Hager, Henry C; Healy, Erin E.; Hennessey, Keith; Hernandez, Israel; Hughes, Taylor A.; Ingle, Edward; Jackson, Barry S.; Jucas, Tracy; Kaplan, Joel; Kozberg, Lindsey C.; Kupfer, Jeffrey F.; Kyle, Ross M.; Lawrimore, Emily A.; Lefkowitz, Jay P.; Lineberry, Stephen M.; Litkenhaus, Colleen; Mallea, Jose; Martin, Catherine J.; McClellan, Scott ; McCord, Lauren; McDonald, Rebekah; McQuade, Vickie A.; Middlemas, A. Morgan; Millerwise, Jennifer; Millison, Cathy L.; Montiel, Charlotte L.; Nelson, Carolyn; Nipper, Wendy L.; Parell, Christie; Pelletier, Eric C.; Perez, Anna M.; Ralston, Susan B.; Reese, Shelley; Riepenhoff, Allison L.; Rodriguez, Noelia ; Rogers, Edwina C.; Rust, Kathryn E.; Ryun, Catharine A.; Schlapp, Matthew A.; Schulte, Gregory L.; Sforza, Scott N.; Smith, Heidi M.; Snee, Ashley; Torgerson, Karin B.; Towey, Jim; Vestewig, Lauren J.; Wehner, Peter H.; Westine, Lezlee J.; Williams, Mary C.; Wozniak, Natalie S.  
Subject: MESSAGE MEETING REMINDER

There will be a message meeting today at noon in the Roosevelt Room.

---

**From:** CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/4/2003 9:53:14 AM  
**Subject:** : Bush/Cheney 04 Resume Letters  
**Attachments:** P\_VFLXG003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 4-JUN-2003 13:53:14.00  
SUBJECT:: Bush/Cheney 04 Resume Letters  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Hi Brett,

Can you approve this language for us? We are getting resumes for the campaign, and Matt wanted to send each person a note saying thank you etc, I will forward your resume etc. Just wanted to make sure this note is ok.

Thanks,  
Trakcky  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_VFLXG003\_WHO.TXT\_1>

(Date)

Dear (whomever),

Thank you for sending your materials requesting a position on the Bush/Cheney 2004 re-election campaign. I will share this with the campaign office.

Thanks again.

Best regards,

(Person's Name)  
(Title)

(Address)



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Tracy Jucas/WHO/EOP@EOP [ WHO ] <Tracy Jucas>  
**Sent:** 6/4/2003 10:17:16 AM  
**Subject:** : Re: Bush/Cheney 04 Resume Letters  
**Attachments:** P\_YHMXG003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 4-JUN-2003 14:17:16.00  
SUBJECT:: Re: Bush/Cheney 04 Resume Letters  
TO: Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Can you revise to say

(Date)

Dear (whomever),

Thank you for sending your materials requesting a position on the Bush/Cheney 2004 re-election campaign. Please send your materials directly to the Bush/Cheney 2004 re-election campaign at [address].

Thanks again.  
Best regards,

(Person,s Name)  
(Title)

(Address)

Tracy Jucas  
06/04/2003 01:52:21 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Bush/Cheney 04 Resume Letters

Hi Brett,

Can you approve this language for us? We are getting resumes for the campaign, and Matt wanted to send each person a note saying thank you etc, I will forward your resume etc. Just wanted to make sure this note is ok.

Thanks,  
Trakcky

REV\_00120709

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_YHMXG003\_WHO.TXT\_1>

(Date)

Dear (whomever),

Thank you for sending your materials requesting a position on the Bush/Cheney 2004 re-election campaign. I will share this with the campaign office.

Thanks again.

Best regards,

(Person's Name)  
(Title)

(Address)

---

**From:** CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/4/2003 10:27:13 AM  
**Subject:** : Re: Bush/Cheney 04 Resume Letters  
**Attachments:** P\_FKNXG003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 4-JUN-2003 14:27:13.00  
SUBJECT:: Re: Bush/Cheney 04 Resume Letters  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes.

Brett M. Kavanaugh  
06/04/2003 02:14:00 PM  
Record Type: Record

To: Tracy Jucas/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Bush/Cheney 04 Resume Letters

Can you revise to say

(Date)

Dear (whomever),

Thank you for sending your materials requesting a position on the Bush/Cheney 2004 re-election campaign. Please send your materials directly to the Bush/Cheney 2004 re-election campaign at [address].

Thanks again.  
Best regards,

(Person,s Name)  
(Title)

(Address)

Tracy Jucas  
06/04/2003 01:52:21 PM  
Record Type: Record

REV\_00120713

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Bush/Cheney 04 Resume Letters

Hi Brett,

Can you approve this language for us? We are getting resumes for the campaign, and Matt wanted to send each person a note saying thank you etc, I will forward your resume etc. Just wanted to make sure this note is ok.

Thanks,  
Trakcky

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_FKNXG003\_WHO.TXT\_1>

(Date)

Dear (whomever),

Thank you for sending your materials requesting a position on the Bush/Cheney 2004 re-election campaign. I will share this with the campaign office.

Thanks again.

Best regards,

(Person's Name)  
(Title)

(Address)

---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**Sent:** 6/4/2003 3:26:15 PM  
**Subject:** on their way

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/4/2003 11:32:42 AM  
**Subject:** : RE: on their way

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 4-JUN-2003 15:32:42.00  
SUBJECT:: RE: on their way  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

thanks

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, June 04, 2003 3:26 PM  
To: Snee, Ashley  
Subject: on their way



---

**From:** Elliot E. Slotnick <Slotnick.1@osu.edu>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** drichert@ajs.org [ UNKNOWN ] <drichert@ajs.org>;sheldon.goldman@polsci.umass.edu [ UNKNOWN ] <sheldon.goldman@polsci.umass.edu>  
**Sent:** 6/4/2003 11:37:42 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Elliot E. Slotnick" <Slotnick.1@osu.edu> ( "Elliot E. Slotnick"  
<Slotnick.1@osu.edu> [ UNKNOWN ] )  
CREATION DATE/TIME: 4-JUN-2003 15:37:42.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:drichert@ajs.org ( drichert@ajs.org [ UNKNOWN ] )  
READ:UNKNOWN  
CC:sheldon.goldman@polsci.umass.edu ( sheldon.goldman@polsci.umass.edu [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Dear Brett,

Just a brief note of thanks for taking the time to give a thorough reading to the two sections from our article that I sent you and to make the corrections to the quotes attributed to our interview. As it turns out, the timing for our connecting was fine. I have been in touch with David Richert, the Editor of Judicature, and he is presently doing the necessary editing of our piece. So our window of opportunity for making these changes was still open and I have FAXed them to him.

Thanks, again, for all of your assistance in our work on this piece. I'll look forward to the prospect of doing this again when we work on the "end of term" piece in about a year and a half.

All best wishes.  
elliott

--  
Elliot E. Slotnick  
Professor of Political Science  
Associate Dean  
The Graduate School  
The Ohio State University  
250 University Hall  
230 N. Oval Mall  
Columbus, Ohio 43210

614-292-6031 (office)  
614-292-3656 (Fax)  
slotnick.1@osu.edu

---

**From:** Andrew.Hruska@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/4/2003 12:17:48 PM  
**Subject:** : Out of Office AutoReply: Fireworks -- Rail Regulations

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Andrew.Hruska@usdoj.gov" <Andrew.Hruska@usdoj.gov> ( "Andrew.Hruska@usdoj.gov"  
<Andrew.Hruska@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 4-JUN-2003 16:17:48.00

SUBJECT:: Out of Office AutoReply: Fireworks -- Rail Regulations

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

From May 31 through June 15, I will be on leave for my relocation to New York. I will have limited access to e-mail until June 5. On June 16, I will start at the U.S. Attorney's Office and should be available at this e-mail address.

---

**From:** Andrew.Hruska@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/4/2003 12:59:34 PM  
**Subject:** : Re: Fireworks -- Rail Regulations

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Andrew.Hruska@usdoj.gov" <Andrew.Hruska@usdoj.gov> ( "Andrew.Hruska@usdoj.gov"  
<Andrew.Hruska@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 4-JUN-2003 16:59:34.00  
SUBJECT:: Re: Fireworks -- Rail Regulations  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks for all your help.

Also, you should know that I am changing jobs at DOJ. As of 6/16 I will be the Chief Assistant US Attorney in the Eastern District of New York.

Best,

Drew

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov <Brett\_M.\_Kavanaugh@who.eop.gov>  
To: Hruska, Andrew <Andrew.Hruska@USDOJ.gov>  
Sent: Wed Jun 04 16:12:41 2003  
Subject: Re: Fireworks -- Rail Regulations

Think this is now on track. Let me know if otherwise.

---

**From:** Thomas, Ginni <ginni.thomas@heritage.org>  
**To:** Government Relations <GovernmentRelations@heritage.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/4/2003 1:24:03 PM  
**Subject:** : Heritage Update - Recent Publications and Upcoming Events - June 4, 2003  
**Attachments:** P\_81YXG003\_WHO.TXT\_1.htm

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Thomas, Ginni" <ginni.thomas@heritage.org> ( "Thomas, Ginni"  
<ginni.thomas@heritage.org> [ UNKNOWN ] )  
CREATION DATE/TIME: 4-JUN-2003 17:24:03.00  
SUBJECT:: Heritage Update - Recent Publications and Upcoming Events - June 4, 2003  
TO:Government Relations <GovernmentRelations@heritage.org> ( Government Relations  
<GovernmentRelations@heritage.org> [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

See new papers and events below. Please note we are trying to make contact with any and all former Heritage staff for our event on June 26th - please forward if you know of someone! This will be our first event in a large, new auditorium here. Thanks, Ginni

<[http://www.heritage.org/emails/hidden/heritage\\_update.gif](http://www.heritage.org/emails/hidden/heritage_update.gif)>  
<<http://www.heritage.org/>> <<http://www.heritage.org/research/>>  
<<http://www.heritage.org/press/dailybriefing/>>  
<<http://www.heritage.org/press/events/>>

June 4, 2003

Domestic Policy:

The <<http://www.heritage.org/Research/PoliticalPhilosophy/HL789.cfm>> Bush Presidency at Midterm: An Assessment by Michael Barone, Fred Barnes, Carl Cannon, James Pfiffner

What <<http://www.heritage.org/Press/Commentary/ed060403c.cfm>> Unfunded Mandates? by Brian Riedl

Comparing <<http://www.heritage.org/Research/HealthCare/wm285.cfm>> the Performance of Medicare and the FEHBP  
by Stuart Butler

Representative <<http://www.heritage.org/Research/HealthCare/bgl657.cfm>> Gephardt's Costly Health Plan by Ed Haislmaier

Six <<http://www.heritage.org/Research/SocialSecurity/EM884.cfm>> Important Rules for Real Social Security Reform  
by David John

The <<http://www.heritage.org/Research/InternetandTechnology/wm284.cfm>> Myth of Media Concentration: Why the FCC's Media Ownership Rules Are Unnecessary  
by James Gattuso

Sexually <<http://www.heritage.org/Research/Family/cda0304.cfm>> Active Teenagers Are More Likely to Be Depressed and to Attempt Suicide by Robert Rector, Kirk Johnson, and Lauren Noyes

<<http://www.heritage.org/Press/Commentary/ed060303b.cfm>> Sex, sadness and suicide <<http://www.heritage.org/Press/Commentary/ed060303b.cfm>> by

REV\_00120731

Rebecca Hagelin

Foreign and Defense Policy:

As <<http://www.heritage.org/Press/Commentary/ed060403b.cfm>> Safe As Possible by Dr. Edwin Feulner

Britain <<http://www.heritage.org/Press/Commentary/ed060403a.cfm>> and America: Shaping the Future of Europe by Nile Gardiner and John Hulsman

Hizb <<http://www.heritage.org/Research/RussiaandEurasia/BG1656.cfm>> ut-Tahrir: An Emerging Threat to U.S. Interests in Central Asia by Ariel Cohen

Colombia: <<http://www.heritage.org/Research/LatinAmerica/HL790.cfm>> Key to Security in the Western Hemisphere by General James Hill

<<http://www.heritage.org/press/events/>>  
<<http://www.heritage.org/Press/Events/ev060503a.cfm>> The United States, the United Nations and the Future of the Nation State  
Thurs., June 5, 12:00 noon  
<<http://www.heritage.org/Press/Events/ev061103a.cfm>> Iraq Economic Reform: Lessons Learned from Central Europe and Eurasia  
Wed., June 11, 12:00 noon  
<<http://www.heritage.org/Press/Events/ev061703a.cfm>> Faith Beyond Belief: A Journey to Freedom  
Tues., June 17, 12:00 noon  
<<http://www.heritage.org/Press/Events/ev062403a.cfm>> Gulag: A History  
Tues., June 24, 12:00 noon

Are "Health Insurance Exchanges" the Solution to Costs and Coverage?  
St. Regis Hotel  
16th & K Sts., NW  
Washington, DC  
Continental Breakfast & Discussion  
8:30-11:00 am  
Friday, June 13, 2003  
RSVP at 202-608-6269

Heritage Foundation Alumni Event  
Featured speaker: Justice Clarence Thomas  
Heritage would like to welcome former employees to an event on Thursday, June 26th.

Please contact Lynn Gibson at 202-608-6031 for details or to RSVP.  
<<http://www.heritage.org/Press/Events/>> Full event schedule |  
<<http://www.heritage.org/Press/Events/archive.cfm>> Video archive  
<[http://www.heritage.org/emails/hidden/must\\_reads.gif](http://www.heritage.org/emails/hidden/must_reads.gif)>  
<<http://www.heritage.org/Research/NationalSecurity/wm273.cfm>> Reclaiming America's Voice Overseas  
by Stephen Johnson and Helle Dale  
<<http://www.heritage.org/Research/HealthCare/WM208.cfm>> Getting The Details Right: The Key Do's And Don'ts Of Medicare Reform  
by Robert E. Moffit, Ph.D.  
<<http://www.heritage.org/Research/Taxes/wm281.cfm>> Economic Impact Analysis of the Jobs and Tax Relief Reconciliation Act of 2003  
by William W. Beach, Alfredo Goyburu, and Rea S. Hederman  
Government Relations  
<<http://www.heritage.org/about/staff/michaelfranc.cfm>> Michael Franc  
Vice President, Government Relations  
Contact: 202-608-6064  
Executive Branch Relations  
<<http://www.heritage.org/about/staff/virginiathomas.cfm>> Virginia Thomas  
Director, Executive Branch Relations

Contact: 202-608-6240  
Meredith Karre ( <mailto:%20meredith.karre@heritage.org> email)  
Deputy Executive Branch Liaison  
Contact: 202-608-6058  
<[http://www.heritage.org/emails/hidden/GR\\_heritageResources.gif](http://www.heritage.org/emails/hidden/GR_heritageResources.gif)>  
<<http://www.heritage.org/about/community/insider/>> The Insider  
<<http://www.policyexperts.org/>> Policy Experts  
<<http://www.heritage.org/research/features/familydatabase/>> Family and  
Society Database  
<<http://www.heritage.org/About/Staff/experts.cfm>> Heritage Experts  
<<http://www.heritage.org/press/>> Press Room  
<<http://www.heritage.org/press/events/>> Heritage Live Events  
- att1.htm  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_81YXG003\_WHO.TXT\_1>

See new papers and events below. Please note we are trying to make contact with any and all former Heritage staff for our event on June 26th - please forward if you know of someone! This will be our first event in a large, new auditorium here. Thanks, Ginni



June 4, 2003

< /TR>

**Domestic Policy:**

The Bush Presidency at Midterm: An Assessment by  
Michael Barone, Fred Barnes, Carl Cannon, James  
Pfiffner

What Unfunded Mandates? by Brian Riedl  
< /DIV>

Compar ing the Performance of Medicare and the  
FEHBP  
by Stuart Butler

Repre sentative Gephardt's Costly Health Plan  
by Ed Haislmaier

Si x Important Rules for Real Social Security Reform  
by David John

The Myth of Media Concentration: Why the FCC's Media  
Ownership Rules Ar e Unnecessary  
by James Gattuso  
Sexually Active Teenagers Are More Likely to Be  
Depressed and to Attempt Suicide by Robert Rector,  
Kirk Johnson, and Lauren Noyes

Sex, sadness and suicide by Rebecca Hagelin

**Foreign and Defense Policy:**

As Safe As Possible by Dr. Edwin Feulner

Brita in and America: Shaping the Future of Europe  
by Nile Gardiner and John Hulsman

Hizb ut-Tahrir: An Emerging Threat to U.S. Interests in  
Central Asia b y Ariel Cohen

Colo mbia: Key to Security in the Western Hemisphere  
by General James Hill



The United States, the United Nations and the Future of the Nation State

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Wed., June 11, 12:00 noon

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Tues., June 17, 12:00 noon

Gulag: A History

Tues., June 24, 12:00 noon

**Are "Health Insurance Exchanges" the Solution to Costs and Coverage?**

St. Regis Hotel

16th & K Sts., NW

Washington, DC

Continental Breakfast & Discussion

8:30-11:00 am

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**Heritage Foundation Alumni Event**

*Featured speaker: Justice Clarence Thomas*

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Please contact Lynn Gibson at 202-608-6031 for details or to RSVP.

[Full event schedule](#) | [Video archive](#)



Reclaiming America's Voice Overseas

by Stephen Johnson and Helle Dale

Getting The Details Right: The Key Do's And Don'ts Of Medicare Reform

by Robert E. Moffit, Ph.D.

Economic Impact Analysis of the Jobs and Tax Relief Reconciliation Act of 2003

by William W. Beach, Alfredo Goyburu, and Rea S. Hederman

**Government Relations**

Michael Franc

Vice President, Government



Relations

Contact: 202-608-6064

**Executive Branch Relations**

Virginia Thomas

Director, Executive Branch  
Relations

Contact: 202-608-6240

Meredith Karre (email)

Deputy Executive Branch Liaison

Contact: 202-608-6058



The Insider

Policy Experts

**Family and Society**

**Database**

Heritage Experts

Press Room

Heritage Live Events

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Courtney S. Elwood/OVP/EOP@Exchange@EOP [ OVP ] <Courtney S. Elwood>  
**CC:** Claire M. O'Donnell/OVP/EOP@Exchange@EOP [ OVP ] <Claire M. O'Donnell>  
**Sent:** 6/4/2003 6:19:42 PM  
**Subject:** : travel reimbursement

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 4-JUN-2003 22:19:42.00  
SUBJECT:: travel reimbursement  
TO:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange@EOP [ OVP ] )  
READ:UNKNOWN  
CC:Claire M. O'Donnell ( CN=Claire M. O'Donnell/OU=OVP/O=EOP@Exchange@EOP [ OVP ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

When there is motorcade travel on behalf of the campaign, the campaign will reimburse the costs of equivalent large rental vehicles. This is a variation on a question you asked the other day, so I wanted to make sure this was clear. We are preparing the basic travel cost/allocation memo that will cover such travel-cost issues.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>  
**Sent:** 6/5/2003 5:15:38 AM  
**Subject:** : Re: When are you available tomorrow for a meeting?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-JUN-2003 09:15:38.00  
SUBJECT:: Re: When are you available tomorrow for a meeting?  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

afternoon

Matthew E. Smith

06/05/2003 09:13:26 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: When are you available tomorrow for a meeting?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Elliot E. Slotnick <Slotnick.1@osu.edu>  
**CC:** drichert@ajs.org [ UNKNOWN ] <drichert@ajs.org>;sheldon.goldman@polsci.umass.edu [ UNKNOWN ] <sheldon.goldman@polsci.umass.edu>  
**Sent:** 6/5/2003 5:17:19 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-JUN-2003 09:17:19.00  
SUBJECT:: Re:  
TO:"Elliot E. Slotnick" <Slotnick.1@osu.edu> ( "Elliot E. Slotnick" <Slotnick.1@osu.edu> [ UNKNOWN ] )  
READ:UNKNOWN  
CC:drichert@ajs.org ( drichert@ajs.org [ UNKNOWN ] )  
READ:UNKNOWN  
CC:sheldon.goldman@polsci.umass.edu ( sheldon.goldman@polsci.umass.edu [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thank you for your care on this and your many other helpful and informative articles.

"Elliot E. Slotnick" <Slotnick.1@osu.edu>  
06/04/2003 03:36:26 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: sheldon.goldman@polsci.umass.edu, drichert@ajs.org  
Subject:

Dear Brett,

Just a brief note of thanks for taking the time to give a thorough reading to the two sections from our article that I sent you and to make the corrections to the quotes attributed to our interview. As it turns out, the timing for our connecting was fine. I have been in touch with David Richert, the Editor of Judicature, and he is presently doing the necessary editing of our piece. So our window of opportunity for making these changes was still open and I have FAXed them to him.

Thanks, again, for all of your assistance in our work on this piece. I'll look forward to the prospect of doing this again when we work on the "end of term" piece in about a year and a half.

All best wishes.  
elliot

--  
Elliot E. Slotnick  
Professor of Political Science  
Associate Dean  
The Graduate School  
The Ohio State University  
250 University Hall

REV\_00120759

230 N. Oval Mall  
Columbus, Ohio 43210

614-292-6031 (office)  
614-292-3656 (Fax)  
slotnick.1@osu.edu

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/5/2003 1:26:33 AM  
**Subject:** : OpinionJournal - On the Editorial Page - June 5, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME: 5-JUN-2003 05:26:33.00  
SUBJECT:: OpinionJournal - On the Editorial Page - June 5, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY BOK KU LEE  
<http://www.opinionjournal.com/editorial/?id=110003585>

My escape from North Korea--and South Korea.  
12:01 a.m. EDT

John Fund's Political Diary  
<http://www.opinionjournal.com/diary/?id=110003583>

Al-Jazeera is independent, but its journalism is wanting.  
12:01 a.m. EDT

Leisure & Arts BY AMY FINNERTY  
<http://www.opinionjournal.com/la/?id=110003584>

Far from tidy: our feelings about Martha Stewart.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Mayhem Over Martha  
She is accused of lying about something that wasn't illegal.  
Jun 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105477288325943700,00.html%3Fmod%3Dopinion>

~~~~~

Presidential Cornpone  
Too many campaigns are powered by ethanol.  
Jun 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105477312650777100,00.html%3Fmod%3Dopinion>

~~~~~

Iraq War Dividend  
The politics of the Middle East sure have changed.  
Jun 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105477331663884900,00.html%3Fmod%3Dopinion>

~~~~~

#### Commentary

##### A Defector's Story

My escape from North Korea -- and South Korea.

By BOK KU LEE

Jun 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105477357128826200,00.html%3Fmod%3Dopinion>

~~~~~

##### Change for a Dollar

What to make of the new twenty.

By JASON GOODWIN

Jun 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105477489826342200,00.html%3Fmod%3Dopinion>

~~~~~

#### Rule of Law

##### Guess Who's Coming to Study

The Michigan case isn't really about affirmative action.

By JAMES F. BLUMSTEIN

Jun 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105477447950439700,00.html%3Fmod%3Dopinion>

~~~~~

#### Politics & People

##### Corrupting the Senate's Character

The Senate's ability to debate, deliberate and delay shouldn't be cast aside lightly.

By ALBERT R. HUNT

Jun 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105477179236595200,00.html%3Fmod%3Dopinion>

~~~~~

#### Leisure & Arts

##### The Gallery

Big Structures and Ideas

"The Art of Structural Design: A Swiss Legacy"

By LAURIE KERR

Jun 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105477892278668200,00.html%3Fmod%3Dopinion>

~~~~~

##### Far From Tidy

Our feelings about Martha.

By AMY FINNERTY

Jun 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105477797266038200,00.html%3Fmod%3Dopinion>

~~~~~

Books  
The Secrets of Their Success  
"A Look Over My Shoulder"  
By GEOFFREY WHEATCROFT  
Jun 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105478015472089100,00.html%3Fmod%3Dopinion>

~~~~~

French Disliked in Sicily, Too  
Riga festival, Paris opera and more.  
By MANUELA HOELTERHOFF  
Jun 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105478113996324000,00.html%3Fmod%3Dopinion>

~~~~~

Time Off  
Diversions  
Industrial Strength Design: How Brooks Stevens Shaped Your World; Teva  
Mountain Games; Monhegan Island Art.  
Jun 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105460755817892100,00.html%3Fmod%3Dopinion>

~~~~~

International

Palestine's Pawns  
Difficult refugee issues are usually resolved imperfectly.  
From The Wall Street Journal Europe  
Jun 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105476554941947700,00.html%3Fmod%3Dopinion>

~~~~~

France Faces Hard Choices  
France has no defenders in Washington.  
By EZRA SULEIMAN  
From The Wall Street Journal Europe  
Jun 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105476277581927600,00.html%3Fmod%3Dopinion>

~~~~~

Blair's in Trouble . . .  
His enemies -- Labour and Conservative -- smell blood.  
By STEPHEN POLLARD  
From The Wall Street Journal Europe  
Jun 05 2003



<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105476336378591400,00.html%3Fmod%3Dopinion>

~~~~~

... . Because He Was Right  
Blair's critics preferred the Saddam status quo.  
By WILLIAM SHAWCROSS  
From The Wall Street Journal Europe  
Jun 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105476409813702200,00.html%3Fmod%3Dopinion>

~~~~~

Good Reasons for Ignoring a Bad Law  
Article 23 will be the beginning of intrusion into Hong Kong's freedoms.  
By BAO TONG  
From The Asian Wall Street Journal  
Jun 05 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105476642192813900,00.html%3Fmod%3Dopinion>

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<http://StartupJournal.com>

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**From:** James C. Ho <JamesCHo@stanfordalumni.org>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/5/2003 3:40:17 AM  
**Subject:** : Senator Cornyn/Wash. Times: A broken tradition

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"James C. Ho" <JamesCHo@stanfordalumni.org> ( "James C. Ho"  
<JamesCHo@stanfordalumni.org> [ UNKNOWN ] )  
CREATION DATE/TIME: 5-JUN-2003 07:40:17.00  
SUBJECT:: Senator Cornyn/Wash. Times: A broken tradition  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

<http://www.washtimes.com/op-ed/20030604-104138-9833r.htm>

The Washington Times

A broken tradition  
By John Cornyn  
THE WASHINGTON TIMES  
Published June 5, 2003

The current struggle to establish democracy in Iraq reminds us that no society can be either just or prosperous without the rule of law. New and old nations alike need independent and impartial courts as the foundation of government, and civilized nations must vigilantly maintain, not undermine, these institutions.

Today, the Senate Rules Committee will discuss whether the current filibusters of judicial nominations pose a threat to our own independent judiciary. I welcome today's discussion because I believe we need reform: Indeed, senators from both sides of the aisle agree that our process for confirming judges is broken and needs to be fixed.

The American people need the courts to be fully staffed. Our judicial selection process should focus simply on identifying and confirming well-qualified jurists committed to enforcing the law, not their will or agenda.

For too long, this process has been caught in a downward spiral of politics and delay. During the administrations of former Presidents Bush and Clinton, for example, too many appeals court nominees were never voted on at all.

The problem is even worse today.

For months, a bipartisan Senate majority has tried to hold up-or-down votes on a number of judicial nominees. A partisan minority of senators, however, is blocking the Senate from holding those votes. As one leader of the current filibusters has said, "there is not a number [of hours] in the universe that would be sufficient" for debate on certain nominees. The result: vacant judgeships and empty courtrooms, compelling the U.S. Judicial Conference to declare "judicial emergencies" across the country. People seeking redress for their injuries wait years for their cases to be tried and appealed, while judicial nominees languish in the Senate waiting for an up-or-down vote. The broken confirmation process translates into denial of access to justice in our nation's most important courts.

The use of filibusters ? not to ensure adequate debate, but to block a Senate majority from confirming judges ? is unprecedented and wrong. This indefinite, needless and wasteful delay distracts the Senate from other important business. And it leaves would-be judges in limbo, along with thousands of litigants. President Bush has rightly called the situation "a disgrace."

It doesn't have to be this way. As all 10 freshman senators detailed in a bipartisan letter to Senate leadership on April 30, it is time for a fresh start. The ill will of the past should not dictate the terms and direction of the future. And 12 senators have proposed a bipartisan reform

to guarantee full debate on nominees, while ensuring the ability of a Senate majority to hold up-or-down votes. This proposal deserves wide support.

More than 175 newspaper editorials representing the home states of 70 senators condemn the current filibusters of judicial nominees. Law professor and former Clinton adviser Michael Gerhardt has condemned supermajority requirements for confirming nominees, saying they "would be more likely to frustrate rather than facilitate the making of meritorious appointments." And last month, legal scholars told the Senate Constitution Subcommittee that filibusters of judicial nominations are uniquely offensive to our nation's constitutional design.

Proposals like the one being debated today in the Rules Committee have been endorsed by congressional experts from think tanks as diverse as the American Enterprise Institute, Brookings and Cato. An even more aggressive reform proposal in 1995 was endorsed by 19 Senate Democrats, as well as the New York Times, which editorialized that, "now is the perfect moment ... to get rid of an archaic rule that frustrates democracy and serves no useful purpose."

For nearly its first two decades, a Senate majority had the explicit power under the rules to call for votes. And since that time, senators have consistently obeyed an unwritten rule not to block the confirmation of judicial nominees by filibuster.

As renowned former Senate parliamentarian Floyd Riddick once said, senators are expected to "restrain themselves" and "not abuse the privilege" of debate. Out of respect for an independent judiciary, senators have historically and consistently exercised such restraint. But this Senate tradition has now been broken. The Rules Committee and the Senate must respond. Reforming filibusters in the judicial nominations context would restore both majority rule and Senate tradition.

There is precedent for such action: The Senate has previously considered at least 30 proposals to eliminate filibusters altogether. In fact, there are dozens of laws on the books that prevent a minority of senators from delaying action in certain areas ? from the Budget Act of 1974 to the War Powers Resolution, and covering such diverse subjects as international trade, arms control, environmental law, employee retirement protection and nuclear waste. Judicial confirmations should likewise be immunized from filibuster abuse.

For far too long, our judicial selection process has been tainted by coarse politics and hampered by wasteful delay. The Senate needs a fresh start.

Sen. John Cornyn is chairman of the Senate Subcommittee on the Constitution. He served previously on the Supreme Court of Texas and as the state's attorney general.

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**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/5/2003 8:42:20 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-JUN-2003 12:42:20.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can I get a phone # for Steve. In order for this to get done in the time that he needs it, I am going to have to get a couple of different fax machines going, so I will need different fax numbers for him if he has access.

Jon

---

**From:** Elwood, Courtney S.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/5/2003 8:53:05 AM  
**Subject:** Re: travel reimbursement

Thanks.

---

**From:** CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/5/2003 4:54:03 AM  
**Subject:** : Re: travel reimbursement

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ] )  
CREATION DATE/TIME: 5-JUN-2003 08:54:03.00  
SUBJECT:: Re: travel reimbursement  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>  
**Sent:** 6/5/2003 5:05:19 AM  
**Subject:** : Re: FW: I don't like this either

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-JUN-2003 09:05:19.00  
SUBJECT:: Re: FW: I don't like this either  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

faxed you some suggested cuts

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/5/2003 6:52:33 AM  
**Subject:** : RE: FW: I don't like this either

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 5-JUN-2003 10:52:33.00  
SUBJECT:: RE: FW: I don't like this either  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks!

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, June 05, 2003 9:05 AM  
To: Litkenhaus, Colleen  
Subject: Re: FW: I don't like this either

faxed you some suggested cuts



---

**From:** CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Melissa S. Bennett/WHO/EOP@Exchange [ WHO ] <Melissa S. Bennett>  
**Sent:** 6/5/2003 6:52:44 AM  
**Subject:** : New Hampshire Invitation

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-JUN-2003 10:52:44.00  
SUBJECT:: New Hampshire Invitation  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Melissa S. Bennett ( CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can you please review?

----- Forwarded by Alicia W. Davis/WHO/EOP on 06/05/2003  
10:51 AM -----

Daniel O'Driscoll  
06/05/2003 10:48:10 AM  
Record Type: Record

To: adavis@georgewbush.com @ inet, Alicia W. Davis/WHO/EOP@EOP  
cc:  
Subject: New Hampshire Invitation

The following text is from an invitation paid for by the New Hampshire  
State Party:

Dear Republican Elected Official:

We are honored to have White House Chief of Staff Andrew Card visiting New  
Hampshire on Tuesday, June 17th. We hope you can join us in this special  
opportunity to meet Secretary Card and discuss local and national issues  
facing New Hampshire and the Nation. As a former Massachusetts State  
Representative himself, we wanted to ensure that you received a special  
invitation to meet Secretary Card.

We plan to hold this Grassroots Connection Series with Republican elected  
officials and activists from 5-6 PM on Tuesday, June 17th, in Concord at  
the LOCATION.

Together the Republican Party has regained control of the Governor's  
office after six long years and made historic gains in the State House of  
Representatives and State Senate. We hope that you can join us in  
welcoming Secretary Card back to the Granite State.

Please RSVP by calling State Committee headquarters at 225-9341 or by  
e-mail to Jen@nhgop.org.

Thank you for your consideration. I hope to see you there.

Sincerely,

Jayne Millerick

Chairman

REV\_00120789



---

**From:** Bumatay, Patrick J.  
**To:** <Ullyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>  
**Sent:** 6/5/2003 11:21:17 AM  
**Subject:** Noel Francisco's Contact info

-----Original Message-----

From: Noel.Francisco@usdoj.gov [<mailto:Noel.Francisco@usdoj.gov>]

Sent: Thursday, June 05, 2003 11:20 AM

To: Bumatay, Patrick J.

Subject: new contact info

Patrick -- My new telephone number and e-mail address is as follows:

202-353-2464

noel.francisco@usdoj.gov

Would you mind distributing it to the office?

Thanks,  
Noel

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;Theodore W. Ulliot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliot>  
**Sent:** 6/5/2003 7:22:35 AM  
**Subject:** : Noel Francisco's Contact info

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 5-JUN-2003 11:22:35.00

SUBJECT:: Noel Francisco's Contact info

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

-----Original Message-----

From: Noel.Francisco@usdoj.gov [mailto:Noel.Francisco@usdoj.gov]

Sent: Thursday, June 05, 2003 11:20 AM

To: Bumatay, Patrick J.

Subject: new contact info

Patrick -- My new telephone number and e-mail address is as follows:

202-353-2464

noel.francisco@usdoj.gov

Would you mind distributing it to the office?

Thanks,

Noel

REV\_00120796

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alicia W. Davis/WHO/EOP@EOP [ WHO ] <Alicia W. Davis>  
**CC:** melissa s. bennett/who/eop@exchange [ WHO ] <melissa s. bennett>  
**Sent:** 6/5/2003 8:48:46 AM  
**Subject:** : Re: New Hampshire Invitation

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-JUN-2003 12:48:46.00  
SUBJECT:: Re: New Hampshire Invitation  
TO:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:melissa s. bennett ( CN=melissa s. bennett/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

ok with change made in bold.

The following text is from an invitation paid for by the New Hampshire State Party:

Dear Republican Elected Official:

We are honored to have The Honorable Andrew Card visiting New Hampshire on Tuesday, June 17th. We hope you can join us in this special opportunity to meet Secretary Card and discuss local and national issues facing New Hampshire and the Nation. As a former Massachusetts State Representative himself, we wanted to ensure that you received a special invitation to meet Secretary Card.

We plan to hold this Grassroots Connection Series with Republican elected officials and activists from 5-6 PM on Tuesday, June 17th, in Concord at the LOCATION.

Together the Republican Party has regained control of the Governor's office after six long years and made historic gains in the State House of Representatives and State Senate. We hope that you can join us in welcoming Secretary Card back to the Granite State.

Please RSVP by calling State Committee headquarters at 225-9341 or by e-mail to [Jen@nhgop.org](mailto:Jen@nhgop.org).

Thank you for your consideration. I hope to see you there.

Sincerely,

Jayne Millerick

Chairman

Alicia W. Davis  
06/05/2003 10:51:56 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Melissa S. Bennett/WHO/EOP@Exchange  
Subject: New Hampshire Invitation

Can you please review?

----- Forwarded by Alicia W. Davis/WHO/EOP on 06/05/2003  
10:51 AM -----

Daniel O'Driscoll  
06/05/2003 10:48:10 AM  
Record Type: Record

To: adavis@georgewbush.com @ inet, Alicia W. Davis/WHO/EOP@EOP  
cc:  
Subject: New Hampshire Invitation

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 6/5/2003 8:53:58 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-JUN-2003 12:53:58.00  
SUBJECT:: Re:  
TO: Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

**PRA 6**

Jonathan F. Ganter  
06/05/2003 12:41:27 PM  
Record Type: Record

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

Can I get a phone # for Steve. In order for this to get done in the time that he needs it, I am going to have to get a couple of different fax machines going, so I will need different fax numbers for him if he has access.

Jon

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Myles, Kristin Linsley <MylesKL@mta.com>  
**Sent:** 6/5/2003 1:30:24 PM  
**Subject:** : Re: FW: article

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 5-JUN-2003 17:30:24.00

SUBJECT:: Re: FW: article

TO:"Myles, Kristin Linsley" <MylesKL@mta.com> ( "Myles, Kristin Linsley" <MylesKL@mta.com>  
[ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

thx. reading now



---

**From:** Litkenhaus, Colleen  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/5/2003 1:35:08 PM  
**Subject:** Re: political travel issues

Are you coming???

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/5/2003 9:36:24 AM  
**Subject:** : Re: political travel issues

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 5-JUN-2003 13:36:24.00  
SUBJECT:: Re: political travel issues  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Are you coming???

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/5/2003 1:45:03 PM  
**Subject:** : Re: can we meet tomorrow

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 5-JUN-2003 17:45:03.00  
SUBJECT:: Re: can we meet tomorrow  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes,, we can. How is 1:30?

.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Tracy Jucas/WHO/EOP@EOP [ WHO ] <Tracy Jucas>  
**Sent:** 6/5/2003 2:37:17 PM  
**Subject:** : Re: BC 04 Resume Language

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-JUN-2003 18:37:17.00  
SUBJECT:: Re: BC 04 Resume Language  
TO:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Fine.

Tracy Jucas  
06/05/2003 06:13:44 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: BC 04 Resume Language

Matt added another sentence and wanted to make sure it is still ok.

Date

Dear Name,

Thank you for sending your materials requesting a position on the  
Bush/Cheney 2004 re-election campaign. Your interest is appreciated, and  
I invite you to send your materials directly to the Bush/Cheney  
2004 re-election campaign at Post Office Box 10648, Arlington, VA, 22210.

Thanks again.

Best Regards,

Matt Schlapp

Deputy Assistant to the President

Director of Political Affairs

Name  
Address  
City, State Zip

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>  
**Sent:** 6/5/2003 10:42:15 AM  
**Subject:** : Re: political travel issues

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-JUN-2003 14:42:15.00  
SUBJECT:: Re: political travel issues  
TO: Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

i was in room 1; sorry

From: Colleen Litkenhaus/WHO/EOP@Exchange on 06/05/2003 01:35:08 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: political travel issues

Are you coming???

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Brosnahan, Jennifer R.>; <Newstead, Jennifer G.>; <Bartolomucci, H. Christopher>; <Sampson, Kyle>; <Brown, Reginald J.>; <Powell, Benjamin A.>; <Ulliot, Theodore W.>  
**Sent:** 6/5/2003 2:45:56 PM  
**Subject:** Rules Committee hearing on channel 66

---

**From:** CN=Vickie A. McQuade/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/5/2003 11:40:53 AM  
**Subject:** : As it turns out 11:00 won't work tomorrow. How about 10:00 or 2:00?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Vickie A. McQuade ( CN=Vickie A. McQuade/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 5-JUN-2003 15:40:53.00  
SUBJECT:: As it turns out 11:00 won't work tomorrow. How about 10:00 or 2:00?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 6/5/2003 1:43:04 PM  
**Subject:** : can we meet tomorrow

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-JUN-2003 17:43:04.00  
SUBJECT:: can we meet tomorrow  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####



---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/5/2003 5:44:02 PM  
**Subject:** Re: can we meet tomorrow

Yes., we can. How is 1:30?

---

**From:** CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/5/2003 2:17:14 PM  
**Subject:** : BC 04 Resume Language

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-JUN-2003 18:17:14.00  
SUBJECT:: BC 04 Resume Language  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Matt added another sentence and wanted to make sure it is still ok.

Date

Dear Name,

Thank you for sending your materials requesting a position on the Bush/Cheney 2004 re-election campaign. Your interest is appreciated, and I invite you to send your materials directly to the Bush/Cheney 2004 re-election campaign at Post Office Box 10648, Arlington, VA, 22210.

Thanks again.

Best Regards,

Matt Schlapp

Deputy Assistant to the President

Director of Political Affairs

Name

Address

City, State Zip

---

**From:** CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/5/2003 2:38:08 PM  
**Subject:** : Re: BC 04 Resume Language

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 5-JUN-2003 18:38:08.00  
SUBJECT:: Re: BC 04 Resume Language  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Great. Thanks

Brett M. Kavanaugh  
06/05/2003 06:36:30 PM  
Record Type: Record

To: Tracy Jucas/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: BC 04 Resume Language

Fine.

Tracy Jucas  
06/05/2003 06:13:44 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: BC 04 Resume Language

Matt added another sentence and wanted to make sure it is still ok.

Date

Dear Name,

Thank you for sending your materials requesting a position on the Bush/Cheney 2004 re-election campaign. Your interest is appreciated, and I invite you to send your materials directly to the Bush/Cheney 2004 re-election campaign at Post Office Box 10648, Arlington, VA, 22210.

Thanks again.

Best Regards,

Matt Schlapp

REV\_00120877

Deputy Assistant to the President

Director of Political Affairs

Name

Address

City, State Zip

---

**From:** Kyle\_Sampson@who.eop.gov [ UNKNOWN ]  
**To:** David G. Leitch/WHO/EOP@EOP [ WHO ] <David G. Leitch>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Alberto R. Gonzales/WHO/EOP@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 6/5/2003 8:38:13 PM  
**Subject:** : Keisler/Chertoff

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kyle\_Sampson@who.eop.gov ( Kyle\_Sampson@who.eop.gov [ UNKNOWN ] )  
CREATION DATE/TIME: 6-JUN-2003 00:38:13.00  
SUBJECT:: Keisler/Chertoff  
TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Keisler just got confirmed.  
Chertoff vote tomorrow at 5:15pm, after 30 minutes of debate for each side.

.

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Susan B. Ralston/WHO/EOP@Exchange [ WHO ] <Susan B. Ralston>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/5/2003 5:35:18 PM  
**Subject:** : equipment

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 5-JUN-2003 21:35:18.00  
SUBJECT:: equipment  
TO:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Let me know when you would like to get together to discuss which offices  
need what campaign equipment.

;  
Thanks.

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/6/2003 1:27:03 AM  
**Subject:** : OpinionJournal - On the Editorial Page - June 6, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME: 6-JUN-2003 05:27:03.00  
SUBJECT:: OpinionJournal - On the Editorial Page - June 6, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003592>

What now for the New York Times? How about a return to good, old-fashioned reporting?

12:01 a.m. EDT

Wonder Land BY DANIEL HENNINGER  
<http://www.opinionjournal.com/columnists/dhenninger/?id=110003593>

Why are the Democratic candidates so worked up about new FCC rules?

12:01 a.m. EDT

Scene & Heard BY COLLIN LEVEY  
<http://www.opinionjournal.com/columnists/clevevey/?id=110003594>

The Times' shakeup is a victory for the little guy.  
12:01 a.m. EDT

On the Taste Page

<http://opinionjournal.com/taste/>

Will Harvard take \$2.5 million from a man tied to Holocaust denial?

12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Ten-Gallon Tort Reform  
Texans can now expect their Lone Star to rise.  
Jun 06 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105485752433018000,00.html%3Fmod%3Dopinion>

~~~~~

Liberate Mrs. Kerry  
Thanks to campaign-finance laws, John Kerry can't get a little help from

his wife.  
Jun 06 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105485778155671200,00.html%3Fmod%3Dopinion>

~~~~~

Turmoil at the Times  
What now? How about a return to good, old-fashioned reporting?  
Jun 06 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105485799095756700,00.html%3Fmod%3Dopinion>

~~~~~

Commentary

The 'E' Word  
This time there's a real chance for peace in the Middle East.  
By NIALL FERGUSON  
Jun 06 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105485863841074100,00.html%3Fmod%3Dopinion>

~~~~~

Martha Stewart Surviving  
Who's to say it won't be the SEC brand that takes the hit?  
By MARK STEYN  
Jun 06 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105485886136263400,00.html%3Fmod%3Dopinion>

~~~~~

Wonder Land

News That Is Bigger Than Martha  
Why are the Democratic candidates so worked up about new FCC rules?  
By DANIEL HENNINGER  
Jun 06 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105485818826278100,00.html%3Fmod%3Dopinion>

~~~~~

The Americas

Peruvian Fear of Comandante Rule  
A new brand of leftist, militaristic politician emerges.  
By MARY ANASTASIA O'GRADY  
Jun 06 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105485696488055200,00.html%3Fmod%3Dopinion>

~~~~~

International

Opening Europe's Skies  
Greater freedom will help revive an industry now restrained by red tape.  
From The Wall Street Journal Europe



Jun 06 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105485272926713700,00.html%3Fmod%3Dopinion>

~~~~~

In the Politicians' Court  
Euroland needs to free up its markets.  
From The Wall Street Journal Europe  
Jun 06 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105485326258456000,00.html%3Fmod%3Dopinion>

~~~~~

Britain Should Join the Eurozone . . .  
The euro will boost investment, productivity and growth.  
By CHRISTOPHER HUHNE  
From The Wall Street Journal Europe  
Jun 06 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105485057642145500,00.html%3Fmod%3Dopinion>

~~~~~

. . . . No, That Would Hurt Everyone  
Germany, and others, should hope the U.K. stays out.  
By JOHN REDWOOD  
From The Wall Street Journal Europe  
Jun 06 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105485127213901000,00.html%3Fmod%3Dopinion>

~~~~~

How to Discredit Democracy and Federalism  
Russia as overseer will not ensure a democratic "federation" in Moldova.  
By VLADIMIR SOCOR  
From The Wall Street Journal Europe  
Jun 06 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105484969860896100,00.html%3Fmod%3Dopinion>

~~~~~

Hong Kong Protesters Focus on Tung Chee Hwa  
Hong Kong's China-appointed chief executive gets the loudest boos.  
By DANNY GITTINGS  
From The Wall Street Journal Europe  
Jun 06 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105485366894453200,00.html%3Fmod%3Dopinion>

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<http://cj.careercast.com/taxis/jm/jobPostForm.html?lookid=cj&jp=C>

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**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/6/2003 5:52:38 AM  
**Subject:** : RE: going to hill?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 09:52:38.00  
SUBJECT:: RE: going to hill?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes. Are we meeting 1:30?

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Friday, June 06, 2003 9:51 AM  
To: Grubbs, Wendy J.  
Subject: Re: going to hill?

can you go?

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/06/2003 09:49:43 AM  
Record Type: Record  
  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: going to hill?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Susan B. Ralston/WHO/EOP@Exchange@EOP [ WHO ] <Susan B. Ralston>  
**Sent:** 6/6/2003 7:50:18 AM  
**Subject:** : invitation is ok; please make sure campaign counsel (Josefiak) has cleared as well

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 11:50:18.00  
SUBJECT:: invitation is ok; please make sure campaign counsel (Josefiak) has cleared as well  
TO:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Joel Pardue <judicialumbrella@yahoo.com>  
**To:** jpardue@fed-soc.org [ UNKNOWN ] <jpardue@fed-soc.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/6/2003 7:54:04 AM  
**Subject:** : Umbrella Call and Meeting  
**Attachments:** P\_65WZG003\_WHO.TXT\_1.txt

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Joel Pardue <judicialumbrella@yahoo.com> ( Joel Pardue <judicialumbrella@yahoo.com>  
[ UNKNOWN ] )  
CREATION DATE/TIME: 6-JUN-2003 11:54:04.00  
SUBJECT:: Umbrella Call and Meeting  
TO:jpardue@fed-soc.org ( jpardue@fed-soc.org [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This is a reminder that there is a 1:30 Umbrella call today. The dial in number is 1-800-498-2860. Ask for the Judicial Umbrella call.

There is also a meeting at 2:30 at the law firm of Baker & Hostetler located off of 1050 Connecticut Ave., Suite 1100. We will allow enough time to get to the meeting once the call is over. There will not be a call-in number for this meeting for people who cannot attend.

-----  
Do you Yahoo!?  
The New Yahoo! Search - Faster. Easier. Bingo.  
- att1.htm  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_65WZG003\_WHO.TXT\_1>

This is a reminder that there is a 1:30 Umbrella call today. The dial in number is 1-800-498-2860. Ask for the Judicial Umbrella call.

There is also a meeting at 2:30 at the law firm of Baker & Hostetler located off of 1050 Connecticut Ave., Suite 1100. We will allow enough time to get to the meeting once the call is over. There will not be a call-in number for this meeting for people who cannot attend.

---

Do you Yahoo!?

The New Yahoo! Search - Faster. Easier. Bingo.

---

**From:** Charles Spies - Legal <CSpies@rnchq.org>  
**To:** Dan Ronayne - Communications <DRonayne@rnchq.org>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/6/2003 4:42:29 AM  
**Subject:** : MI AA case

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Charles Spies - Legal <CSpies@rnchq.org> ( Charles Spies - Legal <CSpies@rnchq.org> [ UNKNOWN ] )  
CREATION DATE/TIME: 6-JUN-2003 08:42:29.00  
SUBJECT:: MI AA case  
TO: Dan Ronayne - Communications <DRonayne@rnchq.org> ( Dan Ronayne - Communications <DRonayne@rnchq.org> [ UNKNOWN ] )  
READ: UNKNOWN  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

<http://www.detnews.com/2003/schools/0306/06/a01-185419.htm>

---

**From:** CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>  
**Sent:** 6/6/2003 5:00:43 AM  
**Subject:** : RE: equipment

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 09:00:43.00  
SUBJECT:: RE: equipment  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

I'm available today betw 10:15 AM - 3 PM.; Or, flexible next week - except for early mornings.

-----Original Message-----  
From: Litkenhaus, Colleen  
Sent: Thursday, June 05, 2003 9:34 PM  
To: Kavanaugh, Brett M.; Ralston, Susan B.  
Subject: equipment

Let me know when you would like to get together to discuss which offices need what campaign equipment.

;  
Thanks.



---

**From:** Bartolomucci, H. Christopher  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Brosnahan, Jennifer R.>; <Brown, Reginald J.>; <Kavanaugh, Brett M.>; <Newstead, Jennifer G.>; <Powell, Benjamin A.>; <Sampson, Kyle>; <Ulyot, Theodore W.>  
**Sent:** 6/6/2003 9:28:39 AM  
**Subject:** Nice piece on the President's appointment of Judge Altonaga

*Miami New Times (Florida) May 15, 2003 Thursday*

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Miami New Times (Florida)

May 15, 2003 Thursday

**SECTION:** Bestof/City Life

**LENGTH:** 131 words

**HEADLINE:** BEST LOCAL GIRL MADE GOOD

**Cecilia Altonaga**

**BODY:**

On May 6, 2003, by a unanimous vote of the U.S. Senate, Altonaga became the nation's first female Cuban-American federal judge. President George W. Bush personally nominated her, sidestepping a list of South Florida candidates forwarded by the state's two senators, Bill Nelson and Bob Graham. The move provoked cries of foul. It's clear Bush wanted a Cuban female in the position, and in Altonaga he found a winner. The Yale-educated Coral Gables resident was a career prosecutor with the Miami-Dade State Attorney's Office until she became a county court judge in 1996 and then circuit court judge three years later. Even Nelson and Graham, two Democrats, conceded the point of her qualifications and ended up backing the president's pick.

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/6/2003 5:50:43 AM  
**Subject:** : going to hill?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 09:50:43.00  
SUBJECT:: going to hill?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;

---

**From:** Kavanaugh, Brett M.  
**To:** <Grubbs, Wendy J.>  
**Sent:** 6/6/2003 9:50:53 AM  
**Subject:** Re: going to hill?

can you go?

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/06/2003 09:49:43 AM

Record Type: Record

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

cc:

Subject: going to hill?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>  
**Sent:** 6/6/2003 5:51:40 AM  
**Subject:** : Re: going to hill?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 09:51:40.00  
SUBJECT:: Re: going to hill?  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

can you go?

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/06/2003 09:49:43 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: going to hill?

;

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/6/2003 6:00:33 AM  
**Subject:** : RE: going to hill?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 10:00:33.00  
SUBJECT:: RE: going to hill?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Ugh(I do some volunteer work with a capitol hill school and I am on from 4 to 6 today(I hate to miss that. Monday am?

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Friday, June 06, 2003 9:54 AM  
To: Grubbs, Wendy J.  
Subject: RE: going to hill?

can we do 4:00?

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/06/2003 09:51:37 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: going to hill?

Yes. Are we meeting 1:30?

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Friday, June 06, 2003 9:51 AM  
To: Grubbs, Wendy J.  
Subject: Re: going to hill?

can you go?

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/06/2003 09:49:43 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: going to hill?



---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/6/2003 6:00:44 AM  
**Subject:** : RE: going to hill?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 10:00:44.00  
SUBJECT:: RE: going to hill?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Caught that

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Friday, June 06, 2003 9:54 AM  
To: Grubbs, Wendy J.  
Subject: RE: going to hill?

also, i cannot go to hill at 10:30

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/06/2003 09:51:37 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: going to hill?

Yes. Are we meeting 1:30?

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Friday, June 06, 2003 9:51 AM  
To: Grubbs, Wendy J.  
Subject: Re: going to hill?

can you go?

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/06/2003 09:49:43 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: going to hill?





---

**From:** Vestewig, Lauren J.  
**To:** <Gilbert, Alan>;<Ellison, Kimberly>;<Ingols, Adam B.>;<Kavanaugh, Brett M.>;<Grubbs, Wendy J.>;<Jensen, Amy>  
**CC:** <Skelly, Layton>  
**Sent:** 6/6/2003 10:27:13 AM  
**Subject:** Meeting re. medical liability

There will be a meeting re. medical liability and the upcoming Senate debate on Monday at 10:30 in Jay's office. Please let me know who will attend. Thanks.

---

**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>;<Sampson, Kyle>;<Addington, David S.>  
**Sent:** 6/6/2003 10:42:55 AM  
**Subject:** DC Circuit decision on Native American preference

<http://pacer.cadc.uscourts.gov/docs/common/opinions/200306/02-5142a.pdf>

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>;David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 6/6/2003 6:46:54 AM  
**Subject:** : DC Circuit decision on Native American preference

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 10:46:54.00  
SUBJECT:: DC Circuit decision on Native American preference  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

<http://pacer.cadc.uscourts.gov/docs/common/opinions/200306/02-5142a.pdf>

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>  
**Sent:** 6/6/2003 7:28:23 AM  
**Subject:** : RE: going to hill?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 11:28:23.00  
SUBJECT:: RE: going to hill?  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

ok. Monday a.m.

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/06/2003 09:59:32 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: going to hill?

Ugh(I do some volunteer work with a capitol hill school and I am on from 4 to 6 today(I hate to miss that. Monday am?

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Friday, June 06, 2003 9:54 AM  
To: Grubbs, Wendy J.  
Subject: RE: going to hill?

can we do 4:00?

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/06/2003 09:51:37 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: going to hill?

Yes. Are we meeting 1:30?

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Friday, June 06, 2003 9:51 AM  
To: Grubbs, Wendy J.  
Subject: Re: going to hill?

can you go?

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/06/2003 09:49:43 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: going to hill?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Judge Carolyn Kuhl <CKuhl@LASuperiorCourt.org>  
**Sent:** 6/6/2003 7:45:07 AM  
**Subject:** : Specter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 11:45:07.00  
SUBJECT:: Specter  
TO:Judge Carolyn Kuhl <CKuhl@LASuperiorCourt.org> ( Judge Carolyn Kuhl  
<CKuhl@LASuperiorCourt.org> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

He is ok; the calls to the women judges went very well. Will keep you posted.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 6/6/2003 8:01:27 AM  
**Subject:** : Senate

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 6-JUN-2003 12:01:27.00

SUBJECT:: Senate

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Charlie Cook's National Journal column begins: "Unless the economy collapses, next year's Senate races will be either a wash for the two major parties or a disaster for the Democrats."

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/6/2003 12:15:14 PM  
**Subject:** : RE: Pryor Summary

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 16:15:14.00  
SUBJECT:: RE: Pryor Summary  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

let's remove the ramps for wheelchairs too.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>  
**Sent:** 6/6/2003 8:32:39 AM  
**Subject:** : what is happening in ED NY?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 12:32:39.00  
SUBJECT:: what is happening in ED NY?  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>  
**Sent:** 6/6/2003 12:38:06 PM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 16:38:06.00  
SUBJECT:: Re:  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

welcome to my world . . .

From: David G. Leitch/WHO/EOP@Exchange on 06/06/2003 04:35:16 PM  
Record Type: Record

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

Wisdom I'm accumulating;; Sen. Sessions -- "If it's a good rating I think we ought to tout it."

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kara G. Figg/WHO/EOP@Exchange@EOP [ WHO ] <Kara G. Figg>  
**Sent:** 6/6/2003 8:43:55 AM  
**Subject:** : question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 12:43:55.00  
SUBJECT:: question  
TO:Kara G. Figg ( CN=Kara G. Figg/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Where will President be week of Monday June 23? I ask because that is most likely week for a Supreme Court retirement, if there is one. Thanks.

---

**From:** CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/6/2003 8:47:48 AM  
**Subject:** : RE: question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kara G. Figg ( CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 12:47:48.00  
SUBJECT:: RE: question  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

sure - here is a sketch(

monday - here most of the day - then to NY for a BC04 f/r - then he stays  
at Camp that night  
tues - camp david with pres of pakistan - returning to dc in the afternoon  
wed - dc all day  
thurs - dc all day  
fri - san francisco, ca and los angeles, ca - then to Ranch that night  
sat, sun - Ranch  
mon - tampa, fl and miami, fl - returning to dc that night

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Friday, June 06, 2003 12:42 PM  
To: Figg, Kara G.  
Subject: question

Where will President be week of Monday June 23? I ask because that is  
most likely week for a Supreme Court retirement, if there is one. Thanks.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 6/6/2003 8:50:12 AM  
**Subject:** : RE: question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 12:50:12.00  
SUBJECT:: RE: question  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

President's schedule from June 23 to 30

monday 6/23 - here most of the day - then to NY for a BC04 f/r - then he  
stays at Camp that night  
tues - camp david with pres of pakistan - returning to dc in the afternoon  
wed - dc all day  
thurs - dc all day  
fri - san francisco, ca and los angeles, ca - then to Ranch that night  
sat, sun - Ranch  
mon - tampa, fl and miami, fl - returning to dc that night

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>;Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>  
**Sent:** 6/6/2003 1:11:58 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 17:11:58.00  
SUBJECT::  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

<http://nationalreview.com/comment/comment-greve060603.asp>

---

**From:** CN=Edward McNally/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/6/2003 9:23:28 AM  
**Subject:** : Re: Final Treasury 326 Rules and DoJ-Treas dispute re: money laundering

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 13:23:28.00  
SUBJECT:: Re: Final Treasury 326 Rules and DoJ-Treas dispute re: money laundering  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

left you a v/m

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 6/6/2003 9:34:38 AM  
**Subject:** : OMB Rules

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 6-JUN-2003 13:34:38.00

SUBJECT:: OMB Rules

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

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Rules Likely to be Cleared, Withdrawn, or Returned during the Week of June

9

;

USDA-APHIS;;;;;;;;;;;;; PROPOSED RULE.; Cost-Sharing for Animal and Plant Health Emergency Programs

;

USDA-FAS;;;;;;;;;;;;; FINAL RULE.; McGovern-Dole International Food for Education and Child Nutrition Program

;

\*HHS-FDA;;;;;;;;;;;;; FINAL RULE.; Applications for FDA Approval to Market a New Drug Patent listing requirements and Application of 30-Month Stays on Approval of Abbreviated New Drug Applications

;

HHS-CMS;;;;;;;;;;;;; FINAL RULE.; Mental Health Parity

;

HHS-CMS;;;;;;;;;;;;; NOTICE.; State Children,s Health Insurance Program; Final Allotments to States, the District of Columbia, and US. Commonwealths for Fiscal Year 2004



;

\*HUD-PIH;;;;;;;;;;;;; INTERIM FINAL RULE.; Up-Front Income  
Verification for the Public Housing and Housing Choice Voucher Program.

;

HUD-OH;;;;;;;;;;;;; PROPSOED RULE.; Disposition of HUD-Owned,  
Single-Family Assets in Asset Control Areas

;

HUD-OH;;;;;;;;;;;;; PROPOSED RULE.; Up-Front Mortgage Insurance  
Premiums for Loans Insured Under Sections 203(k) and 134 of the National  
Housing Act

;

HUD-OSEC;;;;;;;;;;;;; INTERIM FINAL RULE.; HOME Investment partnerships  
Program; American Dream Downpayment Initiative

;

DOJ-DEA;;;;;;;;;;;;; PROPOSED RULE.; Electronic Orders for  
Controlled Substances

;

DOL-MSHA;;;;;;;;;;;;; FINAL RULE.; Alternate locking devices for Plug and  
Receptacle-Type Connectors on Mobile Battery-Powered Machines

;

DOL-MSHA;;;;;;;;;;;;; FINAL RULE.; Improving and Eliminating Regulations,  
Phase 5, Miscellaneous technology Improvements

;

DOT-MARAD;;;;;;;;;;;;; PROPOSED RULE.; Regulations to be Followed by All  
Departments, Agencies and Shippers Having Responsibility to Provide a  
Preference for U.S. Flag Vessels in the Shipments

;

;

\* Probable Media Interest

EEOC;;;;;;;;;;;;; PROPOSED RULE.; Coordination of Retiree  
Health Benefits with Medicare and State Health Benefits

;

\*EPA/WATER;;;;;;;;;;;;; NOTICE.; 6-Year Review of Existing National Primary  
Drinking Water Regulations Standards

;

\*OPM;;;;;;;;;;;;; INTERIM FINAL RULE.; Retirement; Federal  
Employees Retirement System, Basic Annuity

;

\*OPM;;;;;;;;;;;;; INTERIM FINAL RULE.; Organization of the  
Government for Personnel Management, Overseas Employment, Temporary and  
Term Employment

;

SBA;;;;;;;;;;;;;;;;;;;;;;;;; FINAL RULE.; Small Business Size  
Regulations; Government Contracting Programs; HUBZone Program

;

;

;

;

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**From:** CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/6/2003 9:39:38 AM  
**Subject:** : Gov. Pataki

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 13:39:38.00  
SUBJECT:: Gov. Pataki  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Latest. Judge has been out since this happened. They called again to reiterate today.

----- Forwarded by Jennifer G. Newstead/WHO/EOP on  
06/06/2003 01:38 PM -----

Jennifer G. Newstead  
06/05/2003 04:54:27 PM  
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, David G.  
Leitch/WHO/EOP@Exchange@EOP  
cc: Matthew A. Schlapp/WHO/EOP@EOP  
Subject: Gov. Pataki

The Governor's counsel, Richard Platkin, called to say that the Governor is very unhappy with the proposal from Sen. Schumer yesterday - he & the counsel think it compares unfavorably with the "deal" they had tried to work out earlier (essentially for the reasons in my email last night). They said that if we intend to go forward the Governor would want to speak with the Judge "and with the President" about his concerns.

Matt and I are going to talk further this afternoon about this.

JN

---

**From:** Nelson, Carolyn  
**To:** <Bartolomucci, H. Christopher>; <Ulliyot, Theodore W.>; <Bumatay, Patrick J.>; <Carroll, James W.>; <Everson, Nanette>; <Leitch, David G.>; <Brown, Reginald J.>; <Kavanaugh, Brett M.>; <Ganter, Jonathan F.>; <Farrell, J. Elizabeth>; <Newstead, Jennifer G.>; <Powell, Benjamin A.>; <Sampson, Kyle>; <Brosnahan, Jennifer R.>; <Montiel, Charlotte L.>  
**Sent:** 6/6/2003 1:41:14 PM  
**Subject:** FW: bigger paycheck

Good news from the NEC!

-----Original Message-----

**From:** Hennessey, Keith  
**Sent:** Friday, June 06, 2003 1:37 PM  
**To:** Pelletier, Eric C.; Lefkowitz, Jay P.; Falkenrath, Richard; DeFrancis, Suzy; Hernandez, Israel; Nelson, Carolyn  
**Subject:** bigger paycheck

You might want to forward this to your staff. :)

Note: The change in withholding is prospective, even though the rates were cut retroactive to January 1st of 2003. This means that, in addition to a bigger paycheck beginning on 6/20, you should also expect to see a slightly bigger-than-expected rebate next year when you file your taxes, accounting for the amount that has now been overwithheld for the first five months of this year.

-kbh

-----Original Message-----

**From:** Troy, Tevi  
**Sent:** Thursday, June 05, 2003 5:44 PM  
**To:** Hennessey, Keith  
**Subject:** FW: New Federal Tax Withholding Rates

Keith,

Tax cut will be effective for EOP for the pay period that begins June 1 and ends June 14, with the payday of June 20th.

Tevi

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/6/2003 10:27:33 AM  
**Subject:** : Truth a victim

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 14:27:33.00  
SUBJECT:: Truth a victim  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Just watching a replay of the hearing yesterday and Sen. Dayton said -- re Sanchez-Scott case -- "Judge Kuhl dismissed the case."; Who cares if it's true or not?

---

**From:** CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ]  
**To:** chaynes@aclj.org @ inet [ UNKNOWN ] <chaynes@aclj.org @ inet>;Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>;Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>;Kristi.L.Remington@usdoj.gov [ UNKNOWN ] <Kristi.L.Remington@usdoj.gov>;Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] <Brian.A.Benczkowski@usdoj.gov>;ehaden@balch.com [ UNKNOWN ] <ehaden@balch.com>;Jeanie S. Mamo/WHO/EOP@EOP [ WHO ] <Jeanie S. Mamo>;William.Hall2@usdoj.gov [ UNKNOWN ] <William.Hall2@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;william\_smith@judiciary.senate.gov [ UNKNOWN ] <william\_smith@judiciary.senate.gov>  
**CC:** Patrick J. Bumatay/WHO/EOP@Exchange@EOP [ WHO ] <Patrick J. Bumatay>  
**Sent:** 6/6/2003 10:39:13 AM  
**Subject:** : Pryor Contact List

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 14:39:13.00  
SUBJECT:: Pryor Contact List  
TO:chaynes@aclj.org @ inet ( chaynes@aclj.org @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kristi.L.Remington@usdoj.gov ( Kristi.L.Remington@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brian.A.Benczkowski@usdoj.gov ( Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:ehaden@balch.com ( ehaden@balch.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:William.Hall2@usdoj.gov ( William.Hall2@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:william\_smith@judiciary.senate.gov ( william\_smith@judiciary.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Please let me know of changes/additions.

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/6/2003 12:36:19 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 16:36:19.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Wisdom I'm accumulating;; Sen. Sessions -- "If it's a good rating I think  
we ought to tout it."

---

**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>  
**Sent:** 6/6/2003 4:37:19 PM  
**Subject:** Re:

welcome to my world . . .

From: David G. Leitch/WHO/EOP@Exchange on 06/06/2003 04:35:16 PM

Record Type: Record

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

cc:

Subject:

Wisdom I'm accumulating: Sen. Sessions -- "If it's a good rating I think we ought to tout it."



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>  
**Sent:** 6/6/2003 12:44:45 PM  
**Subject:** : call me

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 16:44:45.00  
SUBJECT:: call me  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** william.hall2@usdoj.gov [ UNKNOWN ]  
<william.hall2@usdoj.gov>;brian.a.benczkowski@usdoj.gov [ UNKNOWN ]  
<brian.a.benczkowski@usdoj.gov>  
**Sent:** 6/6/2003 2:17:37 PM  
**Subject:** : Re: Pryor paper

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 18:17:37.00  
SUBJECT:: Re: Pryor paper  
TO:william.hall2@usdoj.gov ( william.hall2@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:brian.a.benczkowski@usdoj.gov ( brian.a.benczkowski@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

what's likely time of arrival? want to get to groups.

Benjamin A. Powell  
06/06/2003 06:09:20 PM  
Record Type: Record

To: Brian.A.Benczkowski@usdoj.gov, William.Hall2@usdoj.gov  
cc: Brett M. Kavanaugh/WHO/EOP@EOP  
Subject: Pryor paper

Bill/Brian -- Don't worry about turning into pdf. We will take care of.  
Please include Brett on email of revised paper.

Don't worry about MS Word version and taking time with that.

Thanks for the quick turnaround,  
Ben

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 6/6/2003 2:17:38 PM  
**Subject:** : Cook Report bottom line on Senate races in National Journal

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 6-JUN-2003 18:17:38.00

SUBJECT:: Cook Report bottom line on Senate races in National Journal

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

"If the playing field for the Senate contests still looks the same a year from now, expect the Republicans to gain three or four seats on Election Day."

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Lawrence A. Fleischer/WHO/EOP@Exchange@EOP [ WHO ] <Lawrence A. Fleischer>  
**Sent:** 6/6/2003 3:18:48 PM  
**Subject:** : follow-up

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 6-JUN-2003 19:18:48.00

SUBJECT:: follow-up

TO: Lawrence A. Fleischer ( CN=Lawrence A. Fleischer/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

We need to discuss the general check-out advice I gave you today  
in light of the specific document request you (and everyone) will receive  
from the 9/11 commission Monday. I will get in touch Monday.

---

**From:** CN=Ziad Ojakli/OU=WHO/O=EOP@Exchange [ UNKNOWN ]  
**To:** Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; kr@georgewbush.com@SMTP@Exchange [ UNKNOWN ] <kr@georgewbush.com@SMTP@Exchange>  
**CC:** Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>; David W. Hobbs/WHO/EOP@Exchange [ WHO ] <David W. Hobbs>  
**Sent:** 6/6/2003 6:21:41 PM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Ziad Ojakli ( CN=Ziad Ojakli/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )

CREATION DATE/TIME: 6-JUN-2003 22:21:41.00

SUBJECT::

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:kr@georgewbush.com@SMTP@Exchange ( kr@georgewbush.com@SMTP@Exchange [ UNKNOWN ] )

READ:UNKNOWN

CC:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

CC:David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

May be old news to you but picked up yesterday that NARAL is planning a national buy in june.

Ads were shown to dem leadership on hill last week. Focus is on prospect of justice retiring. Starts with 10seconds on "turning back the clock" and " we're only one judge away from taking away your freedom of choice", something in between and then call to action. Supposedly, ads are eye catching and pretty effective. z  
.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Joel D. Kaplan/WHO/EOP@EOP [ WHO ] <Joel D. Kaplan>  
**Sent:** 6/6/2003 6:48:59 PM  
**Subject:** : Fw:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 22:48:59.00  
SUBJECT:: Fw:  
TO: Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Fyi

.

----- Original Message -----  
From: Ziad Ojakli/WHO/EOP@Exchange  
To: kr@georgewbush.com@SMTP@Exchange,  
Alberto R. Gonzales/WHO/EOP@Exchange,  
Brett M. Kavanaugh/WHO/EOP@EOP  
Cc: David W. Hobbs/WHO/EOP@Exchange,  
Wendy J. Grubbs/WHO/EOP@Exchange  
Date: 06/06/2003 10:20:30 PM  
Subject:

May be old news to you but picked up yesterday that NARAL is planning a national buy in june.

Ads were shown to dem leadership on hill last week. Focus is on prospect of justice retiring. Starts with 10seconds on "turning back the clock" and " we're only one judge away from taking away your freedom of choice", something in between and then call to action. Supposedly, ads are eye catching and pretty effective. z

.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>  
**Sent:** 6/6/2003 6:48:15 PM  
**Subject:** : Re: Pryor paper

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 6-JUN-2003 22:48:15.00  
SUBJECT:: Re: Pryor paper  
TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

I did send around to groups.

.

----- Original Message -----  
From: Benjamin A. Powell/WHO/EOP  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 06/06/2003 10:24:04 PM  
Subject: Fw: Pryor paper

Brett:. Did you get a chance to look at? If not, I can review in morning, pdf and send around.

.

----- Original Message -----  
From: <William.Hall12@usdoj.gov>  
To: Brett M. Kavanaugh/WHO/EOP@EOP,  
Benjamin A. Powell/WHO/EOP@EOP  
Cc: <Brian.A.Benczkowski@usdoj.gov> (Receipt Notification Requested),  
<William\_Smith@Judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested)  
Date: 06/06/2003 06:23:21 PM  
Subject: Pryor paper

Here is the doc, in MS Word format.

William A. Hall, Jr.  
Counsel  
Office of Legal Policy  
U.S. Department of Justice  
(202) 514-6131

- pryormini.doc

---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/7/2003 12:32:07 PM  
**Subject:** Any word from Colloton on Harkin meeting?



---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>  
**Sent:** 6/7/2003 1:05:50 PM  
**Subject:** Chief seat

Story in the Sunday Washington Post about the "moderate" Chief Justice -- citing Dickerson and Nevada v. Hibbs as examples -- and how the next Chief appointed by President Bush could lead the Court in a much more radical-conservative direction. I would expect this theme to recur.

---

**From:** Kaplan, Joel  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/7/2003 2:55:04 PM  
**Subject:** Re: Post story -- see last paragraph per our discussion

Is the conventional wisdom that chief was doing damage control in hibbs?

What are u doing tonight?

.

---

**From:** CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/7/2003 10:56:04 AM  
**Subject:** : Re: Post story -- see last paragraph per our discussion

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
CREATION DATE/TIME: 7-JUN-2003 14:56:04.00  
SUBJECT:: Re: Post story -- see last paragraph per our discussion  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Is the conventional wisdom that chief was doing damage control in hibbs?

What are u doing tonight?

.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@EOP [ WHO ] <David G. Leitch>  
**CC:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/8/2003 9:35:15 AM  
**Subject:** : Re: items of interest

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-JUN-2003 13:35:15.00  
SUBJECT:: Re: items of interest  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

David: I might have to leave for baltimore for a dct investiture by about 145 so we may want to move mtg up a few minutes. Also, I think it would be better to have mtg at white house for multiple reasons apart from that.

.

---

**From:** CN=Reginald J. Brown/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/8/2003 5:42:53 AM  
**Subject:** : FYI

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 8-JUN-2003 09:42:53.00  
SUBJECT:: FYI  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

June 6, 2003, 7:00 a.m.  
Viewing the Bench  
Constitutional principle for conservatives.  
By Michael S. Greve

espite a few narrow victories, the administration is faring poorly in the war of attrition over its judicial nominees. GOP protests about Democratic obstructionism and a growing number of filibusters have manifestly failed to resonate beyond the Beltway. However legitimate, procedural complaints are no substitute for a substantive theme or agenda that would generate public support for the administration's nominees.

ÿ

The Democrats, of course, have a theme. While the contours of each battle depend on the individual nominee's vulnerabilities (as defined by Ralph Neas), the Democrats' consistent refrain is "conservative judicial activism" \* as evidenced by the Rehnquist Court's perceived contempt for precedent and the democratic process. Repeated often enough, unanswered charges will eventually take their toll

\* especially when, as here, they have a veneer of plausibility. At some point, the GOP must pick and win a nomination fight over substance, not merely procedure. To that end, Republicans must recognize, and emphasize, that judicial "activism" is a constitutional question, not a matter of judicial style.

A judicial debate on constitutional terrain \* where the GOP has not trod in decades \* will severely tax the party's political acumen and courage. But Republicans have no other choice.

WHOSE "ACTIVISM"?

Liberals have come a long way, from rallying for a "living Constitution" to denouncing judicial activism. Their about-face began at the end of the Clinton era, in response to the Rehnquist Court's federalism decisions. In May 2000, for example, the Court held that a portion of the federal Violence Against Women Act exceeded the powers of Congress. "Who do these people think they are?" Sen. Joseph Biden, the act's chief sponsor, foamed at the justices.

The Democratic party, liberal advocacy groups, and their legions of supporters in academia and in the media have since warmed to the theme. The Senate Judiciary Committee has held hearings on what then-chairman Patrick Leahy described as the Rehnquist Court's "judicial activism of the most dangerous, anti-democratic kind." Dire warnings of a return to an "antebellum jurisprudence" and to the Articles of Confederation have been issued by Laurence Tribe, Cass Sunstein, Jeffrey Rosen, and Linda Greenhouse, among others.

The liberals' conversion gained momentum after the 2000 presidential election. Bush v. Gore gave Democrats a taste of the bitter sense of disenfranchisement previously reserved for right-to-lifers and other "red state" constituencies. A Bush presidency also meant that the Supreme Court and the federal appellate courts would become more conservative; accordingly, liberals now see it as their first priority to preserve the legacy of the Brennan era, through adherence to precedent. Roe v. Wade is the central precedent, but far from the only one.

The most meaningful definition of judicial activism is "a departure from the text, structure, and logic of the Constitution." By that standard, the liberal posture \* which couples hysterical denunciations of the Rehnquist Court's federalism with a continued insistence on Roe v. Wade as a judicial litmus test \* is fundamentally incoherent. In a sense, liberals no longer know whose side they're on. Alas, that is also true of conservatives \* except more so.

The GOP's predominant response has been indignation at the Democrats' shameless theft of an anti-activist slogan that had served Republicans (albeit not very well) for over a generation. Paired with that indignation has been the steadfast incantation of a "judicial restraint" formula that long ago stopped being useful. President Bush, for example, has professed his intent to nominate "strict constructionists" \* and has held out Antonin Scalia and Clarence Thomas as model jurists. That, they are. But they are not strict constructionists. (Scalia has publicly disavowed the label.)

The continued currency of "judicial restraint" slogans in GOP circles reflects a dismaying lack of intellectual mobility. In fairness, though, a more usable theme is not easy to come by. A principal reason is the Rehnquist Court.

THE REHNQUIST LEGACY

Activist Supreme Courts \* the Marshall Court, the Lochner Court, and the Warren-Brennan Court \* have typically enacted the agenda of identifiable political constituencies and, usually, of a political party. The politics have varied: The Lochner Court curtailed the Democratic party's program, while the Brennan Court promoted it. But the identification was close in each case, which gave the "activism" charges of those eras their plausibility.

More important, the convergence of judicial posture and partisan interest gave the Court's political supporters a potent reason to paint "activism" charges as an attack on the judiciary's institutional independence. The Rehnquist Court, in contrast, has given conservative constituencies little reason to take that tack.

The Court has worked only two constitutional shifts. First, it has gradually moved from a "no government aid to religion" interpretation of the Establishment Clause to the view that the Constitution commands

government neutrality among religions, and between religion and non-religion. Second, the Rehnquist Court has resurrected federalism as a judicially enforceable constitutional principle. While both innovations are "conservative" in the sense of being the work of moderate-to-conservative justices, their actual political effects are ambiguous.

The religious-neutrality baseline has permitted the inclusion of religious parents and institutions in government-sponsored school-choice programs \* a high-ranking item on the conservative agenda. But the Rehnquist Court has adhered to the neutrality baseline even when the outcome was unfavorable to conservative and religious constituencies, notably by invalidating the federal Religious Freedom Restoration Act. Similarly, the Supreme Court's federalism does not always and immediately favor conservative constituencies (certainly not big business, which detests federalism). Its principal beneficiaries have been state and local governments, which are bipartisan; and criminal defendants \* who make up a constituency, but not a conservative one. Conversely, judicially enforced federalism guarantees are often useful for liberal constituencies. For example, the Court's decisions probably mean that the national government may not criminalize the mere possession of marijuana.

So the Rehnquist Court has done little to mobilize conservative constituencies for a defense of its institutional prerogatives. It has in fact done quite a bit to dispirit them, through its lamentable adherence to \* and occasional extension of \* Brennan-era precedents. The principal theme of those precedents is the assertion of invented constitutional rights \* in short, judicial imperialism. So long as those decisions remain on the books, conservatives cannot mount a full-throated defense of the Rehnquist Court. In fact, they may gain more from discrediting the Court than from defending it.

#### CONSTITUTIONAL GOVERNMENT

What, then, does the GOP think of the Rehnquist Court, and what does it expect of its judicial nominees? The most compelling response is that the GOP stands for, and expects of its nominees, a commitment to democratic, decentralized government \* and that judicial "activism" in pursuit of that constitutional arrangement is no vice. The Democrats stand for unlimited national power. The pursuit of that ideology \* by judges or, for that matter, by legislators \* is a vice. This stance would refocus attention on constitutional substance, and would be broadly consistent with the GOP's long-term interests and agenda. It would also yield an effective response to the liberal-activism charge, and make possible an accurate assessment of the Rehnquist Court's record.

The central point of the liberals' charges of activism is the Rehnquist Court's challenge to the central institution par excellence: Congress. In invalidating congressional enactments on federalism grounds, liberals say, the Rehnquist Court has launched an unprecedented assault on democratic government. The critics charge that even the Warren Court did not invalidate federal statutes with such regularity. The liberal account of the Warren Court is technically accurate, but misleading (that Court specialized in trampling on the states). The account of the Rehnquist Court is almost entirely false.

During Chief Justice Rehnquist's tenure, the Supreme Court has issued 36 decisions holding portions of federal statutes to be unconstitutional. Only eleven of those cases implicate federalism, compared to 15 First Amendment decisions. If that count supports an activism debate about the Court's federalism, it just as easily supports a debate about a judicial "First Amendment rampage."

On closer inspection, the Rehnquist Court has tended to aim its federalism fire at symbolic federal enactments, which resemble congressional press releases more than serious operational statutes \* the Gun-Free School Zones Act, for example, or the Violence Against Women Act. First Amendment decisions, by contrast, have affected statutes of intense interest to regulated industries (such as the telecom sector) and to the general public. Similarly, most of the Rehnquist Court's states' rights decisions do not "strike down" anything at all, but merely bar private plaintiffs from enforcing federal statutes by suing for money. Those plaintiffs, as well as the federal government itself, can still enforce those same statutes by suing for injunctions.

Further, federalism decisions are far less anti-democratic than

individual-rights decisions. Judicial decisions that expand individual constitutional rights terminate democratic debate and decision-making at all levels of government. Federalism decisions hold at most that the national government may not pursue a particular objective; states are still free to do so. In fact, limitations on national power invite public debate and politicking in the states, and state-level decisions often reflect varying popular sentiments and preferences more accurately than a uniform national rule. In these important respects, constitutional limitations on congressional power promote democratic government. The Rehnquist Court has issued its fair share of activist decisions. But they are precisely not federalism decisions. For what it's worth, they are also not conservative decisions. Rather, they are ruthlessly centralizing precedents that, through expanding judicial interpretations of individual rights, drastically curtail state and local autonomy. The Rehnquist Court has invalidated state laws in well over 70 cases. While most of those decisions are probably right, the Court's lapses into extra-constitutional imperialism are sufficiently common to warrant a serious debate about judicial activism. From *Roe v. Wade* \* in itself more profoundly anti-democratic than the Rehnquist Court's entire federalism corpus \* that debate might move on to *Planned Parenthood v. Casey* and *Stenberg v. Carhart*, the two decisions that affirmed *Roe*. It might also consider *Romer v. Evans* \* which, in invalidating a Colorado referendum barring local gay-rights ordinances, very nearly held that democracy is unconstitutional. The liberal converts to "judicial restraint" insist on adherence to precedent. Anything else, they say, is "activism." But the shoe is on the other foot. A decision that elevates judicial power over republican government without a constitutional warrant is plainly activist. A decision to reverse that precedent is the opposite. Such a reversal might be termed "activist" in the trivial sense that it involves a change in the status quo. But the Supreme Court must on appropriate occasions overrule its own precedents. A consistent failure to do so would signal that the Supreme Court considered its own edicts, rather than the Constitution itself, to be the supreme law of the land.

LET PRYOR BE PRYOR

In response to the Democrats' "activism" drumbeat, the administration has insisted on its nominees' declared willingness to follow Supreme Court precedent. Even the purveyors of that defense surely understand, though, that appellate judges enjoy enormous latitude and, in virtually all cases, operate as final decision-makers. (The Supreme Court operates as an absentee landlord.) Besides, what is a future Supreme Court nominee to say along these lines \* that (as John Ashcroft conceded while fighting for his appointment as attorney general) *Roe* is "settled law"? Already, the retreat to the familiar terrain of judicial restraint and precedent is failing even for appellate nominees \* the filibustered Priscilla Owen, for example, who earned her "activist" reputation through a few of her opinions as a justice on the Texas Supreme Court. It will prove wholly incongruous in the case of Alabama attorney general Bill Pryor, nominated for a seat on the Eleventh Circuit. In the words of liberal activist Nan Aron, Pryor has done "something to offend virtually every constituency in the country," by which she means every liberal interest group (including trial lawyers). In the face of a coming assault that will make the Estrada, Pickering, or Owen nominations look like child's play, the administration appears to have muzzled Bill Pryor \* and has said not much more on his behalf than that he will "apply the law."

That, he will \* as would hundreds of less distinguished (and controversial) jurists. But the reason for the nomination, and the focal point of the liberals' wrath, is Pryor's role as a leading advocate for federalism and limited national government. Though liberals have unleashed the usual torrent of scurrilous allegations against Pryor, Ralph Neas's shrill protest that Pryor is an "aggressive advocate" for enumerated powers is not a calumny. It is a fact. As a Supreme Court advocate, attorney general, law-review author, and occasional columnist, Bill Pryor has done more than anyone to propagate and promote a federalist renewal. He cannot and will not run from his record. What Pryor (who is an exceptionally persuasive and telegenic advocate) can do is to explain and defend his constitutional vision. Let



him do so, and let \* nay, make \* Ralph Neas and Nan Aron defend unlimited, centralized government.

#### PRINCIPLES AND PRAGMATISM

The Democrats' true understanding of "activism" is a departure from judicially enshrined liberal shibboleths. That obvious observation, though, provides no useable platform for Republicans: Thanks partly to its past preoccupation with judicial "restraint" and style, the GOP lacks the capacity to engage in any direct debate about constitutional hot-button issues. The debate surrounding the administration's position in the Michigan affirmative-action cases showed, and whatever decision is reached in those cases this coming June will show again, that not one Republican official of national stature can speak confidently about the subject. Nor can the party speak confidently and sensibly about "gay rights." (The expectation that the issue will play poorly for the GOP is a plausible reason for the four liberal justices' appalling and otherwise inexplicable decision to yank a trumped-up sodomy case from Texas onto this year's Supreme Court docket.) And on it goes.

Perhaps, though, the GOP can still pick a fight over democratic self-government, as against the Democrats' wrongheaded centralization of power. That principle operates at one remove from the social issues that paralyze the party's leaders. It is also a substantive and attractive constitutional principle. The GOP desperately needs such a principle \* for the most practical, political reasons.

\* Michael S. Greve is the John G. Searle Scholar and director of the Federalism Project at the American Enterprise Institute.

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**From:** David.T.Ayres@usdoj.gov  
**To:** Adam.Ciongoli@usdoj.gov <Leitch, David G.>  
**CC:** Adam.Ciongoli@usdoj.gov <Adam.Ciongoli@usdoj.gov>; Adam.Ciongoli@usdoj.gov <Kavanaugh, Brett M.>  
**Sent:** 6/8/2003 12:54:32 PM  
**Subject:** Re: items of interest

However you and Adam want to work out the logistics is great.

---

**From:** Miranda, Manuel \(\Frist\) <Manuel\_Miranda@frist.senate.gov>  
**To:** <Grubbs, Wendy J.>;<Kavanaugh, Brett M.>  
**Sent:** 6/8/2003 9:51:18 PM  
**Subject:** Meeting

When can we schedule to meet with Lee?

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

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Reginald J. Brown/WHO/EOP@EOP [ UNKNOWN ] <Reginald J. Brown>  
**BCC:** Kyle Sampson ( Kyle Sampson/WHO/EOP [ WHO ] )  
**Sent:** 6/8/2003 10:05:48 PM  
**Subject:** : Berenson in today's WSJ

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 9-JUN-2003 02:05:48.00

SUBJECT:: Berenson in today's WSJ

TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ UNKNOWN ] )

READ: UNKNOWN

BCC: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )

READ: UNKNOWN

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AT LAW

Justice Served

Nabbing illegal aliens isn't a violation of civil rights.

BY BRADFORD A. BERENSON AND RICHARD KLINGLER

Monday, June 9, 2003 12:01 a.m.

Justice Department Inspector General Glenn Fine released a 198-page report last week criticizing the department's handling of the post-Sept. 11 terrorism detainees. Media and interest-group reaction was swift and gleeful, treating the report as confirmation that the administration has trampled civil rights in the war on terrorism. Various articles featured claims by Anthony Romero, executive director of the ACLU, that the report showed that "the war on terror quickly became a war on immigrants." In fact, Mr. Fine's report did nothing of the sort. It examined the treatment of 762 indisputably illegal aliens, most of whom were later deported. His most pointed concerns arose from the treatment of 84 detainees at the Metropolitan Detention Center in Brooklyn, all of whom the FBI had classified as among the most high-risk terrorism-related detainees.

To be sure, the report documents a number of problems and areas in which the federal government's actions could have been made more fair or efficient. But the full report shows consistent efforts to meet the demands of security and civil liberties in the most trying circumstances.

REV\_00121045

Much of the discussion is actually quite mundane. The report describes bureaucratic problems and inefficiencies in carrying out a variety of complex tasks relating to the detainees, rather than wholesale or intentional violations of legal rights. More importantly, nowhere does the report claim that the Department of Justice violated the law--or that the detainees did not. It does not dispute that the department's detention policies were lawful or that all of the detainees were illegal aliens who had no right to be here at all.

If the problems identified in the inspector general's report are the worst things that we as a nation did in the immediate aftermath of the slaughter of thousands of American civilians in an epochal terrorist attack, we have done very well indeed.

The first of the three most salient criticisms leveled by the report relate to the Justice Department's policy of holding without bond all individuals detained as part of the post-Sept. 11 investigation until the FBI cleared them of connections to terrorism. Here, of course, Mr. Fine is forced to acknowledge that he "do[es] not criticize the decision to require FBI clearance of aliens to ensure that they had no connection to the September 11 attacks or terrorism in general." Instead, the gist of the report's complaint on this score is "that the FBI's clearance process was understaffed and not accorded sufficient priority."

But which special agents exactly would the inspector general have taken off of the active investigation of the Sept. 11 attacks to put on the task of trying to clear the names of those terrorism suspects that had already been removed from the streets? And which of the FBI's priorities in the immediate aftermath does Mr. Fine believe was too high?

The report itself notes that "within a week of the attacks, the FBI had assigned more than 7,000 employees to the task of tracking down anyone who had aided the terrorists and attempting to prevent additional attacks." Critical field offices were also preoccupied with investigating the anthrax attacks, the murder of Wall Street Journal reporter Daniel Pearl in Pakistan, searching for evidence in the debris of the World Trade Center and helping with security at the Winter Olympics. Keeping agents working on these matters rather than detainee clearance hardly seems unreasonable, even if that meant it took an average of 80 days to clear detainees rather than the "few weeks" some officials had initially expected.

In another section, the inspector general focuses on the department's delays in meeting its own objectives for notifying detainees of charges against them and deporting them. The stated notification goal of 72 hours, however, was not any sort of legal requirement. And yet, despite disruptions and difficult conditions, the INS still met its goal in 59% of cases and provided notice in most of the remainder shortly thereafter. As for delays in removal, the report's main criticism is that officials did not seek legal clarification soon enough--although when they did, the ruling supported their decision.

The inspector general's third main criticism, while serious, is not as sensational as it sounds. The report found "physical and verbal abuse" directed at the 84 detainees at the MDC in Brooklyn, but not at the hundreds of others at Passaic. While any abuse is wrong, the facts as outlined in the report do not support the more overheated criticisms. Officers subjected the MDC detainees, all of whom had been classified as high-risk by the FBI, to high security lock-downs, including limited time outside their cells. Officers moved detainees in shackles, and the most serious allegations concerned handcuffs that were too tight and officers who shoved detainees against walls upon intake or movement of prisoners. Some officers also threatened detainees and called them names, including racial epithets. But the U.S. Attorney's Office investigated the allegations and found that evidence did not support criminal charges. In other words, particular corrections officers acted inappropriately in certain cases against a small group of detainees in one facility, but no serious injuries were substantiated and no broad government policy was implicated.

In context, it is remarkable that the allegations were not more extreme. In the immediate aftermath of Sept. 11, hardened corrections officers were overseeing illegal aliens suspected of being terrorists, in a facility

within a subway's ride of the remnants of the World Trade Center. Comparing the report to how critics have characterized the detentions confirms that a vocal minority suffers from a loss of perspective. Critics and their media amplifiers have raised dramatic alarms about military tribunals, confinement of material witnesses, and other alleged misdeeds. In each case, the government's actions have proved to have a sound basis in law and a limited scope. Now, with this widely touted report, another cause celebre has evaporated.

Of course we all want the administration of justice to be as close to perfect as possible, and self-evaluation and self-criticism are valuable. But exaggerated claims and unbalanced fear-mongering have consequences. Crying wolf deprives critics of moral authority that would be valuable when a true injustice arises. Bureaucracies tend to inertia and are naturally cowed by public criticism, well-founded or not. They err on the side of delicacy rather than robustness. Given the threats at hand, robustness has its virtues.

Mr. Berenson is a former associate White House counsel to President Bush. Mr. Klingler is an attorney in Washington, D.C.

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**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**BCC:** Records Management@EOP ( Records Management@EOP [ UNKNOWN ] )  
**Sent:** 6/8/2003 10:06:22 PM  
**Subject:** : OPA ? on Campaign phone number

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-JUN-2003 02:06:22.00  
SUBJECT:: OPA ? on Campaign phone number  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Records Management@EOP ( Records Management@EOP [ UNKNOWN ] )  
READ:UNKNOWN  
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Brett-

OPA is asking if it is okay to give out the Bush Cheney '04 campaign and fax #'s. Also, should they stay away from using it around the office on directories and other things of that sort.

Jon

----- Forwarded by Jonathan F. Ganter/WHO/EOP on  
06/09/2003 05:14 PM -----

Joseph W. Fricks III  
06/09/2003 04:44:25 PM  
Record Type: Record

To: Jonathan F. Ganter/WHO/EOP@EOP  
cc: Tracy Jucas/WHO/EOP@EOP  
Subject: Campaign phone number

Ganter, will you check with Brett on two things for me:

- 1) Is it legal for us to have the Bush Cheney '04 main campaign number on our office phone list, and
- 2) is it legal for us to give out that number and their fax number?

Thank you.  
Fricks

McConnell/WHO/EOP [ WHO ] ), Lauren McCord ( Lauren McCord/WHO/EOP@Exchange [ WHO ] ), Michael McCormick ( Michael McCormick/WHO/EOP [ WHO ] ), Kendall McCulloch ( Kendall McCulloch/WHO/EOP [ WHO ] ), Andrea McDaniel ( Andrea McDaniel/WHO/EOP [ WHO ] ), Ann McDaniel ( Ann McDaniel/WHO/EOP [ WHO ] ), Brian McDonald ( Brian McDonald/WHO/EOP [ WHO ] ), Rebekah McDonald ( Rebekah McDonald/WHO/EOP [ WHO ] ), Jack McDougle ( Jack McDougle/WHO/EOP [ WHO ] ), Gwendolyn S. McFadden ( Gwendolyn S. McFadden/WHO/EOP [ WHO ] ), Andrew W. McGarrity ( Andrew W. McGarrity/WHO/EOP [ WHO ] ), Katherine E. McGill ( Katherine E. McGill/WHO/EOP [ WHO ] ), Hugh A. McGovern ( Hugh A. McGovern/WHO/EOP [ WHO ] ), Dolores McGuinn ( Dolores McGuinn/WHO/EOP [ WHO ] ), Sara B. McIntosh ( Sara B. McIntosh/WHO/EOP@Exchange [ WHO ] ), Kathryn M. McKeown ( Kathryn M. McKeown/WHO/EOP [ WHO ] ), David McMaster ( David McMaster/WHO/EOP [ WHO ] ), Edward McNally ( Edward McNally/WHO/EOP [ WHO ] ), Stephanie L. McNees ( Stephanie L. McNees/WHO/EOP [ WHO ] ), Tyler N. McPherson ( Tyler N. McPherson/WHO/EOP [ WHO ] ), Vickie A. McQuade ( Vickie A. McQuade/WHO/EOP@Exchange [ WHO ] ), Sonya E. Medina ( Sonya E. Medina/WHO/EOP@Exchange [ WHO ] ), Ken Mehlman ( Ken Mehlman/WHO/EOP [ WHO ] ), Lisa Meier ( Lisa Meier/WHO/EOP [ WHO ] ), George E. Melissinos ( George E. Melissinos/WHO/EOP [ WHO ] ), Patrick M. Melton ( Patrick M. Melton/WHO/EOP [ WHO ] ), Andrea M. Mendoza ( Andrea M. Mendoza/WHO/EOP [ WHO ] ), Manuel A. Mendoza ( Manuel A. Mendoza/WHO/EOP [ WHO ] ), John M. Meyers ( John M. Meyers/WHO/EOP [ WHO ] ), Steven J. Meyers ( Steven J. Meyers/WHO/EOP [ WHO ] ), Donald W. Meyer ( Donald W. Meyer/WHO/EOP [ WHO ] ), A. Morgan Middlemas ( A. Morgan Middlemas/WHO/EOP@Exchange [ WHO ] ), Anne M. Midey ( Anne M. 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Newstead ( Jennifer G. Newstead/WHO/EOP [ WHO ] ), Paul Nicholas ( Paul Nicholas/WHO/EOP [ WHO ] ), Jon Nichols ( Jon Nichols/WHO/EOP [ WHO ] ), Wendy L. Nipper ( Wendy L. Nipper/WHO/EOP [ WHO ] ), Eric Noji ( Eric Noji/WHO/EOP [ WHO ] ), Joshua P. Noland ( Joshua P. Noland/WHO/EOP [ WHO ] ), Robert C. Noonan ( Robert C. Noonan/WHO/EOP [ WHO ] ), Gregory J. North ( Gregory J. North/WHO/EOP [ WHO ] ), Andre D. Norwood ( Andre D. Norwood/WHO/EOP [ WHO ] ), Sean B. O'Hollaren ( Sean B. O'Hollaren/WHO/EOP@Exchange [ WHO ] ), Ziad S. Ojakli ( Ziad S. Ojakli/WHO/EOP@Exchange [ WHO ] ), Christopher J. Orr ( Christopher J. Orr/WHO/EOP [ WHO ] ), Nathan A. Osburn ( Nathan A. Osburn/WHO/EOP [ WHO ] ), Melissa L. Pacak ( Melissa L. Pacak/WHO/EOP [ WHO ] ), Kathleen Packard OHS TCIMD DO ( Kathleen Packard OHS TCIMD DO/WHO/EOP [ WHO ] ), Kathleen Packard ( Kathleen Packard/WHO/EOP [ WHO ] ), Theresa Pagliocca ( Theresa Pagliocca/WHO/EOP [ WHO ] ), Christie Parell ( Christie Parell/WHO/EOP [ WHO ] ), Doris Parker ( Doris Parker/WHO/EOP [ WHO ] ), Joyce A. Parker ( Joyce A. Parker/WHO/EOP [ WHO ] ), Michelle Parrozzo ( Michelle Parrozzo/WHO/EOP@Exchange [ WHO ] ), Ajay Patil ( Ajay Patil/WHO/EOP [ WHO ] ), David J. Patterson ( David J. Patterson/WHO/EOP [ WHO ] ), Dennis C. Patterson ( Dennis C. Patterson/WHO/EOP [ WHO ] ), Richard S. Paulus ( Richard S. Paulus/WHO/EOP@Exchange [ WHO ] ), Beth Pedison ( Beth Pedison/WHO/EOP [ WHO ] ), Eric C. Pelletier ( Eric C. Pelletier/WHO/EOP@Exchange [



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**Sent:** 6/8/2003 10:06:56 PM

**Subject:** : ADMINISTRATIVE ALERT: Important Memorandum from White House Counsel's Office  
Attached

**Attachments:** 03609\_p\_imb00007\_who.txt\_1.doc; 03609\_p\_imb00007\_who.txt\_2.pdf

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:PostMaster ( CN=PostMaster/O=EOP [ OA ] )

CREATION DATE/TIME: 9-JUN-2003 02:06:56.00

SUBJECT:: ADMINISTRATIVE ALERT: Important Memorandum from White House Counsel's Office  
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BCC:Lauren K. Allgood ( CN=Lauren K. Allgood/OU=OPD/O=EOP@Exchange [ OPD ] )

READ:UNKNOWN

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BCC:Ronald I. Christie ( CN=Ronald I. Christie/OU=OPD/O=EOP [ OPD ] )

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BCC:Charles Conner ( CN=Charles Conner/OU=OPD/O=EOP [ OPD ] )

READ:UNKNOWN

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BCC:William Corbett ( CN=William Corbett/OU=OPD/O=EOP [ OPD ] )  
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BCC:Rex Cowdry ( CN=Rex Cowdry/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Elizabeth S. Dougherty ( CN=Elizabeth S. Dougherty/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:David Dunn ( CN=David Dunn/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Jessica Ewing ( CN=Jessica Ewing/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
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BCC:Stephen Friedman ( CN=Stephen Friedman/OU=OPD/O=EOP@Exchange [ OPD ] )  
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BCC:Alan Gilbert ( CN=Alan Gilbert/OU=OPD/O=EOP [ OPD ] )  
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BCC:Zachry T. Gladney ( CN=Zachry T. Gladney/OU=OPD/O=EOP [ OPD ] )  
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BCC:Britt Grant ( CN=Britt Grant/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Katie Guillard ( CN=Katie Guillard/OU=OPD/O=EOP [ OPD ] )  
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READ:UNKNOWN  
BCC:Daniel D. Heath ( CN=Daniel D. Heath/OU=OPD/O=EOP [ OPD ] )  
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BCC:Jeffrey Maynor ( CN=Jeffrey Maynor/OU=OPD/O=EOP [ OPD ] )  
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BCC:Adele C. Morris ( CN=Adele C. Morris/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Kathryn L. Newman ( CN=Kathryn L. Newman/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Joseph F. O'Neill ( CN=Joseph F. O'Neill/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Eric H. Otto ( CN=Eric H. Otto/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ:UNKNOWN  
BCC:Ari Patrinos ( CN=Ari Patrinos/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Brian Reardon ( CN=Brian Reardon/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN

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READ:UNKNOWN  
BCC:Maureen K. Renkes ( CN=Maureen K. Renkes/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:David A. Roddenberry ( CN=David A. Roddenberry/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Edwina C. Rogers ( CN=Edwina C. Rogers/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Ian V. Rowe ( CN=Ian V. Rowe/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Jess Sharp ( CN=Jess Sharp/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Sally S. Simms ( CN=Sally S. Simms/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Layton Skelly ( CN=Layton Skelly/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Gabriel L. Slater ( CN=Gabriel L. Slater/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Marty P. Smith ( CN=Marty P. Smith/OU=OPD/O=EOP [ OPD ] )  
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BCC:Aquiles F. Suarez ( CN=Aquiles F. Suarez/OU=OPD/O=EOP [ OPD ] )  
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BCC:Kenneth A. Thomas ( CN=Kenneth A. Thomas/OU=OPD/O=EOP [ OPD ] )  
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READ:UNKNOWN  
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BCC:Mattie P. Ward ( CN=Mattie P. Ward/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Christina C. Wilson ( CN=Christina C. Wilson/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Emily Winland ( CN=Emily Winland/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Jill Young ( CN=Jill Young/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Elliott Abrams ( CN=Elliott Abrams/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Mary L. Adams ( CN=Mary L. Adams/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Miguel A. Aguilo ( CN=Miguel A. Aguilo/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Brooke D. Anderson ( CN=Brooke D. Anderson/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:George M. Andricos ( CN=George M. Andricos/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Walter E. Andrusyszyn ( CN=Walter E. Andrusyszyn/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Michael N. Anton ( CN=Michael N. Anton/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Pamela I. Ash ( CN=Pamela I. Ash/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Mitchell P. Backfield ( CN=Mitchell P. Backfield/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN

BCC:Jeffrey Bader ( CN=Jeffrey Bader/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Wendy L. Bailey ( CN=Wendy L. Bailey/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Veronica C. Baker ( CN=Veronica C. Baker/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Cynthia A. Ball ( CN=Cynthia A. Ball/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Steven D. Barbieri ( CN=Steven D. Barbieri/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Cheryl E. Barnett ( CN=Cheryl E. Barnett/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Brooks L. Bash ( CN=Brooks L. Bash/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Patricia A. Battenfield ( CN=Patricia A. Battenfield/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Ralph C. Bellamy ( CN=Ralph C. Bellamy/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Stephen E. Biegun ( CN=Stephen E. Biegun/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Johannes A. Binnendijk ( CN=Johannes A. Binnendijk/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:James D. Bjostad ( CN=James D. Bjostad/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jeff Blair ( CN=Jeff Blair/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Karen L. Blanchard ( CN=Karen L. Blanchard/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Thene R. Blankenship ( CN=Thene R. Blankenship/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:H. Andrew Boerstling ( CN=H. Andrew Boerstling/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Charlene C. Bolinski ( CN=Charlene C. Bolinski/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Edward L. Bolton ( CN=Edward L. Bolton/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Brian M. Bradley ( CN=Brian M. Bradley/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Gary E. Bresnahan ( CN=Gary E. Bresnahan/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Bonnie S. Broadwick ( CN=Bonnie S. Broadwick/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Samuel V. Brock ( CN=Samuel V. Brock/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Karen B. Brooks ( CN=Karen B. Brooks/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Katherine A. Brown ( CN=Katherine A. Brown/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Marko R. Broz ( CN=Marko R. Broz/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Judson L. Bruns ( CN=Judson L. Bruns/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Dave L. Bryan ( CN=Dave L. Bryan/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Matthew J. Bryza ( CN=Matthew J. Bryza/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Johnathan C. Bunting ( CN=Johnathan C. Bunting/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Christina L. Burrell ( CN=Christina L. Burrell/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Don E. Cheramie ( CN=Don E. Cheramie/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Janeen Chupa ( CN=Janeen Chupa/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Vicki M. Clark ( CN=Vicki M. Clark/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN

BCC:Donald N. Clifford ( CN=Donald N. Clifford/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Robert W. Cole ( CN=Robert W. Cole/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Julia K. Conroy ( CN=Julia K. Conroy/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Colby J. Cooper ( CN=Colby J. Cooper/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Evan Coren ( CN=Evan Coren/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Cindy L. Courville ( CN=Cindy L. Courville/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Roger W. Cressey ( CN=Roger W. Cressey/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Colin Crosby ( CN=Colin Crosby/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Nancy L Cullinan ( CN=Nancy L Cullinan/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:H. Bryan Cunningham ( CN=H. Bryan Cunningham/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Leslie Dach ( CN=Leslie Dach/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Robert Danin ( CN=Robert Danin/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Victoria J. Darnes ( CN=Victoria J. Darnes/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Michael B. DePaepe ( CN=Michael B. DePaepe/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Marsha L. Dimel ( CN=Marsha L. Dimel/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Carolyn J. Dollar ( CN=Carolyn J. Dollar/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Michele D. Dunne ( CN=Michele D. Dunne/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jonathan T. Dworken ( CN=Jonathan T. Dworken/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Gary R. Edson ( CN=Gary R. Edson/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Joan K. Edwards ( CN=Joan K. Edwards/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Nicole L. Elkon ( CN=Nicole L. Elkon/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Ruth E. Elliott ( CN=Ruth E. Elliott/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Tara F. Erath ( CN=Tara F. Erath/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Douglas M. Erdahl ( CN=Douglas M. Erdahl/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Hilda V. Esquivel ( CN=Hilda V. Esquivel/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Katherine J. Fertakis ( CN=Katherine J. Fertakis/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:John W. Ficklin ( CN=John W. Ficklin/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Orlando Figueredo ( CN=Orlando Figueredo/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Christopher M. Fiorenza ( CN=Christopher M. Fiorenza/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jendayi E. Frazer ( CN=Jendayi E. Frazer/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:William M. Frej ( CN=William M. Frej/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Daniel Fried ( CN=Daniel Fried/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Joachim D. Fuchs ( CN=Joachim D. Fuchs/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Trent L. Gadd ( CN=Trent L. Gadd/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN

BCC:Jenna R. Galyean ( CN=Jenna R. Galyean/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Christopher L. George ( CN=Christopher L. George/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:John D. Gibson ( CN=John D. Gibson/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Emilio T. Gonzalez ( CN=Emilio T. Gonzalez/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Matthew P. Goodman ( CN=Matthew P. Goodman/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Lisa Gordon-Hagerty ( CN=Lisa Gordon-Hagerty/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:John A. Gordon ( CN=John A. Gordon/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Thomas E. Graham ( CN=Thomas E. Graham/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Wendy E. Gray ( CN=Wendy E. Gray/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Thomas C. Greenwood ( CN=Thomas C. Greenwood/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Andrew W. Green ( CN=Andrew W. Green/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Michael J. Green ( CN=Michael J. Green/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Albert J. Guarnieri ( CN=Albert J. Guarnieri/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Anne C. Guilsher ( CN=Anne C. Guilsher/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Nilmini I. Gunaratne ( CN=Nilmini I. Gunaratne/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Stephen J. Hadley ( CN=Stephen J. Hadley/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Mary A. Haines ( CN=Mary A. Haines/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:John E. Hale ( CN=John E. Hale/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Josephine A. Hamilton ( CN=Josephine A. Hamilton/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Rebecca R. Hanson ( CN=Rebecca R. Hanson/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Robert C. Hargis ( CN=Robert C. Hargis/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Barbara E. Harris ( CN=Barbara E. Harris/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Clifford A. Hart ( CN=Clifford A. Hart/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Julie L. Hay ( CN=Julie L. Hay/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Elizabeth A. Hearn ( CN=Elizabeth A. Hearn/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jane C. Heishman ( CN=Jane C. Heishman/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:David M. Hess ( CN=David M. Hess/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Scott C. Heyer ( CN=Scott C. Heyer/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jeffrey P. Houle ( CN=Jeffrey P. Houle/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Barbara E. Howerton ( CN=Barbara E. Howerton/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Dave Howe ( CN=Dave Howe/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jason C. Hubbard ( CN=Jason C. Hubbard/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Joan Hunerwadel ( CN=Joan Hunerwadel/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Theresa M. Hunter ( CN=Theresa M. Hunter/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN



BCC:Adam R. Isles ( CN=Adam R. Isles/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Tracey A. Jacobson ( CN=Tracey A. Jacobson/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Sheyda Jahanbani ( CN=Sheyda Jahanbani/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Frank Jarosinski ( CN=Frank Jarosinski/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Clarence C. Johnson ( CN=Clarence C. Johnson/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jeffrey B. Jones ( CN=Jeffrey B. Jones/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Robert G. Joseph ( CN=Robert G. Joseph/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:M. Kay Joshi ( CN=M. Kay Joshi/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Gay L. Joshlyn ( CN=Gay L. Joshlyn/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Alexander S. Joves ( CN=Alexander S. Joves/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:James R. Keith ( CN=James R. Keith/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Zalmay M. Khalilzad ( CN=Zalmay M. Khalilzad/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Adnan Kifayat ( CN=Adnan Kifayat/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Brenda J. Kinser-Kidane ( CN=Brenda J. Kinser-Kidane/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Gil I. Klinger ( CN=Gil I. Klinger/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Frank G. Klotz ( CN=Frank G. Klotz/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Charlotte Knepper ( CN=Charlotte Knepper/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jennie M. Koch ( CN=Jennie M. Koch/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Susan J. Koch ( CN=Susan J. Koch/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jeffrey S. Kojac ( CN=Jeffrey S. Kojac/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Paul B. Kurtz ( CN=Paul B. Kurtz/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Vinca S. LaFleur ( CN=Vinca S. LaFleur/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Karen A. Laino ( CN=Karen A. Laino/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Elliott M. Langer ( CN=Elliott M. Langer/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Gregory J. Laskowski ( CN=Gregory J. Laskowski/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:William H. Leary ( CN=William H. Leary/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:David L. Lee ( CN=David L. Lee/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Sang W. Lee ( CN=Sang W. Lee/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Christopher S. Legrand ( CN=Christopher S. Legrand/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Bernadette M. Lemare ( CN=Bernadette M. Lemare/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Sarah M. Lenti ( CN=Sarah M. Lenti/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jawuana L. Lindsey ( CN=Jawuana L. Lindsey/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Laura E. Lineberry ( CN=Laura E. Lineberry/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Deborah A. Litteken ( CN=Deborah A. Litteken/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN

**From:** CN=PostMaster/O=EOP [ OA ]  
**BCC:** Lewis Libby ( Lewis Libby/OVP/EOP [ OVP ] ), Lauren K. Allgood ( Lauren K. Allgood/OPD /EOP@Exchange [ OPD ] ), William D. Badger ( William D. Badger/OPD/EOP [ OPD ] ), Charles P. Blahous ( Charles P. Blahous/OPD/EOP [ OPD ] ), Caroline Boeckel ( Caroline Boeckel/OPD/EOP [ OPD ] ), John M. Bridgeland ( John M. Bridgeland/OPD/EOP [ OPD ] ), Tracy L. Carson ( Tracy L. Carson/OPD/EOP [ OPD ] ), Jayne H. Chambers ( Jayne H. Chambers/OPD/EOP [ OPD ] ), Ronald I. Christie ( Ronald I. Christie/OPD/EOP [ OPD ] ), Charles Conner ( Charles Conner/OPD/EOP [ OPD ] ), Jean Cooper ( Jean Cooper/OPD /EOP@Exchange [ OPD ] ), William Corbett ( William Corbett/OPD/EOP [ OPD ] ), Rex Cowdry ( Rex Cowdry/OPD/EOP [ OPD ] ), Elizabeth S. Dougherty ( Elizabeth S. Dougherty/OPD/EOP [ OPD ] ), David Dunn ( David Dunn/OPD/EOP [ OPD ] ), Jessica Ewing ( Jessica Ewing/OPD/EOP [ OPD ] ), Ian D. Ferry ( Ian D. Ferry/OPD/EOP [ OPD ] ), Stephen Friedman ( Stephen Friedman/OPD/EOP@Exchange [ OPD ] ), Sue H. Gerdelman ( Sue H. Gerdelman/OPD/EOP [ OPD ] ), Alan Gilbert ( Alan Gilbert/OPD/EOP [ OPD ] ), Eleanor L. Gillmor ( Eleanor L. Gillmor/OPD/EOP@Exchange [ OPD ] ), Zachry T. Gladney ( Zachry T. Gladney/OPD/EOP [ OPD ] ), Britt Grant ( Britt Grant/OPD/EOP [ OPD ] ), Katie Guillard ( Katie Guillard/OPD/EOP [ OPD ] ), Terrell L. Halaska ( Terrell L. Halaska/OPD/EOP [ OPD ] ), Philo D. Hall ( Philo D. Hall/OPD/EOP [ OPD ] ), Daniel D. Heath ( Daniel D. Heath/OPD/EOP [ OPD ] ), Keith Hennessey ( Keith Hennessey/OPD/EOP@Exchange [ OPD ] ), Ryan Holston ( Ryan Holston/OPD/EOP [ OPD ] ), Reuben Jeffery ( Reuben Jeffery/OPD/EOP [ OPD ] ), Troy Justesen ( Troy Justesen/OPD/EOP [ OPD ] ), Holly A. Kuzmich ( Holly A. Kuzmich/OPD/EOP [ OPD ] ), Jay P. Lefkowitz ( Jay P. Lefkowitz/OPD/EOP@Exchange [ OPD ] ), Graham Long ( Graham Long/OPD/EOP [ OPD ] ), Garry Malphrus ( Garry Malphrus/OPD/EOP [ OPD ] ), Jeffrey Maynor ( Jeffrey Maynor/OPD/EOP [ OPD ] ), Robert C. McNally ( Robert C. McNally/OPD/EOP [ OPD ] ), Miriam Metwaly ( Miriam Metwaly/OPD/EOP [ OPD ] ), Adele C. Morris ( Adele C. Morris/OPD/EOP [ OPD ] ), Kathryn L. Newman ( Kathryn L. Newman/OPD/EOP [ OPD ] ), Joseph F. O'Neill ( Joseph F. O'Neill/OPD/EOP [ OPD ] ), Eric H. Otto ( Eric H. Otto/OPD/EOP@Exchange [ OPD ] ), Ari Patrinos ( Ari Patrinos/OPD/EOP [ OPD ] ), Brian Reardon ( Brian Reardon/OPD/EOP [ OPD ] ), Lauren D. Rebeiz ( Lauren D. Rebeiz/OPD/EOP [ OPD ] ), Maureen K. Renkes ( Maureen K. Renkes/OPD/EOP [ OPD ] ), David A. Roddenberry ( David A. Roddenberry/OPD/EOP [ OPD ] ), Edwina C. Rogers ( Edwina C. Rogers/OPD/EOP [ OPD ] ), Ian V. Rowe ( Ian V. Rowe/OPD/EOP [ OPD ] ), Diana L. Schacht ( Diana L. Schacht/OPD/EOP [ OPD ] ), Jess Sharp ( Jess Sharp/OPD/EOP [ OPD ] ), Sally S. Simms ( Sally S. Simms/OPD/EOP [ OPD ] ), Layton Skelly ( Layton Skelly/OPD/EOP [ OPD ] ), Gabriel L. Slater ( Gabriel L. Slater/OPD/EOP [ OPD ] ), Marty P. Smith ( Marty P. Smith/OPD/EOP [ OPD ] ), Margaret M. Spellings ( Margaret M. Spellings/OPD/EOP@Exchange [ OPD ] ), Karen L. Stewart ( Karen L. Stewart/OPD/EOP [ OPD ] ), Aquiles F. Suarez ( Aquiles F. Suarez/OPD/EOP [ OPD ] ), Kenneth A. Thomas ( Kenneth A. Thomas/OPD/EOP [ OPD ] ), Carol J. Thompson ( Carol J. Thompson/OPD/EOP [ OPD ] ), John G. VanBenschoten ( John G. VanBenschoten/OPD/EOP [ OPD ] ), Sylvia M. Vellino ( Sylvia M. Vellino/OPD/EOP [ OPD ] ), Lauren J. Vestewig ( Lauren J. Vestewig/OPD/EOP@Exchange [ OPD ] ), Lisa E. Vogt ( Lisa E. Vogt/OPD/EOP [ OPD ] ), Mattie P. Ward ( Mattie P. Ward/OPD/EOP [ OPD ] ), Kevin Warsh ( Kevin Warsh/OPD/EOP [ OPD ] ), Christina C. Wilson ( Christina C. Wilson/OPD/EOP [ OPD ] ), Emily Winland ( Emily Winland/OPD/EOP [ OPD ] ), Jill Young ( Jill Young/OPD/EOP [ OPD ] ), Elliott Abrams ( Elliott Abrams/NSC/EOP [ NSC ] ), Mary L. Adams ( Mary L. Adams/NSC/EOP [ NSC ] ), Miguel A. Aguilo ( Miguel A. Aguilo/NSC/EOP [ NSC ] ), Brooke D. Anderson ( Brooke D. Anderson/NSC/EOP [ NSC ] ), George M. Andricos ( George M. Andricos/NSC/EOP [ NSC ] ), Walter E. Andrusyszyn ( Walter E. Andrusyszyn/NSC/EOP [ NSC ] ), Michael N. Anton ( Michael N. Anton/NSC/EOP [ NSC ] ), Pamela I. Ash ( Pamela I. Ash/NSC/EOP [ NSC ] ), Mitchell P. Backfield ( Mitchell P. Backfield/NSC/EOP [ NSC ] ), Jeffrey Bader ( Jeffrey Bader/NSC/EOP [ NSC ] ), Wendy L. Bailey ( Wendy L. Bailey/NSC/EOP [ NSC ] ), Veronica C. Baker ( Veronica C. Baker/NSC/EOP [ NSC ] ), Cynthia A. Ball ( Cynthia A. Ball/NSC/EOP [ NSC ] ), Steven D. Barbieri ( Steven D. Barbieri/NSC/EOP [ NSC ] ), Cheryl E. Barnett ( Cheryl E. Barnett/NSC/EOP [ NSC ] ), Brooks L. Bash ( Brooks L. Bash/NSC/EOP [ NSC ] ), Patricia A. Battenfield ( Patricia A. Battenfield/NSC/EOP [ NSC ] ), Ralph C. Bellamy ( Ralph C. Bellamy/NSC/EOP [ NSC ] ), John B. Bellinger ( John B. Bellinger/NSC/EOP [ NSC ] ), Stephen E. Biegun ( Stephen E. Biegun/NSC/EOP [ NSC ] ), Johannes A. Binnendijk ( Johannes A. Binnendijk/NSC/EOP [ NSC ] ), James D. Bjostad ( James D. Bjostad/NSC/EOP [ NSC ] ), Jeff Blair ( Jeff Blair/NSC/EOP [ NSC ] ), Karen L. Blanchard ( Karen L. Blanchard/NSC/EOP [ NSC ] ), Thene R. Blankenship ( Thene R. Blankenship/NSC/EOP [ NSC ] ), H. Andrew Boerstling ( H. Andrew Boerstling/NSC/EOP [ NSC ] ), Charlene C. Bolinski ( Charlene C. Bolinski/NSC/EOP [ NSC ] ), Edward L. Bolton (

BCC:Hugo Llorens ( CN=Hugo Llorens/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Dwayne L. Locke ( CN=Dwayne L. Locke/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Deborah A. Loewer ( CN=Deborah A. Loewer/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Michael R. Lowden ( CN=Michael R. Lowden/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Andrew Lundquist ( CN=Andrew Lundquist/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Clark R. Lystra ( CN=Clark R. Lystra/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Michele L. Malvesti ( CN=Michele L. Malvesti/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Michael T. Manning ( CN=Michael T. Manning/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:William A. Mapp ( CN=William A. Mapp/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Karen D. Marmaud ( CN=Karen D. Marmaud/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Thomas S. Marsh ( CN=Thomas S. Marsh/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Regis W. Matlak ( CN=Regis W. Matlak/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Sonyia Matthews ( CN=Sonyia Matthews/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Peter A. McCauley ( CN=Peter A. McCauley/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jeffrey D. McCausland ( CN=Jeffrey D. McCausland/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Christina McClellan ( CN=Christina McClellan/OU=NSC/O=EOP [ NSC ] )  
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BCC:Sean I. McCormack ( CN=Sean I. McCormack/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jeffrey P. McFadden ( CN=Jeffrey P. McFadden/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Stuart H. McIntyre ( CN=Stuart H. McIntyre/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Matthew K. McLean ( CN=Matthew K. McLean/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:William H. McRaven ( CN=William H. McRaven/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Pamela S. Melear ( CN=Pamela S. Melear/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Brendan G. Melley ( CN=Brendan G. Melley/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Brian T. Merchant ( CN=Brian T. Merchant/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Elisabeth I. Millard ( CN=Elisabeth I. Millard/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Franklin C. Miller ( CN=Franklin C. Miller/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jonathan E. Miller ( CN=Jonathan E. Miller/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Cathy L. Millison ( CN=Cathy L. Millison/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Elaine M. Mitsler ( CN=Elaine M. Mitsler/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Holly T. Moore ( CN=Holly T. Moore/OU=NSC/O=EOP [ NSC ] )  
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BCC:James F. Moriarty ( CN=James F. Moriarty/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Robert J. Morton ( CN=Robert J. Morton/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:George D. Mulligan ( CN=George D. Mulligan/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Stacey D. Mulligan ( CN=Stacey D. Mulligan/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN

BCC:Joseph M. Myers ( CN=Joseph M. Myers/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Steven Myers ( CN=Steven Myers/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Lee B. Mynatt ( CN=Lee B. Mynatt/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Courtney R. Nemroff ( CN=Courtney R. Nemroff/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Robert D. Orlosky ( CN=Robert D. Orlosky/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Vayl S. Oxford ( CN=Vayl S. Oxford/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Edward J. Padinske ( CN=Edward J. Padinske/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Brian G. Parr ( CN=Brian G. Parr/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Raymond H. Payne ( CN=Raymond H. Payne/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Cheryl D. Peace ( CN=Cheryl D. Peace/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Anna M. Perez ( CN=Anna M. Perez/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Augustine Peterson-Becker ( CN=Augustine Peterson-Becker/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Gary J. Peters ( CN=Gary J. Peters/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Susan D. Phillips ( CN=Susan D. Phillips/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Allan E. Pickering ( CN=Allan E. Pickering/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Kenneth R. Piernick ( CN=Kenneth R. Piernick/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Shawn A. Piers ( CN=Shawn A. Piers/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Bobby J. Pittman ( CN=Bobby J. Pittman/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Debora A. Plunkett ( CN=Debora A. Plunkett/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Patrick C. Porterfield ( CN=Patrick C. Porterfield/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:John Prendergast ( CN=John Prendergast/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Andy Purdy ( CN=Andy Purdy/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Pamela G. Quanrud ( CN=Pamela G. Quanrud/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:John J. Quattrochi ( CN=John J. Quattrochi/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Mary E. Quinn ( CN=Mary E. Quinn/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Nicholas J. Rasmussen ( CN=Nicholas J. Rasmussen/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Gregory J. Rattray ( CN=Gregory J. Rattray/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Myrtle Reddrick ( CN=Myrtle Reddrick/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Matthew R. Rees ( CN=Matthew R. Rees/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Otto Reich ( CN=Otto Reich/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Philip N. Remler ( CN=Philip N. Remler/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:David Reyes ( CN=David Reyes/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Condoleezza Rice ( CN=Condoleezza Rice/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Mark Robinson ( CN=Mark Robinson/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN

BCC:Maurice C. Robinson ( CN=Maurice C. Robinson/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:John C. Rood ( CN=John C. Rood/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Donna G. Rowland-Gough ( CN=Donna G. Rowland-Gough/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Judith P. Russ ( CN=Judith P. Russ/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Marcus H. Sachs ( CN=Marcus H. Sachs/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:John F. Sammis ( CN=John F. Sammis/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Daniel R. Sanborn ( CN=Daniel R. Sanborn/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Kori N. Schake ( CN=Kori N. Schake/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jonathan R. Scharfen ( CN=Jonathan R. Scharfen/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Howard A. Schmidt ( CN=Howard A. Schmidt/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Robert E. Schubert ( CN=Robert E. Schubert/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Gregory L. Schulte ( CN=Gregory L. Schulte/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Eric P. Schwartz ( CN=Eric P. Schwartz/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:David S. Sedney ( CN=David S. Sedney/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Deborah Severn ( CN=Deborah Severn/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Thomas A. Shannon Jr. ( CN=Thomas A. Shannon Jr./OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:David R. Shedd ( CN=David R. Shedd/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Faryar Shirzad ( CN=Faryar Shirzad/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Ralph H. Sigler ( CN=Ralph H. Sigler/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jason K. Singer ( CN=Jason K. Singer/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Nicholas A. Sleder ( CN=Nicholas A. Sleder/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Michael P. Smith ( CN=Michael P. Smith/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Julie A. Snyder ( CN=Julie A. Snyder/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Richard R. Soubers ( CN=Richard R. Soubers/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Ferris E. Stovel ( CN=Ferris E. Stovel/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Christopher J. Strickland ( CN=Christopher J. Strickland/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Mary K. Sturtevant ( CN=Mary K. Sturtevant/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Daniel S. Sullivan ( CN=Daniel S. Sullivan/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jack A. Sulser ( CN=Jack A. Sulser/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Shirin R. Tahir-Kheli ( CN=Shirin R. Tahir-Kheli/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Richard Tait ( CN=Richard Tait/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Michael W. Tedford ( CN=Michael W. Tedford/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Lisa L. Tepper ( CN=Lisa L. Tepper/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Peter C. Theroux ( CN=Peter C. Theroux/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN

BCC:William H. Tobey ( CN=William H. Tobey/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Kathryn Tolin ( CN=Kathryn Tolin/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:David L. Travers ( CN=David L. Travers/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Diana A. Trevino ( CN=Diana A. Trevino/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Maureen E. Tucker ( CN=Maureen E. Tucker/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Terrill G. Tucker ( CN=Terrill G. Tucker/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Sarah M. Urquidez ( CN=Sarah M. Urquidez/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Douglas J. Venlet ( CN=Douglas J. Venlet/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Rafael Vila ( CN=Rafael Vila/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Kurt D. Volker ( CN=Kurt D. Volker/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Joanna B. Wallace ( CN=Joanna B. Wallace/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Keisha C. Warner ( CN=Keisha C. Warner/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Elaine P. Wasserman ( CN=Elaine P. Wasserman/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Sonya A. Watts ( CN=Sonya A. Watts/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Matthew C. Waxman ( CN=Matthew C. Waxman/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Anthony D. Weber ( CN=Anthony D. Weber/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Paul A. Wedderien ( CN=Paul A. Wedderien/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:John B. Wiegmann ( CN=John B. Wiegmann/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Robert L. Wilkie ( CN=Robert L. Wilkie/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:John C. Williamson ( CN=John C. Williamson/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Mary C. Williams ( CN=Mary C. Williams/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Nikkya G. Williams ( CN=Nikkya G. Williams/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Alexian T. Wines ( CN=Alexian T. Wines/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Gina M. Wolford ( CN=Gina M. Wolford/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Shanon M. Woodrum ( CN=Shanon M. Woodrum/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Natalie S. Wozniak ( CN=Natalie S. Wozniak/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Peggy Lee Young ( CN=Peggy Lee Young/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jessica R. Zdravecky ( CN=Jessica R. Zdravecky/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Charles S. Abbot ( CN=Charles S. Abbot/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Allen K. Abney ( CN=Allen K. Abney/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Gilbert R. Aguirre ( CN=Gilbert R. Aguirre/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Victoria Ahaev ( CN=Victoria Ahaev/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:David Aidekman ( CN=David Aidekman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Robbie Aiken ( CN=Robbie Aiken/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

BCC:Barrett Aldemeyer ( CN=Barrett Aldemeyer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Phillips M. Alicia ( CN=Phillips M. Alicia/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Leeda A. Allen ( CN=Leeda A. Allen/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Michael Allen ( CN=Michael Allen/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Donald J. Amaya ( CN=Donald J. Amaya/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:L. Linus Amorsingh ( CN=L. Linus Amorsingh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Elizabeth K. Andersen ( CN=Elizabeth K. Andersen/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Meredith Anderson WH AGL BULK ( CN=Meredith Anderson WH AGL BULK/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Catherine S. Anderson ( CN=Catherine S. Anderson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:David Anderson ( CN=David Anderson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Meredith Anderson ( CN=Meredith Anderson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Theresa R. Anderson ( CN=Theresa R. Anderson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Mary C. Andrews ( CN=Mary C. Andrews/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Nicole M. Angersbach ( CN=Nicole M. Angersbach/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Richard E. Antaya ( CN=Richard E. Antaya/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Jackie Arends ( CN=Jackie Arends/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Elisabeth Armstead ( CN=Elisabeth Armstead/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Sara W. Armstrong ( CN=Sara W. Armstrong/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:William L. Arritt ( CN=William L. Arritt/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Paul Ashin ( CN=Paul Ashin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Carolyn F. Atkinson Volunteers ( CN=Carolyn F. Atkinson Volunteers/OU=WHO/O=EOP [ WHO ] )  
)  
READ:UNKNOWN  
BCC:Carolyn F. Atkinson ( CN=Carolyn F. Atkinson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Chelsey Atkin ( CN=Chelsey Atkin/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Steven A. Atkiss ( CN=Steven A. Atkiss/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Candice L. Attili ( CN=Candice L. Attili/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Balan R. Ayyar ( CN=Balan R. Ayyar/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Chad Babin ( CN=Chad Babin/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Kimberly A. Badenhop ( CN=Kimberly A. Badenhop/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
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June 9, 2003

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF  
OFFICE OF POLICY DEVELOPMENT STAFF  
NATIONAL SECURITY COUNCIL STAFF

FROM: ALBERTO R. GONZALES, COUNSEL TO THE PRESIDENT

SUBJECT: NATIONAL COMMISSION ON TERRORIST ATTACKS "EOP  
DOCUMENT REQUEST NO. 2"

**Please read this entire memorandum carefully. It deals with legal obligations that apply to you.**

The National Commission on Terrorist Attacks Upon the United States ("Commission") was established in the legislative branch, principally to inquire into, and report to the President and Congress on, the terrorists attacks of September 11, 2001 and the extent of U.S. preparedness for and immediate response to the attacks (Public Law 107-306, November 27, 2002). The Executive Office of the President (EOP) is cooperating with the Commission effort, consistent with the policy set forth in the memorandum of March 19, 2003 from the President's Chief of Staff.

The Commission has submitted "EOP Document Request No. 2" (attached) seeking executive materials from the EOP. The first category of materials sought by "EOP Document Request No. 2" will be the subject of a separate memorandum. The remaining categories are:

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.
3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President.
4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001 that concerned domestic policy responses to the terrorist attacks upon the United States.
5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

You must complete the following steps expeditiously:

1. Search for all materials you possess or control that fall within any of the categories set forth above. Your search for materials must be reasonable, diligent, and conducted in good faith, and must include any materials which may previously have been sent to the Office of Records Management. Retrieve all materials that fall within any of the categories set forth above and photocopy them.
2. Complete the attached certification, attach any photocopies produced under Step 1, and submit the certification and photocopies to Elizabeth Farrell 456-5942, EEOB Room 154, as early as possible but in all events not later than the close of business on Monday, June 16, 2003. NSC staff should submit their signed certification, along with any photocopies produced under Step 1, to William Leary, in the NSC Records Directorate, EEOP Room 392, 456-9201, as early as possible but in all events not later than the close of business on Monday, June 16, 2003.

Also, please be aware that we anticipate additional Commission requests for information concerning the extent of U.S. preparedness for and immediate response to the terrorist attacks of September 11, 2001. It is important that you and your staff preserve all records which may potentially be responsive to this or a future request.

Please call Jennifer Newstead, Associate White House Counsel, at 456-1984, if you have any questions. Thank you for your assistance.

CERTIFICATION BY EMPLOYEE

(in response to "EOP Document Request No. 2" dated June 4, 2003  
from the National Commission on Terrorist Attacks Upon the United States)

(Check one item as appropriate, sign, and date,  
and submit to the Office of the Counsel to the President by June 16, 2003)

\_\_\_\_\_ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have produced with this certification photocopies of all such responsive documents to the Office of the Counsel to the President.

\_\_\_\_\_ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have no such documents.

\_\_\_\_\_  
Signature of Individual Making Certification

\_\_\_\_\_  
Date

Printed Name: \_\_\_\_\_

Telephone No.: \_\_\_\_\_



Thomas H. Kean  
CHAIR

Lee H. Hamilton  
VICE CHAIR

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Blake Gorton

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Philip D. Zelikow  
EXECUTIVE DIRECTOR

## EOP DOCUMENT REQUEST No. 2

The National Commission on Terrorist Attacks Upon the United States (the "Commission") requests that the Executive Office of the President (the "respondent") provide the Commission with the following documents and information no later than June 25, 2003 (the "production date"). The Commission requests that the respondent inform the Commission promptly if the production date poses a problem for certain categories of documents, such as documents from the previous Administration that may be in the custody of the National Archives and Records Administration, and meet promptly with the Commission staff to set a schedule for the production of those documents.

1. The briefing materials prepared or compiled by NSC staff and distributed to attendees for; any summaries prepared or compiled by NSC staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by NSC staff of Principals and Deputies Committee meetings held from January 1, 1998, through September 20, 2001 that concerned:

- (a) Al-Qa'ida, Usama bin Laden, and/or Afghanistan;
- (b) the policy and budget development, implementation, or review of the overall counterterrorism policies of the United States, including PDD-62 (1998), the Five Year Counterterrorism Plan, and any successor NSPDs; and/or
- (c) counterterrorism issues involving threats to or attacks on the United States or American persons or assets in relations with Malaysia, Pakistan, Saudi Arabia, Sudan, the United Arab Emirates, and Yemen, other than materials that focus only on Palestinian terrorist activities.

Principals meetings include any such meeting whether chaired by the President or by the National Security Adviser. This request applies to principals or deputies level meetings addressing these topics wholly or in part regardless of the title used for the group or whether conducted in person or by SVTS, including meetings of the "Foreign Policy Team," the "Small Group," and the Counterterrorism Security Group (including CSG meetings chaired by the National Coordinator), as well as relevant meetings at Camp David.

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

TEL (202) 331-4060  
FAX (202) 296-5545  
www.9-11commission.gov

## EOP DOCUMENT REQUEST No. 2

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3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President. (A request for such documents directed to the Office of the Vice President will be submitted separately.)
4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001, that concerned domestic policy responses to the terrorist attacks upon the United States.
5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

The Commission requests that the documents requested above be provided as soon as they are available, even though all requested documents may not be provided at the same time, through means of a "rolling" production.

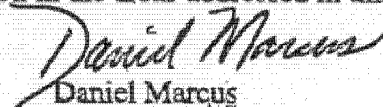
If any requested documents are withheld from production, even temporarily, based on an alleged claim of privilege or for any other reason, the Commission requests that the respondent, as soon as possible and in no event later than the production date, identify and describe each such document or class of documents, as well as the alleged basis for not producing it, with sufficient specificity to allow a meaningful challenge to any such withholding.

If the respondent does not have possession, custody or control of any requested documents but has information about where such documents may be located, the Commission requests that the respondent provide such information as soon as possible and in no event later than the production date.

If the respondent has any questions or concerns about the interpretation or scope of these document requests, the Commission requests that any such questions or concerns be raised with the Commission as soon as possible so that any such issues can be addressed and resolved prior to the production date.

The Commission intends to make further document requests as its work develops and reserves the right to request additional documents and information in the areas addressed in this request.

June 4, 2003

  
Daniel Marcus  
General Counsel

McConnell/WHO/EOP [ WHO ] ), Lauren McCord ( Lauren McCord/WHO/EOP@Exchange [ WHO ] ), Michael McCormick ( Michael McCormick/WHO/EOP [ WHO ] ), Kendall McCulloch ( Kendall McCulloch/WHO/EOP [ WHO ] ), Andrea McDaniel ( Andrea McDaniel/WHO/EOP [ WHO ] ), Ann McDaniel ( Ann McDaniel/WHO/EOP [ WHO ] ), Brian McDonald ( Brian McDonald/WHO/EOP [ WHO ] ), Rebekah McDonald ( Rebekah McDonald/WHO/EOP [ WHO ] ), Jack McDougle ( Jack McDougle/WHO/EOP [ WHO ] ), Gwendolyn S. McFadden ( Gwendolyn S. McFadden/WHO/EOP [ WHO ] ), Andrew W. McGarrity ( Andrew W. McGarrity/WHO/EOP [ WHO ] ), Katherine E. McGill ( Katherine E. McGill/WHO/EOP [ WHO ] ), Hugh A. McGovern ( Hugh A. McGovern/WHO/EOP [ WHO ] ), Dolores McGuinn ( Dolores McGuinn/WHO/EOP [ WHO ] ), Sara B. McIntosh ( Sara B. McIntosh/WHO/EOP@Exchange [ WHO ] ), Kathryn M. McKeown ( Kathryn M. McKeown/WHO/EOP [ WHO ] ), David McMaster ( David McMaster/WHO/EOP [ WHO ] ), Edward McNally ( Edward McNally/WHO/EOP [ WHO ] ), Stephanie L. 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**Sent:** 6/8/2003 10:07:01 PM

**Subject:** : ADMINISTRATIVE ALERT: Important Memorandum from White House Counsel's Office  
Attached

**Attachments:** F\_TTB00007\_OA.TXT\_1.doc; F\_TTB00007\_OA.TXT\_2.pdf

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CREATOR:PostMaster ( CN=PostMaster/O=EOP [ OA ] )

CREATION DATE/TIME: 9-JUN-2003 02:07:01.00

SUBJECT:: ADMINISTRATIVE ALERT: Important Memorandum from White House Counsel's Office  
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BCC:David A. Roddenberry ( CN=David A. Roddenberry/OU=OPD/O=EOP [ OPD ] )  
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READ:UNKNOWN  
BCC:Ian V. Rowe ( CN=Ian V. Rowe/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN  
BCC:Jess Sharp ( CN=Jess Sharp/OU=OPD/O=EOP [ OPD ] )  
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BCC:Layton Skelly ( CN=Layton Skelly/OU=OPD/O=EOP [ OPD ] )  
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BCC:Gabriel L. Slater ( CN=Gabriel L. Slater/OU=OPD/O=EOP [ OPD ] )  
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BCC:Miguel A. Aguilo ( CN=Miguel A. Aguilo/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Brooke D. Anderson ( CN=Brooke D. Anderson/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:George M. Andricos ( CN=George M. Andricos/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Walter E. Andrusyszyn ( CN=Walter E. Andrusyszyn/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Michael N. Anton ( CN=Michael N. Anton/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Pamela I. Ash ( CN=Pamela I. Ash/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Mitchell P. Backfield ( CN=Mitchell P. Backfield/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN

BCC:Jeffrey Bader ( CN=Jeffrey Bader/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Wendy L. Bailey ( CN=Wendy L. Bailey/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Veronica C. Baker ( CN=Veronica C. Baker/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Cynthia A. Ball ( CN=Cynthia A. Ball/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Steven D. Barbieri ( CN=Steven D. Barbieri/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Cheryl E. Barnett ( CN=Cheryl E. Barnett/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Brooks L. Bash ( CN=Brooks L. Bash/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Patricia A. Battenfield ( CN=Patricia A. Battenfield/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Ralph C. Bellamy ( CN=Ralph C. Bellamy/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Stephen E. Biegun ( CN=Stephen E. Biegun/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Johannes A. Binnendijk ( CN=Johannes A. Binnendijk/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:James D. Bjostad ( CN=James D. Bjostad/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jeff Blair ( CN=Jeff Blair/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Karen L. Blanchard ( CN=Karen L. Blanchard/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Thene R. Blankenship ( CN=Thene R. Blankenship/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:H. Andrew Boerstling ( CN=H. Andrew Boerstling/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Charlene C. Bolinski ( CN=Charlene C. Bolinski/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Edward L. Bolton ( CN=Edward L. Bolton/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Brian M. Bradley ( CN=Brian M. Bradley/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Gary E. Bresnahan ( CN=Gary E. Bresnahan/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Bonnie S. Broadwick ( CN=Bonnie S. Broadwick/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Samuel V. Brock ( CN=Samuel V. Brock/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Karen B. Brooks ( CN=Karen B. Brooks/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Katherine A. Brown ( CN=Katherine A. Brown/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Marko R. Broz ( CN=Marko R. Broz/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Judson L. Bruns ( CN=Judson L. Bruns/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Dave L. Bryan ( CN=Dave L. Bryan/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Matthew J. Bryza ( CN=Matthew J. Bryza/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Johnathan C. Bunting ( CN=Johnathan C. Bunting/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Christina L. Burrell ( CN=Christina L. Burrell/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Don E. Cheramie ( CN=Don E. Cheramie/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Janeen Chupa ( CN=Janeen Chupa/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Vicki M. Clark ( CN=Vicki M. Clark/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN

BCC:Donald N. Clifford ( CN=Donald N. Clifford/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Robert W. Cole ( CN=Robert W. Cole/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Julia K. Conroy ( CN=Julia K. Conroy/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Colby J. Cooper ( CN=Colby J. Cooper/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Evan Coren ( CN=Evan Coren/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Cindy L. Courville ( CN=Cindy L. Courville/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Roger W. Cressey ( CN=Roger W. Cressey/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Colin Crosby ( CN=Colin Crosby/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Nancy L Cullinan ( CN=Nancy L Cullinan/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:H. Bryan Cunningham ( CN=H. Bryan Cunningham/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Leslie Dach ( CN=Leslie Dach/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Robert Danin ( CN=Robert Danin/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Victoria J. Darnes ( CN=Victoria J. Darnes/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Michael B. DePaepe ( CN=Michael B. DePaepe/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Marsha L. Dimel ( CN=Marsha L. Dimel/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Carolyn J. Dollar ( CN=Carolyn J. Dollar/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Michele D. Dunne ( CN=Michele D. Dunne/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jonathan T. Dworken ( CN=Jonathan T. Dworken/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Gary R. Edson ( CN=Gary R. Edson/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Joan K. Edwards ( CN=Joan K. Edwards/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Nicole L. Elkon ( CN=Nicole L. Elkon/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Ruth E. Elliott ( CN=Ruth E. Elliott/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Tara F. Erath ( CN=Tara F. Erath/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Douglas M. Erdahl ( CN=Douglas M. Erdahl/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Hilda V. Esquivel ( CN=Hilda V. Esquivel/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Katherine J. Fertakis ( CN=Katherine J. Fertakis/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:John W. Ficklin ( CN=John W. Ficklin/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Orlando Figueredo ( CN=Orlando Figueredo/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Christopher M. Fiorenza ( CN=Christopher M. Fiorenza/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jendayi E. Frazer ( CN=Jendayi E. Frazer/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:William M. Frej ( CN=William M. Frej/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Daniel Fried ( CN=Daniel Fried/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Joachim D. Fuchs ( CN=Joachim D. Fuchs/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Trent L. Gadd ( CN=Trent L. Gadd/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN

BCC:Jenna R. Galyean ( CN=Jenna R. Galyean/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Christopher L. George ( CN=Christopher L. George/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:John D. Gibson ( CN=John D. Gibson/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Emilio T. Gonzalez ( CN=Emilio T. Gonzalez/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Matthew P. Goodman ( CN=Matthew P. Goodman/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Lisa Gordon-Hagerty ( CN=Lisa Gordon-Hagerty/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:John A. Gordon ( CN=John A. Gordon/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Thomas E. Graham ( CN=Thomas E. Graham/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Wendy E. Gray ( CN=Wendy E. Gray/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Thomas C. Greenwood ( CN=Thomas C. Greenwood/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Andrew W. Green ( CN=Andrew W. Green/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Michael J. Green ( CN=Michael J. Green/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Albert J. Guarnieri ( CN=Albert J. Guarnieri/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Anne C. Guilsher ( CN=Anne C. Guilsher/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Nilmini I. Gunaratne ( CN=Nilmini I. Gunaratne/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Stephen J. Hadley ( CN=Stephen J. Hadley/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Mary A. Haines ( CN=Mary A. Haines/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:John E. Hale ( CN=John E. Hale/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Josephine A. Hamilton ( CN=Josephine A. Hamilton/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Rebecca R. Hanson ( CN=Rebecca R. Hanson/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Robert C. Hargis ( CN=Robert C. Hargis/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Barbara E. Harris ( CN=Barbara E. Harris/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Clifford A. Hart ( CN=Clifford A. Hart/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Julie L. Hay ( CN=Julie L. Hay/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Elizabeth A. Hearn ( CN=Elizabeth A. Hearn/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jane C. Heishman ( CN=Jane C. Heishman/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:David M. Hess ( CN=David M. Hess/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Scott C. Heyer ( CN=Scott C. Heyer/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jeffrey P. Houle ( CN=Jeffrey P. Houle/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Barbara E. Howerton ( CN=Barbara E. Howerton/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Dave Howe ( CN=Dave Howe/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jason C. Hubbard ( CN=Jason C. Hubbard/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Joan Hunerwadel ( CN=Joan Hunerwadel/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Theresa M. Hunter ( CN=Theresa M. Hunter/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN

BCC:Adam R. Isles ( CN=Adam R. Isles/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Tracey A. Jacobson ( CN=Tracey A. Jacobson/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Sheyda Jahanbani ( CN=Sheyda Jahanbani/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Frank Jarosinski ( CN=Frank Jarosinski/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Clarence C. Johnson ( CN=Clarence C. Johnson/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jeffrey B. Jones ( CN=Jeffrey B. Jones/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Robert G. Joseph ( CN=Robert G. Joseph/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:M. Kay Joshi ( CN=M. Kay Joshi/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Gay L. Joshlyn ( CN=Gay L. Joshlyn/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Alexander S. Joves ( CN=Alexander S. Joves/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:James R. Keith ( CN=James R. Keith/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Zalmay M. Khalilzad ( CN=Zalmay M. Khalilzad/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Adnan Kifayat ( CN=Adnan Kifayat/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Brenda J. Kinser-Kidane ( CN=Brenda J. Kinser-Kidane/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Gil I. Klinger ( CN=Gil I. Klinger/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Frank G. Klotz ( CN=Frank G. Klotz/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Charlotte Knepper ( CN=Charlotte Knepper/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jennie M. Koch ( CN=Jennie M. Koch/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Susan J. Koch ( CN=Susan J. Koch/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jeffrey S. Kojac ( CN=Jeffrey S. Kojac/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Paul B. Kurtz ( CN=Paul B. Kurtz/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Vinca S. LaFleur ( CN=Vinca S. LaFleur/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Karen A. Laino ( CN=Karen A. Laino/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Elliott M. Langer ( CN=Elliott M. Langer/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Gregory J. Laskowski ( CN=Gregory J. Laskowski/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:William H. Leary ( CN=William H. Leary/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:David L. Lee ( CN=David L. Lee/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Sang W. Lee ( CN=Sang W. Lee/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Christopher S. Legrand ( CN=Christopher S. Legrand/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Bernadette M. Lemare ( CN=Bernadette M. Lemare/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Sarah M. Lenti ( CN=Sarah M. Lenti/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jawuana L. Lindsey ( CN=Jawuana L. Lindsey/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Laura E. Lineberry ( CN=Laura E. Lineberry/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Deborah A. Litteken ( CN=Deborah A. Litteken/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN

**From:** CN=PostMaster/O=EOP [ OA ]  
**BCC:** Lewis Libby ( Lewis Libby/OVP/EOP [ OVP ] ), Lauren K. Allgood ( Lauren K. Allgood/OPD /EOP@Exchange [ OPD ] ), William D. Badger ( William D. Badger/OPD/EOP [ OPD ] ), Charles P. Blahous ( Charles P. Blahous/OPD/EOP [ OPD ] ), Caroline Boeckel ( Caroline Boeckel/OPD/EOP [ OPD ] ), John M. Bridgeland ( John M. Bridgeland/OPD/EOP [ OPD ] ), Tracy L. Carson ( Tracy L. Carson/OPD/EOP [ OPD ] ), Jayne H. Chambers ( Jayne H. Chambers/OPD/EOP [ OPD ] ), Ronald I. Christie ( Ronald I. Christie/OPD/EOP [ OPD ] ), Charles Conner ( Charles Conner/OPD/EOP [ OPD ] ), Jean Cooper ( Jean Cooper/OPD /EOP@Exchange [ OPD ] ), William Corbett ( William Corbett/OPD/EOP [ OPD ] ), Rex Cowdry ( Rex Cowdry/OPD/EOP [ OPD ] ), Elizabeth S. Dougherty ( Elizabeth S. Dougherty/OPD/EOP [ OPD ] ), David Dunn ( David Dunn/OPD/EOP [ OPD ] ), Jessica Ewing ( Jessica Ewing/OPD/EOP [ OPD ] ), Ian D. Ferry ( Ian D. Ferry/OPD/EOP [ OPD ] ), Stephen Friedman ( Stephen Friedman/OPD/EOP@Exchange [ OPD ] ), Sue H. Gerdelman ( Sue H. Gerdelman/OPD/EOP [ OPD ] ), Alan Gilbert ( Alan Gilbert/OPD/EOP [ OPD ] ), Eleanor L. Gillmor ( Eleanor L. Gillmor/OPD/EOP@Exchange [ OPD ] ), Zachry T. Gladney ( Zachry T. Gladney/OPD/EOP [ OPD ] ), Britt Grant ( Britt Grant/OPD/EOP [ OPD ] ), Katie Guillard ( Katie Guillard/OPD/EOP [ OPD ] ), Terrell L. Halaska ( Terrell L. Halaska/OPD/EOP [ OPD ] ), Philo D. Hall ( Philo D. Hall/OPD/EOP [ OPD ] ), Daniel D. Heath ( Daniel D. Heath/OPD/EOP [ OPD ] ), Keith Hennessey ( Keith Hennessey/OPD/EOP@Exchange [ OPD ] ), Ryan Holston ( Ryan Holston/OPD/EOP [ OPD ] ), Reuben Jeffery ( Reuben Jeffery/OPD/EOP [ OPD ] ), Troy Justesen ( Troy Justesen/OPD/EOP [ OPD ] ), Holly A. Kuzmich ( Holly A. Kuzmich/OPD/EOP [ OPD ] ), Jay P. Lefkowitz ( Jay P. Lefkowitz/OPD/EOP@Exchange [ OPD ] ), Graham Long ( Graham Long/OPD/EOP [ OPD ] ), Garry Malphrus ( Garry Malphrus/OPD/EOP [ OPD ] ), Jeffrey Maynor ( Jeffrey Maynor/OPD/EOP [ OPD ] ), Robert C. McNally ( Robert C. McNally/OPD/EOP [ OPD ] ), Miriam Metwaly ( Miriam Metwaly/OPD/EOP [ OPD ] ), Adele C. Morris ( Adele C. Morris/OPD/EOP [ OPD ] ), Kathryn L. Newman ( Kathryn L. Newman/OPD/EOP [ OPD ] ), Joseph F. O'Neill ( Joseph F. O'Neill/OPD/EOP [ OPD ] ), Eric H. Otto ( Eric H. Otto/OPD/EOP@Exchange [ OPD ] ), Ari Patrinos ( Ari Patrinos/OPD/EOP [ OPD ] ), Brian Reardon ( Brian Reardon/OPD/EOP [ OPD ] ), Lauren D. Rebeiz ( Lauren D. Rebeiz/OPD/EOP [ OPD ] ), Maureen K. Renkes ( Maureen K. Renkes/OPD/EOP [ OPD ] ), David A. Roddenberry ( David A. Roddenberry/OPD/EOP [ OPD ] ), Edwina C. Rogers ( Edwina C. Rogers/OPD/EOP [ OPD ] ), Ian V. Rowe ( Ian V. Rowe/OPD/EOP [ OPD ] ), Diana L. Schacht ( Diana L. Schacht/OPD/EOP [ OPD ] ), Jess Sharp ( Jess Sharp/OPD/EOP [ OPD ] ), Sally S. Simms ( Sally S. Simms/OPD/EOP [ OPD ] ), Layton Skelly ( Layton Skelly/OPD/EOP [ OPD ] ), Gabriel L. Slater ( Gabriel L. Slater/OPD/EOP [ OPD ] ), Marty P. Smith ( Marty P. Smith/OPD/EOP [ OPD ] ), Margaret M. Spellings ( Margaret M. Spellings/OPD/EOP@Exchange [ OPD ] ), Karen L. Stewart ( Karen L. Stewart/OPD/EOP [ OPD ] ), Aquiles F. Suarez ( Aquiles F. Suarez/OPD/EOP [ OPD ] ), Kenneth A. Thomas ( Kenneth A. Thomas/OPD/EOP [ OPD ] ), Carol J. Thompson ( Carol J. Thompson/OPD/EOP [ OPD ] ), John G. VanBenschoten ( John G. VanBenschoten/OPD/EOP [ OPD ] ), Sylvia M. Vellino ( Sylvia M. Vellino/OPD/EOP [ OPD ] ), Lauren J. Vestewig ( Lauren J. Vestewig/OPD/EOP@Exchange [ OPD ] ), Lisa E. Vogt ( Lisa E. Vogt/OPD/EOP [ OPD ] ), Mattie P. Ward ( Mattie P. Ward/OPD/EOP [ OPD ] ), Kevin Warsh ( Kevin Warsh/OPD/EOP [ OPD ] ), Christina C. Wilson ( Christina C. Wilson/OPD/EOP [ OPD ] ), Emily Winland ( Emily Winland/OPD/EOP [ OPD ] ), Jill Young ( Jill Young/OPD/EOP [ OPD ] ), Elliott Abrams ( Elliott Abrams/NSC/EOP [ NSC ] ), Mary L. Adams ( Mary L. Adams/NSC/EOP [ NSC ] ), Miguel A. Aguilo ( Miguel A. Aguilo/NSC/EOP [ NSC ] ), Brooke D. Anderson ( Brooke D. Anderson/NSC/EOP [ NSC ] ), George M. Andricos ( George M. Andricos/NSC/EOP [ NSC ] ), Walter E. Andrusyszyn ( Walter E. Andrusyszyn/NSC/EOP [ NSC ] ), Michael N. Anton ( Michael N. Anton/NSC/EOP [ NSC ] ), Pamela I. Ash ( Pamela I. Ash/NSC/EOP [ NSC ] ), Mitchell P. Backfield ( Mitchell P. Backfield/NSC/EOP [ NSC ] ), Jeffrey Bader ( Jeffrey Bader/NSC/EOP [ NSC ] ), Wendy L. Bailey ( Wendy L. Bailey/NSC/EOP [ NSC ] ), Veronica C. Baker ( Veronica C. Baker/NSC/EOP [ NSC ] ), Cynthia A. Ball ( Cynthia A. Ball/NSC/EOP [ NSC ] ), Steven D. Barbieri ( Steven D. Barbieri/NSC/EOP [ NSC ] ), Cheryl E. Barnett ( Cheryl E. Barnett/NSC/EOP [ NSC ] ), Brooks L. Bash ( Brooks L. Bash/NSC/EOP [ NSC ] ), Patricia A. Battenfield ( Patricia A. Battenfield/NSC/EOP [ NSC ] ), Ralph C. Bellamy ( Ralph C. Bellamy/NSC/EOP [ NSC ] ), John B. Bellinger ( John B. Bellinger/NSC/EOP [ NSC ] ), Stephen E. Biegun ( Stephen E. Biegun/NSC/EOP [ NSC ] ), Johannes A. Binnendijk ( Johannes A. Binnendijk/NSC/EOP [ NSC ] ), James D. Bjostad ( James D. Bjostad/NSC/EOP [ NSC ] ), Jeff Blair ( Jeff Blair/NSC/EOP [ NSC ] ), Karen L. Blanchard ( Karen L. Blanchard/NSC/EOP [ NSC ] ), Thene R. Blankenship ( Thene R. Blankenship/NSC/EOP [ NSC ] ), H. Andrew Boerstling ( H. Andrew Boerstling/NSC/EOP [ NSC ] ), Charlene C. Bolinski ( Charlene C. Bolinski/NSC/EOP [ NSC ] ), Edward L. Bolton (



BCC:Hugo Llorens ( CN=Hugo Llorens/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Dwayne L. Locke ( CN=Dwayne L. Locke/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Deborah A. Loewer ( CN=Deborah A. Loewer/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Michael R. Lowden ( CN=Michael R. Lowden/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Andrew Lundquist ( CN=Andrew Lundquist/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Clark R. Lystra ( CN=Clark R. Lystra/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Michele L. Malvesti ( CN=Michele L. Malvesti/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Michael T. Manning ( CN=Michael T. Manning/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:William A. Mapp ( CN=William A. Mapp/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Karen D. Marmaud ( CN=Karen D. Marmaud/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Thomas S. Marsh ( CN=Thomas S. Marsh/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Regis W. Matlak ( CN=Regis W. Matlak/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Sonyia Matthews ( CN=Sonyia Matthews/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Peter A. McCauley ( CN=Peter A. McCauley/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jeffrey D. McCausland ( CN=Jeffrey D. McCausland/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Christina McClellan ( CN=Christina McClellan/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Sean I. McCormack ( CN=Sean I. McCormack/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jeffrey P. McFadden ( CN=Jeffrey P. McFadden/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Stuart H. McIntyre ( CN=Stuart H. McIntyre/OU=NSC/O=EOP [ NSC ] )  
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BCC:Matthew K. McLean ( CN=Matthew K. McLean/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:William H. McRaven ( CN=William H. McRaven/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Pamela S. Melear ( CN=Pamela S. Melear/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Brendan G. Melley ( CN=Brendan G. Melley/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Brian T. Merchant ( CN=Brian T. Merchant/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Elisabeth I. Millard ( CN=Elisabeth I. Millard/OU=NSC/O=EOP [ NSC ] )  
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BCC:Franklin C. Miller ( CN=Franklin C. Miller/OU=NSC/O=EOP [ NSC ] )  
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BCC:Jonathan E. Miller ( CN=Jonathan E. Miller/OU=NSC/O=EOP [ NSC ] )  
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BCC:Cathy L. Millison ( CN=Cathy L. Millison/OU=NSC/O=EOP [ NSC ] )  
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BCC:Elaine M. Mitsler ( CN=Elaine M. Mitsler/OU=NSC/O=EOP [ NSC ] )  
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BCC:Holly T. Moore ( CN=Holly T. Moore/OU=NSC/O=EOP [ NSC ] )  
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BCC:George D. Mulligan ( CN=George D. Mulligan/OU=NSC/O=EOP [ NSC ] )  
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BCC:Stacey D. Mulligan ( CN=Stacey D. Mulligan/OU=NSC/O=EOP [ NSC ] )  
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BCC:Joseph M. Myers ( CN=Joseph M. Myers/OU=NSC/O=EOP [ NSC ] )  
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BCC:Steven Myers ( CN=Steven Myers/OU=NSC/O=EOP [ NSC ] )  
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BCC:Lee B. Mynatt ( CN=Lee B. Mynatt/OU=NSC/O=EOP [ NSC ] )  
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BCC:Courtney R. Nemroff ( CN=Courtney R. Nemroff/OU=NSC/O=EOP [ NSC ] )  
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BCC:Edward J. Padinske ( CN=Edward J. Padinske/OU=NSC/O=EOP [ NSC ] )  
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BCC:Brian G. Parr ( CN=Brian G. Parr/OU=NSC/O=EOP [ NSC ] )  
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BCC:Raymond H. Payne ( CN=Raymond H. Payne/OU=NSC/O=EOP [ NSC ] )  
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BCC:Patrick C. Porterfield ( CN=Patrick C. Porterfield/OU=NSC/O=EOP [ NSC ] )  
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BCC:John Prendergast ( CN=John Prendergast/OU=NSC/O=EOP [ NSC ] )  
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BCC:Andy Purdy ( CN=Andy Purdy/OU=NSC/O=EOP [ NSC ] )  
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BCC:Mary E. Quinn ( CN=Mary E. Quinn/OU=NSC/O=EOP [ NSC ] )  
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BCC:Gregory J. Rattray ( CN=Gregory J. Rattray/OU=NSC/O=EOP [ NSC ] )  
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BCC:Otto Reich ( CN=Otto Reich/OU=NSC/O=EOP [ NSC ] )  
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BCC:Philip N. Remler ( CN=Philip N. Remler/OU=NSC/O=EOP [ NSC ] )  
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BCC:Ralph H. Sigler ( CN=Ralph H. Sigler/OU=NSC/O=EOP [ NSC ] )  
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BCC:Jason K. Singer ( CN=Jason K. Singer/OU=NSC/O=EOP [ NSC ] )  
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BCC:Michael P. Smith ( CN=Michael P. Smith/OU=NSC/O=EOP [ NSC ] )  
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BCC:Ferris E. Stovel ( CN=Ferris E. Stovel/OU=NSC/O=EOP [ NSC ] )  
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BCC:Christopher J. Strickland ( CN=Christopher J. Strickland/OU=NSC/O=EOP [ NSC ] )  
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BCC:Mary K. Sturtevant ( CN=Mary K. Sturtevant/OU=NSC/O=EOP [ NSC ] )  
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BCC:Daniel S. Sullivan ( CN=Daniel S. Sullivan/OU=NSC/O=EOP [ NSC ] )  
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BCC:Jack A. Sulser ( CN=Jack A. Sulser/OU=NSC/O=EOP [ NSC ] )  
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BCC:Shirin R. Tahir-Kheli ( CN=Shirin R. Tahir-Kheli/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Richard Tait ( CN=Richard Tait/OU=NSC/O=EOP [ NSC ] )  
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BCC:Michael W. Tedford ( CN=Michael W. Tedford/OU=NSC/O=EOP [ NSC ] )  
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BCC:Lisa L. Tepper ( CN=Lisa L. Tepper/OU=NSC/O=EOP [ NSC ] )  
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BCC:Peter C. Theroux ( CN=Peter C. Theroux/OU=NSC/O=EOP [ NSC ] )  
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BCC:William H. Tobey ( CN=William H. Tobey/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Kathryn Tolin ( CN=Kathryn Tolin/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:David L. Travers ( CN=David L. Travers/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Diana A. Trevino ( CN=Diana A. Trevino/OU=NSC/O=EOP [ NSC ] )  
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BCC:Maureen E. Tucker ( CN=Maureen E. Tucker/OU=NSC/O=EOP [ NSC ] )  
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BCC:Terrill G. Tucker ( CN=Terrill G. Tucker/OU=NSC/O=EOP [ NSC ] )  
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BCC:Sarah M. Urquidez ( CN=Sarah M. Urquidez/OU=NSC/O=EOP [ NSC ] )  
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BCC:Douglas J. Venlet ( CN=Douglas J. Venlet/OU=NSC/O=EOP [ NSC ] )  
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BCC:Rafael Vila ( CN=Rafael Vila/OU=NSC/O=EOP [ NSC ] )  
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BCC:Kurt D. Volker ( CN=Kurt D. Volker/OU=NSC/O=EOP [ NSC ] )  
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BCC:Sonya A. Watts ( CN=Sonya A. Watts/OU=NSC/O=EOP [ NSC ] )  
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BCC:Matthew C. Waxman ( CN=Matthew C. Waxman/OU=NSC/O=EOP [ NSC ] )  
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BCC:Anthony D. Weber ( CN=Anthony D. Weber/OU=NSC/O=EOP [ NSC ] )  
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BCC:Paul A. Wedderien ( CN=Paul A. Wedderien/OU=NSC/O=EOP [ NSC ] )  
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BCC:John B. Wiegmann ( CN=John B. Wiegmann/OU=NSC/O=EOP [ NSC ] )  
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BCC:Robert L. Wilkie ( CN=Robert L. Wilkie/OU=NSC/O=EOP [ NSC ] )  
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BCC:John C. Williamson ( CN=John C. Williamson/OU=NSC/O=EOP [ NSC ] )  
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BCC:Mary C. Williams ( CN=Mary C. Williams/OU=NSC/O=EOP [ NSC ] )  
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BCC:Nikkya G. Williams ( CN=Nikkya G. Williams/OU=NSC/O=EOP [ NSC ] )  
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BCC:Alexian T. Wines ( CN=Alexian T. Wines/OU=NSC/O=EOP [ NSC ] )  
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BCC:Gina M. Wolford ( CN=Gina M. Wolford/OU=NSC/O=EOP [ NSC ] )  
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BCC:Shanon M. Woodrum ( CN=Shanon M. Woodrum/OU=NSC/O=EOP [ NSC ] )  
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BCC:Natalie S. Wozniak ( CN=Natalie S. Wozniak/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Peggy Lee Young ( CN=Peggy Lee Young/OU=NSC/O=EOP [ NSC ] )  
READ:UNKNOWN  
BCC:Jessica R. Zdravecky ( CN=Jessica R. Zdravecky/OU=NSC/O=EOP [ NSC ] )  
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BCC:Charles S. Abbot ( CN=Charles S. Abbot/OU=WHO/O=EOP@Exchange [ WHO ] )  
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BCC:Allen K. Abney ( CN=Allen K. Abney/OU=WHO/O=EOP [ WHO ] )  
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BCC:Gilbert R. Aguirre ( CN=Gilbert R. Aguirre/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Victoria Ahaev ( CN=Victoria Ahaev/OU=WHO/O=EOP [ WHO ] )  
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BCC:David Aidekman ( CN=David Aidekman/OU=WHO/O=EOP [ WHO ] )  
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BCC:Robbie Aiken ( CN=Robbie Aiken/OU=WHO/O=EOP [ WHO ] )  
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BCC:Barrett Aldemeyer ( CN=Barrett Aldemeyer/OU=WHO/O=EOP [ WHO ] )  
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BCC:Phillips M. Alicia ( CN=Phillips M. Alicia/OU=WHO/O=EOP [ WHO ] )  
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BCC:Michael Allen ( CN=Michael Allen/OU=WHO/O=EOP [ WHO ] )  
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BCC:Donald J. Amaya ( CN=Donald J. Amaya/OU=WHO/O=EOP [ WHO ] )  
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BCC:L. Linus Amorsingh ( CN=L. Linus Amorsingh/OU=WHO/O=EOP [ WHO ] )  
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BCC:Elizabeth K. Andersen ( CN=Elizabeth K. Andersen/OU=WHO/O=EOP [ WHO ] )  
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BCC:Meredith Anderson WH AGL BULK ( CN=Meredith Anderson WH AGL BULK/OU=WHO/O=EOP [ WHO ] )  
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BCC:Catherine S. Anderson ( CN=Catherine S. Anderson/OU=WHO/O=EOP [ WHO ] )  
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BCC:David Anderson ( CN=David Anderson/OU=WHO/O=EOP [ WHO ] )  
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BCC:Meredith Anderson ( CN=Meredith Anderson/OU=WHO/O=EOP [ WHO ] )  
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BCC:Theresa R. Anderson ( CN=Theresa R. Anderson/OU=WHO/O=EOP [ WHO ] )  
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BCC:Carolyn F. Atkinson Volunteers ( CN=Carolyn F. Atkinson Volunteers/OU=WHO/O=EOP [ WHO ] )  
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BCC:Christine K. Baer ( CN=Christine K. Baer/OU=WHO/O=EOP [ WHO ] )  
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BCC:Joel B. Bagnal OHS TCIMD DO ( CN=Joel B. Bagnal OHS TCIMD DO/OU=WHO/O=EOP [ WHO ] )  
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BCC:Joel B. Bagnal ( CN=Joel B. Bagnal/OU=WHO/O=EOP [ WHO ] )  
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BCC:Christa J. Bailey ( CN=Christa J. Bailey/OU=WHO/O=EOP [ WHO ] )  
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BCC:Robert T. Bailey ( CN=Robert T. Bailey/OU=WHO/O=EOP [ WHO ] )

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BCC:Susan E. Baise ( CN=Susan E. Baise/OU=WHO/O=EOP [ WHO ] )  
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BCC:Jenica Baldwin ( CN=Jenica Baldwin/OU=WHO/O=EOP [ WHO ] )  
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BCC:David Ballard ( CN=David Ballard/OU=WHO/O=EOP [ WHO ] )  
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BCC:Andrew Ballenger ( CN=Andrew Ballenger/OU=WHO/O=EOP [ WHO ] )  
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BCC:Andrea G. Ball ( CN=Andrea G. Ball/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
BCC:Yigal S. Bar-Av ( CN=Yigal S. Bar-Av/OU=WHO/O=EOP [ WHO ] )  
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BCC:Allison Barber ( CN=Allison Barber/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Barbara A. Barclay ( CN=Barbara A. Barclay/OU=WHO/O=EOP@Exchange [ WHO ] )  
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BCC:Tiffany L. Barfield ( CN=Tiffany L. Barfield/OU=WHO/O=EOP@Exchange [ WHO ] )  
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BCC:Campbell L. Barks ( CN=Campbell L. Barks/OU=WHO/O=EOP [ WHO ] )  
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BCC:Donna M. Barnes ( CN=Donna M. Barnes/OU=WHO/O=EOP [ WHO ] )  
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BCC:Lauren C. Barnett ( CN=Lauren C. Barnett/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Ruben S. Barrales ( CN=Ruben S. Barrales/OU=WHO/O=EOP [ WHO ] )  
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BCC:Del Bartee ( CN=Del Bartee/OU=WHO/O=EOP [ WHO ] )  
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BCC:Daniel J. Bartlett ( CN=Daniel J. Bartlett/OU=WHO/O=EOP@Exchange [ WHO ] )  
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BCC:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )  
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BCC:Robert Bauer ( CN=Robert Bauer/OU=WHO/O=EOP [ WHO ] )  
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BCC:Healy E. Baumgardner ( CN=Healy E. Baumgardner/OU=WHO/O=EOP [ WHO ] )  
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BCC:Eileen F. Bean ( CN=Eileen F. Bean/OU=WHO/O=EOP [ WHO ] )  
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BCC:Darren W. Bearson ( CN=Darren W. Bearson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Emmaley Becker ( CN=Emmaley Becker/OU=WHO/O=EOP@Exchange [ WHO ] )  
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BCC:Kathy J. Becker ( CN=Kathy J. Becker/OU=WHO/O=EOP [ WHO ] )  
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BCC:Laura Berg ( CN=Laura Berg/OU=WHO/O=EOP [ WHO ] )  
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BCC:Yolanda D. Threatt ( CN=Yolanda D. Threatt/OU=WHO/O=EOP [ WHO ] )  
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BCC:Brett Tompkins ( CN=Brett Tompkins/OU=WHO/O=EOP [ WHO ] )  
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BCC:Gregory T. Trainor ( CN=Gregory T. Trainor/OU=WHO/O=EOP [ WHO ] )  
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BCC:Gregory Zimmerman ( CN=Gregory Zimmerman/OU=WHO/O=EOP [ WHO ] )  
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June 9, 2003

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF  
OFFICE OF POLICY DEVELOPMENT STAFF  
NATIONAL SECURITY COUNCIL STAFF

FROM: ALBERTO R. GONZALES, COUNSEL TO THE PRESIDENT

SUBJECT: NATIONAL COMMISSION ON TERRORIST ATTACKS "EOP  
DOCUMENT REQUEST NO. 2"

**Please read this entire memorandum carefully. It deals with legal obligations that apply to you.**

The National Commission on Terrorist Attacks Upon the United States ("Commission") was established in the legislative branch, principally to inquire into, and report to the President and Congress on, the terrorists attacks of September 11, 2001 and the extent of U.S. preparedness for and immediate response to the attacks (Public Law 107-306, November 27, 2002). The Executive Office of the President (EOP) is cooperating with the Commission effort, consistent with the policy set forth in the memorandum of March 19, 2003 from the President's Chief of Staff.

The Commission has submitted "EOP Document Request No. 2" (attached) seeking executive materials from the EOP. The first category of materials sought by "EOP Document Request No. 2" will be the subject of a separate memorandum. The remaining categories are:

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.
3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President.
4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001 that concerned domestic policy responses to the terrorist attacks upon the United States.
5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

REV\_00121314

You must complete the following steps expeditiously:

1. Search for all materials you possess or control that fall within any of the categories set forth above. Your search for materials must be reasonable, diligent, and conducted in good faith, and must include any materials which may previously have been sent to the Office of Records Management. Retrieve all materials that fall within any of the categories set forth above and photocopy them.
2. Complete the attached certification, attach any photocopies produced under Step 1, and submit the certification and photocopies to Elizabeth Farrell 456-5942, EEOB Room 154, as early as possible but in all events not later than the close of business on Monday, June 16, 2003. NSC staff should submit their signed certification, along with any photocopies produced under Step 1, to William Leary, in the NSC Records Directorate, EEOP Room 392, 456-9201, as early as possible but in all events not later than the close of business on Monday, June 16, 2003.

Also, please be aware that we anticipate additional Commission requests for information concerning the extent of U.S. preparedness for and immediate response to the terrorist attacks of September 11, 2001. It is important that you and your staff preserve all records which may potentially be responsive to this or a future request.

Please call Jennifer Newstead, Associate White House Counsel, at 456-1984, if you have any questions. Thank you for your assistance.



CERTIFICATION BY EMPLOYEE

(in response to "EOP Document Request No. 2" dated June 4, 2003  
from the National Commission on Terrorist Attacks Upon the United States)

(Check one item as appropriate, sign, and date,  
and submit to the Office of the Counsel to the President by June 16, 2003)

\_\_\_\_\_ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have produced with this certification photocopies of all such responsive documents to the Office of the Counsel to the President.

\_\_\_\_\_ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have no such documents.

\_\_\_\_\_  
Signature of Individual Making Certification

\_\_\_\_\_  
Date

Printed Name: \_\_\_\_\_

Telephone No.: \_\_\_\_\_



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## EOP DOCUMENT REQUEST No. 2

The National Commission on Terrorist Attacks Upon the United States (the "Commission") requests that the Executive Office of the President (the "respondent") provide the Commission with the following documents and information no later than June 25, 2003 (the "production date"). The Commission requests that the respondent inform the Commission promptly if the production date poses a problem for certain categories of documents, such as documents from the previous Administration that may be in the custody of the National Archives and Records Administration, and meet promptly with the Commission staff to set a schedule for the production of those documents.

1. The briefing materials prepared or compiled by NSC staff and distributed to attendees for; any summaries prepared or compiled by NSC staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by NSC staff of Principals and Deputies Committee meetings held from January 1, 1998, through September 20, 2001 that concerned:

- (a) Al-Qa'ida, Usama bin Laden, and/or Afghanistan;
- (b) the policy and budget development, implementation, or review of the overall counterterrorism policies of the United States, including PDD-62 (1998), the Five Year Counterterrorism Plan, and any successor NSPDs; and/or
- (c) counterterrorism issues involving threats to or attacks on the United States or American persons or assets in relations with Malaysia, Pakistan, Saudi Arabia, Sudan, the United Arab Emirates, and Yemen, other than materials that focus only on Palestinian terrorist activities.

Principals meetings include any such meeting whether chaired by the President or by the National Security Adviser. This request applies to principals or deputies level meetings addressing these topics wholly or in part regardless of the title used for the group or whether conducted in person or by SVTS, including meetings of the "Foreign Policy Team," the "Small Group," and the Counterterrorism Security Group (including CSG meetings chaired by the National Coordinator), as well as relevant meetings at Camp David.

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

TEL (202) 331-4060  
FAX (202) 296-5545  
[www.9-11commission.gov](http://www.9-11commission.gov)

## EOP DOCUMENT REQUEST No. 2

Page 2

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President. (A request for such documents directed to the Office of the Vice President will be submitted separately.)
4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001, that concerned domestic policy responses to the terrorist attacks upon the United States.
5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

The Commission requests that the documents requested above be provided as soon as they are available, even though all requested documents may not be provided at the same time, through means of a "rolling" production.

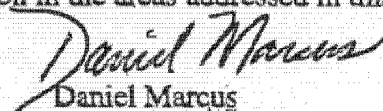
If any requested documents are withheld from production, even temporarily, based on an alleged claim of privilege or for any other reason, the Commission requests that the respondent, as soon as possible and in no event later than the production date, identify and describe each such document or class of documents, as well as the alleged basis for not producing it, with sufficient specificity to allow a meaningful challenge to any such withholding.

If the respondent does not have possession, custody or control of any requested documents but has information about where such documents may be located, the Commission requests that the respondent provide such information as soon as possible and in no event later than the production date.

If the respondent has any questions or concerns about the interpretation or scope of these document requests, the Commission requests that any such questions or concerns be raised with the Commission as soon as possible so that any such issues can be addressed and resolved prior to the production date.

The Commission intends to make further document requests as its work develops and reserves the right to request additional documents and information in the areas addressed in this request.

June 4, 2003

  
Daniel Marcus  
General Counsel

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**From:** Kavanaugh, Brett M.  
**To:** <Grubbs, Wendy J.>  
**Sent:** 6/9/2003 8:28:17 AM  
**Subject:** I have to move back the 9:15 until sometime after 10; let me know when available

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>  
**Sent:** 6/9/2003 10:40:16 AM  
**Subject:** : From today's press briefing

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-JUN-2003 14:40:16.00  
SUBJECT:: From today's press briefing  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Q Ari, does the President feel the members of his own party might be interfering with or usurping executive branch authority or powers by, A, Tom DeLay involving the Homeland Security Department, Justice Department, Transportation Department in the Texas legislature situation? And, B, Senator Craig putting a hold on Air Force promotions?

MR. FLEISCHER: The question of holds is a long-lasting Senate tradition that often can be problematic. And it's part of working with the Senate and helping the Senate to make progress, particularly on the question of appointments and nominees.

On the first question you asked, as you know, the Department of Homeland Security and the Department of Transportation are reviewing all the facts and circumstances in this matter. And that's where it lies.

Q Well, on the Craig putting the hold on the Air Force promotions, you have complained repeatedly about Democrats blocking judicial -- the progress of judicial nominees. What's the difference?

MR. FLEISCHER: Well, I think that there is, in the case of the judicial nominees, a determination to at all costs block even a vote on the floor, with no end in sight, and that's why it's a filibuster. On the question of holds, we have seen holds come and go before. Holds are often lifted that results in a vote. If the Democrats were to relieve the filibuster and allow a vote to take place, then I think you would have an analogous situation. That's the difference between holds, frankly, and a filibuster.

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>;<Grubbs, Wendy J.>;<Mamo, Jeanie S.>;<Powell, Benjamin A.>  
**Sent:** 6/9/2003 11:12:12 AM  
**Subject:** Pryor

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# The Washington Times

[www.washingtontimes.com](http://www.washingtontimes.com)

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## Red meat for Dems

By Nat Hentoff  
THE WASHINGTON TIMES  
Published June 9, 2003

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Adding to the Senate Democrats' attacks on the president's nominations to federal appeals courts, George W. Bush has given his filibustering opponents welcome ammunition by his remarkably misguided nomination of Alabama Attorney General Bill Pryor to the 11th Circuit Court of Appeals.

Were I on the Senate Judiciary Committee, I would unhesitatingly vote against Mr. Pryor, because his clear record and public statements reveal that he would be the very definition of a judicial activist, letting his hostility toward key parts of the Bill of Rights determine his votes. But I would also urge my colleagues to send his nomination to the floor so that the entire Senate can vote on him — as the Constitution requires.

I would not vote against Mr. Pryor because he is a conservative — in the current battles over nominees, I would have voted for conservatives Priscilla Owen and Charles Pickering, because their opponents have distorted their records. But Mr. Pryor is capable of such extremism that a unanimous U.S. Supreme Court, in a decision written by Antonin Scalia, rejected Mr. Pryor's definition of federalism, which was included in his amicus brief and claimed municipalities have a "state sovereignty" right to be exempted from federal laws (*Jinks vs. Richland County*).

Not even the 19th-century secessionists advocated such reckless undermining of federal law. And Justice Scalia, dismissing Mr. Pryor's argument, is hardly one of the court's liberals.

As for the separation of church and state, Mr. Pryor, in a speech four years ago to the Christian Coalition, declared unambiguously that "we derive our rights from God and not from government." Why, then, do we have a Constitution in which there is no mention of God, except for the date of the end of the 1787 Constitutional Convention? And what of American citizens who are nonbelievers? If government abuses their rights, have they no recourse but a religious conversion?

With regard to Mr. Pryor's capacity as a judge, to deal fairly with all litigants and their attorneys before him, there is this statement by Mr. Pryor at a rally supporting the display of the Ten Commandments in the rotunda of the Alabama Judicial Building: "I became a lawyer because I wanted to fight the ACLU — the American "Anti-Civil" Liberties Union."

Will "Judge" Pryor recuse himself in all cases in which the American Civil Liberties Union has provided the attorney of record?

Then there was Mr. Pryor's vigorous brief to the Supreme Court, in *Hope vs. Pelzer* (2002), defending Alabama's practice of handcuffing unruly prisoners to chest-high metal bars with rings attached (hitching posts) for long periods of time. A 6-3 majority of the court ruled that this form of discipline was a clear violation of the Eighth Amendment's prohibition of cruel and unusual punishment.

The practice, said the majority — turning away Mr. Pryor's legal brief — was "antithetical to human dignity" and "both degrading and dangerous."

Mr. Pryor's support of capital punishment is shared by the president, but Mr. Pryor, in his ardor, said to the Supreme Court — as was heard in a National Public Radio May 12 profile — that the electric chair in his state "remains a method that is instantaneous and painless."

But overwhelming evidence contradicts Mr. Pryor's claim. In 1983, for instance, John Evans caught on fire during an Alabama execution and was not pronounced dead until 20 minutes later. In 1989, it took three applications of electricity before Horace Dunkins was terminated in Alabama's electric chair. And a 1991-2000 report on executions in the state showed severe burning, scarring and other traumas in the bodies of many prisoners sent "painlessly" to eternity in that electric chair.

In 1999, Mr. Pryor was a founder of the Republican Attorneys Generals Association (part of the Republican National Committee). RAGA took in contributions, as reported in *The Washington Post* (March 30, 2002), from powerful corporations involved in, or trying to head off, lawsuits against them by some of the states whose attorney generals were RAGA members. Pryor said that accepting money from such sources "does not create a conflict of interest."

How does he define "conflict of interest?"

REV\_00121327

As surely as night follows day, there will be a furious, tumultuous Senate battle when Mr. Bush has his first chance to nominate a Supreme Court justice. By deciding to nominate Mr. Pryor to the federal bench now, the president has thrown red meat to the Democrats, and most likely will create an even more divisive national debate on his eventual choice for the Supreme Court. If Karl Rove is as judicious a presidential adviser as he is purported to be, I wonder if, for once, his fabled research skills failed him this time.

---

**From:** Ralston, Susan B.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/9/2003 12:00:08 PM  
**Subject:** FW: Greensboro, GA Invite  
**Attachments:** EGAB01.pdf.1; EGAB01.pdf.1

For your approval:



- EGAB01.pdf <>



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BO MOORE  
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PRESIDENT GEORGE W. BUSH

FRIDAY, JUNE 20TH, 2003

5:30PM HOST COMMITTEE RECEPTION

6:00PM MAIN RECEPTION

PLEASE ALLOW SUFFICIENT TIME FOR SECURITY

THE RITZ CARLTON LODGE  
ONE LAKE OCONEE TRAIL  
GREENSBORO, GEORGIA

ALL GUESTS MUST HAVE PHOTO ID TO ENTER THE EVENT. ALL BAGS, BRIEFCASES AND PURSES ARE SUBJECT TO SEARCH.

REPLY CARD ENCLOSED

PLEASE RSVP BY MONDAY, JUNE 16, 2003

FOR MORE INFORMATION, PLEASE CONTACT JAMIE REYNOLDS

AT  (DAY) OR  (NIGHT)

\$2,000 PER PERSON

BUSINESS ATTIRE

PARKING AVAILABLE

THIS INVITATION IS NON-TRANSFERABLE

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\$2,000 PER PERSON

☐ YES, I/WE WILL BE ATTENDING. A CONTRIBUTION OF \$\_\_\_\_\_ IS ENCLOSED.

☐ YES, I/WE WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR \$2,000 PER  
PERSON CONTRIBUTION TO BUSH-CHENEY '04, INC.

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☐ NO, I AM NOT ABLE TO ATTEND BUT HAVE ENCLOSED A CONTRIBUTION OF \$\_\_\_\_\_.

**THIS INFORMATION WILL HELP US WITH OUR RECORD KEEPING PROCESS. PLEASE COMPLETE.**

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**PRA 6**

DIRECTIONS TO THE  
**RITZ CARLTON LODGE**  
ONE LAKE OCONEE TRAIL  
GREENSBORO, GEORGIA

- LOCATED OFF I-20 BETWEEN ATLANTA AND AUGUSTA.
- FROM ATLANTA, TAKE EXIT #130, TURN RIGHT AND TRAVEL SOUTH APPROXIMATELY 8 MILES.
- TURN LEFT AT THE FIRST TRAFFIC LIGHT ONTO LINGER LONGER ROAD.
- FOLLOW LINGER LONGER ROAD FOR APPROXIMATELY 1.5 MILES AND TURN LEFT ONTO LAKE OCONEE TRAIL.
- PROCEED FOR APPROXIMATELY 2 MILES TO THE RITZ-CARLTON LODGE.

---

**From:** Miranda, Manuel \(\Frist\) <Manuel\_Miranda@frist.senate.gov>  
**To:** <Grubbs, Wendy J.>;<Kavanaugh, Brett M.>  
**Sent:** 6/9/2003 12:27:25 PM  
**Subject:** Re: Does 1:30 on weds

My understanding is that Lee wanted to meet just with you. I will check with him on that and the time.

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

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**From:** Kavanaugh, Brett M.  
**To:** <Ralston, Susan B.>  
**Sent:** 6/9/2003 12:36:46 PM  
**Subject:** Re: FW: Greensboro, GA Invite  
**Attachments:** EGAB01.pdf; EGAB01.pdf

This is approved from here. Josefiak should also review. Thanks.

From: Susan B. Ralston/WHO/EOP@Exchange on 06/09/2003 12:00:08 PM

Record Type: Record

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

cc:

Subject: FW: Greensboro, GA Invite

For your approval:



- EGAB01.pdf <>



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FOR MORE INFORMATION, PLEASE CONTACT JAMIE REYNOLDS

AT  (DAY) OR  (NIGHT)

\$2,000 PER PERSON

BUSINESS ATTIRE

PARKING AVAILABLE

THIS INVITATION IS NON-TRANSFERABLE

Paid for by Bush-Cheney '04, Inc.



## RECEPTION HONORING PRESIDENT GEORGE W. BUSH

JUNE 20, 2003 – GREENSBORO, GEORGIA  
\$2,000 PER PERSON

☐ YES, I/WE WILL BE ATTENDING. A CONTRIBUTION OF \$\_\_\_\_\_ IS ENCLOSED.

☐ YES, I/WE WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR \$2,000 PER  
PERSON CONTRIBUTION TO BUSH-CHENEY '04, INC.

ATTENDEES ARE AS FOLLOWS (FIRST AND LAST NAMES FOR NAMETAGS; SSN AND DOB FOR SECURITY):

1. \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

2. \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

☐ NO, I AM NOT ABLE TO ATTEND BUT HAVE ENCLOSED A CONTRIBUTION OF \$\_\_\_\_\_.

**THIS INFORMATION WILL HELP US WITH OUR RECORD KEEPING PROCESS. PLEASE COMPLETE.**

Event Tracking No.: EGAB01 Solicitor Tracking No.: \_\_\_\_\_

Contributions to Bush-Cheney '04, Inc. are not deductible as charitable contributions for federal income tax purposes.

Please make check payable to Bush-Cheney '04, Inc.

*Please see reverse.*

**Federal law requires** us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of \$200 in an election cycle.

|                                                  |                                                    |            |
|--------------------------------------------------|----------------------------------------------------|------------|
| Full Name                                        |                                                    | Salutation |
| Spouse Name                                      |                                                    |            |
| Address                                          |                                                    |            |
| City                                             | State                                              | Zip        |
| Home Phone                                       | Office Phone                                       |            |
| Fax Phone                                        | Email                                              |            |
| Employer                                         | Occupation                                         |            |
| Spouse's Employer <i>(If joint contribution)</i> | Spouse's Occupation <i>(If joint contribution)</i> |            |

Contributions are not tax deductible for federal income tax purposes. The maximum an individual may contribute is \$2,000 (\$4,000 per couple). Corporate and foreign national contributions are not permitted under federal law.

**Paid for by Bush-Cheney '04, Inc.**

**Check Contributions**

The contribution to Bush-Cheney '04, Inc. drawn on  
**check # \_\_\_\_\_ account named as**

\_\_\_\_\_ represents our personal funds and is not drawn on an account maintained by an incorporated entity.

**Signature** of Original Contributor

**Signature of Spouse** *(If joint contribution)*  
*(must be signed by both spouses)*

**Credit Card Contributions**

☐ This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.

Credit Card: *(Visa, Mastercard, Amex & Discover accepted)*

Cardholder Name

Amount of Donation: \$ \_\_\_\_\_

Signature

Card Number

Expiration Date

JAMIE REYNOLDS

**PRA 6**

DIRECTIONS TO THE  
**RITZ CARLTON LODGE**  
ONE LAKE OCONEE TRAIL  
GREENSBORO, GEORGIA

- LOCATED OFF I-20 BETWEEN ATLANTA AND AUGUSTA.
- FROM ATLANTA, TAKE EXIT #130, TURN RIGHT AND TRAVEL SOUTH APPROXIMATELY 8 MILES.
- TURN LEFT AT THE FIRST TRAFFIC LIGHT ONTO LINGER LONGER ROAD.
- FOLLOW LINGER LONGER ROAD FOR APPROXIMATELY 1.5 MILES AND TURN LEFT ONTO LAKE OCONEE TRAIL.
- PROCEED FOR APPROXIMATELY 2 MILES TO THE RITZ-CARLTON LODGE.

---

**From:** CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Tevi Troy/WHO/EOP@Exchange [ WHO ] <Tevi Troy>  
**Sent:** 6/9/2003 1:52:05 PM  
**Subject:** : Agency Chiefs of Staff

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-JUN-2003 17:52:05.00  
SUBJECT:: Agency Chiefs of Staff  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Tevi Troy ( CN=Tevi Troy/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Might you or someone else from Counsel's Office be available to participate in one of our conference calls we do with agency chiefs of staff and briefly discuss BC campaign do's/don'ts? (per the Judge Gonzales memo)

;

I think you guys are talking with their respective general counsels, but it might be good for the agency chiefs of staff to hear the details direct from you.; We do the calls on Monday and Thursday mornings at 9:20.; Your portion wouldn't take more than 3-4 minutes.

;

Thank you.

;

ps: As you have probably heard, the President discussed this issue during today's Cabinet Meeting.

---

**From:** Montiel, Charlotte L.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/9/2003 2:03:55 PM  
**Subject:** mtg tomorrow

will be in Judge's office at 9:30 am

---

**From:** CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/9/2003 10:05:30 AM  
**Subject:** : mtg tomorrow

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 9-JUN-2003 14:05:30.00

SUBJECT:: mtg tomorrow

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

will be in Judge's office at 9:30 am

---

**From:** CN=Alicia P. Clark/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/9/2003 10:46:59 AM  
**Subject:** : Please give me a call today.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Alicia P. Clark ( CN=Alicia P. Clark/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-JUN-2003 14:46:59.00  
SUBJECT:: Please give me a call today.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett, please give me a call. I would like to talk to you about speaking  
at a meeting tomorrow evening. Thanks.



---

**From:** Adam.Charnes@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;David G. Leitch/WHO/EOP@EOP [ WHO ] <David G. Leitch>  
**CC:** Dan.Bryant@usdoj.gov <Dan.Bryant@usdoj.gov>  
**Sent:** 6/9/2003 10:53:30 AM  
**Subject:** : Past BIs

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov> ( "Adam.Charnes@usdoj.gov"  
<Adam.Charnes@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 9-JUN-2003 14:53:30.00  
SUBJECT:: Past BIs  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:"Dan.Bryant@usdoj.gov" <Dan.Bryant@usdoj.gov> ( "Dan.Bryant@usdoj.gov"  
<Dan.Bryant@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

FYI, Sheila possesses all previous BIs done on past federal judicial nominees. Plus, she is more discreet than the FBI, and won't require the judge to sign a waiver form, if that matters to you. Feel free to communicate with her directly if you want any of them.

---

**From:** CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/9/2003 11:34:31 AM  
**Subject:** : FW: Travel

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-JUN-2003 15:34:31.00  
SUBJECT:: FW: Travel  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

-----Original Message-----

From: Henry Hager [mailto:hhager@georgewbush.com]  
Sent: Monday, June 09, 2003 3:34 PM  
To: Susan\_B.\_Ralston@oa.eop.gov  
Subject: RE: Travel

Tom J. said he is also waiting on a memo from Counsel on exactly how they would like for us to suggest possible planes.

-----Original Message-----

From: Susan\_B.\_Ralston@oa.eop.gov [mailto:Susan\_B.\_Ralston@oa.eop.gov]  
Sent: Monday, June 09, 2003 3:31 PM  
To: Henry Hager; Israel\_Hernandez@oa.eop.gov  
Cc: Colleen\_Litkenhaus@oa.eop.gov; Kimberly\_A.\_Douglass@oa.eop.gov  
Subject: RE: Travel

Not to my knowledge, but we will discuss at our next mtg.

-----Original Message-----

From: Henry Hager <hhager@georgewbush.com>@EOP  
Sent: Monday, June 09, 2003 3:29 PM  
To: Hernandez, Israel; Ralston, Susan B.  
Subject: Travel

(Embedded image moved to file: pic02867.pcx)  
Ken mentioned in our meeting that there is a form that will be required for WH personnel traveling on corporate/private jet.  
Is WH Counsel preparing this?

(Embedded image moved to file: pic04800.pcx) - att1.htm << File: att1.htm >>  
(Embedded image moved to file: pic31998.pcx) - att2.eml << File: att2.eml >>

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>  
**Sent:** 6/9/2003 3:35:50 PM  
**Subject:** : Re: your appts book

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-JUN-2003 19:35:50.00  
SUBJECT:: Re: your appts book  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

thanks much; do you know by what time?

From: Carolyn Nelson/WHO/EOP@Exchange on 06/09/2003 06:10:33 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: your appts book

Is at Carpet headquarters... they're having it brought back to the WH by tomorrow morning.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Staylor@georgewbush.com [ WHO ] <Staylor@georgewbush.com>  
**Sent:** 6/9/2003 3:57:20 PM  
**Subject:** : Re: close out

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-JUN-2003 19:57:20.00  
SUBJECT:: Re: close out  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Staylor@georgewbush.com ( Staylor@georgewbush.com [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

You may send emails dealing with transitional issues as you switch out.

.

----- Original Message -----  
From: Staylor@georgewbush.com  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 06/09/2003 07:54:19 PM  
Subject: close out

Brett - As I close out of the WH (am now off payroll, but have not moved out), is it ok for me to still send emails from the WH account etc.? Matt has not hired some folks to cover my states, so I'm still doing some double-duty.  
- att1.htm

---

**From:** CN=Alicia P. Clark/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/9/2003 12:57:35 PM  
**Subject:** : Change in time

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Alicia P. Clark ( CN=Alicia P. Clark/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-JUN-2003 16:57:35.00  
SUBJECT:: Change in time  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The meeting is at 5:45 pm tomorrow. Room 208. Will talk to you in the morning.

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/9/2003 1:17:17 PM  
**Subject:** : OPA ? on Campaign phone number

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-JUN-2003 17:17:17.00  
SUBJECT:: OPA ? on Campaign phone number  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett-  
OPA is asking if it is okay to give out the Bush Cheney '04 campaign and fax #'s. Also, should they stay away from using it around the office on directories and other things of that sort.

Jon  
----- Forwarded by Jonathan F. Ganter/WHO/EOP on  
06/09/2003 05:14 PM -----

Joseph W. Fricks III  
06/09/2003 04:44:25 PM  
Record Type: Record

To: Jonathan F. Ganter/WHO/EOP@EOP  
cc: Tracy Jucas/WHO/EOP@EOP  
Subject: Campaign phone number

Ganter, will you check with Brett on two things for me:  
1) Is it legal for us to have the Bush Cheney '04 main campaign number on our office phone list, and  
2) is it legal for us to give out that number and their fax number?

Thank you.  
Fricks

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/9/2003 1:44:35 PM  
**Subject:** : We can use dirksen 201

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 9-JUN-2003 17:44:35.00  
SUBJECT:: We can use dirksen 201  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

For hill warroom. Thanks.  
Ps. Will you resend the memo to me.  
.

---

**From:** Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Comisac, RenaJohnson (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>;Brian Benczkowski (E-mail) <Brian.A.Benczkowski@usdoj.gov>;Delrahim, Makan (Judiciary) <Makan\_Delrahim@Judiciary.senate.gov>;Smith, William (Judiciary) <William\_Smith@Judiciary.senate.gov>  
**Sent:** 6/9/2003 2:03:40 PM  
**Subject:** : Pryor: what we're up against

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 9-JUN-2003 18:03:40.00

SUBJECT:: Pryor: what we're up against

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> (

"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Brian Benczkowski (E-mail)" <Brian.A.Benczkowski@usdoj.gov> ( "Brian Benczkowski

(E-mail)" <Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> ( "Delrahim, Makan

(Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Smith, William (Judiciary)" <William\_Smith@Judiciary.senate.gov> ( "Smith, William

(Judiciary)" <William\_Smith@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

<http://www.pfaw.org/pfaw/general/default.aspx?oid=10911>

Here's PFAW's report today.

---

Steven J. Duffield  
Judiciary Policy Analyst & Counsel  
Senate Republican Policy Committee  
347 Russell Senate Office Building  
(202) 224-3463 Fax (202) 224-1235

REV\_00121374



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Lisa J. Macecevic/OMB/EOP [ OMB ] <Lisa J. Macecevic>  
**Sent:** 6/9/2003 3:47:14 PM  
**Subject:** RECEIVED: Class Action bill ?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-JUN-2003 19:47:14.00  
SUBJECT:RECEIVED: Class Action bill ?  
TO:Lisa J. Macecevic ( CN=Lisa J. Macecevic/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

RETURN RECEIPT

Your Document:  
Class Action bill ?  
was successfully received by:  
CN=Brett M. Kavanaugh/OU=WHO/O=EOP  
at:  
06/09/2003 07:45:36 PM

---

**From:** Sara Taylor <Staylor@georgewbush.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/9/2003 3:54:05 PM  
**Subject:** : close out  
**Attachments:** P\_MC81H003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Sara Taylor <Staylor@georgewbush.com> ( Sara Taylor <Staylor@georgewbush.com> [ UNKNOWN ] )

CREATION DATE/TIME: 9-JUN-2003 19:54:05.00

SUBJECT:: close out

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Brett - As I close out of the WH (am now off payroll, but have not moved out), is it ok for me to still send emails from the WH account etc.? Matt has not hired some folks to cover my states, so I'm still doing some double-duty.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_MC81H003\_WHO.TXT\_1>

Brett – As I close out of the WH (am now off payroll, but have not moved out), is it ok for me to still send emails from the WH account etc.? Matt has not hired so me folks to cover my states, so I'm still doing some double-duty.

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Brosnahan, Jennifer R.>; <Newstead, Jennifer G.>; <Bartolomucci, H. Christopher>; <Sampson, Kyle>; <Brown, Reginald J.>; <Powell, Benjamin A.>; <Ulliot, Theodore W.>  
**Sent:** 6/9/2003 9:28:00 PM  
**Subject:** Chertoff confirmed 88-1 with Clinton voting no

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Joel D. Kaplan/WHO/EOP@Exchange@EOP [ WHO ] <Joel D. Kaplan>  
**Sent:** 6/9/2003 7:15:01 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 9-JUN-2003 23:15:01.00  
SUBJECT:  
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

you're keeping our conversations quiet, correct??

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Delrahim, Makan (Judiciary) <Makan\_Delrahim@Judiciary.senate.gov>  
**Sent:** 6/9/2003 7:45:42 PM  
**Subject:** : request

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 9-JUN-2003 23:45:42.00

SUBJECT:: request

TO: "Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> ( "Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

can you have someone FAX the 2001 exchange of letters you described re floor vote for Supreme Court nominees to me at 456-5104. Thanks.

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/10/2003 1:21:46 AM  
**Subject:** : OpinionJournal - On the Editorial Page - June 10, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME:10-JUN-2003 05:21:46.00  
SUBJECT:: OpinionJournal - On the Editorial Page - June 10, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY THOMAS H. LIPSCOMB  
<http://www.opinionjournal.com/editorial/?id=110003606>

The AP rips off Hillary Clinton.  
12:01 a.m. EDT

Outside the Box BY PETE DU PONT  
<http://www.opinionjournal.com/columnists/pdupont/?id=110003604>

Trying to outlaw failure only makes it harder to succeed.  
12:01 a.m. EDT

Leisure & Arts BY EUGENE VOLOKH  
<http://www.opinionjournal.com/la/?id=110003605>

Historic sites deserve federal funds--even if they're churches.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Freddie's Market Bomb  
The mortgage giant vindicates its critics.  
Jun 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105520534576327500,00.html%3Fmod%3Dopinion>

~~~~~

Follow the Money  
What are states doing with the \$20 billion federal bailout?  
Jun 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105520548913062600,00.html%3Fmod%3Dopinion>

~~~~~

Arafat's Answer  
Israel is once again burying its dead.  
Jun 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105519731774504600,00.html%3Fmod%3Dopinion>

~~~~~

#### Commentary

##### A Filibuster Without Precedent

It is the Democrats who are grabbing for power.

By C. BOYDEN GRAY

Jun 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105520565663257200,00.html%3Fmod%3Dopinion>

~~~~~

##### Bill Pryor's Turn

Another practicing Catholic gets filibustered.

By DOUGLAS W. KMIEC

Jun 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10552060803111600,00.html%3Fmod%3Dopinion>

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##### Good Reporting -- or Theft?

The AP was wrong to break the embargo on Hillary Clinton's book.

By THOMAS H. LIPSCOMB

Jun 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105520635397200100,00.html%3Fmod%3Dopinion>

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#### Global View

##### Protecting Human Rights

Why not finding weapons of mass destruction yet isn't a problem in the U.S.

By GEORGE MELLOAN

Jun 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105520446241245900,00.html%3Fmod%3Dopinion>

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#### Manager's Journal

##### Martha's Recipe for Recovery

If Michael Milken, Jimmy Swaggart and Donald Trump can do it, why can't

Martha Stewart pull off a successful recovery?

By JEFFREY SONNENFELD

Jun 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105518267822224600,00.html%3Fmod%3Dopinion>

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#### Leisure & Arts

##### Music

Exhilarating Recordings From Rene Jacobs

He uses the printed score only as a starting point.

By GREG SANDOW



Jun 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105520626958026900,00.html%3Fmod%3Dopinion>

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Historic Churches Deserve U.S. Funds  
Imagine if the National Gallery would only buy secular art.  
By EUGENE VOLOKH  
Jun 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105520556360928400,00.html%3Fmod%3Dopinion>

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Dance  
Graham Troupe Must Now Start Over  
Learning who Martha Graham was is getting a little easier.  
By ROBERT GRESKOVIC  
Jun 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105520714353428700,00.html%3Fmod%3Dopinion>

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Books  
One Way to Teach Your Children Well  
"Breaking Free"  
By PETER HELLMAN  
Jun 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105520763135066000,00.html%3Fmod%3Dopinion>

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Time Off  
Diversions  
Grant Park Music Festival  
Jun 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105520802842600100,00.html%3Fmod%3Dopinion>

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International

Britain's Weighty Uncertainty  
Old and New Europe (or at least a big piece of it) won't be coming together in currency matrimony any time soon.  
From The Wall Street Journal Europe  
Jun 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105519700341354800,00.html%3Fmod%3Dopinion>

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How U.K. Papers Spin the Spinner  
Does Tony Blair have to convince 44% or 63% of the public about WMD?  
By DANIEL FREEDMAN  
From The Wall Street Journal Europe  
Jun 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105519545711720700,00.html%3Fmod%3Dopinion>

~~~~~

Thailand and the Junta

Thaskin has no choice but to accept the truth -- the Burmese junta has once again resorted to thuggery to repress popular opposition.

From The Asian Wall Street Journal

Jun 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105520008843964400,00.html%3Fmod%3Dopinion>

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Luxury Masks Resentment in Japan

The surge in sales of Louis Vuitton bags is not a sign of prosperity, but of a society that prefers pocketbooks to Pampers.

By RICHARD KATZ

From The Asian Wall Street Journal

Jun 10 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105519897660424600,00.html%3Fmod%3Dopinion>

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[http://opinionjournal.com/forms/get\\_email\\_page.html](http://opinionjournal.com/forms/get_email_page.html).

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**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/10/2003 6:42:25 AM  
**Subject:** Re: your appts book

We shuld have it by staff mtg

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/10/2003 2:43:31 AM  
**Subject:** : Re: your appts book

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:10-JUN-2003 06:43:31.00  
SUBJECT:: Re: your appts book  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

We shuld have it by staff mtg

---

**From:** CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/10/2003 3:13:56 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
CREATION DATE/TIME:10-JUN-2003 07:13:56.00  
SUBJECT:: Re:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Of course.; Why?

.

---

**From:** CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 6/10/2003 9:16:29 AM  
**Subject:** : Viet's party

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:10-JUN-2003 13:16:29.00  
SUBJECT:: Viet's party  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I'm trying to figure out if we need to get a van to go to Viet's farewell at Justice today at 4.; Email me back if you are planning on going so I'll know if it is needed.  
;  
Charlotte

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/10/2003 10:02:05 AM  
**Subject:**

The Judge is meeting with Specter on Thurs @ 4:30.

---

**From:** Higgins, Stephen (Judiciary) <Stephen\_Higgins@Judiciary.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/10/2003 8:09:26 AM  
**Subject:** : RE: 3:30 Wednesday

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Higgins, Stephen (Judiciary)" <Stephen\_Higgins@Judiciary.senate.gov> ( "Higgins, Stephen (Judiciary)" <Stephen\_Higgins@Judiciary.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:10-JUN-2003 12:09:26.00  
SUBJECT:: RE: 3:30 Wednesday  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks. See you then.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Tuesday, June 10, 2003 11:56 AM  
To: Higgins, Stephen (Judiciary)  
Subject: Re: 3:30 Wednesday

yes, great

(Embedded  
image moved "Higgins, Stephen (Judiciary)"  
to file: <Stephen\_Higgins@Judiciary.senate.gov>  
pic03483.pcx) 06/10/2003 11:28:34 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: "Cernok, Jill (Kyl)" <Jill\_Cernok@kyl.senate.gov>  
Subject: 3:30 Wednesday

Brett

Can you make the 3:30 on Wednesday with Senator Kyl (730 Hart)? Thanks.

Stephen



---

**From:** Ralston, Susan B.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/10/2003 1:04:49 PM  
**Subject:** CA Travel

Please call me re: use of personal planes for KR in CA this week.

---

**From:** Montiel, Charlotte L.  
**To:** <Ulliot, Theodore W.>;<Brown, Reginald J.>;<Brosnahan, Jennifer R.>;<Powell, Benjamin A.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Sampson, Kyle>  
**Sent:** 6/10/2003 1:15:25 PM  
**Subject:** Viet's party

I'm trying to figure out if we need to get a van to go to Viet's farewell at Justice today at 4. Email me back if you are planning on going so I'll know if it is needed.

Charlotte

---

**From:** Snee, Ashley  
**To:** <Fleischer, Lawrence A.>;<Bartlett, Daniel J.>  
**CC:** <Kavanaugh, Brett M.>;<Leitch, David G.>;<Nelson, Carolyn>  
**Sent:** 6/10/2003 1:21:21 PM  
**Subject:** FW: ADMINISTRATIVE ALERT: Political Activity

Alexis Simendinger has heard that this was sent around and has asked for a copy. Any reason not to release it?

-----Original Message-----

**From:** Postmaster  
**Sent:** Friday, May 30, 2003 10:05 AM  
**To:** All Who Users; All Ovp Users; All Opd Users; All Ohs-1800g Users; All Ohs-eeob Users; All Ohs-nac Users  
**Subject:** ADMINISTRATIVE ALERT: Political Activity



May 30, 2003

#### MEMORANDUM FOR WHITE HOUSE STAFF

**FROM:** ALBERTO R. GONZALES  
COUNSEL TO THE PRESIDENT

**SUBJECT:** POLITICAL ACTIVITY

This memorandum summarizes rules and policies with respect to political activity for a candidate, campaign, political group, or political party. We will renew and supplement this guidance as appropriate before the 2004 elections. At all times, you should contact the Counsel's Office if you have any questions about appropriate political activity. You also should keep in mind, as always, that appearance and propriety issues can occasionally arise even with respect to perfectly lawful activity. Finally, the Chief of Staff has asked me to remind you that the decision whether to engage in political activity or make contributions to political entities or campaigns, including with respect to the re-election campaign of the President, is a personal matter for each employee and that no one is under any obligation to engage in such activity.

#### Basic Rules and Policies

The basic rules and policies you should follow with respect to your political activity are straightforward. You are permitted to engage in a variety of political activity, as detailed more fully below, subject to certain important restrictions:

- First, you may not use your official authority for the purpose of interfering with or affecting the result

REV\_00121417

of an election. That means, for example, that you may not knowingly permit your official title to be used on invitations to political fundraisers. (If your title is used by others inadvertently and without your knowledge, you should contact the Counsel's Office promptly about appropriate steps to take.) You also may not use your official authority to coerce any person to engage in or refrain from political activity.

- Second, you may not personally solicit, receive, or accept political contributions. Also, you may not host or sponsor political fundraisers. However, you *may* speak at, attend, and be the featured guest at political fundraisers so long as you do not personally solicit contributions. But you should always clear such activity with the Office of Political Affairs and the Counsel's Office *before* accepting an invitation to be a guest speaker at a fundraiser.

### **On-Duty and On-Site Activity**

All employees are responsible at all times for performing their official duties and responsibilities. White House employees whose duties can continue after normal duty hours and away from the normal duty post also are permitted by law to engage while on duty and in the office in otherwise permitted political activity, such as meetings and telephone calls related to elections, campaigns, or political parties. (Note that political fundraising and fundraisers may *never* occur on official government property.) However, any such political activity should be limited so that it is not inconsistent with official duties or otherwise inappropriate. In addition, any non-incidental costs that the government would not have incurred but for any political activity should be paid or reimbursed by a political entity. Finally, detailees are not permitted to engage in political activity while on duty and in their offices, but may do so off duty and off site.

It is important to note that certain White House employees may be required in the performance of their official duties to assist or accompany the President, the Vice President, the First Lady, Mrs. Cheney, or others with respect to political activity. This may entail, for example, duties related to security, scheduling, advance, or communications, among other duties. Such assistance is permissible and appropriate.

### **Travel and Costs**

When a government officer or employee engages in political activity, the government should not pay (or must be reimbursed) for non-incidental costs that it would not have incurred but for the political activity.

The issue arises primarily with respect to travel costs. The appropriate political entity ordinarily pays the relevant travel costs associated with political activity (or the costs for the political portion of mixed official-political travel). The government is not reimbursed, however, for: (i) the costs that result from security needs; or (ii) the compensation or expenses of persons required to accompany or assist the official engaging in political activity. Also, White House cars ordinarily should not be used for transportation to political events except as necessary for security purposes or to accompany the President, Vice President, First Lady, or Mrs. Cheney.

With respect to office equipment, your Office will be contacted by the Office of Management and Administration regarding appropriate reimbursement by the relevant political entity for those uses of equipment that can incur non-incidental additional charges (primarily from paper and long-distance costs). As appropriate, separate equipment may be installed in certain offices by the Office of Management and Administration.

### **Select List of Permitted Political Activities**

Subject to applicable prohibitions, including the prohibitions on improper use of official title and solicitation of contributions discussed above, you *may* engage in the following political activities:

- participation in political organizations, which includes:
  - being a member of a political party;
  - serving as an officer of a political party;
  - attending and participating in nominating caucuses;
  - participating in a political convention or rally; and
  - serving as a delegate to a political convention.
- participation in political campaigns, which includes:
  - canvassing for votes;
    - endorsing or opposing a candidate in an advertisement, broadcast, campaign literature, or similar material;
    - addressing a convention, caucus, rally, or similar gathering of a political party or political group; and
    - actively managing the political campaign of a partisan political candidate or candidate for political party office.
- participation in elections, including:
  - voting; and
  - driving voters to polling places.
- attendance and speaking at fundraising events:

*You may not solicit, receive, or accept political contributions, and you may not host or sponsor fundraisers. However, you may:*

- make lawful political contributions;
- attend political fundraisers;
  - manage or organize political fundraisers hosted and sponsored by others (you may not host or sponsor fundraisers or otherwise personally solicit contributions);
  - speak as a featured guest at political fundraisers so long as you do not solicit contributions and so long as the event otherwise complies with the legal requirements of the Bipartisan Campaign Reform Act;
  - be listed as a guest speaker on the invitation for a fundraiser so long as the invitation does not list your official title; and
  - solicit, accept, or receive uncompensated volunteer services for a campaign from any individual (however, a superior may not ask his or her subordinate employee to provide such services, nor may he or she target a company or entity with official matters pending before the agency for provision of such services).

### **Employees of the Vice President**

Employees of the Vice President (and especially those whose salary is disbursed by the Secretary of the Senate) should consult the Counsel to the Vice President regarding political activity or contributions.

## **Conclusion**

Above all, please remember that we are all employees of the President or Vice President and that our performance reflects upon them. All of us must comply with applicable laws and regulations, and must also comply with the high ethical standards they have set for us.

#00295

---

**From:** Elwood, Courtney S.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/10/2003 1:53:46 PM  
**Subject:** Call me -- 61623

I have two campaign related Qs:

1. To whom can staff submit expenses for taking cabs, etc. to the campaign when conducting official business (e.g. Advance person goes to campaign to discuss plans)?
2. What is WHO policy on making long-distance calls related to political activity?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wiley, Ladd (HHS/OS) <Ladd.Wiley@hhs.gov>  
**Sent:** 6/10/2003 3:34:24 PM  
**Subject:** : Re: Barbour Event in Chicago

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:10-JUN-2003 19:34:24.00  
SUBJECT:: Re: Barbour Event in Chicago  
TO:"Wiley, Ladd (HHS/OS)" <Ladd.Wiley@hhs.gov> ( "Wiley, Ladd (HHS/OS)"  
<Ladd.Wiley@hhs.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This is fine. Thanks.

"Wiley, Ladd (HHS/OS)" <Ladd.Wiley@hhs.gov>  
06/10/2003 05:13:30 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Barbour Event in Chicago

Brett,

The nature of the event has changed. Rather than being a fundraiser for Haley, it is a Republican Governors Association fundraising event. Secretary Thompson is not listed as a "featured guest" in the event invite. Instead, he is just planning on flying up commercial paid for by RGA, as a participant of the event, but not a featured part of the event. He is likely to give a very brief introduction to Haley.

Our ethics folks have looked at it and are comfortable with his participation in the event.

Sorry, for the late change, but information had not been communicated to us well. Are you ok with the Secretary's participation, as conceptualized?



---

**From:** Fleischer, Lawrence A.  
**To:** <Snee, Ashley>;<Bartlett, Daniel J.>  
**CC:** <Kavanaugh, Brett M.>;<Leitch, David G.>;<Nelson, Carolyn>  
**Sent:** 6/10/2003 4:10:51 PM  
**Subject:** RE: ADMINISTRATIVE ALERT: Political Activity

We should talk first....

-----Original Message-----

**From:** Snee, Ashley  
**Sent:** Tuesday, June 10, 2003 1:21 PM  
**To:** Fleischer, Lawrence A.; Bartlett, Daniel J.  
**Cc:** Kavanaugh, Brett M.; Leitch, David G.; Nelson, Carolyn  
**Subject:** FW: ADMINISTRATIVE ALERT: Political Activity

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<< OLE Object: Picture (Metafile) >>

May 30, 2003

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REV\_00121450

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  - attending and participating in nominating caucuses;
  - participating in a political convention or rally; and
  - serving as a delegate to a political convention.
- participation in political campaigns, which includes:
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    - endorsing or opposing a candidate in an advertisement, broadcast, campaign literature, or similar material;
    - addressing a convention, caucus, rally, or similar gathering of a political party or political group; and
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  - be listed as a guest speaker on the invitation for a fundraiser so long as the invitation

does not list your official title; and

- solicit, accept, or receive uncompensated volunteer services for a campaign from any individual (however, a superior may not ask his or her subordinate employee to provide such services, nor may he or she target a company or entity with official matters pending before the agency for provision of such services).

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### **Conclusion**

Above all, please remember that we are all employees of the President or Vice President and that our performance reflects upon them. All of us must comply with applicable laws and regulations, and must also comply with the high ethical standards they have set for us.

#00295

---

**From:** Litkenhaus, Colleen  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/10/2003 6:37:43 PM  
**Subject:** are you meeting with us at 6:30?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Sara M. Taylor/WHO/EOP@EOP [ WHO ] <Sara M. Taylor>  
**CC:** mschlapp@georgewbush.com @ inet [ WHO ] <mschlapp@georgewbush.com @ inet>;tracy jucas/who/eop@eop [ WHO ] <tracy jucas>;matthew a. schlapp/who/eop@eop [ WHO ] <matthew a. schlapp>  
**Sent:** 6/10/2003 3:29:52 PM  
**Subject:** : Re: Approval on email

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:10-JUN-2003 19:29:52.00  
SUBJECT:: Re: Approval on email  
TO:Sara M. Taylor ( CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:mschlapp@georgewbush.com @ inet ( mschlapp@georgewbush.com @ inet [ WHO ] )  
READ:UNKNOWN  
CC:tracy jucas ( CN=tracy jucas/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:matthew a. schlapp ( CN=matthew a. schlapp/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This is ok by me.

Sara M. Taylor  
06/10/2003 07:12:16 PM  
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP,  
mschlapp@georgewbush.com @ inet  
cc: Tracy Jucas/WHO/EOP@EOP  
Subject: Approval on email

As I try to close out of the WH, I wanted to run by the email I'd like to send to fellow WH staff - and make sure it works from an appropriateness and timing standpoint.

Dear Friends:

I will be moving to the President's re-election campaign and I wanted to drop you a quick note to thank for your friendship and the wonderful experience working with each of you has been.

As you know, there will be a lot of changes in the Political affairs Office. As of next Monday, I will no longer be checking this email address or my WH phone. For questions related to Michigan, Wisconsin and Minnesota, please contact Darren Bearson at 6-5275 or Darren\_Bearson@who.eop.gov. He is the new Associate Director for that part of the country.

For the other states I've worked in (Montana, North Dakota, Iowa, Nebraska, Illinois, and who could forget South Dakota), please contact Matt Schlapp until he announces new Associate Directors. Thanks again!

Sara Taylor

My contact info at Bush-Cheney 2004 will be:  
703-647-2770 (office)  
staylor@georgewbush.com

---

**From:** Kaplan, Joel  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/10/2003 11:32:39 PM  
**Subject:** Re: left you messages

Nice piece by boyden today. Are those wusses going to man up and get this thing done?



---

**From:** CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/11/2003 4:12:39 AM  
**Subject:** : FW: MESSAGE MEETING REMINDER

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:11-JUN-2003 08:12:39.00  
SUBJECT:: FW: MESSAGE MEETING REMINDER  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;  
-----Original Message-----  
From: Ritacco, Krista L.  
Sent: Wednesday, June 11, 2003 8:10 AM  
To: Yunker, Jacob H.; Allgood, Lauren K.; Ball, Andrea G.; Barrales, Ruben S.; Bennett, Melissa S.; Besanceney, Brian R.; Buchan, Claire ; Burkhart, Shannon; Burks, Jonathan W.; Campbell, Anne E.; Christie, Ronald I.; Ciafardini, Andrew D.; Conde, Roberta L.; Cooper, Rory S.; DeFrancis, Suzy; Devenish, Nicolle; Douglas, Penny G.; Duffy, Trent D.; Ellison, Kimberly; Eskew, Tucker A.; Figg, Kara G.; Gerdelman, Sue H.; Gillmor, Eleanor L.; Goergen, Barbara J.; Grant, Britt; Gray, Adrian G.; Gray, Ann ; Healy, Erin E.; Hennessey, Keith; Hernandez, Israel; Hughes, Taylor A.; Ingle, Edward; Jackson, Barry S.; Jucas, Tracy; Kaplan, Joel; Kozberg, Lindsey C.; Kupfer, Jeffrey F.; Kyle, Ross M.; Lawrimore, Emily A.; Lefkowitz, Jay P.; Lineberry, Stephen M.; Litkenhaus, Colleen; Mallea, Jose; Mamo, Jeanie S.; Martin, Catherine J.; McClellan, Scott ; McCord, Lauren; McDonald, Rebekah; McQuade, Vickie A.; Middlemas, A. Morgan; Millerwise, Jennifer; Millison, Cathy L.; Montiel, Charlotte L.; Nelson, Carolyn; Nipper, Wendy L.; Parell, Christie; Pelletier, Eric C.; Perez, Anna M.; Ralston, Susan B.; Reese, Shelley; Riepenhoff, Allison L.; Rodriguez, Noelia ; Rogers, Edwina C.; Rust, Kathryn E.; Ryun, Catharine A.; Schlapp, Matthew A.; Schulte, Gregory L.; Sforza, Scott N.; Smith, Heidi M.; Snee, Ashley; Steele, Sara M.; Torgerson, Karin B.; Towey, Jim; Vestewig, Lauren J.; Wehner, Peter H.; Westine, Lezlee J.; Williams, Mary C.; Wozniak, Natalie S.  
Subject: MESSAGE MEETING REMINDER

There will be a message meeting today at noon in the Roosevelt Room.

---

**From:** Brian.A.Benczkowski@usdoj.gov  
**To:** Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>; William.Hall2@usdoj.gov <William.Hall2@usdoj.gov>; William.Hall2@usdoj.gov <Powell, Benjamin A.>; Ashley\_Snee@oa.eop.gov <Ashley\_Snee@oa.eop.gov>; Ashley\_Snee@oa.eop.gov <Mamo, Jeanie S.>; william\_smith@judiciary.senate.gov <william\_smith@judiciary.senate.gov>; ehaden@balch.com <ehaden@balch.com>; David\_G.\_Leitch@oa.eop.gov <David\_G.\_Leitch@oa.eop.gov>; David\_G.\_Leitch@oa.eop.gov <Kavanaugh, Brett M.>  
**Sent:** 6/11/2003 8:41:31 AM  
**Subject:** NYT op-ed page today

Today's opinion page of the NYT is devoted almost exclusively to Senator Schumer's "ideology matters" argument. Not surprisingly, every piece agrees with Schumer. Here is one:

Judging by Where You Sit

By DAVID A. SCHKADE and CASS R. SUNSTEIN

Ideology matters when choosing judges - perhaps too much, as the battles between President Bush and Senate Democrats show. But how much does ideology matter once judges are on the bench?

As it turns out, it matters a lot. We have studied thousands of votes by federal appellate judges, who are randomly assigned to three-judge panels, which then make decisions by majority vote. According to our research, judges appointed by Republican presidents show more conservative voting patterns, while Democratic appointees are more liberal.

These findings may not be surprising. The most striking lesson of our research, however, is the influence of what might be called the majority ideology. For both Democratic and Republican appointees, the likelihood of a liberal vote jumps when the two other panel members are Democrats, and drops when the two other panel members are Republicans.

The effect of ideology on panel decisions is clear. Consider, for example, a case in which a woman has complained of sex discrimination. In front of an appellate panel of three Democratic appointees, she wins 75 percent of the time. But if the panel has fewer Democratic appointees, her chances decline. With two Democratic and one Republican appointee, she wins 49 percent of the time; with one Democratic and two Republican appointees, she wins 38 percent of the time. And with a panel of three Republican appointees, she wins just 31 percent of the time.

Or consider cases in which a company has claimed that an environmental regulation is unlawful. Before an all-Democratic panel, the company wins about a quarter of the time. But before an all-Republican panel, the company wins about three-quarters of the time. Or consider a case in which white people are challenging an affirmative action program; they win two times out of three before three Republican appointees - but only one time in six before three Democratic appointees. The same pattern can be found in many other areas of the law.

Of course, judges are not politicians or ideologues. If the facts and the law argue strongly for one side, it will prevail, regardless of the political affiliation of the president who appointed the judges. But in the hardest cases that make their way to the federal appellate courts, the evidence is clear: Republican-appointed judges tend to vote like Republicans and Democratic-appointed judges tend to vote like Democrats.

There are some interesting exceptions. In criminal appeals, Republican and Democratic appointees do not differ. Contrary to the stereotype, Democratic appointees are not "softer on crime." And in cases involving abortion and capital punishment, judges appear not to be influenced by their colleagues. No matter what the composition of the panel, Republican appointees are much more likely to vote to uphold restrictions on abortion and to permit executions to go forward.

Ideology also has a more subtle effect on individual judges: in general, both Republican and Democratic appointees are affected by their panel colleagues. A Republican appointee sitting with two other Republicans votes far more conservatively than when the same judge sits with at least one Democratic appointee. A Democratic appointee, meanwhile, shows the same tendency in the opposite ideological direction.

For example, on an all-Republican panel, Republican judges are far more likely than not to vote to strike down affirmative action and campaign finance reform - and also to rule against people claiming that they have been discriminated against on the basis of sex or disability. But in the very same areas, Republican appointees show a much more moderate pattern of votes when there is at least one Democrat on the panel. The same holds true for Democratic appointees, who show extremely liberal voting patterns when sitting with fellow Democratic appointees, a tendency that shifts in the conservative direction when they sit with one or more Republican appointees.

These findings explain what the current battle is all about. Even on the lower federal courts, judicial ideology matters, and in a way that is crucial to the development of the law. The ideology of a judge is important not only because of how that judge will vote, but also because of the judge's effect on his or her colleagues.

Thus the fight over judicial nominations is no symbolic battle. The debate between President Bush and Democratic senators, between the executive and the legislative branches, is about more than politics. It about the future shape of the law.

David A. Schkade is professor of business at the University of Texas at Austin. Cass R. Sunstein is professor of law at the University of Chicago.

---

**From:** Kavanaugh, Brett M.  
**To:** <Ralston, Susan B.>;<Hernandez, Israel>  
**Sent:** 6/11/2003 9:19:56 AM  
**Subject:** Invitations

Can you all make sure I see and approve invites for all BC 04 events at which the President, Vice President, Mrs. Bush, Mrs. Cheney, or an Administration official is appearing? Thanks. Also, in particular, do you have invites for Michigan and Ohio events?

---

**From:** CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Susan B. Ralston/WHO/EOP@Exchange [ WHO ] <Susan B. Ralston>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/11/2003 5:44:51 AM  
**Subject:** : RE: Invitations

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:11-JUN-2003 09:44:51.00  
SUBJECT:: RE: Invitations  
TO:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I have not seen one for Michigan

Ohio: Do you mean Mrs. Bush?

Iz

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, June 11, 2003 9:20 AM  
To: Ralston, Susan B.; Hernandez, Israel  
Subject: Invitations

Can you all make sure I see and approve invites for all BC 04 events at which the President, Vice President, Mrs. Bush, Mrs. Cheney, or an Administration official is appearing? Thanks. Also, in particular, do you have invites for Michigan and Ohio events?

---

**From:** Ralston, Susan B.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/11/2003 12:31:24 PM  
**Subject:** Tichenor Plane

Do we have approval to use Warren's plane?

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/11/2003 12:32:09 PM  
**Subject:** Meet you in lee's office at

1:30...

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Susan B. Ralston/WHO/EOP@EOP [ WHO ] <Susan B. Ralston>  
**Sent:** 6/11/2003 10:23:23 AM  
**Subject:** : Re: KR's travel tomorrow

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 11-JUN-2003 14:23:23.00  
SUBJECT:: Re: KR's travel tomorrow  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Send to me. This is approved.

.

----- Original Message -----  
From: Susan B. Ralston/WHO/EOP@Exchange  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 06/11/2003 01:56:29 PM  
Subject: KR's travel tomorrow

I have a rush political TA for Karl Rove.; Sorry for the delay but I just got the info this morning.; Do you want me to send it to Ben or to you?

;

Rough outline:

;

Dates of Travel - Thurs, 6/12 - Sat, 6/14  
All BC'04 events to be paid for by the campaign

;

Commercial travel cost on United to and from California - \$2409.  
Charter plane cost from San Francisco to Los Angeles to San Diego to Santa Monica - \$3,010.  
Charter helicopter cost from Santa Monica to Westlake - \$1,400.  
Total cost: \$6,819

;

Let me know where to send asap.; Thanks.



---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/11/2003 2:56:20 PM  
**Subject:** RE: Where is sen kyls office

Hart 730

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Wednesday, June 11, 2003 2:54 PM  
**To:** Nelson, Carolyn  
**Subject:** Where is sen kyls office

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/11/2003 4:02:10 PM  
**Subject:** Kyl's office reports

A bk sighting. Whatcha doing?

---

**From:** Ulyot, Theodore W.  
**To:** <Leitch, David G.>  
**CC:** <Gonzales, Alberto R.>; <Kavanaugh, Brett M.>  
**Sent:** 6/11/2003 4:41:52 PM  
**Subject:** Re:

It's true. He'll be a much taller and less pale version of me. Talk about the revolving door!

From: David G. Leitch/WHO/EOP@Exchange on 06/11/2003 04:08:23 PM

Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP, Theodore W. Ulyot/WHO/EOP@EOP

cc:

Subject:

Word on the street is that Chiongoli is going to be the new Ulyot, i.e., GC of AOL TW Europe.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** mestrada@gibsondunn.com @ inet [ UNKNOWN ] <mestrada@gibsondunn.com @ inet>  
**Sent:** 6/11/2003 2:54:57 PM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:11-JUN-2003 18:54:57.00

SUBJECT::

TO:mestrada@gibsondunn.com @ inet ( mestrada@gibsondunn.com @ inet [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

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**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>  
**Sent:** 6/11/2003 6:57:09 PM  
**Subject:** reminder to email Kristen Silverberg about her request/Goldsmith

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>  
**Sent:** 6/11/2003 3:56:22 PM  
**Subject:** : RE: we are ok on changed approach for Advance staff TEFOS forms

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:11-JUN-2003 19:56:22.00  
SUBJECT:: RE: we are ok on changed approach for Advance staff TEFOS forms  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yipeeeeeee!!!!!!!

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, June 11, 2003 9:08 AM  
To: Litkenhaus, Colleen  
Subject: we are ok on changed approach for Advance staff TEFOS forms

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/12/2003 1:25:52 AM  
**Subject:** : OpinionJournal - On the Editorial Page - June 12, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME:12-JUN-2003 05:25:52.00  
SUBJECT:: OpinionJournal - On the Editorial Page - June 12, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003616>

Hillary omits a few facts from the Vince Foster story.  
12:01 a.m. EDT

John Fund's Political Diary  
<http://www.opinionjournal.com/diary/?id=110003613>

Gray Davis's governorship may soon meet the Terminator.  
12:01 a.m. EDT

Leisure & Arts BY ROGER KIMBALL  
<http://www.opinionjournal.com/la/?id=110003614>

Anti-American journalists and the museum looting that wasn't.  
12:01 a.m. EDT

Extra BY COLIN L. POWELL  
<http://www.opinionjournal.com/extra/?id=110003615>

It's time to turn the tables on Burma's thugs.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Class-Action Showdown  
The trial lawyers won't go down without a fight.  
Jun 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105537439348516000,00.html%3Fmod%3Dopinion>

~~~~~

The Perils of Pingree  
Common Cause's new president didn't always follow her own advice.  
Jun 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10553745939290000,00.html%3Fmod%3Dopinion>

~~~~~

Hillary and Us  
She omits a few facts from the Vince Foster story.  
Jun 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105537476177178300,00.html%3Fmod%3Dopinion>

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#### Commentary

It's Time to Turn the Tables  
An attack on Aung San Suu Kyi cannot be allowed to stand.  
By COLIN L. POWELL  
Jun 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105537654192139700,00.html%3Fmod%3Dopinion>

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The Technology Deflator  
Economic dislocations are the price of progress.  
By ROBERT J. SHILLER  
Jun 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105537717458392200,00.html%3Fmod%3Dopinion>

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Breakfast With Winston  
Whisky, birds with accents like Joan Crawford's -- 10 Downing St. was a strange place.  
By QUENTIN LETTS  
Jun 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105537792726487600,00.html%3Fmod%3Dopinion>

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#### Politics & People

The Post-War Debacle  
The Pentagon had it wrong from the start.  
By ALBERT R. HUNT  
Jun 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10553782417112900,00.html%3Fmod%3Dopinion>

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#### Leisure & Arts

The Gallery  
Heavenly Art From Asia  
"The Himalayas: An Aesthetic Adventure."  
By JOEL HENNING  
Jun 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105538506646577000,00.html%3Fmod%3Dopinion>

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Books  
In the American Grain  
"Republic of Shade"  
By NED CRABB  
Jun 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105538626374733400,00.html%3Fmod%3Dopinion>

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Iraqi Looting Story  
Why is the press so gullible?  
By ROGER KIMBALL  
Jun 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105538576972716500,00.html%3Fmod%3Dopinion>

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Music  
Mark Everett's Painful, Revelatory Music  
Baring his soul for his ninth album.  
By JIM FUSILLI  
Jun 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10553868476241300,00.html%3Fmod%3Dopinion>

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Time Off  
Diversions  
Somewhere Better Than This Place: Alternative Social Experience in the  
Spaces of Contemporary Art; Tiger Mountain; Grant Park Music Festival  
Jun 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105520802842600100,00.html%3Fmod%3Dopinion>

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International

Miller Time (Up?)  
Poland's prime minister may be out of office soon.  
From The Wall Street Journal Europe  
Jun 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10553688499963100,00.html%3Fmod%3Dopinion>

~~~~~

Road to Nowhere?  
Hamas wants to kill the road map.  
From The Wall Street Journal Europe  
Jun 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105536950880932800,00.html%3Fmod%3Dopinion>

~~~~~

France's Grand Experiment  
The referendum would transfer authority from Paris to Corsica.

By PAUL GIACOBBI  
From The Wall Street Journal Europe  
Jun 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105536723591786000,00.html%3Fmod%3Dopinion>

~~~~~

China's Other Health Cover-Up  
China should investigate the AIDS blood scandal in Henan province.  
By BRAD ADAMS  
From The Asian Wall Street Journal  
Jun 12 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105536992243138700,00.html%3Fmod%3Dopinion>

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<http://StartupJournal.com>

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**From:** Kavanaugh, Brett M.  
**To:** <Ralston, Susan B.>  
**Sent:** 6/12/2003 9:50:39 AM  
**Subject:** Tichenor

Can you confirm that campaign is paying for use of his aircraft **in advance**? Thanks.

---

**From:** Elwood, Courtney S.  
**To:** <Kavanaugh, Brett M.>;<Ralston, Susan B.>  
**CC:** <Douglass, Kimberly A.>;<Litkenhaus, Colleen>;<O'Donnell, Claire M.>  
**Sent:** 6/12/2003 10:01:39 AM  
**Subject:** Re: Use of Corporate Planes

.rs

---

**From:** Kavanaugh, Brett M.  
**To:** <Pelletier, Eric C.>  
**Sent:** 6/12/2003 10:16:08 AM  
**Subject:** who is doing class action on house side

---

**From:** Pelletier, Eric C.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/12/2003 10:17:36 AM  
**Subject:** RE: who is doing class action on house side

Bob Marsh - 494-9034

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Thursday, June 12, 2003 10:16 AM  
**To:** Pelletier, Eric C.  
**Subject:** who is doing class action on house side

---

**From:** Sampson, Kyle  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Kavanaugh, Brett M.>  
**Sent:** 6/12/2003 10:46:16 AM  
**Subject:** Today's SJC markup

Committee voted 11-0 to report David Campbell. Feinstein voted for; all other Dems abstained.

---

**From:** Martin, Catherine J.  
**To:** <Kavanaugh, Brett M.>;<Newstead, Jennifer G.>  
**Sent:** 6/12/2003 11:24:15 AM  
**Subject:** today is ted's birthday

In case you all didn't know, today is Ted's birthday. Tell him his is OLD!!!

cathie



---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/12/2003 12:07:36 PM  
**Subject:** Why are specter and judge meeting today?

---

**From:** CN=Christie Parell/OU=WHO/O=EOP [ WHO ]  
**To:** Peter S. Sobich/WHO/EOP [ WHO ] <Peter S. Sobich>;Jesse O. Villarreal/WHO/EOP [ WHO ] <Jesse O. Villarreal>;Tevi Troy/WHO/EOP@Exchange [ WHO ] <Tevi Troy>;Sarah Pfeifer/WHO/EOP [ WHO ] <Sarah Pfeifer>;Taylor A. Hughes/WHO/EOP@Exchange [ WHO ] <Taylor A. Hughes>;Brian D. Montgomery/WHO/EOP@Exchange [ WHO ] <Brian D. Montgomery>;Carmen M. Ingwell/WHO/EOP [ WHO ] <Carmen M. Ingwell>;Christie Parell/WHO/EOP [ WHO ] <Christie Parell>;Matthew Koch/WHO/EOP [ WHO ] <Matthew Koch>;Ali H. Tulbah/WHO/EOP [ WHO ] <Ali H. Tulbah>;Edward Ingle/WHO/EOP [ WHO ] <Edward Ingle>;Theodore W. Ulliot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliot>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/12/2003 8:38:57 AM  
**Subject:** : Agency FOIA Requests  
**Attachments:** P\_QQU6H003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Christie Parell ( CN=Christie Parell/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:12-JUN-2003 12:38:57.00  
SUBJECT:: Agency FOIA Requests  
TO:Peter S. Sobich ( CN=Peter S. Sobich/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jesse O. Villarreal ( CN=Jesse O. Villarreal/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tevi Troy ( CN=Tevi Troy/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Sarah Pfeifer ( CN=Sarah Pfeifer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Taylor A. Hughes ( CN=Taylor A. Hughes/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Carmen M. Ingwell ( CN=Carmen M. Ingwell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christie Parell ( CN=Christie Parell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew Koch ( CN=Matthew Koch/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ali H. Tulbah ( CN=Ali H. Tulbah/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_QQU6H003\_WHO.TXT\_1>

## AGENCY FOIA REQUESTS

### ***DOC***

Received 6/2/03, from **Meghann K. Peterlin**, requesting all correspondence from January 1997 through May 2003 between DOC and Senators Barbara Boxer, Thomas Daschle, Christopher Dodd, Byron Dorgan, Russell Feingold, Ernest Hollings, Patrick Leahy, Blanche Lincoln, Barbara Mikulski, Patty Murray, Harry Reid, and Charles Schumer.

Received 6/4/03, from **Steven Emerson of SAE Productions**, requesting all documents regarding the situation in Chechnya and the government formed by Dzokhar Dudnev in 1991.

### ***HHS***

6/18/03 (Tentative)

The **Centers for Medicare and Medicaid Services (CMS) High Visibility FOIA Request** - On March 21, a FOIA request was submitted to CMS from Scott Street, the Deputy Research Director of Gephardt for President 2004. The request asked for correspondence and other information that was requested by or provided to Senator John Kerry.

7/2/03

The **Detroit Free Press** requested grant applications and HRSA communications regarding unsuccessful Federally Qualified Health Center applicants from the Detroit area during the past 5 years.

### ***EPA***

During the week of June 2, 2003, the agency received 252 FOIA requests. Of the total, 42 were received in Headquarters. Year-to-date totals are 1,627 for Headquarters and 8,724 agency-wide. Significant FOIA requests received this week include:

- (3) **Michael Milstein of *The Oregonian*** has requested copies of records related to EPA's funding of a contract with Klamath Basin Rangeland Trust (KBRT) based in Medford, Oregon;
- (4) **Judy M. Sheahan of the U.S. Conference of Mayors** has requested a list of the Brownfields applications that were rejected because of the 107 provision which bans potentially responsible parties from receiving Brownfields funding.;
- (5) **Richard Caplan of the U.S. Public Interest Research Group** has requested copies of various data used to compile the water compliance facility reports in EPA's Enforcement and Compliance History Online (ECHO) database;
- (6) **Sean Moulton of OMB Watch** has requested electronic copies of all Executive

Summaries submitted to EPA for facilities covered by the Risk Management Planning (RMP) program, basic information used to track submissions, and electronic copies of all five-year accident histories submitted to EPA for facilities covered by the RMP program;

- (7) **Sean Moulton of OMB Watch** has also requested all of the databases currently accessed by EPA's Enforcement and Compliance History Online (ECHO) website and related information;
- (8) **David Danelski of *The Press-Enterprise*** has requested all correspondence concerning the chemical perchlorate between the Administrator, her predecessors, and/or other EPA officials and (1) officials with the Department of Defense and/or any branch of the U.S. military, and (2) with officials with companies that have made or used perchlorate for weapons and related products used by the government or have been suspected of contaminating the environment with perchlorate.

#### ***DOI***

***The Aroostook Band of Micmacs.*** The Deputy Attorney General for the State of Maine filed a Freedom of Information Act request seeking records concerning the Aroostook Band of Micmacs and all petitions for acknowledgment as an Indian tribe filed by or on behalf of the Band with Interior.

#### ***DOJ***

**Katy Lewis, of the Center For Public Integrity,** has requested copies of correspondence from January 1998 to the present between the Department of Justice and the Republican National Committee, the National Republican Senatorial Committee, and the Republican National Congressional Committee.

**Katy Lewis, of the Center For Public Integrity,** has requested copies of correspondence from January 1998 to the present between the Department of Justice and the Democratic National Committee, the Democratic Senatorial Campaign Committee, and the Democratic Congressional Campaign Committee.

**R. Jeffrey Smith, of the Washington Post,** has requested all records of "communications related to a request from Rep. Thomas DeLay and/or any member of his staff or the staff of the House Majority Leader's office for assistance in locating and/or arresting members of the Texas legislature on May 12, 13, or 14, 2003."

#### ***DOL***

**Edgar F. Oldham, Jr., International Safety Representative, United Mine Workers of America, Madisonville, KY,** is seeking:  
copies of all violations issued in MSHA District 10 at all of the mines from January 1, 2000 to the present.

**Joseph A. Main, Administrator, Department of Occupational Health and Safety, United Mine Workers of America, Fairfax, VA,** is seeking:

a copy of the contracting arrangements the Mine Safety and Health Administration has with ICF Consulting of Lexington, Maryland involving an evaluation of the Federal mine inspection program carried out under the Federal Mine Safety and Health Act. This contract may have been entered into approximately a year ago.

**Joseph Main** is also seeking the following:

Correspondence between ICF Consulting and MSHA, including a copy of the contracts and any amendments, the statement and direction of work and requested services and the date the contract was awarded, length of contract, any amendments, payments made or agreed on and the costs of the contract.

Identify the principal MSHA or other official that approved the contract, including any amendments and the principal MSHA official overseeing the contract.

Copies of all bids issued by or on behalf of MSHA for the services sought for the contract and a list of all those who placed bids.

**Meghann K. Peterlin, Falls Church, VA,** is seeking:

for the period of January 1997 through May 2003, any and all correspondence and related documents between the Department of Labor or any of its offices, organizations, or agents and the following individuals:

Senator Barbara Boxer (California), Senator Thomas Daschle (South Dakota)

Senator Christopher Dodd (Connecticut), Senator Byron Dorgan (North Dakota)

Senator Russell Feingold (Wisconsin), Senator Ernest Hollings (South Carolina)

Senator Patrick Leahy (Vermont), Senator Blanche Lincoln (Arkansas)

Senator Barbara Mikulski (Maryland), Senator Patty Murray (Washington)

Senator Harry Reid (Nevada), Senator Charles Schumer (New York)

**Adam Lee, Strategic Campaigns Department, United Steelworkers of America (AFL-CIO-CLC), Pittsburgh, PA,** is seeking:

A file review of all documents, including notes, interoffice correspondence, interagency correspondence, other correspondence, meeting minutes, telephone memoranda, draft reports and/or recommendations, proposals or written "suggestions", e-mail and computer files, working documents, inspection reports, complaints, complaint investigations and other documentation concerning the recent investigations of activities at the United Steelworkers of America, Local 2635 in Johnstown, Pennsylvania.

**Jennifer Dix, Reporter, Detroit Free-Press,** is seeking:

information on injury and illness rates for multiple auto assembly plants.

**Jason D. McCord, Reporter, Post-Star Newspaper (Saratoga Springs, NY),** is seeking:

information concerning multiple paper mill and tissue paper companies in New York.

**Jeremy Olson, Investigative Reporter, Omaha World Herald** is seeking:

information on companies cleaning meat packing plants in the Omaha area and OSHA's oversight.

## ***OPM***

The firm of **Crowell Moring** has submitted a FOIA request for all documents relating to audits, rating practices, rate proposals, or rate reconciliations (including audit reports) for contract years 1997 to present for four FEHB carriers (UPMC Health Plan, HealthGuard, Keystone Health Plan Central, and Keystone Blue).

## ***VA***

**Jeremy Olson**, investigative reporter for the ***Omaha World-Herald Newspaper*** in Nebraska, requested a copy of the Veterans Health Administration's Technical Manual for Quality Indicators. He is writing a story on VA quality of care.

The **Financial Services Center** in Austin, Texas (which comes under the Office of Finance) closed a FOIA request from Nelson-Brown Equities, Inc., dated January 14, 2003. **Nelson-Brown, Inc.** requested a copy of all VA Limited Payability Cancellation Reports for refunds and credits for undeliverable checks for the period of September 2002 to the most current available, eliminating any checks which had been, or were in the process of being reissued. Nelson-Brown, Inc. was only interested in items over \$3,000.

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**From:** MacEcevic, Lisa J.  
**To:** <Kavanaugh, Brett M.>;<Warsh, Kevin>;<Schacht, Diana L.>;<Kupfer, Jeffrey F.>;<Bloomquist, Lauren E.>;<Boden, James>;<Schwartz, Kenneth L.>;<Green, Richard E.>;<Jukes, James J.>;<Benton, Melissa N.>  
**Sent:** 6/12/2003 4:28:40 PM  
**Subject:** CongressDaily: Asbestos bill markup to be next week

## Hatch Insisting On Asbestos Litigation Markup Next Week

**Senate Judiciary Chairman Hatch** today vowed to forge ahead with his legislation aimed at reforming the asbestos litigation system, saying a markup planned for next week will come off even if concerns over the controversial bill are not assuaged. "I'm looking forward to voting on it," Hatch said during a session of the Judiciary Committee today in which he reaffirmed his decision to hold the markup next week "in any event." Some key Democrats have withheld support for the bill, which creates a separate court system and a \$108 billion trust fund -- financed by insurers and defendant companies in asbestos-exposure cases -- to compensate victims of asbestos-related illnesses.

Meanwhile, Sen. **Ben Nelson** of Nebraska, the measure's Democratic cosponsor, said he was working on three possible solutions to one of the biggest Democratic complaints about the bill -- that it does not include a mechanism to ensure that the trust fund will not run dry. Hatch previously opposed the use of a federally funded "backstop," but Nelson indicated that using public funds was not completely off the table. Nelson said he was "vetting" the ideas among colleagues and may be ready "to go public with them by midweek." Asked if Hatch was supportive of the proposals, Nelson answered, "It is my approach never to surprise people." Hatch today said he would work with Senate colleagues to address their concerns ahead of the markup. "We're coming very close to be able to satisfy [concerns] or at least get the parties together," Hatch said. -- *by Emily Heil*

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**From:** Ralston, Susan B.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/12/2003 6:32:00 PM  
**Subject:** FW: For WH Approval: tampa invite  
**Attachments:** EFLB02.pdf

-----Original Message-----

**From:** Henry Hager [mailto:hhager@georgewbush.com]  
**Sent:** Thursday, June 12, 2003 6:27 PM  
**To:** Hernandez, Israel  
**Cc:** Ralston, Susan B.  
**Subject:** For WH Approval: tampa invite  
**Importance:** High



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\*PARTIAL LISTING AT TIME OF PRINTING

PLEASE JOIN US FOR A RECEPTION HONORING  
**PRESIDENT GEORGE W. BUSH  
& GOVERNOR JEB BUSH**

MONDAY, JUNE 30, 2003

GENERAL RECEPTION 5:00 P.M.  
PLEASE ALLOW SUFFICIENT TIME FOR SECURITY

GRAND HYATT – TAMPA BAY  
AUDUBON BALLROOM  
6200 COURTNEY CAMPBELL CAUSEWAY  
TAMPA, FLORIDA

ALL GUESTS MUST HAVE PHOTO ID TO ENTER THE EVENT  
ALL BAGS, BRIEFCASES AND PURSES ARE SUBJECT TO SEARCH

REPLY CARD ENCLOSED  
PLEASE RSVP BY THURSDAY, JUNE 26, 2003  
FOR MORE INFORMATION CONTACT  
JACKIE KURTI AT: **PRA 6**

\$2,000 PER PERSON  
BUSINESS ATTIRE  
PARKING AVAILABLE

THIS INVITATION IS NON-TRANSFERABLE

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RECEPTION HONORING PRESIDENT GEORGE W. BUSH

JUNE 30, 2003 – TAMPA, FLORIDA  
\$2,000 PER PERSON

- ☐ YES, I/We WILL BE ATTENDING. A CONTRIBUTION OF \$\_\_\_\_\_ IS ENCLOSED.
- ☐ YES, I/We WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR \$2,000 PER PERSON CONTRIBUTION TO BUSH-CHENEY 2004.

ATTENDEES ARE AS FOLLOWS (FIRST AND LAST NAMES FOR NAMETAGS; SSN AND DOB FOR SECURITY):

1. \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

2. \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

☐ NO, I AM NOT ABLE TO ATTEND BUT HAVE ENCLOSED A CONTRIBUTION OF \$\_\_\_\_\_.

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Event Tracking No.: EFLB02 Solicitor Tracking No.: \_\_\_\_\_

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<b>Federal law requires</b> us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of \$200 in an election cycle.				<b>Paid for by Bush-Cheney '04, Inc.</b>	
Full Name			Salutation		
Spouse Name					
Address					
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Home Phone		Office Phone			
Fax Phone		Email			
Employer		Occupation			
Spouse's Employer <i>(If joint contribution)</i>		Spouse's Occupation <i>(If joint contribution)</i>			
<b>Check Contributions</b> The contribution to Bush-Cheney '04, Inc. drawn on <b>check # _____ account named as _____</b>  _____ represents our personal funds and is not drawn on an account maintained by an incorporated entity.					
<b>Signature of Original Contributor</b> _____					
<b>Joint Contributions</b> If this contribution is intended to be a contribution from husband and wife, signature of spouse must be provided.					
<b>Signature of Spouse</b> _____					
<b>Credit Card Contributions</b> <input type="checkbox"/> This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.					
Credit Card: <i>(Visa, Mastercard, Amex &amp; Discover accepted)</i> _____				Cardholder Name _____	
Amount of Donation: \$ _____				Signature _____	
Card Number _____			Expiration Date _____		

---

**From:** CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/12/2003 2:33:12 PM  
**Subject:** : FW: For WH Approval: tampa invite  
**Attachments:** P\_TAU7H003\_WHO.TXT\_1.pdf

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:12-JUN-2003 18:33:12.00

SUBJECT:: FW: For WH Approval: tampa invite

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

;

-----Original Message-----

From: Henry Hager [mailto:hhager@georgewbush.com]

Sent: Thursday, June 12, 2003 6:27 PM

To: Hernandez, Israel

Cc: Ralston, Susan B.

Subject: For WH Approval: tampa invite

Importance: High

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_TAU7H003\_WHO.TXT\_1>

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& GOVERNOR JEB BUSH

MONDAY, JUNE 30, 2003

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TAMPA, FLORIDA

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FOR MORE INFORMATION CONTACT  
JACKIE KURTI AT: PRA 6

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\$2,000 PER PERSON

- ☐ YES, I/We WILL BE ATTENDING. A CONTRIBUTION OF \$\_\_\_\_\_ IS ENCLOSED.
- ☐ YES, I/We WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR \$2,000 PER PERSON CONTRIBUTION TO BUSH-CHENEY 2004.

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SOCIAL SECURITY NUMBER: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

2. \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

☐ NO, I AM NOT ABLE TO ATTEND BUT HAVE ENCLOSED A CONTRIBUTION OF \$\_\_\_\_\_.

**THIS INFORMATION WILL HELP US WITH OUR RECORD KEEPING PROCESS. PLEASE COMPLETE.**

Event Tracking No.: EFLB02 Solicitor Tracking No.: \_\_\_\_\_

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*Please see reverse.*

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<b>Federal law requires</b> us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of \$200 in an election cycle.				<b>Paid for by Bush-Cheney '04, Inc.</b>	
Full Name			Salutation		
Spouse Name					
Address					
City		State		Zip	
Home Phone		Office Phone			
Fax Phone		Email			
Employer		Occupation			
Spouse's Employer <i>(If joint contribution)</i>		Spouse's Occupation <i>(If joint contribution)</i>			
<b>Check Contributions</b> The contribution to Bush-Cheney '04, Inc. drawn on <b>check # _____ account named as _____</b>  _____ represents our personal funds and is not drawn on an account maintained by an incorporated entity.					
<b>Signature of Original Contributor</b> _____					
<b>Joint Contributions</b> If this contribution is intended to be a contribution from husband and wife, signature of spouse must be provided.					
<b>Signature of Spouse</b> _____					
<b>Credit Card Contributions</b> <input type="checkbox"/> This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.					
Credit Card: <i>(Visa, Mastercard, Amex &amp; Discover accepted)</i> _____			Cardholder Name _____		
Amount of Donation: \$ _____			Signature _____		
Card Number _____			Expiration Date _____		

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>  
**Sent:** 6/12/2003 6:58:14 PM  
**Subject:** Sec. Card's question

I think he was confused about the fact that political entities have leased charter aircraft **from charter companies** in the past to provide transportation to him and others. That is different from leasing a plane from a corporate entity and is not encompassed by this memo. I will edit to make that clear.



---

**From:** Powell, Benjamin A.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Kavanaugh, Brett M.>  
**Sent:** 6/12/2003 7:03:21 PM  
**Subject:** hatch on msnbc on pryor.

---

**From:** CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 6/12/2003 3:04:38 PM  
**Subject:** : hatch on msnbc on pryor.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 12-JUN-2003 19:04:38.00  
SUBJECT:: hatch on msnbc on pryor.  
TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

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**From:** Kavanaugh, Brett M.  
**To:** <Ralston, Susan B.>  
**Sent:** 6/12/2003 7:06:09 PM  
**Subject:** Re: FW: For WH Approval: tampa invite  
**Attachments:** EFLB02.pdf

Approved.

From: Susan B. Ralston/WHO/EOP@Exchange on 06/12/2003 06:32:00 PM

Record Type: Record

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

cc:

Subject: FW: For WH Approval: tampa invite

-----Original Message-----

**From:** Henry Hager [<mailto:hhager@georgewbush.com>]

**Sent:** Thursday, June 12, 2003 6:27 PM

**To:** Hernandez, Israel

**Cc:** Ralston, Susan B.

**Subject:** For WH Approval: tampa invite

**Importance:** High

<>

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MONDAY, JUNE 30, 2003

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JACKIE KURTI AT: PRA 6

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BUSINESS ATTIRE  
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Spouse's Employer <i>(If joint contribution)</i>		Spouse's Occupation <i>(If joint contribution)</i>			
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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Susan B. Ralston/WHO/EOP@Exchange [ WHO ] <Susan B. Ralston>  
**Sent:** 6/12/2003 3:07:07 PM  
**Subject:** : Re: FW: For WH Approval: tampa invite  
**Attachments:** P\_HT75H003\_WHO.TXT\_1.pdf

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:12-JUN-2003 19:07:07.00  
SUBJECT:: Re: FW: For WH Approval: tampa invite  
TO:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
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From: Susan B. Ralston/WHO/EOP@Exchange on 06/12/2003 06:32:00 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
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From: Henry Hager [mailto:hhager@georgewbush.com]  
Sent: Thursday, June 12, 2003 6:27 PM  
To: Hernandez, Israel  
Cc: Ralston, Susan B.  
Subject: For WH Approval: tampa invite  
Importance: High

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_HT75H003\_WHO.TXT\_1>

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**From:** Mamo, Jeanie S.  
**To:** <Snee, Ashley>;<Kavanaugh, Brett M.>;<Powell, Benjamin A.>  
**Sent:** 6/12/2003 7:36:34 PM  
**Subject:** Mobile Register (6/12/03) re: Pryor's backers are pleased

## News

### Pryor's backers are pleased

**'Nobody laid a glove on him,' says Sessions of Senate panel's hearing**

06/12/03

**By SEAN REILLY**

Washington Bureau

WASHINGTON -- In occasionally heated exchanges Wednesday, Alabama Attorney General Bill Pryor told the Senate Judiciary Committee that he would place the law above his personal convictions if approved for a federal appeals court judgeship, while Democrats on the panel peppered him with skepticism over his ability to serve impartially.

But after the Mobile native had spent more than three hours taking questions, the hearing abruptly concluded in mid-afternoon, when no Democratic senators showed up after a lunch break. Committee Chairman Orrin Hatch, R-Utah, interpreted their absence as a tribute to the Mobile native's performance. Echoing that assessment was U.S. Sen. Jeff Sessions, R-Mobile, who confidently declared that "nobody laid a glove on him."

While a "long tough battle" lies ahead, Sessions said, "we made real progress today."

In a statement issued afterward, however, the committee's top Democrat, Sen. Patrick Leahy of Vermont, said "the hearing made ever clearer to everyone that this has been and remains an extremely controversial nomination."

Although senators can submit written questions to Pryor until Tuesday, Hatch said, the Republican-run committee will probably vote to send his nomination to the full Senate within the next two weeks.

Observers on both sides have suggested that Democrats might then try to block the nomination on the Senate floor through stalling tactics that they are already employing with two other Bush nominees. Leahy's statement didn't look that far ahead, saying only that committee members will decide how to vote in light of Pryor's answers at Wednesday's hearing and to follow-up written questions.

Pryor, a 41-year-old Republican, is the latest in a string of Bush judicial candidates to arouse controversy since the White House announced his nomination two months ago for a lifetime seat on the Atlanta-based 11th U.S. Circuit Court of Appeals. On abortion, states' rights and other issues, critics say that Pryor's past positions raise troubling doubts about his future potential to make an even-handed judge.

In the last week, several advocacy organizations have published lengthy reports documenting what they label as Pryor's record of right-wing activism. The day before Wednesday's hearing, a half-dozen groups joined in a news conference calling on the Senate to keep him off the bench.

"Bill Pryor is a proud and distinguished ideological warrior. I respect him for it," U.S. Sen. Charles Schumer, D-N.Y., said in his opening statement Wednesday. But ideological warriors of any political stripe "tend to make law, not interpret law," Schumer continued. "And that's not what any of us should want from our judges."

Pryor, clad in sober pin-stripes and accompanied by his wife and two young daughters, responded that as attorney general he had always stayed within settled legal boundaries and would continue to do so on the bench.

On the abortion issue, for example, Pryor repeatedly asserted that he had more narrowly interpreted a 1997 Alabama statute banning the procedure commonly known as "partial-birth abortion" than some anti-abortion advocates and then-Gov. Fob James had wanted.

"It was my best judgment of what the law required," Pryor said. Asked by Hatch whether he would continue to follow the precedent set by the 1973 U.S. Supreme Court decision legalizing abortion, Pryor replied: "You can take it to the bank, Mr. Chairman."

Even so, Pryor did not disavow his one-time characterization of that 1973 ruling as "the worst abomination in the history of constitutional law." In his opening statement, Schumer seemed to muse whether that ruling was truly worse than earlier high court decisions upholding slavery, racial segregation and the internment of Japanese-Americans during World War II.

Pryor yielded no ground Wednesday.

"It has led to the slaughter of millions of innocent unborn children," he said later in the hearing.

Pryor also defended a friend-of-court brief filed earlier this year in support of Texas's criminal sodomy law. The brief had drawn fire from gay rights groups, who say that it equates private same-sex relations with necrophilia and possession of child pornography. But Pryor contended that he was simply following the lead of the late U.S. Supreme Court Justice Byron White in a 1986 opinion upholding a Georgia law that also made homosexual sodomy a crime.

And in response to friendly questioning from Hatch, Pryor gladly acknowledged that the high court has several times taken his side on controversial cases involving the balance of power between state and federal governments.

In a 2001 ruling on a challenge brought by Pryor, for example, the Supreme Court on a 5-4 vote dramatically restricted the right of state workers to sue for disability discrimination under federal law. Not long before, Pryor was the only attorney general in the nation to file a friend-of-court brief arguing the unconstitutionality of a provision in another law giving rape victims the ability to sue their attackers in federal court. Three-dozen other attorneys general took the opposite view, but in another 5-4 decision, the Supreme Court again landed in Pryor's corner.

"I think the fact the Supreme Court agreed with you in a number of these cases indicates that your arguments are hardly outside the mainstream," Hatch said.

Pryor did make a small concession after U.S. Sen. Edward Kennedy, D-Mass., challenged his comment three years ago that "nine octogenarian lawyers who happen to sit on the Supreme Court" should not decide whether an Alabama death row inmate got a temporary reprieve.

Pryor first described the remark as "overheated political rhetoric," but after Kennedy continued to prod him, then called it "an inappropriate statement."

Pryor also clashed with Sen. Russell Feingold, D-Wis., over disclosure of political contributions to the Republican Attorneys General Association, an organization that Pryor helped found in the late 1990s, although he is no longer an officer. The group has drawn criticism for raising money from corporations that may have a stake in the official actions of its members. After Pryor repeatedly referred questions about specific donors to the Republican National Committee, Feingold retorted that he took those responses as a "refusal" to provide the information.

To the surprise of at least one opponent, the panel never brought up Pryor's well-publicized refusal to sue tobacco companies to recover taxpayers' cost of smoking-related health problems. Also unmentioned during the hearing was a newly released evaluation by an American Bar Association review committee giving Pryor lackluster grades on his professional qualifications.

Before beginning his testimony, Pryor was introduced by Sessions, Sen. Richard Shelby, R-Tuscaloosa, and U.S. Rep. Jo Bonner, R-Mobile. Bonner highlighted a letter of support written by state Rep. Alvin Holmes, a black Montgomery Democrat who urged swift confirmation for Pryor "because of his constant efforts to help the causes of blacks in Alabama."

In anticipation of a substantial crowd, the setting for Wednesday's hearing was moved to a larger room in a Senate office building than was first planned. At the outset, the standing room only audience numbered more than 200, but eventually dwindled to a few dozen. Pryor supporters were readily identifiable by lapel stickers that proclaimed him "A Judge for America." In a display of concern over Pryor's role in spearheading the disability discrimination case, several disabled people on indoor motor scooters also attended under the motto, "Don't Roll Back our Rights."

The 12 judges on the 11th Circuit hear appeals from Alabama, Georgia and Florida. Because the U.S. Supreme Court takes relatively few cases, the 11th Circuit is frequently the court of last resort in the three-state territory. The judges make \$164,000 annually.

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**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>  
**Sent:** 6/12/2003 8:37:57 PM  
**Subject:** Advance travel meetings

are those held every day?

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**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/13/2003 1:31:25 AM  
**Subject:** : OpinionJournal - On the Editorial Page - June 13, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME:13-JUN-2003 05:31:25.00  
SUBJECT:: OpinionJournal - On the Editorial Page - June 13, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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On the Editorial Page  
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America should let Iraqis restore order to Iraq.  
12:01 a.m. EDT

Wonder Land BY DANIEL HENNINGER  
<http://www.opinionjournal.com/columnists/dhenninger/?id=110003625>

The strange postwar debate over Iraqi weapons.  
12:01 a.m. EDT

On the Taste Page  
<http://opinionjournal.com/taste/>

Polygamy in Texas; a Sizzler waiter goes berserk.  
12:01 a.m. EDT

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The Trouble With Freddie  
The risk is systemic.  
Jun 13 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105545923676555900,00.html%3Fmod%3Dopinion>

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Only in New York  
George Pataki can now kill rent control by doing nothing.  
Jun 13 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105545940467464200,00.html%3Fmod%3Dopinion>

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Making Baghdad Safer  
State's resistance to an Iraqi security force is costing lives.  
Jun 13 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105545951775363100,00.html%3Fmod%3Dopinion>

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#### Commentary

##### Prix-Fixe Rip-Off

Government micromanagement isn't needed in health care.

By REGINA HERZLINGER

Jun 13 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105546075890080200,00.html%3Fmod%3Dopinion>

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##### The Baseball Exemption

The national pastime is exempt from antitrust law.

By DANIEL C. GLAZER

Jun 13 2003

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#### Wonder Land

##### The 'Intelligence' Debate

Did prewar intelligence estimates mean that Saddam "had" WMDs or did they "suggest" he had them?

By DANIEL HENNINGER

Jun 13 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105545976357457800,00.html%3Fmod%3Dopinion>

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#### The Americas

##### Chavez Foe Is Labeled a 'Terrorist'

Utopians in Washington forget who is the bigger problem in Venezuela.

By MARY ANASTASIA O'GRADY

Jun 13 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105546155019819400,00.html%3Fmod%3Dopinion>

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#### International

##### Chirac the Trade Killer

The French are trying to scuttle reform of EU subsidies to farmers.

From The Wall Street Journal Europe

Jun 13 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105545595783775800,00.html%3Fmod%3Dopinion>

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##### Cat-and-Mouse at Kalaye

If Iran has nothing to hide, why the charade?

From The Wall Street Journal Europe



Jun 13 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10554568506195400,00.html%3Fmod%3Dopinion>

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Italy's Tyranny of Labor Protection  
Firing employees will become virtually illegal in Italy.  
By ALBERTO MINGARDI  
From The Wall Street Journal Europe  
Jun 13 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10554541345511400,00.html%3Fmod%3Dopinion>

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Jobs for the Boys: Putin's New 'Militocracy'  
Russia's leadership is a security-military elite that resents U.S. power.  
By ADRIAN KARATNYCKY  
From The Wall Street Journal Europe  
Jun 13 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105545521051502800,00.html%3Fmod%3Dopinion>

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Why China's Glass Is Half Full  
Keep optimism about China within reasonable bounds.  
By HUGO RESTALL  
From The Wall Street Journal Europe  
Jun 13 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105545708943936300,00.html%3Fmod%3Dopinion>

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A Moral Foreign Policy  
Dictatorships will not find shelter behind the conventions of diplomacy.  
From The Asian Wall Street Journal  
Jun 13 2003

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---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/13/2003 8:01:48 AM  
**Subject:** RE: Advance travel meetings

Yep. 10:00, room 180.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Thursday, June 12, 2003 8:38 PM  
**To:** Nelson, Carolyn  
**Subject:** Advance travel meetings

are those held every day?

---

**From:** Hernandez, Israel  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/13/2003 8:13:26 AM  
**Subject:** FW: For WH Approval: tampa invite  
**Attachments:** EFLB02.pdf

-----Original Message-----

**From:** Henry Hager [mailto:hhager@georgewbush.com]  
**Sent:** Thursday, June 12, 2003 6:27 PM  
**To:** Hernandez, Israel  
**Cc:** Ralston, Susan B.  
**Subject:** For WH Approval: tampa invite  
**Importance:** High

-----Original Message-----

**From:** Rhodes Miller  
**Sent:** Thursday, June 12, 2003 6:24 PM  
**To:** Henry Hager  
**Subject:** tampa invite

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PLEASE JOIN US FOR A RECEPTION HONORING

PRESIDENT GEORGE W. BUSH  
& GOVERNOR JEB BUSH

MONDAY, JUNE 30, 2003

GENERAL RECEPTION 5:00 P.M.

PLEASE ALLOW SUFFICIENT TIME FOR SECURITY

GRAND HYATT – TAMPA BAY  
AUDUBON BALLROOM  
6200 COURTNEY CAMPBELL CAUSEWAY  
TAMPA, FLORIDA

ALL GUESTS MUST HAVE PHOTO ID TO ENTER THE EVENT  
ALL BAGS, BRIEFCASES AND PURSES ARE SUBJECT TO SEARCH

REPLY CARD ENCLOSED  
PLEASE RSVP BY THURSDAY, JUNE 26, 2003  
FOR MORE INFORMATION CONTACT  
JACKIE KURTI AT PRA 6

\$2,000 PER PERSON  
BUSINESS ATTIRE  
PARKING AVAILABLE

THIS INVITATION IS NON-TRANSFERABLE

Paid for by Bush-Cheney '04, Inc.

RECEPTION HONORING PRESIDENT GEORGE W. BUSH

JUNE 30, 2003 – TAMPA, FLORIDA  
\$2,000 PER PERSON

- ☐ YES, I/WE WILL BE ATTENDING. A CONTRIBUTION OF \$\_\_\_\_\_ IS ENCLOSED.
- ☐ YES, I/WE WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR \$2,000 PER PERSON CONTRIBUTION TO BUSH-CHENEY 2004.

ATTENDEES ARE AS FOLLOWS (FIRST AND LAST NAMES FOR NAMETAGS; SSN AND DOB FOR SECURITY):

1. \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

2. \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

☐ NO, I AM NOT ABLE TO ATTEND BUT HAVE ENCLOSED A CONTRIBUTION OF \$\_\_\_\_\_.

**THIS INFORMATION WILL HELP US WITH OUR RECORD KEEPING PROCESS. PLEASE COMPLETE.**

Event Tracking No.: EFLB02 Solicitor Tracking No.: \_\_\_\_\_

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Please make check payable to Bush-Cheney '04, Inc.

*Please see reverse.*

Contributions are not tax deductible for federal income tax purposes. The maximum an individual may contribute is \$2,000 (\$4,000 per couple). Corporate and foreign national contributions are not permitted under federal law.

|                                                                                                                                                                                                                                                                                                          |  |                                                    |                       |                                          |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------|-----------------------|------------------------------------------|--|
| <b>Federal law requires</b> us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of \$200 in an election cycle.                                                                                                |  |                                                    |                       | <b>Paid for by Bush-Cheney '04, Inc.</b> |  |
| Full Name                                                                                                                                                                                                                                                                                                |  |                                                    | Salutation            |                                          |  |
| Spouse Name                                                                                                                                                                                                                                                                                              |  |                                                    |                       |                                          |  |
| Address                                                                                                                                                                                                                                                                                                  |  |                                                    |                       |                                          |  |
| City                                                                                                                                                                                                                                                                                                     |  | State                                              |                       | Zip                                      |  |
| Home Phone                                                                                                                                                                                                                                                                                               |  | Office Phone                                       |                       |                                          |  |
| Fax Phone                                                                                                                                                                                                                                                                                                |  | Email                                              |                       |                                          |  |
| Employer                                                                                                                                                                                                                                                                                                 |  | Occupation                                         |                       |                                          |  |
| Spouse's Employer <i>(If joint contribution)</i>                                                                                                                                                                                                                                                         |  | Spouse's Occupation <i>(If joint contribution)</i> |                       |                                          |  |
| <b>Check Contributions</b><br>The contribution to Bush-Cheney '04, Inc. drawn on<br><b>check # _____ account named as _____</b><br><br>_____<br>represents our personal funds and is not drawn on an account maintained by an incorporated entity.<br><br><b>Signature of Original Contributor</b> _____ |  |                                                    |                       |                                          |  |
| <b>Joint Contributions</b><br>If this contribution is intended to be a contribution from husband and wife, signature of spouse must be provided.<br><br><b>Signature of Spouse</b> _____                                                                                                                 |  |                                                    |                       |                                          |  |
| <b>Credit Card Contributions</b> <input type="checkbox"/> This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.                                                             |  |                                                    |                       |                                          |  |
| Credit Card: <i>(Visa, Mastercard, Amex &amp; Discover accepted)</i> _____                                                                                                                                                                                                                               |  |                                                    | Cardholder Name _____ |                                          |  |
| Amount of Donation: \$ _____                                                                                                                                                                                                                                                                             |  |                                                    | Signature _____       |                                          |  |
| Card Number _____                                                                                                                                                                                                                                                                                        |  |                                                    | Expiration Date _____ |                                          |  |

---

**From:** CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/13/2003 4:14:38 AM  
**Subject:** : FW: For WH Approval: tampa invite  
**Attachments:** P\_UNE5H003\_WHO.TXT\_1.pdf

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:13-JUN-2003 08:14:38.00  
SUBJECT:: FW: For WH Approval: tampa invite  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;  
-----Original Message-----  
From: Henry Hager [mailto:hhager@georgewbush.com]  
Sent: Thursday, June 12, 2003 6:27 PM  
To: Hernandez, Israel  
Cc: Ralston, Susan B.  
Subject: For WH Approval: tampa invite  
Importance: High

;  
;  
-----Original Message-----  
From: Rhodes Miller  
Sent: Thursday, June 12, 2003 6:24 PM  
To: Henry Hager  
Subject: tampa invite  
;  
;  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_UNE5H003\_WHO.TXT\_1>



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MONDAY, JUNE 30, 2003

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TAMPA, FLORIDA

ALL GUESTS MUST HAVE PHOTO ID TO ENTER THE EVENT  
ALL BAGS, BRIEFCASES AND PURSES ARE SUBJECT TO SEARCH

REPLY CARD ENCLOSED  
PLEASE RSVP BY THURSDAY, JUNE 26, 2003  
FOR MORE INFORMATION CONTACT  
JACKIE KURTI AT **PRA 6**

\$2,000 PER PERSON  
BUSINESS ATTIRE  
PARKING AVAILABLE

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JUNE 30, 2003 – TAMPA, FLORIDA  
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- ☐ YES, I/We WILL BE ATTENDING. A CONTRIBUTION OF \$\_\_\_\_\_ IS ENCLOSED.
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SOCIAL SECURITY NUMBER: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

☐ NO, I AM NOT ABLE TO ATTEND BUT HAVE ENCLOSED A CONTRIBUTION OF \$\_\_\_\_\_.

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Event Tracking No.: EFLB02 Solicitor Tracking No.: \_\_\_\_\_

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|                                                                                                                                                                                                                                                                                                  |  |                                                    |                       |                                          |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------|-----------------------|------------------------------------------|--|
| <b>Federal law requires</b> us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of \$200 in an election cycle.                                                                                        |  |                                                    |                       | <b>Paid for by Bush-Cheney '04, Inc.</b> |  |
| Full Name                                                                                                                                                                                                                                                                                        |  |                                                    | Salutation            |                                          |  |
| Spouse Name                                                                                                                                                                                                                                                                                      |  |                                                    |                       |                                          |  |
| Address                                                                                                                                                                                                                                                                                          |  |                                                    |                       |                                          |  |
| City                                                                                                                                                                                                                                                                                             |  | State                                              |                       | Zip                                      |  |
| Home Phone                                                                                                                                                                                                                                                                                       |  | Office Phone                                       |                       |                                          |  |
| Fax Phone                                                                                                                                                                                                                                                                                        |  | Email                                              |                       |                                          |  |
| Employer                                                                                                                                                                                                                                                                                         |  | Occupation                                         |                       |                                          |  |
| Spouse's Employer <i>(If joint contribution)</i>                                                                                                                                                                                                                                                 |  | Spouse's Occupation <i>(If joint contribution)</i> |                       |                                          |  |
| <b>Check Contributions</b><br>The contribution to Bush-Cheney '04, Inc. drawn on<br><b>check # _____ account named as _____</b><br>_____<br>represents our personal funds and is not drawn on an account maintained by an incorporated entity.<br><b>Signature of Original Contributor</b> _____ |  |                                                    |                       |                                          |  |
| <b>Joint Contributions</b><br>If this contribution is intended to be a contribution from husband and wife, signature of spouse must be provided.<br><b>Signature of Spouse</b> _____                                                                                                             |  |                                                    |                       |                                          |  |
| <b>Credit Card Contributions</b> <input type="checkbox"/> This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.                                                     |  |                                                    |                       |                                          |  |
| Credit Card: <i>(Visa, Mastercard, Amex &amp; Discover accepted)</i> _____                                                                                                                                                                                                                       |  |                                                    | Cardholder Name _____ |                                          |  |
| Amount of Donation: \$ _____                                                                                                                                                                                                                                                                     |  |                                                    | Signature _____       |                                          |  |
| Card Number _____                                                                                                                                                                                                                                                                                |  |                                                    | Expiration Date _____ |                                          |  |

---

**From:** Kavanaugh, Brett M.  
**To:** <Hernandez, Israel>  
**Sent:** 6/13/2003 8:49:08 AM  
**Subject:** Re: FW: For WH Approval: tampa invite  
**Attachments:** EFLB02.pdf

Approved.

From: Israel Hernandez/WHO/EOP@Exchange on 06/13/2003 08:13:26 AM

Record Type: Record

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

cc:

Subject: FW: For WH Approval: tampa invite

-----Original Message-----

**From:** Henry Hager [<mailto:hhager@georgewbush.com>]

**Sent:** Thursday, June 12, 2003 6:27 PM

**To:** Hernandez, Israel

**Cc:** Ralston, Susan B.

**Subject:** For WH Approval: tampa invite

**Importance:** High

-----Original Message-----

**From:** Rhodes Miller

**Sent:** Thursday, June 12, 2003 6:24 PM

**To:** Henry Hager

**Subject:** tampa invite

<>

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& GOVERNOR JEB BUSH

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FOR MORE INFORMATION CONTACT  
JACKIE KURTI AT PRA 6

\$2,000 PER PERSON  
BUSINESS ATTIRE  
PARKING AVAILABLE

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REV\_00121852

RECEPTION HONORING PRESIDENT GEORGE W. BUSH

JUNE 30, 2003 – TAMPA, FLORIDA  
\$2,000 PER PERSON

- ☐ YES, I/We WILL BE ATTENDING. A CONTRIBUTION OF \$\_\_\_\_\_ IS ENCLOSED.
- ☐ YES, I/We WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR \$2,000 PER PERSON CONTRIBUTION TO BUSH-CHENEY 2004.

ATTENDEES ARE AS FOLLOWS (FIRST AND LAST NAMES FOR NAMETAGS; SSN AND DOB FOR SECURITY):

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SOCIAL SECURITY NUMBER: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

2. \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

☐ NO, I AM NOT ABLE TO ATTEND BUT HAVE ENCLOSED A CONTRIBUTION OF \$\_\_\_\_\_.

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Event Tracking No.: EFLB02 Solicitor Tracking No.: \_\_\_\_\_

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*Please see reverse.*

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|                                                                                                                                                                                                           |  |                                                    |     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------|-----|
| <b>Federal law requires</b> us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of \$200 in an election cycle. |  |                                                    |     |
| Full Name                                                                                                                                                                                                 |  | Salutation                                         |     |
| Spouse Name                                                                                                                                                                                               |  |                                                    |     |
| Address                                                                                                                                                                                                   |  |                                                    |     |
| City                                                                                                                                                                                                      |  | State                                              | Zip |
| Home Phone                                                                                                                                                                                                |  | Office Phone                                       |     |
| Fax Phone                                                                                                                                                                                                 |  | Email                                              |     |
| Employer                                                                                                                                                                                                  |  | Occupation                                         |     |
| Spouse's Employer <i>(If joint contribution)</i>                                                                                                                                                          |  | Spouse's Occupation <i>(If joint contribution)</i> |     |

|                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Paid for by Bush-Cheney '04, Inc.</b>                                                                                                                                                                                                                                                              |
| <b>Check Contributions</b><br>The contribution to Bush-Cheney '04, Inc. drawn on<br><b>check # _____ account named as _____</b><br><br>_____ represents our personal funds and is not drawn on an account maintained by an incorporated entity.<br><br><b>Signature of Original Contributor</b> _____ |
| <b>Joint Contributions</b><br>If this contribution is intended to be a contribution from husband and wife, signature of spouse must be provided.<br><br><b>Signature of Spouse</b> _____                                                                                                              |

|                                                                            |                                                                                                                                                                                                             |
|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Credit Card Contributions</b>                                           | <input type="checkbox"/> This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity. |
| Credit Card: <i>(Visa, Mastercard, Amex &amp; Discover accepted)</i> _____ | Cardholder Name _____                                                                                                                                                                                       |
| Amount of Donation: \$ _____                                               | Signature _____                                                                                                                                                                                             |
| Card Number _____                                                          | Expiration Date _____                                                                                                                                                                                       |



---

**From:** Weissmann, Henry <WeissmannHX@mta.com>  
**To:** 'Miranda, Manuel (Frist)' <Manuel\_Miranda@frist.senate.gov>; Brett M. Kavanaugh/WHO /EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/13/2003 9:52:54 AM  
**Subject:** : Kuhl  
**Attachments:** P\_2KZ5H003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Weissmann, Henry" <WeissmannHX@mta.com> ( "Weissmann, Henry" <WeissmannHX@mta.com> [ UNKNOWN ] )  
CREATION DATE/TIME:13-JUN-2003 13:52:54.00  
SUBJECT:: Kuhl  
TO:"'Miranda, Manuel (Frist)'" <Manuel\_Miranda@frist.senate.gov> ( "'Miranda, Manuel (Frist)'" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The following editorial appeared in today's LA Daily Journal:

DAILY JOURNAL NEWSWIRE ARTICLE  
<http://www.dailyjournal.com>  
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June 13, 2003

'SANCHEZ-SCOTT' DECISION IS HARDLY LAPSE IN JUDGMENT

Forum Column

By Lawrence C. Waddington

Against the recommendations of Sens. Dianne Feinstein and Barbara Boxer, the Senate Judiciary Committee approved the nomination of Los Angeles County Superior Court Judge Carolyn Kuhl to the 9th U.S. Circuit Court of Appeals. The battle now moves to the full Senate. Feinstein stated she received 21,367 letters in opposition to Kuhl's nomination and only 114 letters in support. The precision of this mathematical count is remarkable. The numbers presumably are attributable, in part, to Kuhl's decision in Sanchez-Scott v. Alza Pharmaceuticals, a case reversed by the Court of Appeal. See Sanchez-Scott v. Alza Pharms., 86 Cal.App.4th 365 (2001). Most of Kuhl's critics, uninformed of the facts or law and agitated by special interest groups, cite this single case for their hostility. Undoubtedly, only a small percentage of Kuhl's opponents are lawyers or have read the decision. Other complaints against Kuhl relate to her advocacy as a lawyer. Sen. Arlen Specter, R-Pa., attributed to Kuhl a "lapse of judgment that gives me great pause." If Specter did read the appellate opinion allegedly causing this moral anxiety, we should doubt his own judgment.

REV\_00121877

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alleging violation of her constitutional right of privacy, Manheim announces that the law on common-law invasion of privacy is "clear." Here are his three "clear" cases:

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- att1.htm  
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File attachment <P\_2KZ5H003\_WHO.TXT\_1>

The following editorial appeared in today's LA Daily Journal:

DAILY JOURNAL NEWSWIRE ARTICLE  
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June 13, 2003

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Forum Column

By Lawrence C. Waddington

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---

**From:** Bumatay, Patrick J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/13/2003 9:53:26 AM  
**Subject:** Political stationery

Please call me re: Presidential political stationery.

thanks

---

**From:** Bumatay, Patrick J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/13/2003 10:12:05 AM  
**Subject:** FW: 3:00 p.m. conference call today to discuss comments on Treasury's proposed executive order entitled "Blocking Property of Certain Officials of the Former Iraqi Regime and all those who supported it" and a related Message to Congress

Brett, you may want to participate.

-----Original Message-----

**From:** Reed, McGavock D.  
**Sent:** Friday, June 13, 2003 9:47 AM  
**To:** rosemary.hart@usdoj.gov; Dash@ms.state.gov; Wiegmann, John B.; Robert.Werner@do.treas.gov; Saunders, G. Timo; Burks, Jonathan W.; Bent, Rodney G.; Joseffer, Daryl L.; Bumatay, Patrick J.; Leventhal, Joseph S.  
**Cc:** Aitken, Steven D.  
**Subject:** 3:00 p.m. conference call today to discuss comments on Treasury's proposed executive order entitled "Blocking Property of Certain Officials of the Former Iraqi Regime and all those who supported it" and a related Message to Congress

Fyi,

You, or someone on your staff, are cordially invited to participate in a conference call at 3:00 p.m. today to discuss the above referenced executive order and the agency comments thereto.

To access the call, please call (202) 395-6392 and then follow the automatic prompt and punch in 901444#.

I will be forwarding the e-mail comments/traffic on the order to you, just in case you were not copied earlier.

Please confirm whether you or someone on your staff can participate.

Thank you, Mac

---

**From:** Vestewig, Lauren J.  
**To:** <Kavanaugh, Brett M.>;<Schacht, Diana L.>  
**CC:** <Winland, Emily>  
**Sent:** 6/13/2003 10:33:10 AM  
**Subject:** Meeting with John Schmitz and Jeff Kindler re. asbestos

They are coming in at 9:30 on Thurs, June 19. Pls let me know if that works for you. Thanks.



---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>;<Leitch, David G.>  
**Sent:** 6/13/2003 1:42:31 PM  
**Subject:** Leahy Meeting

Sen Leahy is out until Wednesday. The Senator's scheduler needs to move some meetings, but looks like we have a meeting set for the Judge at 10 on Weds.

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/13/2003 9:44:17 AM  
**Subject:** : Leahy Meeting

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:13-JUN-2003 13:44:17.00  
SUBJECT:: Leahy Meeting  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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**From:** Judge Carolyn Kuhl <CKuhl@LASuperiorCourt.org>  
**To:** Manuel\_Miranda@frist.senate.gov  
<Manuel\_Miranda@frist.senate.gov>; Wendy\_J.\_Grubbs@oa.eop.gov  
<Wendy\_J.\_Grubbs@oa.eop.gov>; Wendy\_J.\_Grubbs@oa.eop.gov <Kavanaugh, Brett M.>  
**Sent:** 6/13/2003 1:46:10 PM  
**Subject:** Fwd: FW: Daily Journal Article  
**Attachments:** ATTACH000.eml

Another piece on Sanchez-Scott. Didn't know this one was coming.

---

**From:** Becker, Marc <BeckerMA@mto.com>  
**To:** 'Judge Carolyn Kuhl'  
**Sent:** 6/13/2003 1:40:56 PM  
**Subject:** FW: Daily Journal Article

Here's the latest favorable piece for your circulation pleasure.

-----Original Message-----

**From:** beckerma@mto.com [mailto:beckerma@mto.com]  
**Sent:** Friday, June 13, 2003 10:40 AM  
**To:** beckerma@mto.com  
**Subject:** Daily Journal Article

DAILY JOURNAL NEWSWIRE ARTICLE  
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June 13, 2003

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**REV\_00121903**

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**From:** Kavanaugh, Brett M.  
**To:** <Bumatay, Patrick J.>  
**Sent:** 6/13/2003 1:55:56 PM  
**Subject:**

Please give us regular updates on the us open leader board.

.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Patrick J. Bumatay/WHO/EOP@EOP [ WHO ] <Patrick J. Bumatay>  
**Sent:** 6/13/2003 9:57:03 AM  
**Subject:** :

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CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:13-JUN-2003 13:57:03.00  
SUBJECT::  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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---

**From:** Sean Rushton <SRushton@CommitteeforJustice.org>  
**To:** SRushton@CommitteeforJustice.org [ UNKNOWN ] <SRushton@CommitteeforJustice.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/13/2003 1:27:33 PM  
**Subject:** : George P. Bush & Boyden Gray need your help!  
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P\_EIC6H003\_WHO.TXT\_7.jpg; P\_EIC6H003\_WHO.TXT\_8.jpg; P\_EIC6H003\_WHO.TXT\_9.gif

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Sean Rushton <SRushton@CommitteeforJustice.org> ( Sean Rushton  
<SRushton@CommitteeforJustice.org> [ UNKNOWN ] )

CREATION DATE/TIME:13-JUN-2003 17:27:33.00

SUBJECT:: George P. Bush & Boyden Gray need your help!

TO:SRushton@CommitteeforJustice.org ( SRushton@CommitteeforJustice.org [ UNKNOWN ] )

READ:UNKNOWN

BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

1275 Pennsylvania Avenue, NW

Tenth Floor

Washington, DC 20004

(202) 481-6850

June 13, 2003

Dear friend,

The Presidential First Nephew is coming to town to support our cause,  
and I want you to help me sponsor an event in his honor.

On Friday, June 27th, the Committee for Justice, which supports  
constitutionalist judicial nominees, will honor Jeb's son, the recent  
University of Texas Law graduate - George P. Bush - at its summer  
"Filibuster Buster" on the rooftop of 101 Constitution Ave., NW, to  
raise awareness about the struggle for the federal courts.

The event will take place on the Friday beginning the July 4th  
congressional recess, so it will be an ideal time to get together in  
support of a good cause.

I would like you to be on the Host Committee. Hosts commit to giving or  
raising \$250, at \$25 per ticket - recruiting 10 friends, and will have  
their name on the invitation. We also have our Buster Jr. Committee  
level, which means giving or raising \$100, or recruiting 4 friends to  
attend, and having their name on the invitation. We are limiting the  
party to 350 people, and will pre-sell the tickets through the Host  
Committee, so act now!

REV\_00121919



The Committee for Justice is a non-profit, non-partisan 501(c)(4) organization. Corporate or PAC money is welcome. The event is just two weeks away, so I will need your decision to serve on the host committee no later than Monday afternoon, June 16th, so we can send the invitation out with your name on it by Tuesday.

This is going to be the hottest ticket this summer and will support a cause important to George P.'s uncle, George W. Feel free to forward this invitation to friends and potential supporters.

Contact Christina Erland Culver at 202-481-6860 or cculver@erols.com to let us know you can be on the Committee. I hope we can count on you to support what will be sure to be a great event.

Sincerely,

C. Boyden Gray

Chairman

Committee for Justice

Sean Rushton

Executive Director

Committee for Justice

1275 Pennsylvania Avenue, NW

Tenth Floor

Washington, DC 20004

202-481-6850 phone

202-487-6439 mobile

[www.committeeforjustice.org](http://www.committeeforjustice.org)

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ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_EIC6H003\_WHO.TXT\_2>

**REV\_00121920**

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File attachment <P\_EIC6H003\_WHO.TXT\_8>

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_EIC6H003\_WHO.TXT\_9>



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C. Boyden Gray  
Chairman  
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REV\_00121922



Sean Rushton  
Executive Director  
Committee for Justice  
1275 Pennsylvania Avenue, NW  
Tenth Floor  
Washington, DC< font size=2 face=Arial> 20004  
202-481-6850 phone  
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**From:** Kavanaugh, Brett M.  
**To:** <Vestewig, Lauren J.>;<Kavanaugh, Brett M.>  
**CC:** <Winland, Emily>  
**Sent:** 6/13/2003 8:24:03 PM  
**Subject:** Re: Meeting with John Schmitz and Jeff Kindler re. asbestos

Yes.

.

----- Original Message -----

From: Lauren J. Vestewig/OPD/EOP@Exchange

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

Diana L. Schacht/OPD/EOP@EOP

Cc: Emily Winland/OPD/EOP@EOP

Date: 06/13/2003 10:33:10 AM

Subject: Meeting with John Schmitz and Jeff Kindler re. asbestos

They are coming in at 9:30 on Thurs, June 19. Pls let me know if that works for you. Thanks.

---

**From:** Kavanaugh, Brett M.  
**To:** <Greenstone, Adam F.>;<Kavanaugh, Brett M.>  
**Sent:** 6/13/2003 8:24:18 PM  
**Subject:** Re: Cutler Memo

Thx for checking.

.

----- Original Message -----

From: Adam F. Greenstone/OA/EOP@Exchange

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

Cc:

Date: 06/12/2003 01:07:05 PM

Subject: Cutler Memo

We received the boxes we called back from the Archives and, unfortunately, could not locate the memo you were looking for. Hope you have found it through other means.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Barbara\_Ledeen@src.senate.gov [ UNKNOWN ] <Barbara\_Ledeen@src.senate.gov>  
**Sent:** 6/13/2003 4:25:08 PM  
**Subject:** : Re: Kuhl

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:13-JUN-2003 20:25:08.00  
SUBJECT:: Re: Kuhl  
TO:Barbara\_Ledeen@src.senate.gov ( Barbara\_Ledeen@src.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thx.

.  
  
----- Original Message -----  
From:<Barbara\_Ledeen@src.senate.gov>  
To:<brian.a.benczkowski@usdoj.gov>,  
Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 06/13/2003 04:33:36 PM  
Subject: FW: Kuhl

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----- June 13, 2003

'SANCHEZ-SCOTT' DECISION IS HARDLY LAPSE IN JUDGMENT

Forum Column

By Lawrence C. Waddington

Against the recommendations of Sens. Dianne Feinstein and Barbara Boxer, the Senate Judiciary Committee approved the nomination of Los Angeles County Superior Court Judge Carolyn Kuhl to the 9th U.S. Circuit Court of Appeals. The battle now moves to the full Senate. Feinstein stated she received 21,367 letters in opposition to Kuhl's nomination and only 114 letters in support. The precision of this mathematical count is remarkable. The numbers presumably are attributable, in part, to Kuhl's decision in Sanchez-Scott v. Alza Pharmaceuticals, a case reversed by the Court of Appeal. See Sanchez-Scott v. Alza Pharms., 86 Cal.App.4th 365 (2001). Most of Kuhl's critics, uninformed of the facts or law and agitated by special interest groups, cite this single case for their hostility. Undoubtedly, only a small percentage of Kuhl's opponents are lawyers or have read the decision. Other complaints against Kuhl relate to her advocacy as a lawyer. Sen. Arlen Specter, R-Pa., attributed to Kuhl a "lapse of judgment that gives me great pause." If Specter did read the appellate opinion allegedly causing this moral anxiety, we should doubt his own judgment. Feinstein found the opinion "startling." Boxer manifested her knowledge of



the case by filing a "blue slip" disapproving of the nominee. The Sanchez-Scott case consists only of allegations in a complaint. According to Azucena Sanchez-Scott, during her breast examination, conducted by a doctor to determine the possibility of cancer, a man later identified as a drug company representative remained in the room. At no time did the man touch Sanchez-Scott, participate in the examination, solicit unwelcome advances, offer salacious or offensive comments or discuss the examination publicly. According to her allegations, Sanchez-Scott became embarrassed at the presence of the third party, unidentified by the doctor. Although the doctor subsequently apologized, Sanchez-Scott elected to file suit and, in the absence of settlement, eventually would have asked a jury for monetary compensation for her embarrassment. These are the sum total of facts agitating the minds of U.S. Senators.

What Feinstein, Specter and those who oppose Kuhl's nomination apparently do not understand is that allegations are not proof. No trial had been held; the doctor and sales representative had not answered the complaint formally, except to object to its legal sufficiency on demurrer. In their responsive papers, the defendants also denied the allegations (unnecessary in a demurrer) and contended that the doctor informed Sanchez-Scott of the identity of the representative and that she voiced no objection. To resolve this credibility conflict, assuming a defense of consent, a jury eventually would determine who is telling the truth.

Kuhl concluded only that the facts stated by Sanchez-Scott, even if true, were legally insufficient under California law. Sanchez-Scott had alleged two legal theories: invasion of her right to privacy under the California Constitution and violation of a common-law right of privacy. On appeal, she abandoned her constitutional right-of-privacy claim. The Court of Appeal dismissed it, in effect, confirming Kuhl on this allegation.

The appellate court then embarked on an extensive analysis of the common-law right of privacy. The right, by the court's own admission, is amorphous and contingent on numerous factors. Unlike an assault evidenced by personal injury, violation of the common-law right of privacy involves no personal injury and consists of subjective perception of emotional harm.

The court spends innumerable pages trying to explain the contours of "privacy" and concedes the difficulty in fashioning a bright line. Privacy is quintessentially fact-specific. Precise definition rarely is achieved. Apparently, this single case, decided by Kuhl as a judge, disqualifies her as a federal judge.

If appellate reversals are the test, then the senators should look to the 9th Circuit itself as an example. The U.S. Supreme Court has reversed the 9th Circuit repeatedly. The high court's current docket calendars more 9th Circuit cases for review than any other Circuit Court. Only a few weeks ago, the Supreme Court reversed four of its cases in one day.

Professor Karl Manheim of Loyola Law School cannot resist adding his opinion. "'Sanchez-Scott' Decision by Kuhl Proves Her Unfitness," Forum, May 14.

Manheim finds Kuhl's decision to evidence "an appalling ignorance of the existing law on privacy or a disturbing willingness to ignore that law." This is Manheim's hyperbolic characterization of a ruling on demurrer. Presumably, Sanchez-Scott's run-of-the-mill tort claim for damages, alleging no physical injury or economic loss, exceeds the embarrassing reversal record of the 9th Circuit.

Although the Court of Appeal dismissed Sanchez-Scott's claim alleging violation of her constitutional right of privacy, Manheim announces that the law on common-law invasion of privacy is "clear." Here are his three "clear" cases:

\* Shulman v. Group W. Prods. Inc., 18 Cal.4th 2000 (1998). A television news crew rode in an ambulance with a seriously injured woman, recorded

her statements and aired them on television. In a 112-page split opinion, the state Supreme Court held that this conduct constituted an invasion of privacy.

\* Wilkins v. NBC, 71 Cal.App.4th 1066 (1999). Television reporters disguised their true identity and interviewed advertisers suspecting of engaging in fraud.

\* DeMay v. Roberts, 46 Mich. 160 (1881). In this out-of-state case, the defendant assaulted the plaintiff during childbirth.

These three cases not only lack clarity but also are irrelevant as precedent or, as courts tactfully phrase this kind of analysis by an advocate, factually distinguishable.

Is Sanchez-Scott the case (face) that will launch a thousand filibusters (ships) - a trial court ruling, sustaining a demurrer without leave to amend, involving a single count of common-law invasion of privacy, no tangible damages, no economic loss, no publicity and monetary damages for hurt feelings?

Is this the case that senators and a law school professor find to be startling and a lapse of judgment?

Lawrence C. Waddington is a retired Superior Court judge, a mediator and arbitrator for JAMS and an adjunct professor at Pepperdine University School of Law. The views expressed are his own.

1353304421

- att1.htm

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>  
**Sent:** 6/13/2003 4:41:53 PM  
**Subject:** : Fw:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:13-JUN-2003 20:41:53.00

SUBJECT:: Fw:

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

-----Original Message-----

**From:** PRA 6  
**To:** Leitch, David G. <David\_G\_Leitch@who.eop.gov>  
**Sent:** Fri Jun 13 20:30:40 2003  
**Subject:**

Posted on Fri, Jun. 13, 2003;;

Janice Brown: The next U.S. Supreme Court justice?  
DAVID KRAVETS  
Associated Press

SAN FRANCISCO - It's not hard to understand why California Supreme Court Justice Janice Rogers Brown is often mentioned as a potential nominee to the U.S. Supreme Court.

In many ways, her line of thinking mirrors both the Bush administration and recent U.S. Supreme Court precedent. A Christian black woman from the segregated South, Brown supports limits on abortion rights and corporate liability, routinely upholds the death penalty and opposes affirmative action.

As speculation surges about the rumored retirements of Chief Justice William H. Rehnquist and Justice Sandra Day O'Connor this summer, talk of potential replacements is on the rise, and Brown is among them.

"She has some real fans in Washington who are very impressed with what she's done on the California Supreme Court," said Gerald Uelman, a Santa Clara University School of Law scholar who follows both courts.

The first black woman to sit on California's highest court, Brown, 54, is one of the most conservative of the seven justices and a prolific opinion writer, authoring more opinions and dissents last term than any other justice.

She caught the attention of conservatives and the Bush administration with her majority opinion in 2000 striking down a San Jose ordinance that required government contractors to solicit bids from companies owned by women and minorities. Brown's lengthy opinion traced the legal history of race in America, portraying it as ebbing and flowing on whether government should treat all races equally.

Her conclusion, based in part on the California voters' decision to outlaw race- and gender-based hiring practices by approving Proposition 209: all people should be treated equally, regardless of race. Instead of affirmative action, she said, "equality of individual opportunity" is what

the constitution demands.

Chief Justice Ronald M. George, in a concurring opinion, attacked Brown's portrayal of affirmative action as "entitlement based on group representation," calling it a "serious distortion of history." George wrote that affirmative action could be viewed as aiding the underrepresented in an effort to create equality.

Still, Brown's opinion meshes well with the philosophy of the Bush administration, which has told the U.S. Supreme Court in a pending case that it opposes the University of Michigan's race-based admissions policies.

The daughter of a sharecropper from rural Alabama who brought his family to Sacramento after joining the Air Force, Brown graduated in 1977 from the University of California, Los Angeles School of Law.

She was admitted at a time when the university's affirmative action program had an expressed goal of producing "ethnic and racial diversity," said law school spokeswoman Jessica Copen. Still, "no one would have been admitted to the law school unless they had the ability to do well," she said.

Brown hasn't given media interviews for years and declined to be interviewed for this story.

Close friend Douglas Kmiec, departing dean of the Catholic University of America's Columbus School of Law, where Brown gave a commencement address last month, said she became a lawyer after her grandmother espoused the virtues of civil rights attorney Fred Gray, who defended Rosa Parks and Martin Luther King Jr.

"That was held out to her at an early age," Kmiec said.

Brown also finds inspiration in her religion, Kmiec said. While introducing Brown to the graduating law students on May 24, he said she formulates opinions "in prayer and quiet study of the Bible." And in her commencement address, she criticized philosophers and scientists for trying to mold society "as if God did not exist."

The law, she said, is the "terrain on which Americans are struggling to decide what kind of people they are."

Brown worked for 12 years as a state government lawyer before joining a lobbying and legislative law firm led by former Republican Gov. George Deukmejian's chief of staff, Steve Merksamer. Then she became Republican Gov. Pete Wilson's legal affairs secretary before he nominated her to a state appellate court.

Two years later, Wilson nominated her to the California Supreme Court. She was confirmed in 1996 over the concerns of the state's judicial vetting committee, which rated her "not qualified" because of her limited judicial experience.

Brown, who has two children and lives in Sacramento with her husband, jazz musician Dewey Parker, is a "very private person," Merksamer and others said.

"When you grow up as a sharecropper's daughter in the segregated South, I think you have a certain perspective when you're able to come out of that and go to college and law school," Merksamer said.

While well known for her affirmative action opinion, Brown's rulings have shown sympathy at times to the plight of minorities.

Last year, the state Supreme Court upheld the conviction of a black bicyclist who was stopped by police for riding his bicycle the wrong way on a one-way street. Police searched Conrad McKay and found

methamphetamine. He was sentenced to nearly three years.

The majority, in upholding the conviction, left it to the "judgment of the arresting officer" on whether to arrest or follow a "cite-and-release procedure" whereby violators of non-criminal infractions could be ticketed and released. Brown, in a lone dissent, said the decision left open the door to racial profiling.

But when it comes to the death penalty, Brown routinely affirms death sentences. Two years ago, she wrote that "murderers do not deserve a fate better than that inflicted on their victims."

The White House, which is trying to expand the use of federal death penalty statutes, declined comment on rumors that its lawyers have interviewed Brown in the event a seat on the high court opens. Merksamer wouldn't confirm whether he has been interviewed by White House lawyers on her behalf.

Others being talked about as potential nominees include Alberto Gonzalez, who as White House counsel is a close Bush adviser; Harvie Wilkinson III of the 4th U.S. Circuit Court of Appeals and Edith Jones of the 5th U.S. Circuit Court of Appeals, and Deputy Attorney General Larry Thompson.

Just whom the White House might nominate is one of Washington's most closely guarded secrets.

"No one at this point has mentioned any intention to retire," White House spokesman Scott McClellan said. "It would be speculative to start discussing the possibility."

On the abortion front, Brown wrote a scathing dissent in 1977 to a ruling which struck down a parental consent law, calling her colleagues on the court "philosopher kings." And when it comes to corporate liability, she wrote three years ago that companies should be shielded from paying exorbitant civil damages, a move endorsed by the U.S. Supreme Court this year.

In terms of gun control, Brown's thinking appears to align closely with Attorney General John Ashcroft's policies. Both support the right to firearm ownership, but believe the government may impose certain restrictions.

"Her writings have indicated an appreciation of the right to self defense and the practical reality that firearms are an effective tool for that purpose," said Chuck Michel, an attorney with the California Rifle and Pistol Association. Michel added, however, that some of Brown's thinking on gun control is "ill conceived."

Some scholars suggest Bush would have a struggle to confirm Brown, given Senate Democrats' recent filibusters on two conservative federal appellate nominees.

"Her name is being circulated," said Erwin Chemerinsky, a University of Southern California legal scholar who has taken several cases to the U.S. Supreme Court this term. "I think the question is: Does the Bush administration want to have a confirmation fight?"

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**From:** Kavanaugh, Brett M.  
**To:** <Greenstone, Adam F.>  
**CC:** <Terrell, Eric W.>  
**Sent:** 6/15/2003 6:14:14 PM  
**Subject:** Re: Federal Excise Tax

Can we do 1:00?

From: Adam F. Greenstone/OA/EOP@Exchange on 06/13/2003 10:36:54 PM

Record Type: Record

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

cc: Eric W. Terrell/WHO/EOP@EOP

Subject: Re: Federal Excise Tax

Right now anytime Monday afternoon would work for me. How about 3?

-----Original Message-----

From: Kavanaugh, Brett M.

To: Greenstone, Adam F. ; Kavanaugh, Brett M.

CC: Terrell, Eric W.

Sent: Fri Jun 13 20:24:20 2003

Subject: Re: Federal Excise Tax

How about monday afternoon?

.

----- Original Message -----

From: Adam F. Greenstone/OA/EOP@Exchange

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

Cc: Eric W. Terrell/WHO/EOP@EOP

Date: 06/12/2003 01:06:01 PM

Subject: Federal Excise Tax

Brett--I'd like to meet briefly to fill you in on what we have been doing with regard for the handling of the Federal Excise Tax that applies to Press Charters. This was something that was impacted by the recent changes to the handling of Press charters, such as Air Partner and the new billing using Amex accounts. We've reached a stage where I would like to speak to offices in the IRS which we have spoken to and corresponded with in the past

REV\_00121949

regarding the FET to confirm our resolution of this situation. Previously, we were required to collect and pay the tax directly to the IRS, now we believe it is appropriate for Air Partner to do this (as we no longer handle the funds), and our contact would of course be limited to confirming that resolution. Also, in working this issue and reviewing the charter agreement Eric uses with Air Partner, there are some changes I would like to suggest. I know that we have discussed this briefly before, but my inclination was that this was at a stage where it would be

a good idea to fill you in.

It would be great if you can indicate some times and we can accommodate to you. Adam

---

**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Brosnahan, Jennifer R.>; <Newstead, Jennifer G.>; <Bartolomucci, H. Christopher>; <Sampson, Kyle>; <Brown, Reginald J.>; <Powell, Benjamin A.>; <Ulyot, Theodore W.>  
**Sent:** 6/16/2003 9:08:35 AM  
**Subject:** fyi

## **Republicans poised to strengthen hold on Senate in 2004 elections**

By Donald Lambro

THE WASHINGTON TIMES

Senate Republicans are in a position to make gains in 2004 because of a combination of vulnerable Democratic seats and likely retirements, according to congressional election analysts.

While other political variables, including a weakened economy and a decline in President Bush's popularity, could influence the outcome of next year's Senate races, analysts say Republicans are favored to strengthen their hold on the Senate, which they control 51-48, with one Democratic-leaning independent.

"At this point in the cycle, we believe the Republicans are positioned to make Senate gains, most likely in the range of one to three seats. But that could change as retirement decisions are made, and as new economic numbers come in," election analyst Stuart Rothenberg said in his latest newsletter, the Rothenberg Political Report.

One advantage for Republicans is that the Democrats have more seats to defend this year — 19 seats compared with 15 for Republicans — and most of the states where these elections will take place are friendlier to Republicans than Democrats.

"Only three of the 15 states with GOP senators up for re-election in '04 were won by Democrat Al Gore in 2000 — Illinois, Iowa and Pennsylvania," Mr. Rothenberg said. "In contrast, nine of the 19 states with Democratic senators up for re-election were carried by Gore, nine went for Bush and [Florida] was a virtual tie.

"This gives the Republicans an advantage, as long as Bush remains popular. And a Democratic nominee who is associated with the left could add to Democratic Senate problems in those more Republican and conservative states," he said.

Other independent Senate election analysts agree with Mr. Rothenberg's overall assessment. "The target list is bigger and friendlier for Republicans. The Democratic target list is a lot smaller," said Jennifer Duffy, who analyzes Senate races for the Cook Political Report.

The Democrats' biggest potential problem is that several incumbents who may not seek re-election are from more conservative states that have become increasingly Republican. That could give the Republican Party its best chance in years to pick up several open seats.



Democrat Zell Miller of Georgia, one of his party's most conservative legislators, has decided to call it quits after one term, making his seat the Republicans' best bet for a pickup in a state where the Democrats have gone into a steep decline. They lost a Senate race, the governorship and some major state legislative contests last year.

Several Republicans are running for the seat, including Reps. Johnny Isakson and Mac Collins. Herman Cain, the chief executive officer of Godfather's Pizza, also is running. A number of Democrats also are thinking about entering the race. Among them are state Attorney General Thurbert Baker and freshman Rep. Jim Marshall.

Next on the Democrats' most-vulnerable list is Sen. John Edwards of North Carolina, who has spent most of his first term running for the Democratic presidential nomination.

Mr. Edwards, who remains in the low single digits in virtually all of the party primary polls, has not said whether he will seek a second term if he abandons his White House bid. But his home state polls suggest that he is in trouble there. A Raleigh News & Observer survey in May found that 32 percent said he deserved re-election, 32 percent said they would consider another candidate and 35 percent said they would vote to replace him.

Democrats in the state say the senator is under pressure to make a decision about a second term and that he is expected to decide around Labor Day.

"I don't think he'll run," Miss Duffy said.

Rep. Richard M. Burr, the likely Republican nominee, has raised more than \$2 million for the race. Several Democrats have expressed interest in running, including former White House Chief of Staff Erskine Bowles, who lost last year's Senate race to Elizabeth Dole.

Seven-term Sen. Ernest F. Hollings, South Carolina Democrat, is likely to announce his retirement, opening up a big opportunity in this strongly Republican state. At 81, he has been sending signals that his wife does not want him to run and he has recently given the Democratic state chairman the green light to look for other candidates.

Democrats have a longer list of names of those who are not interested in running for Mr. Hollings' seat than those who are, election analysts say. On the Republican side, Rep. Jim DeMint has been running for months.

"Without Hollings in the race, I think it is enormously hard for the Democrats to hold onto the seat," Miss Duffy said.

Also on the Republicans' retirement watch is Sen. Bob Graham of Florida, whose late entry into the Democratic presidential race has failed to stir much interest. He has given no clue as to whether he will run for a fourth term if he drops out of the primary contests. Mr. Graham underwent extensive heart surgery earlier this year, and some party advisers said they think he will decide to call it quits.

With Republicans controlling the governorship and 17 of 25 congressional seats, Florida is one of the party's strongest states. Republican Rep. Mark Foley is the front-runner for the nomination, but several Democratic candidates also have indicated their interest if Mr. Graham steps down.

Thus far, Illinois Sen. Peter G. Fitzgerald is the only Republican who has announced that he will not run again, handing the Democrats their best opportunity to pick up a Republican seat. Republicans' attempts to recruit former Gov. Jim Edgar have failed, and eight Democrats are seeking the seat, including millionaire investment banker Blair Hull and trial lawyer John Simmons, who say they are willing to fully finance their races from their personal fortunes.

Sen. Lisa Murkowski, Alaska Republican, also is in jeopardy. She was appointed by her father, Gov. Frank H. Murkowski, to fill his Senate vacancy, and that decision sparked Democratic cries of nepotism that could hurt her. Former Alaska Gov. Tony Knowles, a Democrat, is close to announcing his candidacy for the Senate seat.

---

**From:** Bumatay, Patrick J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/16/2003 9:56:04 AM  
**Subject:** RE:

We did receive this on 6/12/2003 and it was assigned to Chris.

He should have the copy of the letter.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, June 16, 2003 9:48 AM  
**To:** Bumatay, Patrick J.  
**Subject:**

Can you see if we or President received a letter from

Bernadette L. Puzzuole

**From:** CN=Layton Skelly/OU=OPD/O=EOP [ OPD ]  
**To:** alan gilbert/opd/eop@eop [ OPD ] <alan gilbert>; philo d. hall/opd/eop@eop [ OPD ] <philo d. hall>; paula.stannard@hhs.gov @ inet [ UNKNOWN ] <paula.stannard@hhs.gov @ inet>; peter.urbanowicz@hhs.gov @ inet [ UNKNOWN ] <peter.urbanowicz@hhs.gov @ inet>; viet.dinh@usdoj.gov @ inet [ UNKNOWN ] <viet.dinh@usdoj.gov @ inet>; alex.azar@hhs.gov @ inet [ UNKNOWN ] <alex.azar@hhs.gov @ inet>; john.hoff@hhs.gov @ inet [ UNKNOWN ] <john.hoff@hhs.gov @ inet>; jennifer.young@hhs.gov @ inet [ UNKNOWN ] <jennifer.young@hhs.gov @ inet>; diana l. schacht/opd/eop@eop [ OPD ] <diana l. schacht>; amy jensen/who/eop@exchange@eop [ WHO ] <amy jensen>; ginger g. loper/who/eop@exchange@eop [ WHO ] <ginger g. loper>; jay p. lefkowitz/opd/eop@exchange@eop [ OPD ] <jay p. lefkowitz>; philip j. perry/omb/eop@eop [ OMB ] <philip j. perry>; thomas c. deleire/cea/eop@eop [ CEA ] <thomas c. deleire>; brett m. kavanaugh/who/eop@eop [ WHO ] <brett m. kavanaugh>; zurawski-paul@dol.gov @ inet [ UNKNOWN ] <zurawski-paul@dol.gov @ inet>; tracy young/who/eop@eop [ WHO ] <tracy young>; brian r. besanceney/who/eop@eop [ WHO ] <brian r. besanceney>; marc.kesselman@usdoj.gov @ inet [ UNKNOWN ] <marc.kesselman@usdoj.gov @ inet>; dana ackerly/cea/eop@eop [ CEA ] <dana ackerly>; rex cowdry/opd/eop@eop [ OPD ] <rex cowdry>; hazucker@osophs.dhhs.gov [ UNKNOWN ] <hazucker@osophs.dhhs.gov>; jafar.karim@hhs.gov [ UNKNOWN ] <jafar.karim@hhs.gov>; jeffrey f. kupfer/who/eop@exchange@eop [ WHO ] <jeffrey f. kupfer>; stephen m. lineberry/who/eop@eop [ WHO ] <stephen m. lineberry>; wendy j. grubbs/who/eop@exchange [ WHO ] <wendy j. grubbs>  
**CC:** pamela.roller@hhs.gov [ UNKNOWN ] <pamela.roller@hhs.gov>; joyce.b-moore@hhs.gov [ UNKNOWN ] <joyce.b-moore@hhs.gov>; marie.belt@hhs.gov [ UNKNOWN ] <marie.belt@hhs.gov>; emily winland/opd/eop@eop [ OPD ] <emily winland>; lauren j. vestewig/opd/eop@exchange@eop [ OPD ] <lauren j. vestewig>; dana.ceasar@hhs.gov [ UNKNOWN ] <dana.ceasar@hhs.gov>; scriber-langford-lat@dol.gov @ inet [ UNKNOWN ] <scriber-langford-lat@dol.gov @ inet>; heather.mcnaught@usdoj.gov [ UNKNOWN ] <heather.mcnaught@usdoj.gov>; carla b. stone/omb/eop@eop [ OMB ] <carla b. stone>; hrobowski-rosita@dol.gov [ UNKNOWN ] <hrobowski-rosita@dol.gov>; tcordaro@osophs.dhhs.gov [ UNKNOWN ] <tcordaro@osophs.dhhs.gov>; rose.lusi@hhs.gov [ UNKNOWN ] <rose.lusi@hhs.gov>; Layton Skelly/OPD/EOP@EOP [ OPD ] <Layton Skelly>  
**Sent:** 6/16/2003 10:12:45 AM  
**Subject:** : Medical Liability Working Group

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Layton Skelly ( CN=Layton Skelly/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME:16-JUN-2003 14:12:45.00  
SUBJECT:: Medical Liability Working Group  
TO:alan gilbert ( CN=alan gilbert/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
TO:philo d. hall ( CN=philo d. hall/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
TO:paula.stannard@hhs.gov @ inet ( paula.stannard@hhs.gov @ inet [ UNKNOWN ] )  
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TO:alex.azar@hhs.gov @ inet ( alex.azar@hhs.gov @ inet [ UNKNOWN ] )  
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TO:john.hoff@hhs.gov @ inet ( john.hoff@hhs.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:jennifer.young@hhs.gov @ inet ( jennifer.young@hhs.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:diana l. schacht ( CN=diana l. schacht/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
TO:amy jensen ( CN=amy jensen/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
TO:ginger g. loper ( CN=ginger g. loper/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN

TO:jay p. lefkowitz ( CN=jay p. lefkowitz/OU=opd/O=eop@exchange@eop [ OPD ] )  
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 TO:philip j. perry ( CN=philip j. perry/OU=omb/O=eop@eop [ OMB ] )  
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 TO:thomas c. deleire ( CN=thomas c. deleire/OU=cea/O=eop@eop [ CEA ] )  
 READ:UNKNOWN  
 TO:brett m. kavanaugh ( CN=brett m. kavanaugh/OU=who/O=eop@eop [ WHO ] )  
 READ:UNKNOWN  
 TO:zurawski-paul@dol.gov @ inet ( zurawski-paul@dol.gov @ inet [ UNKNOWN ] )  
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 TO:tracy young ( CN=tracy young/OU=who/O=eop@eop [ WHO ] )  
 READ:UNKNOWN  
 TO:brian r. besanceney ( CN=brian r. besanceney/OU=who/O=eop@eop [ WHO ] )  
 READ:UNKNOWN  
 TO:marc.kesselman@usdoj.gov @ inet ( marc.kesselman@usdoj.gov @ inet [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:dana ackerly ( CN=dana ackerly/OU=cea/O=eop@eop [ CEA ] )  
 READ:UNKNOWN  
 TO:rex cowdry ( CN=rex cowdry/OU=opd/O=eop@eop [ OPD ] )  
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 TO:jafar.karim@hhs.gov ( jafar.karim@hhs.gov [ UNKNOWN ] )  
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 TO:jeffrey f. kupfer ( CN=jeffrey f. kupfer/OU=who/O=eop@exchange@eop [ WHO ] )  
 READ:UNKNOWN  
 TO:stephen m. lineberry ( CN=stephen m. lineberry/OU=who/O=eop@eop [ WHO ] )  
 READ:UNKNOWN  
 TO:wendy j. grubbs ( CN=wendy j. grubbs/OU=who/O=eop@exchange [ WHO ] )  
 READ:UNKNOWN  
 CC:pamela.roller@hhs.gov ( pamela.roller@hhs.gov [ UNKNOWN ] )  
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 CC:joyce.b-moore@hhs.gov ( joyce.b-moore@hhs.gov [ UNKNOWN ] )  
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 CC:marie.belt@hhs.gov ( marie.belt@hhs.gov [ UNKNOWN ] )  
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 CC:tcordaro@osophs.dhhs.gov ( tcordaro@osophs.dhhs.gov [ UNKNOWN ] )  
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 CC:rose.lusi@hhs.gov ( rose.lusi@hhs.gov [ UNKNOWN ] )  
 READ:UNKNOWN  
 CC:Layton Skelly ( CN=Layton Skelly/OU=OPD/O=EOP@EOP [ OPD ] )  
 READ:UNKNOWN  
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There will be a Medical Liability Working Group conference call tomorrow  
 at 10:00. The call in number is 202/395-6392, and the code is: 195596

Thank you,  
 Layton  
 456-5084

Vogel/WHO/EOP [ WHO ] <Daniel Vogel>;Jennifer D. Vosko/WHO/EOP [ WHO ] <Jennifer D. Vosko>;Eric A. Walker OHS TCIMD DO/WHO/EOP [ WHO ] <Eric A. Walker OHS TCIMD DO>;Eric A. Walker/WHO/EOP [ WHO ] <Eric A. Walker>;Helgard C. Walker/WHO/EOP [ WHO ] <Helgard C. Walker>;Charity Wallace/WHO/EOP [ WHO ] <Charity Wallace>;Dennis J. Walsh/WHO/EOP [ WHO ] <Dennis J. Walsh>;Edmund A. Walsh/WHO/EOP [ WHO ] <Edmund A. Walsh>;Peter S. Watkins/WHO/EOP [ WHO ] <Peter S. Watkins>;Tiffany A. Watkins/WHO/EOP [ WHO ] <Tiffany A. Watkins>;Beatrice Watts/WHO/EOP [ WHO ] <Beatrice Watts>;Bradley Wayman/WHO/EOP [ WHO ] <Bradley Wayman>;David S. Weed/WHO/EOP [ WHO ] <David S. Weed>;Peter H. Wehner/WHO/EOP [ WHO ] <Peter H. Wehner>;Vicki S. Weinberg/WHO/EOP [ WHO ] <Vicki S. Weinberg>;Jared B. Weinstein/WHO/EOP@Exchange [ WHO ] <Jared B. Weinstein>;Matthew L. Wendel/WHO/EOP [ WHO ] <Matthew L. Wendel>;Kristin Werkhoven/WHO/EOP [ WHO ] <Kristin Werkhoven>;Lezlee J. Westine/WHO/EOP [ WHO ] <Lezlee J. Westine>;Howard R. Westray/WHO/EOP [ WHO ] <Howard R. Westray>;Christal R. West/WHO/EOP@Exchange [ WHO ] <Christal R. West>;Jeremy L. White FBCI/WHO/EOP [ WHO ] <Jeremy L. White FBCI>;Donald W. Whitecotton/WHO/EOP [ WHO ] <Donald W. Whitecotton>;Bentley White/WHO/EOP [ WHO ] <Bentley White>;Erin White/WHO/EOP [ WHO ] <Erin White>;Jeremy L. White/WHO/EOP [ WHO ] <Jeremy L. White>;Worthington W. White/WHO/EOP [ WHO ] <Worthington W. White>;Jeremiah Whitson/WHO/EOP [ WHO ] <Jeremiah Whitson>;Morris Wilkes/WHO/EOP [ WHO ] <Morris Wilkes>;Nancy K. Willeford/WHO/EOP [ WHO ] <Nancy K. Willeford>;Beverly D. Williams/WHO/EOP [ WHO ] <Beverly D. Williams>;Cynthia F. Williams/WHO/EOP [ WHO ] <Cynthia F. Williams>;Elizabeth Williams/WHO/EOP [ WHO ] <Elizabeth Williams>;Jan E. Williams/WHO/EOP [ WHO ] <Jan E. Williams>;Jennifer L. Williams/WHO/EOP [ WHO ] <Jennifer L. Williams>;John Williams/WHO/EOP [ WHO ] <John Williams>;Patricia Williams/WHO/EOP [ WHO ] <Patricia Williams>;Sherman A. Williams/WHO/EOP [ WHO ] <Sherman A. Williams>;Grace Willson/WHO/EOP [ WHO ] <Grace Willson>;Lauren L. Willson/WHO/EOP [ WHO ] <Lauren L. Willson>;Aiesha A. Wilson/WHO/EOP [ WHO ] <Aiesha A. Wilson>;Christian Woelk/WHO/EOP [ WHO ] <Christian Woelk>;Harry W. Wolff/WHO/EOP@Exchange [ WHO ] <Harry W. Wolff>;Robin M. Womack/WHO/EOP [ WHO ] <Robin M. Womack>;Women's Office/WHO/EOP [ WHO ] <Women's Office>;Mary Woods/WHO/EOP [ WHO ] <Mary Woods>;Gayle S. Worthy/WHO/EOP [ WHO ] <Gayle S. Worthy>;Jennifer A. Wray/WHO/EOP [ WHO ] <Jennifer A. Wray>;Liza Wright/WHO/EOP [ WHO ] <Liza Wright>;James A. Yeager/WHO/EOP [ WHO ] <James A. Yeager>;Reginald D. Young Jr./WHO/EOP [ WHO ] <Reginald D. Young Jr.>;Patricia L. Young/WHO/EOP [ WHO ] <Patricia L. Young>;Tracy Young/WHO/EOP [ WHO ] <Tracy Young>;Jacob H. Yunker/WHO/EOP@Exchange [ WHO ] <Jacob H. Yunker>;Bruce Zanca/WHO/EOP [ WHO ] <Bruce Zanca>;Jennifer Zangara/WHO/EOP [ WHO ] <Jennifer Zangara>;Bridget Zarate/WHO/EOP [ WHO ] <Bridget Zarate>;Matthew Zartman/WHO/EOP [ WHO ] <Matthew Zartman>;DeWitt Zemp/WHO/EOP [ WHO ] <DeWitt Zemp>;Gregory Zimmerman/WHO/EOP [ WHO ] <Gregory Zimmerman>;Mara Zimmerman/WHO/EOP [ WHO ] <Mara Zimmerman>;Neil H. Zimmerman/WHO/EOP [ WHO ] <Neil H. Zimmerman>

**Sent:** 6/16/2003 10:13:53 AM

**Subject:** : ADMINISTRATIVE ALERT: Important Reminder From White House Counsel's Office

**Attachments:** F\_GWJ00007\_OA.TXT\_1.doc; F\_GWJ00007\_OA.TXT\_2.pdf

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:PostMaster ( CN=PostMaster/O=EOP [ OA ] )

CREATION DATE/TIME:16-JUN-2003 14:13:53.00

SUBJECT:: ADMINISTRATIVE ALERT: Important Reminder From White House Counsel's Office

TO:Lewis Libby ( CN=Lewis Libby/OU=OVP/O=EOP@Exchange [ OVP ] )

READ:UNKNOWN

TO:Charles S. Abbot ( CN=Charles S. Abbot/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Allen K. Abney ( CN=Allen K. Abney/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

TO:Gilbert R. Aguirre ( CN=Gilbert R. Aguirre/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

TO:Victoria Ahaev ( CN=Victoria Ahaev/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

TO:David Aidekman ( CN=David Aidekman/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

TO:Robbie Aiken ( CN=Robbie Aiken/OU=WHO/O=EOP [ WHO ] )

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READ:UNKNOWN  
TO:Barrett Aldemeyer ( CN=Barrett Aldemeyer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Phillips M. Alicia ( CN=Phillips M. Alicia/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cristina Allegretti ( CN=Cristina Allegretti/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Leeda A. Allen ( CN=Leeda A. Allen/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael Allen ( CN=Michael Allen/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:L. Linus Amorsingh ( CN=L. Linus Amorsingh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Meredith Anderson WH AGL BULK ( CN=Meredith Anderson WH AGL BULK/OU=WHO/O=EOP [ WHO ] )  
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TO:Catherine S. Anderson ( CN=Catherine S. Anderson/OU=WHO/O=EOP [ WHO ] )  
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TO:Peder Anderson ( CN=Peder Anderson/OU=WHO/O=EOP [ WHO ] )  
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TO:Elisabeth Armstead ( CN=Elisabeth Armstead/OU=WHO/O=EOP [ WHO ] )  
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TO>Listi Arnold ( CN>Listi Arnold/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:William L. Arritt ( CN=William L. Arritt/OU=WHO/O=EOP [ WHO ] )  
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TO:Paul Ashin ( CN=Paul Ashin/OU=WHO/O=EOP [ WHO ] )  
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TO:Carolyn F. Atkinson Volunteers ( CN=Carolyn F. Atkinson Volunteers/OU=WHO/O=EOP [ WHO ] )  
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TO:Balan R. Ayyar ( CN=Balan R. Ayyar/OU=WHO/O=EOP [ WHO ] )  
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TO:Christine K. Baer ( CN=Christine K. Baer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Joel B. Bagnal OHS TCIMD DO ( CN=Joel B. Bagnal OHS TCIMD DO/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joel B. Bagnal ( CN=Joel B. Bagnal/OU=WHO/O=EOP [ WHO ] )  
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TO:Christa J. Bailey ( CN=Christa J. Bailey/OU=WHO/O=EOP [ WHO ] )  
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TO:Robert T. Bailey ( CN=Robert T. Bailey/OU=WHO/O=EOP [ WHO ] )  
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TO:Jenica Baldwin ( CN=Jenica Baldwin/OU=WHO/O=EOP [ WHO ] )  
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TO:David Ballard ( CN=David Ballard/OU=WHO/O=EOP [ WHO ] )  
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TO:Andrea G. Ball ( CN=Andrea G. Ball/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Yigal S. Bar-Av ( CN=Yigal S. Bar-Av/OU=WHO/O=EOP [ WHO ] )  
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TO:Allison Barber ( CN=Allison Barber/OU=WHO/O=EOP [ WHO ] )  
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TO:Barbara A. Barclay ( CN=Barbara A. Barclay/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Donna M. Barnes ( CN=Donna M. Barnes/OU=WHO/O=EOP [ WHO ] )  
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TO:Elisha Barnette ( CN=Elisha Barnette/OU=WHO/O=EOP [ WHO ] )  
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TO:Ruben S. Barrales ( CN=Ruben S. Barrales/OU=WHO/O=EOP [ WHO ] )  
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TO:Healy E. Baumgardner ( CN=Healy E. Baumgardner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Eileen F. Bean ( CN=Eileen F. Bean/OU=WHO/O=EOP [ WHO ] )  
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TO:Darren W. Bearson ( CN=Darren W. Bearson/OU=WHO/O=EOP [ WHO ] )  
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TO:Emmaley Becker ( CN=Emmaley Becker/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Stacey Bellet ( CN=Stacey Bellet/OU=WHO/O=EOP [ WHO ] )  
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TO:Kathryn E. Bell ( CN=Kathryn E. Bell/OU=WHO/O=EOP [ WHO ] )  
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TO:Jorge Beltran ( CN=Jorge Beltran/OU=WHO/O=EOP [ WHO ] )  
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TO:Laura Berg ( CN=Laura Berg/OU=WHO/O=EOP [ WHO ] )  
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TO:Brian R. Besanceney ( CN=Brian R. Besanceney/OU=WHO/O=EOP [ WHO ] )  
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TO:Debra D. Bird ( CN=Debra D. Bird/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Avery Broadbent ( CN=Avery Broadbent/OU=WHO/O=EOP [ WHO ] )  
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TO:Catalina Cabral ( CN=Catalina Cabral/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Raquel Cabral ( CN=Raquel Cabral/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Marissa Cain ( CN=Marissa Cain/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Regina L. Cain ( CN=Regina L. Cain/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tim M. Callaghan ( CN=Tim M. Callaghan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:William Cameron ( CN=William Cameron/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Anne E. Campbell ( CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

TO:Frances L. Campbell ( CN=Frances L. Campbell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sarah Campbell ( CN=Sarah Campbell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Denise Cardamone ( CN=Denise Cardamone/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew H. Card ( CN=Andrew H. Card/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Stanley W. Carlson-Thies ( CN=Stanley W. Carlson-Thies/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeremy Carl ( CN=Jeremy Carl/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ann Carmichael ( CN=Ann Carmichael/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Pamela P. Carpenter ( CN=Pamela P. Carpenter/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Colleen M. Carroll ( CN=Colleen M. Carroll/OU=WHO/O=EOP [ WHO ] )  
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TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP [ WHO ] )  
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TO:Pamela R. Casey ( CN=Pamela R. Casey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Patrick J. Casey ( CN=Patrick J. Casey/OU=WHO/O=EOP [ WHO ] )  
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TO:Lois A. Cassano ( CN=Lois A. Cassano/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer Cervantes ( CN=Jennifer Cervantes/OU=WHO/O=EOP [ WHO ] )  
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TO:Kirsten A. Chadwick ( CN=Kirsten A. Chadwick/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Daniel L. Chafin ( CN=Daniel L. Chafin/OU=WHO/O=EOP [ WHO ] )  
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TO:Kay F. Clarke ( CN=Kay F. Clarke/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alicia P. Clark ( CN=Alicia P. Clark/OU=WHO/O=EOP [ WHO ] )  
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TO:James E. Clark ( CN=James E. Clark/OU=WHO/O=EOP [ WHO ] )  
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TO:Ralph J. Clemens ( CN=Ralph J. Clemens/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Miriam J. Clement ( CN=Miriam J. Clement/OU=WHO/O=EOP [ WHO ] )  
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TO:Carolyn E. Cleveland ( CN=Carolyn E. Cleveland/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth E. Coker ( CN=Elizabeth E. Coker/OU=WHO/O=EOP [ WHO ] )  
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TO:Ronald S. Colburn ( CN=Ronald S. Colburn/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jesse Connors ( CN=Jesse Connors/OU=WHO/O=EOP [ WHO ] )  
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TO:Thais C. Conway ( CN=Thais C. Conway/OU=WHO/O=EOP [ WHO ] )  
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TO:Mark W. Cooper ( CN=Mark W. Cooper/OU=WHO/O=EOP [ WHO ] )  
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TO:Rory S. Cooper ( CN=Rory S. Cooper/OU=WHO/O=EOP [ WHO ] )  
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TO:Tamar Cooper ( CN=Tamar Cooper/OU=WHO/O=EOP [ WHO ] )  
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READ:UNKNOWN  
TO:Justin Crawford ( CN=Justin Crawford/OU=WHO/O=EOP [ WHO ] )  
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TO:Courtney Crow ( CN=Courtney Crow/OU=WHO/O=EOP [ WHO ] )  
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TO:Cameron Cushman ( CN=Cameron Cushman/OU=WHO/O=EOP [ WHO ] )  
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TO:Christopher B. Cutchall ( CN=Christopher B. Cutchall/OU=WHO/O=EOP [ WHO ] )  
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TO:John J. Daly ( CN=John J. Daly/OU=WHO/O=EOP [ WHO ] )  
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TO:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ] )  
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TO:Jane H. Davis ( CN=Jane H. Davis/OU=WHO/O=EOP [ WHO ] )  
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TO:Jennifer L. Davis ( CN=Jennifer L. Davis/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael Davis ( CN=Michael Davis/OU=WHO/O=EOP [ WHO ] )  
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TO:Anna Dawson ( CN=Anna Dawson/OU=WHO/O=EOP [ WHO ] )  
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TO:Bradford D. Dayspring ( CN=Bradford D. Dayspring/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Josh Deckard ( CN=Josh Deckard/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Mary K. DeFehr ( CN=Mary K. DeFehr/OU=WHO/O=EOP [ WHO ] )  
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TO:Suzy DeFrancis ( CN=Suzy DeFrancis/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Danilo DeGuzman Jr. ( CN=Danilo DeGuzman Jr./OU=WHO/O=EOP [ WHO ] )  
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TO:Nina DeLorenzo ( CN=Nina DeLorenzo/OU=WHO/O=EOP [ WHO ] )  
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TO:Meghan Derksen ( CN=Meghan Derksen/OU=WHO/O=EOP [ WHO ] )  
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TO:Robert Deservi ( CN=Robert Deservi/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nicolle Devenish ( CN=Nicolle Devenish/OU=WHO/O=EOP [ WHO ] )  
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TO:Rory J. Diamond ( CN=Rory J. Diamond/OU=WHO/O=EOP [ WHO ] )  
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TO:Lana Dickey ( CN=Lana Dickey/OU=WHO/O=EOP [ WHO ] )  
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TO:Rhonda B. Djossou ( CN=Rhonda B. Djossou/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeffrey R. Donegan ( CN=Jeffrey R. Donegan/OU=WHO/O=EOP [ WHO ] )  
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TO:Elizabeth H. Donnan ( CN=Elizabeth H. Donnan/OU=WHO/O=EOP [ WHO ] )  
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TO:Diana C. Donnelly ( CN=Diana C. Donnelly/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Jacqueline Donohue ( CN=Jacqueline Donohue/OU=WHO/O=EOP [ WHO ] )  
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TO:Joan R. Doty ( CN=Joan R. Doty/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:James C. Douglas ( CN=James C. Douglas/OU=WHO/O=EOP [ WHO ] )  
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TO:Penny G. Douglas ( CN=Penny G. Douglas/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Eric A. Draper ( CN=Eric A. Draper/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Philip C. Droege ( CN=Philip C. Droege/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley D. Drummond ( CN=Ashley D. Drummond/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael Drummond ( CN=Michael Drummond/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sara-Elena Dryden ( CN=Sara-Elena Dryden/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cliff Dubose ( CN=Cliff Dubose/OU=WHO/O=EOP [ WHO ] )  
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TO:L. Burke Duncan ( CN=L. Burke Duncan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Denise A. Dunckel ( CN=Denise A. Dunckel/OU=WHO/O=EOP [ WHO ] )  
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TO:Kady Dunlap ( CN=Kady Dunlap/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Kari M. Dunn ( CN=Kari M. Dunn/OU=WHO/O=EOP [ WHO ] )  
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TO:Catherine Dwight ( CN=Catherine Dwight/OU=WHO/O=EOP [ WHO ] )  
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TO:Paul B. Dyck ( CN=Paul B. Dyck/OU=WHO/O=EOP [ WHO ] )  
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TO:Paul Ebb ( CN=Paul Ebb/OU=WHO/O=EOP [ WHO ] )  
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TO:Ellen E. Eckert ( CN=Ellen E. Eckert/OU=WHO/O=EOP [ WHO ] )  
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TO:Damon Edwards ( CN=Damon Edwards/OU=WHO/O=EOP [ WHO ] )  
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TO:Jennifer Edwards ( CN=Jennifer Edwards/OU=WHO/O=EOP [ WHO ] )  
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TO:Laura Edwards ( CN=Laura Edwards/OU=WHO/O=EOP [ WHO ] )  
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READ:UNKNOWN  
TO:Jamie D. Ellis ( CN=Jamie D. Ellis/OU=WHO/O=EOP [ WHO ] )  
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TO:Joe Ellis ( CN=Joe Ellis/OU=WHO/O=EOP [ WHO ] )  
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TO:Linda M. Ellis ( CN=Linda M. Ellis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael H. Ellis ( CN=Michael H. Ellis/OU=WHO/O=EOP [ WHO ] )  
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TO:Nicole Enberg ( CN=Nicole Enberg/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Deborah J. Eng ( CN=Deborah J. Eng/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tucker A. Eskew ( CN=Tucker A. Eskew/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:John D. Estes ( CN=John D. Estes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Madalene E. Evans ( CN=Madalene E. Evans/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wanda M. Evans ( CN=Wanda M. Evans/OU=WHO/O=EOP [ WHO ] )  
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TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP [ WHO ] )  
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TO:Caroline Fair ( CN=Caroline Fair/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Richard Falkenrath ( CN=Richard Falkenrath/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer M. Farley ( CN=Jennifer M. Farley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paddy Feeny ( CN=Paddy Feeny/OU=WHO/O=EOP [ WHO ] )  
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TO:Craig Felner ( CN=Craig Felner/OU=WHO/O=EOP [ WHO ] )  
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TO:Catherine S. Fenton ( CN=Catherine S. Fenton/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Theodore W. Ferm ( CN=Theodore W. Ferm/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeanie L. Figg ( CN=Jeanie L. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kara G. Figg ( CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Heather R. Fitzgerald ( CN=Heather R. Fitzgerald/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Maureen Flanigan ( CN=Maureen Flanigan/OU=WHO/O=EOP [ WHO ] )  
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TO:Lawrence A. Fleischer ( CN=Lawrence A. Fleischer/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:James H. Fleming ( CN=James H. Fleming/OU=WHO/O=EOP [ WHO ] )  
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TO:Romaine C. Flowers ( CN=Romaine C. Flowers/OU=WHO/O=EOP [ WHO ] )  
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TO:Ashley N. Fochtman ( CN=Ashley N. Fochtman/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew W. Fogarty ( CN=Matthew W. Fogarty/OU=WHO/O=EOP [ WHO ] )  
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TO:Jennifer Foley ( CN=Jennifer Foley/OU=WHO/O=EOP [ WHO ] )  
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TO:Maisie Fong ( CN=Maisie Fong/OU=WHO/O=EOP [ WHO ] )  
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TO:Ransome S. Foose ( CN=Ransome S. Foose/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Geoffrey K. Fowler ( CN=Geoffrey K. Fowler/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lana M. Frankensfield ( CN=Lana M. Frankensfield/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sara A. Frankfurt ( CN=Sara A. Frankfurt/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

TO:Myra B. Freeman ( CN=Myra B. Freeman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph W. Fricks III ( CN=Joseph W. Fricks III/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Angela I. Fritz ( CN=Angela I. Fritz/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:William J. Fugo ( CN=William J. Fugo/OU=WHO/O=EOP [ WHO ] )  
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TO:Laura F. Fullerton ( CN=Laura F. Fullerton/OU=WHO/O=EOP [ WHO ] )  
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TO:Christopher Furlow ( CN=Christopher Furlow/OU=WHO/O=EOP [ WHO ] )  
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TO:Reed H. Galen ( CN=Reed H. Galen/OU=WHO/O=EOP [ WHO ] )  
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TO:Linda M. Gambatesa ( CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Christopher D. Gambill ( CN=Christopher D. Gambill/OU=WHO/O=EOP [ WHO ] )  
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TO:Jane D. Gannon ( CN=Jane D. Gannon/OU=WHO/O=EOP [ WHO ] )  
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TO:Kelley Gannon ( CN=Kelley Gannon/OU=WHO/O=EOP [ WHO ] )  
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TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
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TO:Jeffery W. Garland ( CN=Jeffery W. Garland/OU=WHO/O=EOP [ WHO ] )  
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TO:Dorothy C. Garvin ( CN=Dorothy C. Garvin/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Lashawn Gaskins ( CN=Lashawn Gaskins/OU=WHO/O=EOP [ WHO ] )  
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TO:Luz Gelabert ( CN=Luz Gelabert/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael J. Gerson ( CN=Michael J. Gerson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Julie A. Giardina ( CN=Julie A. Giardina/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Faisal M. Gill ( CN=Faisal M. Gill/OU=WHO/O=EOP [ WHO ] )  
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TO:Georgia D. Godfrey ( CN=Georgia D. Godfrey/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )  
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READ:UNKNOWN  
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READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Alessandra L. Gonzalez ( CN=Alessandra L. Gonzalez/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley Goodrich-Mahoney ( CN=Ashley Goodrich-Mahoney/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robert F. Goodwin ( CN=Robert F. Goodwin/OU=WHO/O=EOP [ WHO ] )  
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TO:Terry W. Good ( CN=Terry W. Good/OU=WHO/O=EOP [ WHO ] )  
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TO:John Gordon ( CN=John Gordon/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Leonardo F. Gorordo ( CN=Leonardo F. Gorordo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Blake Gottesman ( CN=Blake Gottesman/OU=WHO/O=EOP@Exchange [ WHO ] )  
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READ:UNKNOWN

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**To:** Lewis Libby/OVP/EOP@Exchange [ OVP ] <Lewis Libby>;Charles S. Abbot/WHO/EOP@Exchange [ WHO ] <Charles S. Abbot>;Allen K. Abney/WHO/EOP [ WHO ] <Allen K. Abney>;Gilbert R. Aguirre/WHO/EOP [ WHO ] <Gilbert R. Aguirre>;Victoria Ahaev/WHO/EOP [ WHO ] <Victoria Ahaev>;David Aidekman/WHO/EOP [ WHO ] <David Aidekman>;Robbie Aiken/WHO/EOP [ WHO ] <Robbie Aiken>;Barrett Aldemeyer/WHO/EOP [ WHO ] <Barrett Aldemeyer>;Phillips M. Alicia/WHO/EOP [ WHO ] <Phillips M. Alicia>;Cristina Allegretti/WHO/EOP@Exchange [ WHO ] <Cristina Allegretti>;Leeda A. Allen/WHO/EOP [ WHO ] <Leeda A. Allen>;Michael Allen/WHO/EOP [ WHO ] <Michael Allen>;L. Linus Amorsingh/WHO/EOP [ WHO ] <L. Linus Amorsingh>;Meredith Anderson WH AGL BULK/WHO/EOP [ WHO ] <Meredith Anderson WH AGL BULK>;Catherine S. Anderson/WHO/EOP [ WHO ] <Catherine S. Anderson>;David Anderson/WHO/EOP [ WHO ] <David Anderson>;Meredith Anderson/WHO/EOP [ WHO ] <Meredith Anderson>;Peder Anderson/WHO/EOP [ WHO ] <Peder Anderson>;Theresa R. Anderson/WHO/EOP [ WHO ] <Theresa R. Anderson>;Mary C. Andrews/WHO/EOP [ WHO ] <Mary C. Andrews>;Richard E. Antaya/WHO/EOP [ WHO ] <Richard E. Antaya>;Katherine Anthony/WHO/EOP [ WHO ] <Katherine Anthony>;Jackie Arends/WHO/EOP [ WHO ] <Jackie Arends>;Elisabeth Armstead/WHO/EOP [ WHO ] <Elisabeth Armstead>;Sara W. Armstrong/WHO/EOP@Exchange [ WHO ] <Sara W. Armstrong>;John Arnett/WHO/EOP [ WHO ] <John Arnett>;Listi Arnold/WHO/EOP@Exchange [ WHO ] <Listi Arnold>;William L. Arritt/WHO/EOP [ WHO ] <William L. Arritt>;Paul Ashin/WHO/EOP [ WHO ] <Paul Ashin>;Carolyn F. Atkinson Volunteers/WHO/EOP [ WHO ] <Carolyn F. Atkinson Volunteers>;Carolyn F. Atkinson/WHO/EOP [ WHO ] <Carolyn F. Atkinson>;Chelsey Atkin/WHO/EOP@Exchange [ WHO ] <Chelsey Atkin>;Steven A. Atkiss/WHO/EOP [ WHO ] <Steven A. Atkiss>;Candice L. Attili/WHO/EOP [ WHO ] <Candice L. Attili>;Tyler Auschwitz/WHO/EOP [ WHO ] <Tyler Auschwitz>;Balan R. Ayyar/WHO/EOP [ WHO ] <Balan R. Ayyar>;Chad Babin/WHO/EOP@Exchange [ WHO ] <Chad Babin>;Kimberly A. Badenhop/WHO/EOP [ WHO ] <Kimberly A. Badenhop>;James Baehr/WHO/EOP [ WHO ] <James Baehr>;Christine K. Baer/WHO/EOP [ WHO ] <Christine K. Baer>;Joel B. Bagnal OHS TCIMD DO/WHO/EOP [ WHO ] <Joel B. Bagnal OHS TCIMD DO>;Joel B. Bagnal/WHO/EOP [ WHO ] <Joel B. Bagnal>;Christa J. Bailey/WHO/EOP [ WHO ] <Christa J. Bailey>;Robert T. Bailey/WHO/EOP [ WHO ] <Robert T. Bailey>;Jenica Baldwin/WHO/EOP [ WHO ] <Jenica Baldwin>;David Ballard/WHO/EOP [ WHO ] <David Ballard>;Andrea G. Ball/WHO/EOP@Exchange [ WHO ] <Andrea G. Ball>;Yigal S. Bar-Av/WHO/EOP [ WHO ] <Yigal S. Bar-Av>;Allison Barber/WHO/EOP [ WHO ] <Allison Barber>;Barbara A. Barclay/WHO/EOP@Exchange [ WHO ] <Barbara A. Barclay>;Tiffany L. Barfield/WHO/EOP@Exchange [ WHO ] <Tiffany L. Barfield>;Campbell L. Barks/WHO/EOP [ WHO ] <Campbell L. Barks>;Donna M. Barnes/WHO/EOP [ WHO ] <Donna M. Barnes>;Grace E. Barnes/WHO/EOP [ WHO ] <Grace E. Barnes>;Elisha Barnette/WHO/EOP [ WHO ] <Elisha Barnette>;Ruben S. Barrales/WHO/EOP [ WHO ] <Ruben S. Barrales>;Del Bartee/WHO/EOP [ WHO ] <Del Bartee>;Daniel J. Bartlett/WHO/EOP@Exchange [ WHO ] <Daniel J. Bartlett>;H. Christopher Bartolomucci/WHO/EOP [ WHO ] <H. Christopher Bartolomucci>;Blair A. Bassett/WHO/EOP [ WHO ] <Blair A. Bassett>;Robert Bauer/WHO/EOP [ WHO ] <Robert Bauer>;Healy E. Baumgardner/WHO/EOP [ WHO ] <Healy E. Baumgardner>;Eileen F. Bean/WHO/EOP [ WHO ] <Eileen F. Bean>;Darren W. Bearson/WHO/EOP [ WHO ] <Darren W. Bearson>;Emmaley Becker/WHO/EOP@Exchange [ WHO ] <Emmaley Becker>;Kathy J. Becker/WHO/EOP [ WHO ] <Kathy J. Becker>;Stacey Bellet/WHO/EOP [ WHO ] <Stacey Bellet>;Kathryn E. Bell/WHO/EOP [ WHO ] <Kathryn E. Bell>;Jorge Beltran/WHO/EOP [ WHO ] <Jorge Beltran>;Melissa S. Bennett/WHO/EOP@Exchange [ WHO ] <Melissa S. Bennett>;Latoya Benson/WHO/EOP [ WHO ] <Latoya Benson>;Alexander R. Berger/WHO/EOP [ WHO ] <Alexander R. Berger>;Laura Berg/WHO/EOP [ WHO ] <Laura Berg>;Kenneth Bernard/WHO/EOP [ WHO ] <Kenneth Bernard>;Brian R. Besanceney/WHO/EOP [ WHO ] <Brian R. Besanceney>;George E. Best/WHO/EOP [ WHO ] <George E. Best>;Kaylene Bettis/WHO/EOP [ WHO ] <Kaylene Bettis>;Todd W. Beyer/WHO/EOP [ WHO ] <Todd W. Beyer>;Rebecca A. Beynon/WHO/EOP [ WHO ] <Rebecca A. Beynon>;Thomas A. Bezas/WHO/EOP [ WHO ] <Thomas A. Bezas>;Joann Bingham/WHO/EOP [ WHO ] <Joann Bingham>;Elizabeth Bingold/WHO/EOP [ WHO ] <Elizabeth Bingold>;Mary U. Binns/WHO/EOP [ WHO ] <Mary U. Binns>;Kristin Birdwell/WHO/EOP [ WHO ] <Kristin Birdwell>;Debra D. Bird/WHO/EOP@Exchange [ WHO ] <Debra D. Bird>;Randy L. Blair/WHO/EOP [ WHO ] <Randy L. Blair>;Bradley A. Blakeman/WHO/EOP@Exchange [ WHO ] <Bradley A. Blakeman>;Jeffrey W. Bloemker/WHO/EOP [ WHO ] <Jeffrey W. Bloemker>;Matthew Blomerth/WHO/EOP [ WHO ] <Matthew Blomerth>;John N. Bobbitt/WHO/EOP [ WHO ] <John N. Bobbitt>;Matias Bobenrieth/WHO/EOP [ WHO ] <Matias Bobenrieth>;Michael J. Boisvenue/WHO

TO:Dennis Grace ( CN=Dennis Grace/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephanie E. Grace ( CN=Stephanie E. Grace/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Heather H. Graham ( CN=Heather H. Graham/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lottie B. Graham ( CN=Lottie B. Graham/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kevin B. Graney ( CN=Kevin B. Graney/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Margaret M. Grant ( CN=Margaret M. Grant/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Caleb Graves ( CN=Caleb Graves/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Adrian G. Gray ( CN=Adrian G. Gray/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ann Gray ( CN=Ann Gray/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Emily S. Gray ( CN=Emily S. Gray/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Terra Gray ( CN=Terra Gray/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:William Greene ( CN=William Greene/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Fraser Greenwood ( CN=Fraser Greenwood/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew T. Green ( CN=Matthew T. Green/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Judy Grier ( CN=Judy Grier/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Chad M. Grogan ( CN=Chad M. Grogan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew Groh ( CN=Matthew Groh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brook Grossi ( CN=Brook Grossi/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Taylor S. Gross ( CN=Taylor S. Gross/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Justin A. Grove ( CN=Justin A. Grove/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Darren D. Grubb ( CN=Darren D. Grubb/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Abel Guerra ( CN=Abel Guerra/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jon A. Guest ( CN=Jon A. Guest/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katharina M. Hager ( CN=Katharina M. Hager/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph W. Hagin ( CN=Joseph W. Hagin/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Robert J. Hall ( CN=Robert J. Hall/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nancy G. Hansen ( CN=Nancy G. Hansen/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew D. Hanson ( CN=Andrew D. Hanson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Mary Ann Hanusa ( CN=Mary Ann Hanusa/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth K. Harden ( CN=Elizabeth K. Harden/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Daniel Hardwick ( CN=Daniel Hardwick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Leah J. Harrelson ( CN=Leah J. Harrelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Tobin Harvey ( CN=Tobin Harvey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN



TO:Jordan Hassin ( CN=Jordan Hassin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tracy R. Hatfield ( CN=Tracy R. Hatfield/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Erin M. Hattersley ( CN=Erin M. Hattersley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sarah Hawkins ( CN=Sarah Hawkins/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kathryn J. Hayes ( CN=Kathryn J. Hayes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen F. Hayes ( CN=Stephen F. Hayes/OU=WHO/O=EOP [ WHO ] )  
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TO:John J. Healey ( CN=John J. Healey/OU=WHO/O=EOP [ WHO ] )  
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TO:Erin E. Healy ( CN=Erin E. Healy/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael Heath ( CN=Michael Heath/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Anne Heiligenstein ( CN=Anne Heiligenstein/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Patrice Heironimus ( CN=Patrice Heironimus/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Janice A. Heltibridle ( CN=Janice A. Heltibridle/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Chris Henick ( CN=Chris Henick/OU=WHO/O=EOP [ WHO ] )  
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TO:Aimee L. Henneke ( CN=Aimee L. Henneke/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John R. Henry ( CN=John R. Henry/OU=WHO/O=EOP [ WHO ] )  
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TO:Elizabeth A. Herald ( CN=Elizabeth A. Herald/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Marilyn V. Herald ( CN=Marilyn V. Herald/OU=WHO/O=EOP [ WHO ] )  
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TO:Deborah Hermer ( CN=Deborah Hermer/OU=WHO/O=EOP [ WHO ] )  
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TO:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Emily Herring ( CN=Emily Herring/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Hans H. Hertell ( CN=Hans H. Hertell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Bradley E. Hester ( CN=Bradley E. Hester/OU=WHO/O=EOP [ WHO ] )  
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TO:Heather Heyman ( CN=Heather Heyman/OU=WHO/O=EOP [ WHO ] )  
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TO:David Higbee ( CN=David Higbee/OU=WHO/O=EOP [ WHO ] )  
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TO:Courtney Higgins ( CN=Courtney Higgins/OU=WHO/O=EOP [ WHO ] )  
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TO:Katherine S. Hildebrand ( CN=Katherine S. Hildebrand/OU=WHO/O=EOP [ WHO ] )  
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TO:Kirsten J. Hildebrand ( CN=Kirsten J. Hildebrand/OU=WHO/O=EOP [ WHO ] )  
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TO:David H. Hill ( CN=David H. Hill/OU=WHO/O=EOP [ WHO ] )  
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TO:Eleanor R. Hill ( CN=Eleanor R. Hill/OU=WHO/O=EOP [ WHO ] )  
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TO:Gretchen A. Hirschauer ( CN=Gretchen A. Hirschauer/OU=WHO/O=EOP [ WHO ] )  
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TO:Cabell Hobbs ( CN=Cabell Hobbs/OU=WHO/O=EOP [ WHO ] )  
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TO:David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Douglas L. Hoelscher ( CN=Douglas L. Hoelscher/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Grayson Hoffman ( CN=Grayson Hoffman/OU=WHO/O=EOP [ WHO ] )  
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TO:Lewis Hofmann ( CN=Lewis Hofmann/OU=WHO/O=EOP [ WHO ] )  
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TO:Derrek Hofrichter ( CN=Derrek Hofrichter/OU=WHO/O=EOP [ WHO ] )  
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TO:Elizabeth Hogan ( CN=Elizabeth Hogan/OU=WHO/O=EOP [ WHO ] )  
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TO:Annie Holand ( CN=Annie Holand/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Ashley Holbrook ( CN=Ashley Holbrook/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Brook Holladay ( CN=Brook Holladay/OU=WHO/O=EOP [ WHO ] )  
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TO:Ryan Holladay ( CN=Ryan Holladay/OU=WHO/O=EOP [ WHO ] )  
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TO:Elizabeth A. Holland ( CN=Elizabeth A. Holland/OU=WHO/O=EOP [ WHO ] )  
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TO:Eric W. Holland ( CN=Eric W. Holland/OU=WHO/O=EOP [ WHO ] )  
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TO:William Holley ( CN=William Holley/OU=WHO/O=EOP [ WHO ] )  
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TO:Stuart Holliday ( CN=Stuart Holliday/OU=WHO/O=EOP [ WHO ] )  
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TO:David F. Holt ( CN=David F. Holt/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Anita Homan ( CN=Anita Homan/OU=WHO/O=EOP [ WHO ] )  
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TO:Chris Hornbarger ( CN=Chris Hornbarger/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Emily A. House ( CN=Emily A. House/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Betsy K. Howard ( CN=Betsy K. Howard/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dustin D. Huddleston ( CN=Dustin D. Huddleston/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory C. Huffman ( CN=Gregory C. Huffman/OU=WHO/O=EOP [ WHO ] )  
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TO:Taylor A. Hughes ( CN=Taylor A. Hughes/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:William C. Hughes ( CN=William C. Hughes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lauren K. Huguet ( CN=Lauren K. Huguet/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:John J. Hunter ( CN=John J. Hunter/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Manuela Hunt ( CN=Manuela Hunt/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lea A. Hutchins ( CN=Lea A. Hutchins/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lili Hyder ( CN=Lili Hyder/OU=WHO/O=EOP [ WHO ] )  
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TO:Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Adam B. Ingols ( CN=Adam B. Ingols/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Carmen M. Ingwell ( CN=Carmen M. Ingwell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Richard G. Irwin OHS TCIMD DO ( CN=Richard G. Irwin OHS TCIMD DO/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Richard G. Irwin ( CN=Richard G. Irwin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Moreen E. Ishikawa ( CN=Moreen E. Ishikawa/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Curtis R. Jablonka ( CN=Curtis R. Jablonka/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Marilyn R. Jacanin ( CN=Marilyn R. Jacanin/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

TO:Barry S. Jackson ( CN=Barry S. Jackson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Theodoric C. James Jr ( CN=Theodoric C. James Jr/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Charles James ( CN=Charles James/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gordon C. James ( CN=Gordon C. James/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jon Jefferson ( CN=Jon Jefferson/OU=WHO/O=EOP [ WHO ] )  
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TO:Sylvester Jefferson ( CN=Sylvester Jefferson/OU=WHO/O=EOP [ WHO ] )  
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TO:Andrew C. Jeffrey ( CN=Andrew C. Jeffrey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory J. Jenkins ( CN=Gregory J. Jenkins/OU=WHO/O=EOP [ WHO ] )  
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TO:Amy Jensen ( CN=Amy Jensen/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kendall Jesmer ( CN=Kendall Jesmer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeffrey T. Jezierski ( CN=Jeffrey T. Jezierski/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Clay Johnson III ( CN=Clay Johnson III/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sydney R. Johnson ( CN=Sydney R. Johnson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Megan R. Johnston ( CN=Megan R. Johnston/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Alison Jones ( CN=Alison Jones/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brian C. Jones ( CN=Brian C. Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Crystal B. Jones ( CN=Crystal B. Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cyril Jones ( CN=Cyril Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Deborah A. Jones ( CN=Deborah A. Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jacqueline D. Jones ( CN=Jacqueline D. Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ramona L. Jones ( CN=Ramona L. Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sammie Joseph ( CN=Sammie Joseph/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Deidra A. Jules ( CN=Deidra A. Jules/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robert P. Kadlec ( CN=Robert P. Kadlec/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:David E. Kalbaugh ( CN=David E. Kalbaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Michael Karem ( CN=Michael Karem/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer M. Katzaman ( CN=Jennifer M. Katzaman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul Kaurin ( CN=Paul Kaurin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph M. Kearney ( CN=Joseph M. Kearney/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Angela C. Kebric ( CN=Angela C. Kebric/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Josefine Keenan ( CN=Josefine Keenan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sarah B. Keith ( CN=Sarah B. Keith/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:James M. Kelly ( CN=James M. Kelly/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Samuel B. Kelner ( CN=Samuel B. Kelner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen A. Kemmer ( CN=Stephen A. Kemmer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephanie Kendall ( CN=Stephanie Kendall/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Daniel J. Keniry ( CN=Daniel J. Keniry/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Usmaan Khalid ( CN=Usmaan Khalid/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lydia Khalil ( CN=Lydia Khalil/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Amanda S. Khan ( CN=Amanda S. Khan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Suhail A. Khan ( CN=Suhail A. Khan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Amichai Kilchevsky ( CN=Amichai Kilchevsky/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jenny Kim ( CN=Jenny Kim/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen King OHS TCIMD DO ( CN=Stephen King OHS TCIMD DO/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lana M. King ( CN=Lana M. King/OU=WHO/O=EOP [ WHO ] )  
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TO:Stephen King ( CN=Stephen King/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Taeshonnda C. King ( CN=Taeshonnda C. King/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Guy R. Kirby ( CN=Guy R. Kirby/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew Kirk ( CN=Matthew Kirk/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:James R. Kish ( CN=James R. Kish/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Monica V. Kladakis ( CN=Monica V. Kladakis/OU=WHO/O=EOP [ WHO ] )  
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TO:Jenna K. Klein ( CN=Jenna K. Klein/OU=OMB/O=EOP [ WHO ] )  
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TO:Barbara B. Knight ( CN=Barbara B. Knight/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:David C. Knudsen ( CN=David C. Knudsen/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew Koch ( CN=Matthew Koch/OU=WHO/O=EOP [ WHO ] )  
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TO:Richard Kolar ( CN=Richard Kolar/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christina E. Kolesar ( CN=Christina E. Kolesar/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lindsey C. Kozberg ( CN=Lindsey C. Kozberg/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John Kramerer ( CN=John Kramerer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Emily L. Kropp ( CN=Emily L. Kropp/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robert J. Kruckemeyer ( CN=Robert J. Kruckemeyer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lorraine Kuchmy ( CN=Lorraine Kuchmy/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeffrey Kuhlman ( CN=Jeffrey Kuhlman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:David Kuo ( CN=David Kuo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Jeffrey F. Kupfer ( CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Ross M. Kyle ( CN=Ross M. Kyle/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Greg Lagana ( CN=Greg Lagana/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Samuel A. Lahood ( CN=Samuel A. Lahood/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolene Langie ( CN=Carolene Langie/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Timothy R. Langley ( CN=Timothy R. Langley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tracy A. Langlois ( CN=Tracy A. Langlois/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:William Lang ( CN=William Lang/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kenneth Lanza ( CN=Kenneth Lanza/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Solomon Lartey ( CN=Solomon Lartey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Charles H. Lawley ( CN=Charles H. Lawley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Laura S. Lawlor ( CN=Laura S. Lawlor/OU=WHO/O=EOP [ WHO ] )  
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TO:Eric Leckey ( CN=Eric Leckey/OU=WHO/O=EOP [ WHO ] )  
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TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jude Leitten ( CN=Jude Leitten/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kay Lennon ( CN=Kay Lennon/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Adam L. Levine ( CN=Adam L. Levine/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Sharon R. Lewis ( CN=Sharon R. Lewis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Darin LeZotte ( CN=Darin LeZotte/OU=WHO/O=EOP [ WHO ] )  
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TO:Elan Liang ( CN=Elan Liang/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Andrew Liggett ( CN=Andrew Liggett/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Susan D. Lindahl ( CN=Susan D. Lindahl/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephanie E. Linder ( CN=Stephanie E. Linder/OU=WHO/O=EOP [ WHO ] )  
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TO:Blake Lindner ( CN=Blake Lindner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen M. Lineberry ( CN=Stephen M. Lineberry/OU=WHO/O=EOP [ WHO ] )  
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TO:Lindsey M. Lineweaver ( CN=Lindsey M. Lineweaver/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Thomas Lintner ( CN=Thomas Lintner/OU=WHO/O=EOP [ WHO ] )  
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TO:Elizabeth Liptock ( CN=Elizabeth Liptock/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kenneth A. Lisaius ( CN=Kenneth A. Lisaius/OU=WHO/O=EOP [ WHO ] )  
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TO:Susan Lockart ( CN=Susan Lockart/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth A. Lonick ( CN=Elizabeth A. Lonick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Saundra Jo Lonick ( CN=Saundra Jo Lonick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Katie R. Loovis ( CN=Katie R. Loovis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ginger G. Loper ( CN=Ginger G. Loper/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Carrie B. Loy Cabinet Affairs ( CN=Carrie B. Loy Cabinet Affairs/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Amy C. Lunde ( CN=Amy C. Lunde/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Therese Lyons ( CN=Therese Lyons/OU=WHO/O=EOP [ WHO ] )  
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TO:Jonathan Mackintosh ( CN=Jonathan Mackintosh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robin A. MacLean ( CN=Robin A. MacLean/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Liz Macnab ( CN=Liz Macnab/OU=WHO/O=EOP [ WHO ] )  
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TO:Jose Mallea ( CN=Jose Mallea/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brooke H. Manning ( CN=Brooke H. Manning/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Curt J. Mann ( CN=Curt J. Mann/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gabrielle Marchionna ( CN=Gabrielle Marchionna/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Donald R. Margo ( CN=Donald R. Margo/OU=WHO/O=EOP [ WHO ] )  
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TO:David M. Mark ( CN=David M. Mark/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Bonny K. Marshall ( CN=Bonny K. Marshall/OU=WHO/O=EOP [ WHO ] )  
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TO:Misty C. Marshall ( CN=Misty C. Marshall/OU=WHO/O=EOP [ WHO ] )  
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TO:Robert Marsh ( CN=Robert Marsh/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Kimberly V. Martiny ( CN=Kimberly V. Martiny/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katharine Massrey ( CN=Katharine Massrey/OU=WHO/O=EOP [ WHO ] )  
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TO:Jackie Mather ( CN=Jackie Mather/OU=WHO/O=EOP [ WHO ] )  
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TO:Philip C. Mattson ( CN=Philip C. Mattson/OU=WHO/O=EOP [ WHO ] )  
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TO:Lee Mayfield ( CN=Lee Mayfield/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kristina McAlister ( CN=Kristina McAlister/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:James M. McAllister ( CN=James M. McAllister/OU=WHO/O=EOP [ WHO ] )  
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TO:Ellen W. McCathran ( CN=Ellen W. McCathran/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
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TO:Peter McCauley ( CN=Peter McCauley/OU=WHO/O=EOP [ WHO ] )  
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TO:Lauren McCord ( CN=Lauren McCord/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

TO:Michael McCormick ( CN=Michael McCormick/OU=WHO/O=EOP [ WHO ] )  
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TO:Andrea McDaniel ( CN=Andrea McDaniel/OU=WHO/O=EOP [ WHO ] )  
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TO:Ann McDaniel ( CN=Ann McDaniel/OU=WHO/O=EOP [ WHO ] )  
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TO:Brian McDonald ( CN=Brian McDonald/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Rebekah McDonald ( CN=Rebekah McDonald/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jack McDougale ( CN=Jack McDougale/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gwendolyn S. McFadden ( CN=Gwendolyn S. McFadden/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew W. McGarrity ( CN=Andrew W. McGarrity/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katherine E. McGill ( CN=Katherine E. McGill/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Hugh A. McGovern ( CN=Hugh A. McGovern/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dolores McGuinn ( CN=Dolores McGuinn/OU=WHO/O=EOP [ WHO ] )  
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TO:Sara B. McIntosh ( CN=Sara B. McIntosh/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kathryn M. McKeown ( CN=Kathryn M. McKeown/OU=WHO/O=EOP [ WHO ] )  
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TO:David McMaster ( CN=David McMaster/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Molly McMurray ( CN=Molly McMurray/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP [ WHO ] )  
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TO:Julia McNeese ( CN=Julia McNeese/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tyler N. McPherson ( CN=Tyler N. McPherson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Vickie A. McQuade ( CN=Vickie A. McQuade/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Deborah McRae ( CN=Deborah McRae/OU=WHO/O=EOP [ WHO ] )  
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TO:Sonya E. Medina ( CN=Sonya E. Medina/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Michael E. Meece ( CN=Michael E. Meece/OU=WHO/O=EOP [ WHO ] )  
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TO:Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP [ WHO ] )  
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TO:Lisa Meier ( CN=Lisa Meier/OU=WHO/O=EOP [ WHO ] )  
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TO:George E. Melissinos ( CN=George E. Melissinos/OU=WHO/O=EOP [ WHO ] )  
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TO:Andrea M. Mendoza ( CN=Andrea M. Mendoza/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Manuel A. Mendoza ( CN=Manuel A. Mendoza/OU=WHO/O=EOP [ WHO ] )  
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TO:John M. Meyers ( CN=John M. Meyers/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Steven J. Meyers ( CN=Steven J. Meyers/OU=WHO/O=EOP [ WHO ] )  
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TO:A. Morgan Middlemas ( CN=A. Morgan Middlemas/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Anne M. Midey ( CN=Anne M. Midey/OU=WHO/O=EOP [ WHO ] )  
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TO:Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Shirley Miles ( CN=Shirley Miles/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katherine Milgram ( CN=Katherine Milgram/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Ashley Miller ( CN=Ashley Miller/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christopher T. Miller ( CN=Christopher T. Miller/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael H. Miller ( CN=Michael H. Miller/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Patti S. Miller ( CN=Patti S. Miller/OU=WHO/O=EOP [ WHO ] )  
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TO:Raymond D. Miller ( CN=Raymond D. Miller/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Chad Millison ( CN=Chad Millison/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gwendolyn F. Mincey ( CN=Gwendolyn F. Mincey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kevin M. Minne ( CN=Kevin M. Minne/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:William C. Minnis ( CN=William C. Minnis/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew Modell ( CN=Matthew Modell/OU=WHO/O=EOP [ WHO ] )  
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TO:Megan S. Mollmann ( CN=Megan S. Mollmann/OU=WHO/O=EOP [ WHO ] )  
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TO:Paul D. Montanus ( CN=Paul D. Montanus/OU=WHO/O=EOP [ WHO ] )  
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TO:Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Daneil K. Montgomery ( CN=Daneil K. Montgomery/OU=WHO/O=EOP [ WHO ] )  
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TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:James D. Morgeson ( CN=James D. Morgeson/OU=WHO/O=EOP [ WHO ] )  
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TO:Nathaniel R. Morris ( CN=Nathaniel R. Morris/OU=WHO/O=EOP [ WHO ] )  
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TO:Paul L. Morse ( CN=Paul L. Morse/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Kimberly A. Mosser ( CN=Kimberly A. Mosser/OU=WHO/O=EOP [ WHO ] )  
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TO:Daniel T. Moss ( CN=Daniel T. Moss/OU=WHO/O=EOP [ WHO ] )  
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TO:Eric L. Motley ( CN=Eric L. Motley/OU=WHO/O=EOP [ WHO ] )  
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TO:Edmund C. Moy ( CN=Edmund C. Moy/OU=WHO/O=EOP [ WHO ] )  
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TO:Joseph Mukes ( CN=Joseph Mukes/OU=WHO/O=EOP [ WHO ] )  
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TO:Scott D. Munn ( CN=Scott D. Munn/OU=WHO/O=EOP [ WHO ] )  
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TO:Tara Murphy ( CN=Tara Murphy/OU=WHO/O=EOP [ WHO ] )  
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TO:Airen Murray ( CN=Airen Murray/OU=WHO/O=EOP [ WHO ] )  
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TO:John Murray ( CN=John Murray/OU=WHO/O=EOP [ WHO ] )  
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TO:Kathleen Mynster ( CN=Kathleen Mynster/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carol A. Nagel ( CN=Carol A. Nagel/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael J. Napolitano ( CN=Michael J. Napolitano/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Anthony Nardozi ( CN=Anthony Nardozi/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Charles B. Nash ( CN=Charles B. Nash/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Rebecca C. Neale ( CN=Rebecca C. Neale/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN



TO:Noam M. Neusner ( CN=Noam M. Neusner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John F. Newell ( CN=John F. Newell/OU=WHO/O=EOP [ WHO ] )  
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TO:Paul Newell ( CN=Paul Newell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ] )  
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TO:Paul Nicholas ( CN=Paul Nicholas/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jon Nichols ( CN=Jon Nichols/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wendy L. Nipper ( CN=Wendy L. Nipper/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Eric Noji ( CN=Eric Noji/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joshua P. Noland ( CN=Joshua P. Noland/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robert C. Noonan ( CN=Robert C. Noonan/OU=WHO/O=EOP [ WHO ] )  
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TO:Gregory J. North ( CN=Gregory J. North/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andre D. Norwood ( CN=Andre D. Norwood/OU=WHO/O=EOP [ WHO ] )  
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TO:Elise Nowlin ( CN=Elise Nowlin/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Philip J. O'Beirne ( CN=Philip J. O'Beirne/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Daniel O'Driscoll ( CN=Daniel O'Driscoll/OU=WHO/O=EOP [ WHO ] )  
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TO:Sean B. O'Hollaren ( CN=Sean B. O'Hollaren/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Ziad S. Ojakli ( CN=Ziad S. Ojakli/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ] )  
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TO:Kami B. Owens ( CN=Kami B. Owens/OU=WHO/O=EOP [ WHO ] )  
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TO:Melissa L. Pacak ( CN=Melissa L. Pacak/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew B. Pacelli ( CN=Andrew B. Pacelli/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kathleen Packard OHS TCIMD DO ( CN=Kathleen Packard OHS TCIMD DO/OU=WHO/O=EOP [ WHO ] )  
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TO:Kathleen Packard ( CN=Kathleen Packard/OU=WHO/O=EOP [ WHO ] )  
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TO:Theresa Pagliocca ( CN=Theresa Pagliocca/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Anne Palisi ( CN=Anne Palisi/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory R. Papeika Briefing Room ( CN=Gregory R. Papeika Briefing Room/OU=WHO/O=EOP [ WHO ] )  
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TO:Christie Parell ( CN=Christie Parell/OU=WHO/O=EOP [ WHO ] )  
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TO:Doris Parker ( CN=Doris Parker/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joyce A. Parker ( CN=Joyce A. Parker/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alessandro Parrini ( CN=Alessandro Parrini/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michelle Parrozzo ( CN=Michelle Parrozzo/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Ajay Patil ( CN=Ajay Patil/OU=WHO/O=EOP [ WHO ] )

/EOP@Exchange [ WHO ] <Michael J. Boisvenue>;Joshua B. Bolten/WHO/EOP@Exchange [ WHO ] <Joshua B. Bolten>;Frank Bonner/WHO/EOP [ WHO ] <Frank Bonner>;Michael Bourke/WHO/EOP [ WHO ] <Michael Bourke>;Lindsay J. Bourns/WHO/EOP [ WHO ] <Lindsay J. Bourns>;Dennis J. Bowden/WHO/EOP [ WHO ] <Dennis J. Bowden>;Stuart W. Bowen/WHO/EOP@Exchange [ WHO ] <Stuart W. Bowen>;David W. Boyer/WHO/EOP [ WHO ] <David W. Boyer>;Denise Bradley/WHO/EOP@Exchange [ WHO ] <Denise Bradley>;Ronald Brahm/WHO/EOP [ WHO ] <Ronald Brahm>;Keith R. Brancato/WHO/EOP [ WHO ] <Keith R. Brancato>;Michael D. Brasseur/WHO/EOP [ WHO ] <Michael D. Brasseur>;Brian Bravo/WHO/EOP@Exchange [ WHO ] <Brian Bravo>;Jan Brecht-Clark/WHO/EOP [ WHO ] <Jan Brecht-Clark>;Una F. Brien/WHO/EOP [ WHO ] <Una F. Brien>;Hana F. Brilliant/WHO/EOP [ WHO ] <Hana F. Brilliant>;John G. Briscoe/WHO/EOP [ WHO ] <John G. Briscoe>;Avery Broadbent/WHO/EOP [ WHO ] <Avery Broadbent>;Mary J. Brooke/WHO/EOP [ WHO ] <Mary J. Brooke>;Jennifer R. Brosnahan/WHO/EOP [ WHO ] <Jennifer R. Brosnahan>;Debra S. Brown/WHO/EOP@Exchange [ WHO ] <Debra S. Brown>;Larry W. Brown/WHO/EOP [ WHO ] <Larry W. Brown>;Reginald J. Brown/WHO/EOP [ WHO ] <Reginald J. Brown>;Jesse L. Bryson/WHO/EOP [ WHO ] <Jesse L. Bryson>;Claire E. Buchan/WHO/EOP@Exchange [ WHO ] <Claire E. Buchan>;Victoria Buckley/WHO/EOP [ WHO ] <Victoria Buckley>;Katja Bullock/WHO/EOP [ WHO ] <Katja Bullock>;Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>;Therese Burch/WHO/EOP [ WHO ] <Therese Burch>;Amanda K. Burdick/WHO/EOP [ WHO ] <Amanda K. Burdick>;Christine M. Burgeson/WHO/EOP@Exchange [ WHO ] <Christine M. Burgeson>;Lisa Burgess/WHO/EOP [ WHO ] <Lisa Burgess>;John G. Burke/WHO/EOP [ WHO ] <John G. Burke>;Thomas Burke/WHO/EOP [ WHO ] <Thomas Burke>;Shannon Burkhardt/WHO/EOP [ WHO ] <Shannon Burkhardt>;Jonathan W. Burks/WHO/EOP@Exchange [ WHO ] <Jonathan W. Burks>;Janice L. Burmeister/WHO/EOP [ WHO ] <Janice L. Burmeister>;James M. Burnham/WHO/EOP [ WHO ] <James M. Burnham>;Patrick Burns/WHO/EOP [ WHO ] <Patrick Burns>;Susan M. Burns/WHO/EOP [ WHO ] <Susan M. Burns>;Lindsay Burton/WHO/EOP [ WHO ] <Lindsay Burton>;Justin Busch/WHO/EOP [ WHO ] <Justin Busch>;Kate M. Byrnes/WHO/EOP [ WHO ] <Kate M. Byrnes>;Matthew Byrne/WHO/EOP [ WHO ] <Matthew Byrne>;Catalina Cabral/WHO/EOP [ WHO ] <Catalina Cabral>;Raquel Cabral/WHO/EOP@Exchange [ WHO ] <Raquel Cabral>;Marissa Cain/WHO/EOP [ WHO ] <Marissa Cain>;Regina L. Cain/WHO/EOP [ WHO ] <Regina L. Cain>;Tim M. Callaghan/WHO/EOP [ WHO ] <Tim M. Callaghan>;William Cameron/WHO/EOP [ WHO ] <William Cameron>;Anne E. Campbell/WHO/EOP@Exchange [ WHO ] <Anne E. Campbell>;Frances L. Campbell/WHO/EOP [ WHO ] <Frances L. Campbell>;Sarah Campbell/WHO/EOP [ WHO ] <Sarah Campbell>;Denise Cardamone/WHO/EOP [ WHO ] <Denise Cardamone>;Andrew H. Card/WHO/EOP@Exchange [ WHO ] <Andrew H. Card>;Stanley W. Carlson-Thies/WHO/EOP [ WHO ] <Stanley W. Carlson-Thies>;Jeremy Carl/WHO/EOP [ WHO ] <Jeremy Carl>;Ann Carmichael/WHO/EOP [ WHO ] <Ann Carmichael>;Pamela P. Carpenter/WHO/EOP [ WHO ] <Pamela P. Carpenter>;Colleen M. Carroll/WHO/EOP [ WHO ] <Colleen M. Carroll>;James W. Carroll/WHO/EOP [ WHO ] <James W. Carroll>;Pamela R. Casey/WHO/EOP [ WHO ] <Pamela R. Casey>;Patrick J. Casey/WHO/EOP [ WHO ] <Patrick J. Casey>;Lois A. Cassano/WHO/EOP@Exchange [ WHO ] <Lois A. Cassano>;Jennifer Cervantes/WHO/EOP [ WHO ] <Jennifer Cervantes>;Kirsten A. Chadwick/WHO/EOP@Exchange [ WHO ] <Kirsten A. Chadwick>;Daniel L. Chafin/WHO/EOP [ WHO ] <Daniel L. Chafin>;Shane P. Chambers/WHO/EOP@Exchange [ WHO ] <Shane P. Chambers>;Katherine M. Channell/WHO/EOP [ WHO ] <Katherine M. Channell>;Angela A. Chinque/WHO/EOP [ WHO ] <Angela A. Chinque>;Linwood Chisholm/WHO/EOP [ WHO ] <Linwood Chisholm>;ZaFreen Chowdhury/WHO/EOP [ WHO ] <ZaFreen Chowdhury>;Andrew D. Ciafardini/WHO/EOP [ WHO ] <Andrew D. Ciafardini>;Eric J. Ciliberti/WHO/EOP [ WHO ] <Eric J. Ciliberti>;Frank Cilluffo/WHO/EOP [ WHO ] <Frank Cilluffo>;Joseph Clancy/WHO/EOP [ WHO ] <Joseph Clancy>;Kay F. Clarke/WHO/EOP [ WHO ] <Kay F. Clarke>;Alicia P. Clark/WHO/EOP [ WHO ] <Alicia P. Clark>;James E. Clark/WHO/EOP [ WHO ] <James E. Clark>;Karen D. Clark/WHO/EOP [ WHO ] <Karen D. Clark>;Stephen L. Clark/WHO/EOP [ WHO ] <Stephen L. Clark>;Ralph J. Clemens/WHO/EOP [ WHO ] <Ralph J. Clemens>;Miriam J. Clement/WHO/EOP [ WHO ] <Miriam J. Clement>;Carolyn E. Cleveland/WHO/EOP@Exchange [ WHO ] <Carolyn E. Cleveland>;Elizabeth E. Coker/WHO/EOP [ WHO ] <Elizabeth E. Coker>;Ronald S. Colburn/WHO/EOP [ WHO ] <Ronald S. Colburn>;Jesse Connors/WHO/EOP [ WHO ] <Jesse Connors>;Thais C. Conway/WHO/EOP [ WHO ] <Thais C. Conway>;Mark W. Cooper/WHO/EOP [ WHO ] <Mark W. Cooper>;Rory S. Cooper/WHO/EOP [ WHO ] <Rory S. Cooper>;Tamar Cooper/WHO/EOP [ WHO ] <Tamar Cooper>;Timothy A. Cornell/WHO/EOP [ WHO ] <Timothy A. Cornell>;Brian S. Cossiboom/WHO/EOP [ WHO ] <Brian S. Cossiboom>;Margaret Cousley/WHO/EOP [ WHO ] <Margaret Cousley>;Christopher Coverdell/WHO/EOP [ WHO ] <Christopher Coverdell>;Edward Cowling/WHO/EOP [ WHO ] <Edward Cowling>;Christopher C.

READ:UNKNOWN  
TO:David J. Patterson ( CN=David J. Patterson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dennis C. Patterson ( CN=Dennis C. Patterson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Richard S. Paulus ( CN=Richard S. Paulus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Beth Pedison ( CN=Beth Pedison/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Sarah Penny ( CN=Sarah Penny/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brian Peterman ( CN=Brian Peterman/OU=WHO/O=EOP [ WHO ] )  
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TO:Catherine E. Peterson ( CN=Catherine E. Peterson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Bruce W. Peters ( CN=Bruce W. Peters/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sarah Pfeifer ( CN=Sarah Pfeifer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Hillary D. Phelps ( CN=Hillary D. Phelps/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Janet M. Philips ( CN=Janet M. Philips/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Garry L. Phillips ( CN=Garry L. Phillips/OU=WHO/O=EOP [ WHO ] )  
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READ:UNKNOWN  
TO:Nina Pinto ( CN=Nina Pinto/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kasey S. Pipes ( CN=Kasey S. Pipes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth Pitts ( CN=Elizabeth Pitts/OU=WHO/O=EOP [ WHO ] )  
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TO:Lewis Podolske ( CN=Lewis Podolske/OU=WHO/O=EOP [ WHO ] )  
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TO:Robert M. Pohl ( CN=Robert M. Pohl/OU=WHO/O=EOP [ WHO ] )  
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TO:Nancy Pomerleau ( CN=Nancy Pomerleau/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Conley V. Poole ( CN=Conley V. Poole/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory J. Popadiuk ( CN=Gregory J. Popadiuk/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin H. Porritt ( CN=Benjamin H. Porritt/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ] )  
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TO:Dina Powell ( CN=Dina Powell/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Alexander Powers ( CN=Alexander Powers/OU=WHO/O=EOP [ WHO ] )  
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TO:Robert T. Pratt Jr ( CN=Robert T. Pratt Jr/OU=WHO/O=EOP [ WHO ] )  
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TO:Melissa R. Price ( CN=Melissa R. Price/OU=WHO/O=EOP [ WHO ] )  
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TO:Suzanne Primoff ( CN=Suzanne Primoff/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Clare Pritchett ( CN=Clare Pritchett/OU=WHO/O=EOP@Exchange [ WHO ] )

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TO:Kristopher N. Purcell ( CN=Kristopher N. Purcell/OU=WHO/O=EOP [ WHO ] )  
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TO:Ben Quevedo ( CN=Ben Quevedo/OU=WHO/O=EOP [ WHO ] )  
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TO:Lori J. Raad ( CN=Lori J. Raad/OU=WHO/O=EOP [ WHO ] )  
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TO:David B. Rachelson ( CN=David B. Rachelson/OU=WHO/O=EOP [ WHO ] )  
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TO:Susan B. Ralston Senior Advisor ( CN=Susan B. Ralston Senior Advisor/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Tim Reynolds ( CN=Tim Reynolds/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Katherine A. Rhodes ( CN=Katherine A. Rhodes/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:January M. Riecke ( CN=January M. Riecke/OU=WHO/O=EOP@Exchange [ WHO ] )  
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READ:UNKNOWN

TO:Julius Rothstein ( CN=Julius Rothstein/OU=WHO/O=EOP [ WHO ] )  
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TO:Maria H. Roumel ( CN=Maria H. Roumel/OU=WHO/O=EOP [ WHO ] )  
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TO:Emory Rounds ( CN=Emory Rounds/OU=WHO/O=EOP [ WHO ] )  
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TO:Dexter L. Rountree ( CN=Dexter L. Rountree/OU=WHO/O=EOP [ WHO ] )  
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TO:Eileen M. Rowley ( CN=Eileen M. Rowley/OU=WHO/O=EOP [ WHO ] )  
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TO:Wendell A. Samuels ( CN=Wendell A. Samuels/OU=WHO/O=EOP [ WHO ] )  
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TO:Ronald Sanders ( CN=Ronald Sanders/OU=WHO/O=EOP [ WHO ] )  
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TO:Anne Savage ( CN=Anne Savage/OU=WHO/O=EOP [ WHO ] )  
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TO:Desiree T. Sayle ( CN=Desiree T. Sayle/OU=WHO/O=EOP [ WHO ] )  
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TO:Lisa B. Schreiber Hughes ( CN=Lisa B. Schreiber Hughes/OU=WHO/O=EOP [ WHO ] )  
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TO:Richard Shanor ( CN=Richard Shanor/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Jason S. Sharp ( CN=Jason S. Sharp/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael A. Sharp ( CN=Michael A. Sharp/OU=WHO/O=EOP [ WHO ] )  
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TO:Morad Shayegan ( CN=Morad Shayegan/OU=WHO/O=EOP [ WHO ] )  
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TO:Erin S. Shelton ( CN=Erin S. Shelton/OU=WHO/O=EOP [ WHO ] )  
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TO:Cynthia L. Shourds ( CN=Cynthia L. Shourds/OU=WHO/O=EOP [ WHO ] )  
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TO:Wendy W. Showers ( CN=Wendy W. Showers/OU=WHO/O=EOP [ WHO ] )  
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TO:Jason R. Simmerman ( CN=Jason R. Simmerman/OU=WHO/O=EOP [ WHO ] )  
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TO:Virginia E. Simms ( CN=Virginia E. Simms/OU=WHO/O=EOP [ WHO ] )  
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TO:Catherine M. Simonds ( CN=Catherine M. Simonds/OU=WHO/O=EOP [ WHO ] )  
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TO:Andrew Simon ( CN=Andrew Simon/OU=WHO/O=EOP [ WHO ] )  
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TO:Wandra E. Simpson ( CN=Wandra E. Simpson/OU=WHO/O=EOP [ WHO ] )  
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TO:John Sisco ( CN=John Sisco/OU=WHO/O=EOP [ WHO ] )  
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TO:Douglas W. Slade ( CN=Douglas W. Slade/OU=WHO/O=EOP [ WHO ] )  
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TO:Paul M. Slaton ( CN=Paul M. Slaton/OU=WHO/O=EOP [ WHO ] )  
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TO:Kristen Slaughter ( CN=Kristen Slaughter/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth Smart ( CN=Elizabeth Smart/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Angela Z. Smith ( CN=Angela Z. Smith/OU=WHO/O=EOP [ WHO ] )  
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TO:Bernice W. Smith ( CN=Bernice W. Smith/OU=WHO/O=EOP [ WHO ] )  
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TO:Courtney Smith ( CN=Courtney Smith/OU=WHO/O=EOP [ WHO ] )  
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TO:Darrel A. Smith ( CN=Darrel A. Smith/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Heidi M. Smith ( CN=Heidi M. Smith/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
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TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Dana Snyder ( CN=Dana Snyder/OU=WHO/O=EOP [ WHO ] )  
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TO:Louella A. Snyder ( CN=Louella A. Snyder/OU=WHO/O=EOP [ WHO ] )  
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TO:Peter S. Sobich ( CN=Peter S. Sobich/OU=WHO/O=EOP [ WHO ] )  
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TO:Virginia L. Southerland ( CN=Virginia L. Southerland/OU=WHO/O=EOP [ WHO ] )  
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TO:Christine G. Spain ( CN=Christine G. Spain/OU=WHO/O=EOP [ WHO ] )  
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TO:Jon Spaner ( CN=Jon Spaner/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Aretha Sparks ( CN=Aretha Sparks/OU=WHO/O=EOP [ WHO ] )  
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TO:Jesse E. Sproul ( CN=Jesse E. Sproul/OU=WHO/O=EOP [ WHO ] )  
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TO:Scott Stanzel ( CN=Scott Stanzel/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Daniel W. Starratt ( CN=Daniel W. Starratt/OU=WHO/O=EOP [ WHO ] )  
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TO:Jeffrey Starr ( CN=Jeffrey Starr/OU=WHO/O=EOP [ WHO ] )  
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TO:Lynne D. Stauss ( CN=Lynne D. Stauss/OU=WHO/O=EOP [ WHO ] )  
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TO:Jennifer Stecher ( CN=Jennifer Stecher/OU=WHO/O=EOP [ WHO ] )  
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TO:Lynden R. Steele ( CN=Lynden R. Steele/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael Steele ( CN=Michael Steele/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sara M. Steele ( CN=Sara M. Steele/OU=WHO/O=EOP [ WHO ] )  
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TO:Gretchen P. Steen ( CN=Gretchen P. Steen/OU=WHO/O=EOP [ WHO ] )  
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TO:Illa Steen ( CN=Illa Steen/OU=WHO/O=EOP [ WHO ] )  
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TO:Susan L. Sterner ( CN=Susan L. Sterner/OU=WHO/O=EOP [ WHO ] )  
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TO:Bruce L. Stewart ( CN=Bruce L. Stewart/OU=WHO/O=EOP [ WHO ] )  
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TO:Ryan P. Stiles ( CN=Ryan P. Stiles/OU=WHO/O=EOP [ WHO ] )  
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TO:Eleanor Stone ( CN=Eleanor Stone/OU=WHO/O=EOP [ WHO ] )  
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TO:Roddy Story ( CN=Roddy Story/OU=WHO/O=EOP [ WHO ] )  
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TO:Timothy C. Stout ( CN=Timothy C. Stout/OU=WHO/O=EOP [ WHO ] )  
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TO:Kenneth Stroeck ( CN=Kenneth Stroeck/OU=WHO/O=EOP [ WHO ] )  
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TO:Andrew Stroot ( CN=Andrew Stroot/OU=WHO/O=EOP [ WHO ] )  
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TO:Jose G. Suarez ( CN=Jose G. Suarez/OU=WHO/O=EOP [ WHO ] )  
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TO:Deborah D. Suitt ( CN=Deborah D. Suitt/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Mark J. Sullivan ( CN=Mark J. Sullivan/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael J. Sullivan ( CN=Michael J. Sullivan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Margaret M. Suntum ( CN=Margaret M. Suntum/OU=WHO/O=EOP [ WHO ] )  
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TO:Ryan A. Sweeney ( CN=Ryan A. Sweeney/OU=WHO/O=EOP [ WHO ] )  
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TO:LaShawnda J. Swinson ( CN=LaShawnda J. Swinson/OU=WHO/O=EOP [ WHO ] )  
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TO:Justin Taft ( CN=Justin Taft/OU=WHO/O=EOP [ WHO ] )  
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TO:Hugh T. Taggart Jr ( CN=Hugh T. Taggart Jr/OU=WHO/O=EOP [ WHO ] )  
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TO:Claire Taplett ( CN=Claire Taplett/OU=WHO/O=EOP [ WHO ] )  
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TO:Galey D. Tatum ( CN=Galey D. Tatum/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael J. Taylor ( CN=Michael J. Taylor/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sara M. Taylor ( CN=Sara M. Taylor/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Randal C. Teague ( CN=Randal C. Teague/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Meredith A. Terpeluk ( CN=Meredith A. Terpeluk/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Eric W. Terrell ( CN=Eric W. Terrell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nancy A. Theis ( CN=Nancy A. Theis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
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##### End Original ARMS Header #####

REMINDER: A response to the attached memorandum from the White House  
Counsel,s Office is due by COB today, Monday, June 16.

REV\_00122011

If you have not already done so, please print the attached documents,  
follow the steps outlined in the memorandum and return your signed  
certification as described in the memorandum.  
Please contact Jennifer Newstead at 456-1984 if you have any questions.  
Thank you for your help.

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Goergen/WHO/EOP@Exchange [ WHO ] <Barbara J. Goergen>;Adam B. Goldman/WHO/EOP [ WHO ] <Adam B. Goldman>;Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>;Alessandra L. Gonzalez/WHO/EOP [ WHO ] <Alessandra L. Gonzalez>;Ashley Goodrich-Mahoney/WHO/EOP [ WHO ] <Ashley Goodrich-Mahoney>;Robert F. Goodwin/WHO/EOP [ WHO ] <Robert F. Goodwin>;Terry W. Good/WHO/EOP [ WHO ] <Terry W. Good>;Janet V. Gordon/WHO/EOP [ WHO ] <Janet V. Gordon>;John Gordon/WHO/EOP@Exchange [ WHO ] <John Gordon>;Leonardo F. Gorordo/WHO/EOP [ WHO ] <Leonardo F. Gorordo>;Blake Gottesman/WHO/EOP@Exchange [ WHO ] <Blake Gottesman>;Donna B. Gottshall/WHO/EOP@Exchange [ WHO ] <Donna B. Gottshall>;Dennis Grace/WHO/EOP [ WHO ] <Dennis Grace>;Stephanie E. Grace/WHO/EOP [ WHO ] <Stephanie E. Grace>;Heather H. Graham/WHO/EOP [ WHO ] <Heather H. Graham>;Lottie B. Graham/WHO/EOP [ WHO ] <Lottie B. Graham>;Kevin B. Graney/WHO/EOP [ WHO ] <Kevin B. Graney>;Margaret M. Grant/WHO/EOP [ WHO ] <Margaret M. 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 <Mercedes M. Viana>;Jesse O. Villarreal/WHO/EOP [ WHO ] <Jesse O. Villarreal>;Daniel

June 9, 2003

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF  
OFFICE OF POLICY DEVELOPMENT STAFF  
NATIONAL SECURITY COUNCIL STAFF

FROM: ALBERTO R. GONZALES, COUNSEL TO THE PRESIDENT

SUBJECT: NATIONAL COMMISSION ON TERRORIST ATTACKS "EOP  
DOCUMENT REQUEST NO. 2"

**Please read this entire memorandum carefully. It deals with legal obligations that apply to you.**

The National Commission on Terrorist Attacks Upon the United States ("Commission") was established in the legislative branch, principally to inquire into, and report to the President and Congress on, the terrorists attacks of September 11, 2001 and the extent of U.S. preparedness for and immediate response to the attacks (Public Law 107-306, November 27, 2002). The Executive Office of the President (EOP) is cooperating with the Commission effort, consistent with the policy set forth in the memorandum of March 19, 2003 from the President's Chief of Staff.

The Commission has submitted "EOP Document Request No. 2" (attached) seeking executive materials from the EOP. The first category of materials sought by "EOP Document Request No. 2" will be the subject of a separate memorandum. The remaining categories are:

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.
3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President.
4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001 that concerned domestic policy responses to the terrorist attacks upon the United States.
5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

You must complete the following steps expeditiously:

1. Search for all materials you possess or control that fall within any of the categories set forth above. Your search for materials must be reasonable, diligent, and conducted in good faith, and must include any materials which may previously have been sent to the Office of Records Management. Retrieve all materials that fall within any of the categories set forth above and photocopy them.
2. Complete the attached certification, attach any photocopies produced under Step 1, and submit the certification and photocopies to Elizabeth Farrell 456-5942, EEOB Room 154, as early as possible but in all events not later than the close of business on Monday, June 16, 2003. NSC staff should submit their signed certification, along with any photocopies produced under Step 1, to William Leary, in the NSC Records Directorate, EEOP Room 392, 456-9201, as early as possible but in all events not later than the close of business on Monday, June 16, 2003.

Also, please be aware that we anticipate additional Commission requests for information concerning the extent of U.S. preparedness for and immediate response to the terrorist attacks of September 11, 2001. It is important that you and your staff preserve all records which may potentially be responsive to this or a future request.

Please call Jennifer Newstead, Associate White House Counsel, at 456-1984, if you have any questions. Thank you for your assistance.

CERTIFICATION BY EMPLOYEE

(in response to "EOP Document Request No. 2" dated June 4, 2003  
from the National Commission on Terrorist Attacks Upon the United States)

(Check one item as appropriate, sign, and date,  
and submit to the Office of the Counsel to the President by June 16, 2003)

\_\_\_\_\_ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have produced with this certification photocopies of all such responsive documents to the Office of the Counsel to the President.

\_\_\_\_\_ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have no such documents.

\_\_\_\_\_  
Signature of Individual Making Certification

\_\_\_\_\_  
Date

Printed Name: \_\_\_\_\_

Telephone No.: \_\_\_\_\_



Thomas H. Kean  
CHAIR

Lee H. Hamilton  
VICE CHAIR

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Max Cleland

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John Lehman

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Philip D. Zelikow  
EXECUTIVE DIRECTOR

## EOP DOCUMENT REQUEST No. 2

The National Commission on Terrorist Attacks Upon the United States (the "Commission") requests that the Executive Office of the President (the "respondent") provide the Commission with the following documents and information no later than June 25, 2003 (the "production date"). The Commission requests that the respondent inform the Commission promptly if the production date poses a problem for certain categories of documents, such as documents from the previous Administration that may be in the custody of the National Archives and Records Administration, and meet promptly with the Commission staff to set a schedule for the production of those documents.

1. The briefing materials prepared or compiled by NSC staff and distributed to attendees for; any summaries prepared or compiled by NSC staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by NSC staff of Principals and Deputies Committee meetings held from January 1, 1998, through September 20, 2001 that concerned:

- (a) Al-Qa'ida, Usama bin Laden, and/or Afghanistan;
- (b) the policy and budget development, implementation, or review of the overall counterterrorism policies of the United States, including PDD-62 (1998), the Five Year Counterterrorism Plan, and any successor NSPDs; and/or
- (c) counterterrorism issues involving threats to or attacks on the United States or American persons or assets in relations with Malaysia, Pakistan, Saudi Arabia, Sudan, the United Arab Emirates, and Yemen, other than materials that focus only on Palestinian terrorist activities.

Principals meetings include any such meeting whether chaired by the President or by the National Security Adviser. This request applies to principals or deputies level meetings addressing these topics wholly or in part regardless of the title used for the group or whether conducted in person or by SVTS, including meetings of the "Foreign Policy Team," the "Small Group," and the Counterterrorism Security Group (including CSG meetings chaired by the National Coordinator), as well as relevant meetings at Camp David.

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

TEL (202) 331-4060  
FAX (202) 296-5545  
www.9-11commission.gov

## EOP DOCUMENT REQUEST No. 2

Page 2

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President. (A request for such documents directed to the Office of the Vice President will be submitted separately.)
4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001, that concerned domestic policy responses to the terrorist attacks upon the United States.
5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

The Commission requests that the documents requested above be provided as soon as they are available, even though all requested documents may not be provided at the same time, through means of a "rolling" production.

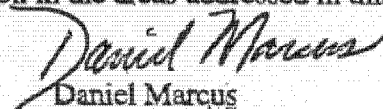
If any requested documents are withheld from production, even temporarily, based on an alleged claim of privilege or for any other reason, the Commission requests that the respondent, as soon as possible and in no event later than the production date, identify and describe each such document or class of documents, as well as the alleged basis for not producing it, with sufficient specificity to allow a meaningful challenge to any such withholding.

If the respondent does not have possession, custody or control of any requested documents but has information about where such documents may be located, the Commission requests that the respondent provide such information as soon as possible and in no event later than the production date.

If the respondent has any questions or concerns about the interpretation or scope of these document requests, the Commission requests that any such questions or concerns be raised with the Commission as soon as possible so that any such issues can be addressed and resolved prior to the production date.

The Commission intends to make further document requests as its work develops and reserves the right to request additional documents and information in the areas addressed in this request.

June 4, 2003

  
Daniel Marcus  
General Counsel

**From:** CN=Layton Skelly/OU=OPD/O=EOP [ OPD ]  
**To:** alan gilbert/opd/eop@eop [ OPD ] <alan gilbert>; philo d. hall/opd/eop@eop [ OPD ] <philo d. hall>; paula.stannard@hhs.gov @ inet [ UNKNOWN ] <paula.stannard@hhs.gov @ inet>; peter.urbanowicz@hhs.gov @ inet [ UNKNOWN ] <peter.urbanowicz@hhs.gov @ inet>; viet.dinh@usdoj.gov @ inet [ UNKNOWN ] <viet.dinh@usdoj.gov @ inet>; alex.azar@hhs.gov @ inet [ UNKNOWN ] <alex.azar@hhs.gov @ inet>; john.hoff@hhs.gov @ inet [ UNKNOWN ] <john.hoff@hhs.gov @ inet>; jennifer.young@hhs.gov @ inet [ UNKNOWN ] <jennifer.young@hhs.gov @ inet>; diana l. schacht/opd/eop@eop [ OPD ] <diana l. schacht>; amy jensen/who/eop@exchange@eop [ WHO ] <amy jensen>; ginger g. loper/who/eop@exchange@eop [ WHO ] <ginger g. loper>; jay p. lefkowitz/opd/eop@exchange@eop [ OPD ] <jay p. lefkowitz>; philip j. perry/omb/eop@eop [ OMB ] <philip j. perry>; thomas c. deleire/cea/eop@eop [ CEA ] <thomas c. deleire>; brett m. kavanaugh/who/eop@eop [ WHO ] <brett m. kavanaugh>; zurawski-paul@dol.gov @ inet [ UNKNOWN ] <zurawski-paul@dol.gov @ inet>; tracy young/who/eop@eop [ WHO ] <tracy young>; brian r. besanceney/who/eop@eop [ WHO ] <brian r. besanceney>; marc.kesselman@usdoj.gov @ inet [ UNKNOWN ] <marc.kesselman@usdoj.gov @ inet>; dana ackerly/cea/eop@eop [ CEA ] <dana ackerly>; rex cowdry/opd/eop@eop [ OPD ] <rex cowdry>; hazucker@osophs.dhhs.gov [ UNKNOWN ] <hazucker@osophs.dhhs.gov>; jafar.karim@hhs.gov [ UNKNOWN ] <jafar.karim@hhs.gov>; jeffrey f. kupfer/who/eop@exchange@eop [ WHO ] <jeffrey f. kupfer>; stephen m. lineberry/who/eop@eop [ WHO ] <stephen m. lineberry>; wendy j. grubbs/who/eop@exchange [ WHO ] <wendy j. grubbs>  
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**Sent:** 6/16/2003 10:14:01 AM  
**Subject:** : Medical Liability Working Group

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READ:UNKNOWN  
CC:joyce.b-moore@hhs.gov ( joyce.b-moore@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:marie.belt@hhs.gov ( marie.belt@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:emily winland ( CN=emily winland/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:lauren j. vestewig ( CN=lauren j. vestewig/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:dana.ceasar@hhs.gov ( dana.ceasar@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:scriver-langford-lat@dol.gov @ inet ( scriver-langford-lat@dol.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
CC:heather.mcnaught@usdoj.gov ( heather.mcnaught@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:carla b. stone ( CN=carla b. stone/OU=omb/O=eop@eop [ OMB ] )  
READ:UNKNOWN  
CC:hrobowski-rosita@dol.gov ( hrobowski-rosita@dol.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:tcordaro@osophs.dhhs.gov ( tcordaro@osophs.dhhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:rose.lusi@hhs.gov ( rose.lusi@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:Layton Skelly ( CN=Layton Skelly/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

There will be a Medical Liability Working Group conference call tomorrow  
at 10:00. The call in number is 202/395-6392, and the code is: 195596

Thank you,  
Layton  
456-5084

---

**From:** Skelly, Layton  
**To:** rose.lusi@hhs.gov <Gilbert, Alan>; rose.lusi@hhs.gov <Hall, Philo D.>; paula.stannard@hhs.gov <paula.stannard@hhs.gov>; peter.urbanowicz@hhs.gov <peter.urbanowicz@hhs.gov>; viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>; alex.azar@hhs.gov <alex.azar@hhs.gov>; john.hoff@hhs.gov <john.hoff@hhs.gov>; jennifer.young@hhs.gov <jennifer.young@hhs.gov>; jennifer.young@hhs.gov <Schacht, Diana L.>; jennifer.young@hhs.gov <Jensen, Amy>; jennifer.young@hhs.gov <Loper, Ginger G.>; jennifer.young@hhs.gov <Lefkowitz, Jay P.>; jennifer.young@hhs.gov <Perry, Philip J.>; jennifer.young@hhs.gov <Deleire, Thomas C.>; jennifer.young@hhs.gov <Kavanaugh, Brett M.>; zurawski-paul@dol.gov <zurawski-paul@dol.gov>; zurawski-paul@dol.gov <Young, Tracy>; zurawski-paul@dol.gov <Besanceney, Brian R.>; marc.kesselman@usdoj.gov <marc.kesselman@usdoj.gov>; marc.kesselman@usdoj.gov <Ackerly, Dana>; marc.kesselman@usdoj.gov <Cowdry, Rex>; hazucker@osophs.dhhs.gov <hazucker@osophs.dhhs.gov>; jafar.karim@hhs.gov <jafar.karim@hhs.gov>; jafar.karim@hhs.gov <Kupfer, Jeffrey F.>; jafar.karim@hhs.gov <Lineberry, Stephen M.>; jafar.karim@hhs.gov <Grubbs, Wendy J.>  
**CC:** pamela.roller@hhs.gov <pamela.roller@hhs.gov>; joyce.b-moore@hhs.gov <joyce.b-moore@hhs.gov>; marie.belt@hhs.gov <marie.belt@hhs.gov>; marie.belt@hhs.gov <Winland, Emily>; marie.belt@hhs.gov <Vestewig, Lauren J.>; dana.ceasar@hhs.gov <dana.ceasar@hhs.gov>; scriver-langford-lat@dol.gov <scrivier-langford-lat@dol.gov>; heather.mcnaught@usdoj.gov <heather.mcnaught@usdoj.gov>; heather.mcnaught@usdoj.gov <Stone, Carla B.>; hrobowski-rosita@dol.gov <hrobowski-rosita@dol.gov>; tcordaro@osophs.dhhs.gov <tcordaro@osophs.dhhs.gov>; rose.lusi@hhs.gov <rose.lusi@hhs.gov>; rose.lusi@hhs.gov <Skelly, Layton>  
**Sent:** 6/16/2003 11:14:29 AM  
**Subject:** Medical Liability Working Group

There will be a Medical Liability Working Group conference call tomorrow at 10:00. The call in number is **202/395-6392**, and the code is: **195596**

Thank you,

Layton

456-5084

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/16/2003 11:32:16 AM  
**Subject:** RE: Need car at 1130

done

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, June 16, 2003 11:28 AM  
**To:** Nelson, Carolyn  
**Subject:** Need car at 1130

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**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>  
**Sent:** 6/16/2003 1:42:57 PM  
**Subject:** End of term

SG's office predicts that end of term will be Thursday the 26th, although Court has said nothing officially.

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 6/16/2003 10:12:54 AM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:16-JUN-2003 14:12:54.00

SUBJECT::

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

A helpful summary from Bashman of what's left this Term:

A quick look at the ten argued cases still pending on the U.S. Supreme Court's docket: With one week remaining on the schedule

<[http://www.supremecourtus.gov/oral\\_arguments/courtcalendar.pdf](http://www.supremecourtus.gov/oral_arguments/courtcalendar.pdf)> for the announcement of decisions in argued cases, the following ten cases remain pending for decision before the Supreme Court of the United States  
<<http://www.supremecourtus.gov>>:

1. United States v. American Library Assn., Inc., involving the constitutionality of a federal law that requires Internet filtering in public libraries (oral argument transcript here  
<[http://www.supremecourtus.gov/oral\\_arguments/argument\\_transcripts/02-361.pdf](http://www.supremecourtus.gov/oral_arguments/argument_transcripts/02-361.pdf)>).

2. Wiggins v. Smith, to what degree must defense counsel in a death penalty case investigate mitigating evidence, perhaps entitling the defendant to a sentence other than death, to be effective (oral argument transcript here  
<[http://www.supremecourtus.gov/oral\\_arguments/argument\\_transcripts/02-311.pdf](http://www.supremecourtus.gov/oral_arguments/argument_transcripts/02-311.pdf)>).

3. Lawrence v. Texas, presenting a constitutional challenge to a state law prohibiting homosexual sodomy (oral argument transcript here  
<[http://www.supremecourtus.gov/oral\\_arguments/argument\\_transcripts/02-102.pdf](http://www.supremecourtus.gov/oral_arguments/argument_transcripts/02-102.pdf)>).

4. *Stogner v. California*, may a State eliminate the statute of limitations applicable to a crime without running afoul of the constitutional rights of those offenders whose prosecution would otherwise be time-barred (oral argument transcript here  
<[http://www.supremecourtus.gov/oral\\_arguments/argument\\_transcripts/01-1757.pdf](http://www.supremecourtus.gov/oral_arguments/argument_transcripts/01-1757.pdf)>).

5. *Grutter v. Bollinger*, may a state-run law school use racial preferences in deciding which students to admit (oral argument transcript here  
<[http://www.supremecourtus.gov/oral\\_arguments/argument\\_transcripts/02-241.pdf](http://www.supremecourtus.gov/oral_arguments/argument_transcripts/02-241.pdf)>).

6. *Gratz v. Bollinger*, may a state-run undergraduate school use racial preferences in deciding which students to admit (oral argument transcript here  
<[http://www.supremecourtus.gov/oral\\_arguments/argument\\_transcripts/02-516.pdf](http://www.supremecourtus.gov/oral_arguments/argument_transcripts/02-516.pdf)>).

7. *Green Tree Financial Corp. v. Bazzle*, does the Federal Arbitration Act prohibit a case subject to arbitration from proceeding forward in arbitration as a class action where the arbitration agreement is silent on the matter (oral argument transcript here  
<[http://www.supremecourtus.gov/oral\\_arguments/argument\\_transcripts/02-634.pdf](http://www.supremecourtus.gov/oral_arguments/argument_transcripts/02-634.pdf)>).

8. *American Ins. Assn. v. Garamendi*, does California's Holocaust Victim Insurance Relief Act survive scrutiny under federal law (oral argument transcript here  
<[http://www.supremecourtus.gov/oral\\_arguments/argument\\_transcripts/02-722.pdf](http://www.supremecourtus.gov/oral_arguments/argument_transcripts/02-722.pdf)>).

9. *Nike, Inc. v. Kasky*, should the "commercial speech" doctrine continue to exist under the First Amendment  
<<http://www.law.cornell.edu/constitution/constitution.billofrights.html>>, and if so was it properly applied here (oral argument transcript here  
<[http://www.supremecourtus.gov/oral\\_arguments/argument\\_transcripts/02-575.pdf](http://www.supremecourtus.gov/oral_arguments/argument_transcripts/02-575.pdf)>).

10. *Georgia v. Ashcroft*, a redistricting challenge that could become moot at any second depending on how the Supreme Court of Georgia  
<<http://www2.state.ga.us/courts/supreme/>> rules in a companion case (oral argument transcript here  
<[http://www.supremecourtus.gov/oral\\_arguments/argument\\_transcripts/02-182.pdf](http://www.supremecourtus.gov/oral_arguments/argument_transcripts/02-182.pdf)>).

---

**From:** CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ]  
**To:** Alberto R. Gonzales/WHO/EOP@EOP [ WHO ] <Alberto R. Gonzales>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>  
**Sent:** 6/16/2003 10:12:55 AM  
**Subject:** : Beers is now the lead story on the Wash. Post web site

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:16-JUN-2003 14:12:55.00  
SUBJECT:: Beers is now the lead story on the Wash. Post web site  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Monday, June 16, 2003 | Updated 5:36 p.m. ET

REV\_00122046

Beers, a former Bush counterterrorism adviser, says vital issues are being "avoided, neglected or shortchanged." (Jahi Chikwendiu/Post)

Ex-Aide Is Unlikely Insurgent

Former White House terrorism adviser resigns, joins John Kerry's campaign.

) Laura Blumenfeld



**From:** CN=Layton Skelly/OU=OPD/O=EOP [ OPD ]  
**To:** alan gilbert/opd/eop@eop [ OPD ] <alan gilbert>; philo d. hall/opd/eop@eop [ OPD ] <philo d. hall>; paula.stannard@hhs.gov @ inet [ UNKNOWN ] <paula.stannard@hhs.gov @ inet>; peter.urbanowicz@hhs.gov @ inet [ UNKNOWN ] <peter.urbanowicz@hhs.gov @ inet>; viet.dinh@usdoj.gov @ inet [ UNKNOWN ] <viet.dinh@usdoj.gov @ inet>; alex.azar@hhs.gov @ inet [ UNKNOWN ] <alex.azar@hhs.gov @ inet>; john.hoff@hhs.gov @ inet [ UNKNOWN ] <john.hoff@hhs.gov @ inet>; jennifer.young@hhs.gov @ inet [ UNKNOWN ] <jennifer.young@hhs.gov @ inet>; diana l. schacht/opd/eop@eop [ OPD ] <diana l. schacht>; amy jensen/who/eop@exchange@eop [ WHO ] <amy jensen>; ginger g. loper/who/eop@exchange@eop [ WHO ] <ginger g. loper>; jay p. lefkowitz/opd/eop@exchange@eop [ OPD ] <jay p. lefkowitz>; philip j. perry/omb/eop@eop [ OMB ] <philip j. perry>; thomas c. deleire/cea/eop@eop [ CEA ] <thomas c. deleire>; brett m. kavanaugh/who/eop@eop [ WHO ] <brett m. kavanaugh>; zurawski-paul@dol.gov @ inet [ UNKNOWN ] <zurawski-paul@dol.gov @ inet>; tracy young/who/eop@eop [ WHO ] <tracy young>; brian r. besanceney/who/eop@eop [ WHO ] <brian r. besanceney>; marc.kesselman@usdoj.gov @ inet [ UNKNOWN ] <marc.kesselman@usdoj.gov @ inet>; dana ackerly/cea/eop@eop [ CEA ] <dana ackerly>; rex cowdry/opd/eop@eop [ OPD ] <rex cowdry>; hazucker@osophs.dhhs.gov [ UNKNOWN ] <hazucker@osophs.dhhs.gov>; jafar.karim@hhs.gov [ UNKNOWN ] <jafar.karim@hhs.gov>; jeffrey f. kupfer/who/eop@exchange@eop [ WHO ] <jeffrey f. kupfer>; stephen m. lineberry/who/eop@eop [ WHO ] <stephen m. lineberry>; wendy j. grubbs/who/eop@exchange [ WHO ] <wendy j. grubbs>  
**CC:** pamela.roller@hhs.gov [ UNKNOWN ] <pamela.roller@hhs.gov>; joyce.b-moore@hhs.gov [ UNKNOWN ] <joyce.b-moore@hhs.gov>; marie.belt@hhs.gov [ UNKNOWN ] <marie.belt@hhs.gov>; emily winland/opd/eop@eop [ OPD ] <emily winland>; lauren j. vestewig/opd/eop@exchange@eop [ OPD ] <lauren j. vestewig>; dana.ceasar@hhs.gov [ UNKNOWN ] <dana.ceasar@hhs.gov>; scriber-langford-lat@dol.gov @ inet [ UNKNOWN ] <scriber-langford-lat@dol.gov @ inet>; heather.mcnaught@usdoj.gov [ UNKNOWN ] <heather.mcnaught@usdoj.gov>; carla b. stone/omb/eop@eop [ OMB ] <carla b. stone>; hrobowski-rosita@dol.gov [ UNKNOWN ] <hrobowski-rosita@dol.gov>; tcordaro@osophs.dhhs.gov [ UNKNOWN ] <tcordaro@osophs.dhhs.gov>; rose.lusi@hhs.gov [ UNKNOWN ] <rose.lusi@hhs.gov>; Layton Skelly/OPD/EOP@EOP [ OPD ] <Layton Skelly>  
**Sent:** 6/16/2003 10:12:22 AM  
**Subject:** : Medical Liability Working Group

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Layton Skelly ( CN=Layton Skelly/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME:16-JUN-2003 14:12:22.00  
SUBJECT:: Medical Liability Working Group  
TO:alan gilbert ( CN=alan gilbert/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
TO:philo d. hall ( CN=philo d. hall/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
TO:paula.stannard@hhs.gov @ inet ( paula.stannard@hhs.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:peter.urbanowicz@hhs.gov @ inet ( peter.urbanowicz@hhs.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:viet.dinh@usdoj.gov @ inet ( viet.dinh@usdoj.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:alex.azar@hhs.gov @ inet ( alex.azar@hhs.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:john.hoff@hhs.gov @ inet ( john.hoff@hhs.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:jennifer.young@hhs.gov @ inet ( jennifer.young@hhs.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:diana l. schacht ( CN=diana l. schacht/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
TO:amy jensen ( CN=amy jensen/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
TO:ginger g. loper ( CN=ginger g. loper/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN

TO:jay p. lefkowitz ( CN=jay p. lefkowitz/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
TO:philip j. perry ( CN=philip j. perry/OU=omb/O=eop@eop [ OMB ] )  
READ:UNKNOWN  
TO:thomas c. deleire ( CN=thomas c. deleire/OU=cea/O=eop@eop [ CEA ] )  
READ:UNKNOWN  
TO:brett m. kavanaugh ( CN=brett m. kavanaugh/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
TO:zurawski-paul@dol.gov @ inet ( zurawski-paul@dol.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:tracy young ( CN=tracy young/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
TO:brian r. besanceney ( CN=brian r. besanceney/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
TO:marc.kesselman@usdoj.gov @ inet ( marc.kesselman@usdoj.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:dana ackerly ( CN=dana ackerly/OU=cea/O=eop@eop [ CEA ] )  
READ:UNKNOWN  
TO:rex cowdry ( CN=rex cowdry/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
TO:hazucker@osophs.dhhs.gov ( hazucker@osophs.dhhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:jafar.karim@hhs.gov ( jafar.karim@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:jeffrey f. kupfer ( CN=jeffrey f. kupfer/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
TO:stephen m. lineberry ( CN=stephen m. lineberry/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
TO:wendy j. grubbs ( CN=wendy j. grubbs/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
CC:pamela.roller@hhs.gov ( pamela.roller@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:joyce.b-moore@hhs.gov ( joyce.b-moore@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:marie.belt@hhs.gov ( marie.belt@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:emily winland ( CN=emily winland/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:lauren j. vestewig ( CN=lauren j. vestewig/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:dana.ceasar@hhs.gov ( dana.ceasar@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:scriver-langford-lat@dol.gov @ inet ( scriver-langford-lat@dol.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
CC:heather.mcnaught@usdoj.gov ( heather.mcnaught@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:carla b. stone ( CN=carla b. stone/OU=omb/O=eop@eop [ OMB ] )  
READ:UNKNOWN  
CC:hrobowski-rosita@dol.gov ( hrobowski-rosita@dol.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:tcordaro@osophs.dhhs.gov ( tcordaro@osophs.dhhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:rose.lusi@hhs.gov ( rose.lusi@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:Layton Skelly ( CN=Layton Skelly/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

There will be a Medical Liability Working Group conference call tomorrow  
at 10:00. The call in number is 202/395-6392, and the code is: 195596

Thank you,  
Layton  
456-5084

---

**From:** CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>  
**Sent:** 6/16/2003 10:12:54 AM  
**Subject:** : Chertoff

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:16-JUN-2003 14:12:54.00  
SUBJECT:: Chertoff  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
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TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )  
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Has anyone reserved a car to go to DOJ for the 4:00 Chertoff farewell?

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Theodore W. Ulliyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliyot>  
**Sent:** 6/16/2003 10:12:53 AM  
**Subject:** : fyi

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
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##### End Original ARMS Header #####

Republicans poised to strengthen hold on Senate in 2004 elections

By Donald Lambro  
THE WASHINGTON TIMES

~~~~~Senate Republicans are in a position to make gains in 2004 because of a combination of vulnerable Democratic seats and likely retirements, according to congressional election analysts.  
~~~~~While other political variables, including a weakened economy and a decline in President Bush's popularity, could influence the outcome of next year's Senate races, analysts say Republicans are favored to strengthen their hold on the Senate, which they control 51-48, with one Democratic-leaning independent.  
~~~~~"At this point in the cycle, we believe the Republicans are positioned to make Senate gains, most likely in the range of one to three seats. But that could change as retirement decisions are made, and as new economic numbers come in," election analyst Stuart Rothenberg said in his latest newsletter, the Rothenberg Political Report.  
~~~~~One advantage for Republicans is that the Democrats have more seats to defend this year \* 19 seats compared with 15 for Republicans \* and most of the states where these elections will take place are friendlier to Republicans than Democrats.  
~~~~~"Only three of the 15 states with GOP senators up for re-election in '04 were won by Democrat Al Gore in 2000 \* Illinois, Iowa and Pennsylvania," Mr. Rothenberg said. "In contrast, nine of the 19 states

with Democratic senators up for re-election were carried by Gore, nine went for Bush and [Florida] was a virtual tie.

~~~~~"This gives the Republicans an advantage, as long as Bush remains popular. And a Democratic nominee who is associated with the left could add to Democratic Senate problems in those more Republican and conservative states," he said.

~~~~~Other independent Senate election analysts agree with Mr. Rothenberg's overall assessment. "The target list is bigger and friendlier for Republicans. The Democratic target list is a lot smaller," said Jennifer Duffy, who analyzes Senate races for the Cook Political Report.

~~~~~The Democrats' biggest potential problem is that several incumbents who may not seek re-election are from more conservative states that have become increasingly Republican. That could give the Republican Party its best chance in years to pick up several open seats.

~~~~~Democrat Zell Miller of Georgia, one of his party's most conservative legislators, has decided to call it quits after one term, making his seat the Republicans' best bet for a pickup in a state where the Democrats have gone into a steep decline. They lost a Senate race, the governorship and some major state legislative contests last year.

~~~~~Several Republicans are running for the seat, including Reps. Johnny Isakson and Mac Collins. Herman Cain, the chief executive officer of Godfather's Pizza, also is running. A number of Democrats also are thinking about entering the race. Among them are state Attorney General Thurbert Baker and freshman Rep. Jim Marshall.

~~~~~Next on the Democrats' most-vulnerable list is Sen. John Edwards of North Carolina, who has spent most of his first term running for the Democratic presidential nomination.

~~~~~Mr. Edwards, who remains in the low single digits in virtually all of the party primary polls, has not said whether he will seek a second term if he abandons his White House bid. But his home state polls suggest that he is in trouble there. A Raleigh News & Observer survey in May found that 32 percent said he deserved re-election, 32 percent said they would consider another candidate and 35 percent said they would vote to replace him.

~~~~~ Democrats in the state say the senator is under pressure to make a decision about a second term and that he is expected to decide around Labor Day.

~~~~~"I don't think he'll run," Miss Duffy said.

~~~~~Rep. Richard M. Burr, the likely Republican nominee, has raised more than \$2 million for the race. Several Democrats have expressed interest in running, including former White House Chief of Staff Erskine Bowles, who lost last year's Senate race to Elizabeth Dole.

~~~~~Seven-term Sen. Ernest F. Hollings, South Carolina Democrat, is likely to announce his retirement, opening up a big opportunity in this strongly Republican state. At 81, he has been sending signals that his wife does not want him to run and he has recently given the Democratic state chairman the green light to look for other candidates.

~~~~~Democrats have a longer list of names of those who are not interested in running for Mr. Hollings' seat than those who are, election analysts say. On the Republican side, Rep. Jim DeMint has been running for months.

~~~~~"Without Hollings in the race, I think it is enormously hard for the Democrats to hold onto the seat," Miss Duffy said.

~~~~~Also on the Republicans' retirement watch is Sen. Bob Graham of Florida, whose late entry into the Democratic presidential race has failed to stir much interest. He has given no clue as to whether he will run for a fourth term if he drops out of the primary contests. Mr. Graham underwent extensive heart surgery earlier this year, and some party advisers said they think he will decide to call it quits.

~~~~~With Republicans controlling the governorship and 17 of 25 congressional seats, Florida is one of the party's strongest states. Republican Rep. Mark Foley is the front-runner for the nomination, but several Democratic candidates also have indicated their interest if Mr. Graham steps down.

~~~~~Thus far, Illinois Sen. Peter G. Fitzgerald is the only Republican who has announced that he will not run again, handing the Democrats their best opportunity to pick up a Republican seat. Republicans' attempts to recruit former Gov. Jim Edgar have failed, and eight Democrats are seeking the seat, including millionaire investment banker Blair Hull and trial lawyer

John Simmons, who say they are willing to fully finance their races from their personal fortunes.

Sen. Lisa Murkowski, Alaska Republican, also is in jeopardy. She was appointed by her father, Gov. Frank H. Murkowski, to fill his Senate vacancy, and that decision sparked Democratic cries of nepotism that could hurt her. Former Alaska Gov. Tony Knowles, a Democrat, is close to announcing his candidacy for the Senate seat.

Vogel/WHO/EOP [ WHO ] <Daniel Vogel>;Jennifer D. Vosko/WHO/EOP [ WHO ] <Jennifer D. Vosko>;Eric A. Walker OHS TCIMD DO/WHO/EOP [ WHO ] <Eric A. Walker OHS TCIMD DO>;Eric A. Walker/WHO/EOP [ WHO ] <Eric A. Walker>;Helgard C. Walker/WHO/EOP [ WHO ] <Helgard C. Walker>;Charity Wallace/WHO/EOP [ WHO ] <Charity Wallace>;Dennis J. Walsh/WHO/EOP [ WHO ] <Dennis J. Walsh>;Edmund A. Walsh/WHO/EOP [ WHO ] <Edmund A. Walsh>;Peter S. Watkins/WHO/EOP [ WHO ] <Peter S. Watkins>;Tiffany A. Watkins/WHO/EOP [ WHO ] <Tiffany A. Watkins>;Beatrice Watts/WHO/EOP [ WHO ] <Beatrice Watts>;Bradley Wayman/WHO/EOP [ WHO ] <Bradley Wayman>;David S. Weed/WHO/EOP [ WHO ] <David S. Weed>;Peter H. Wehner/WHO/EOP [ WHO ] <Peter H. Wehner>;Vicki S. Weinberg/WHO/EOP [ WHO ] <Vicki S. Weinberg>;Jared B. Weinstein/WHO/EOP@Exchange [ WHO ] <Jared B. Weinstein>;Matthew L. Wendel/WHO/EOP [ WHO ] <Matthew L. Wendel>;Kristin Werkhoven/WHO/EOP [ WHO ] <Kristin Werkhoven>;Lezlee J. Westine/WHO/EOP [ WHO ] <Lezlee J. Westine>;Howard R. Westray/WHO/EOP [ WHO ] <Howard R. Westray>;Christal R. West/WHO/EOP@Exchange [ WHO ] <Christal R. West>;Jeremy L. White FBCI/WHO/EOP [ WHO ] <Jeremy L. White FBCI>;Donald W. Whitecotton/WHO/EOP [ WHO ] <Donald W. Whitecotton>;Bentley White/WHO/EOP [ WHO ] <Bentley White>;Erin White/WHO/EOP [ WHO ] <Erin White>;Jeremy L. White/WHO/EOP [ WHO ] <Jeremy L. White>;Worthington W. White/WHO/EOP [ WHO ] <Worthington W. White>;Jeremiah Whitson/WHO/EOP [ WHO ] <Jeremiah Whitson>;Morris Wilkes/WHO/EOP [ WHO ] <Morris Wilkes>;Nancy K. Willeford/WHO/EOP [ WHO ] <Nancy K. Willeford>;Beverly D. Williams/WHO/EOP [ WHO ] <Beverly D. Williams>;Cynthia F. Williams/WHO/EOP [ WHO ] <Cynthia F. Williams>;Elizabeth Williams/WHO/EOP [ WHO ] <Elizabeth Williams>;Jan E. Williams/WHO/EOP [ WHO ] <Jan E. Williams>;Jennifer L. Williams/WHO/EOP [ WHO ] <Jennifer L. Williams>;John Williams/WHO/EOP [ WHO ] <John Williams>;Patricia Williams/WHO/EOP [ WHO ] <Patricia Williams>;Sherman A. Williams/WHO/EOP [ WHO ] <Sherman A. Williams>;Grace Willson/WHO/EOP [ WHO ] <Grace Willson>;Lauren L. Willson/WHO/EOP [ WHO ] <Lauren L. Willson>;Aiesha A. Wilson/WHO/EOP [ WHO ] <Aiesha A. Wilson>;Christian Woelk/WHO/EOP [ WHO ] <Christian Woelk>;Harry W. Wolff/WHO/EOP@Exchange [ WHO ] <Harry W. Wolff>;Robin M. Womack/WHO/EOP [ WHO ] <Robin M. Womack>;Women's Office/WHO/EOP [ WHO ] <Women's Office>;Mary Woods/WHO/EOP [ WHO ] <Mary Woods>;Gayle S. Worthy/WHO/EOP [ WHO ] <Gayle S. Worthy>;Jennifer A. Wray/WHO/EOP [ WHO ] <Jennifer A. Wray>;Liza Wright/WHO/EOP [ WHO ] <Liza Wright>;James A. Yeager/WHO/EOP [ WHO ] <James A. Yeager>;Reginald D. Young Jr./WHO/EOP [ WHO ] <Reginald D. Young Jr.>;Patricia L. Young/WHO/EOP [ WHO ] <Patricia L. Young>;Tracy Young/WHO/EOP [ WHO ] <Tracy Young>;Jacob H. Yunker/WHO/EOP@Exchange [ WHO ] <Jacob H. Yunker>;Bruce Zanca/WHO/EOP [ WHO ] <Bruce Zanca>;Jennifer Zangara/WHO/EOP [ WHO ] <Jennifer Zangara>;Bridget Zarate/WHO/EOP [ WHO ] <Bridget Zarate>;Matthew Zartman/WHO/EOP [ WHO ] <Matthew Zartman>;DeWitt Zemp/WHO/EOP [ WHO ] <DeWitt Zemp>;Gregory Zimmerman/WHO/EOP [ WHO ] <Gregory Zimmerman>;Mara Zimmerman/WHO/EOP [ WHO ] <Mara Zimmerman>;Neil H. Zimmerman/WHO/EOP [ WHO ] <Neil H. Zimmerman>

**Sent:** 6/16/2003 10:13:59 AM

**Subject:** : ADMINISTRATIVE ALERT: Important Reminder From White House Counsel's Office

**Attachments:** P\_05K00007\_WHO.TXT\_1.doc; P\_05K00007\_WHO.TXT\_2.pdf

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CREATION DATE/TIME:16-JUN-2003 14:13:59.00

SUBJECT:: ADMINISTRATIVE ALERT: Important Reminder From White House Counsel's Office

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TO:Jesse L. Bryson ( CN=Jesse L. Bryson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Claire E. Buchan ( CN=Claire E. Buchan/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Victoria Buckley ( CN=Victoria Buckley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katja Bullock ( CN=Katja Bullock/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Therese Burch ( CN=Therese Burch/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Amanda K. Burdick ( CN=Amanda K. Burdick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christine M. Burgeson ( CN=Christine M. Burgeson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Lisa Burgess ( CN=Lisa Burgess/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John G. Burke ( CN=John G. Burke/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Thomas Burke ( CN=Thomas Burke/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Shannon Burkhardt ( CN=Shannon Burkhardt/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jonathan W. Burks ( CN=Jonathan W. Burks/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Janice L. Burmeister ( CN=Janice L. Burmeister/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:James M. Burnham ( CN=James M. Burnham/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Patrick Burns ( CN=Patrick Burns/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Susan M. Burns ( CN=Susan M. Burns/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lindsay Burton ( CN=Lindsay Burton/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Justin Busch ( CN=Justin Busch/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kate M. Byrnes ( CN=Kate M. Byrnes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew Byrne ( CN=Matthew Byrne/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Catalina Cabral ( CN=Catalina Cabral/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Raquel Cabral ( CN=Raquel Cabral/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Marissa Cain ( CN=Marissa Cain/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Regina L. Cain ( CN=Regina L. Cain/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tim M. Callaghan ( CN=Tim M. Callaghan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:William Cameron ( CN=William Cameron/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Anne E. Campbell ( CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

TO:Frances L. Campbell ( CN=Frances L. Campbell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sarah Campbell ( CN=Sarah Campbell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Denise Cardamone ( CN=Denise Cardamone/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew H. Card ( CN=Andrew H. Card/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Stanley W. Carlson-Thies ( CN=Stanley W. Carlson-Thies/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeremy Carl ( CN=Jeremy Carl/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ann Carmichael ( CN=Ann Carmichael/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Pamela P. Carpenter ( CN=Pamela P. Carpenter/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Colleen M. Carroll ( CN=Colleen M. Carroll/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Pamela R. Casey ( CN=Pamela R. Casey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Patrick J. Casey ( CN=Patrick J. Casey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lois A. Cassano ( CN=Lois A. Cassano/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer Cervantes ( CN=Jennifer Cervantes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kirsten A. Chadwick ( CN=Kirsten A. Chadwick/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Daniel L. Chafin ( CN=Daniel L. Chafin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Shane P. Chambers ( CN=Shane P. Chambers/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Katherine M. Channell ( CN=Katherine M. Channell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Angela A. Chinque ( CN=Angela A. Chinque/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Linwood Chisholm ( CN=Linwood Chisholm/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:ZaFreen Chowdhury ( CN=ZaFreen Chowdhury/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew D. Ciafardini ( CN=Andrew D. Ciafardini/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Eric J. Ciliberti ( CN=Eric J. Ciliberti/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Frank Cilluffo ( CN=Frank Cilluffo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph Clancy ( CN=Joseph Clancy/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kay F. Clarke ( CN=Kay F. Clarke/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alicia P. Clark ( CN=Alicia P. Clark/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:James E. Clark ( CN=James E. Clark/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Karen D. Clark ( CN=Karen D. Clark/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen L. Clark ( CN=Stephen L. Clark/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ralph J. Clemens ( CN=Ralph J. Clemens/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Miriam J. Clement ( CN=Miriam J. Clement/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolyn E. Cleveland ( CN=Carolyn E. Cleveland/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth E. Coker ( CN=Elizabeth E. Coker/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Ronald S. Colburn ( CN=Ronald S. Colburn/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jesse Connors ( CN=Jesse Connors/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Thais C. Conway ( CN=Thais C. Conway/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Mark W. Cooper ( CN=Mark W. Cooper/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Rory S. Cooper ( CN=Rory S. Cooper/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tamar Cooper ( CN=Tamar Cooper/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Timothy A. Cornell ( CN=Timothy A. Cornell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brian S. Cossiboom ( CN=Brian S. Cossiboom/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Margaret Cousley ( CN=Margaret Cousley/OU=WHO/O=EOP [ WHO ] )  
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TO:Christopher Coverdell ( CN=Christopher Coverdell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Edward Cowling ( CN=Edward Cowling/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christopher C. Cox ( CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Lynn A. Crable ( CN=Lynn A. Crable/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Justin Crawford ( CN=Justin Crawford/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Anne C. Crowther ( CN=Anne C. Crowther/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Courtney Crow ( CN=Courtney Crow/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cameron Cushman ( CN=Cameron Cushman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christopher B. Cutchall ( CN=Christopher B. Cutchall/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John J. Daly ( CN=John J. Daly/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John Danilovich ( CN=John Danilovich/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carlton J. Davis ( CN=Carlton J. Davis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jane H. Davis ( CN=Jane H. Davis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer L. Davis ( CN=Jennifer L. Davis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael Davis ( CN=Michael Davis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Anna Dawson ( CN=Anna Dawson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Bradford D. Dayspring ( CN=Bradford D. Dayspring/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Josh Deckard ( CN=Josh Deckard/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Mary K. DeFehr ( CN=Mary K. DeFehr/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Suzy DeFrancis ( CN=Suzy DeFrancis/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Danilo DeGuzman Jr. ( CN=Danilo DeGuzman Jr./OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nina DeLorenzo ( CN=Nina DeLorenzo/OU=WHO/O=EOP [ WHO ] )  
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TO:Melanie DeMayo ( CN=Melanie DeMayo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Meghan Derksen ( CN=Meghan Derksen/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Robert Deservi ( CN=Robert Deservi/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nicolle Devenish ( CN=Nicolle Devenish/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Rory J. Diamond ( CN=Rory J. Diamond/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Reed Dickens ( CN=Reed Dickens/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Lana Dickey ( CN=Lana Dickey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Rhonda B. Djossou ( CN=Rhonda B. Djossou/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeffrey R. Donegan ( CN=Jeffrey R. Donegan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth H. Donnan ( CN=Elizabeth H. Donnan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Diana C. Donnelly ( CN=Diana C. Donnelly/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jacqueline Donohue ( CN=Jacqueline Donohue/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joan R. Doty ( CN=Joan R. Doty/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:James C. Douglas ( CN=James C. Douglas/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Penny G. Douglas ( CN=Penny G. Douglas/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Eric A. Draper ( CN=Eric A. Draper/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Philip C. Droege ( CN=Philip C. Droege/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley D. Drummond ( CN=Ashley D. Drummond/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael Drummond ( CN=Michael Drummond/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sara-Elena Dryden ( CN=Sara-Elena Dryden/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cliff Dubose ( CN=Cliff Dubose/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:L. Burke Duncan ( CN=L. Burke Duncan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Denise A. Dunckel ( CN=Denise A. Dunckel/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kady Dunlap ( CN=Kady Dunlap/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kari M. Dunn ( CN=Kari M. Dunn/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Catherine Dwight ( CN=Catherine Dwight/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul B. Dyck ( CN=Paul B. Dyck/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul Ebb ( CN=Paul Ebb/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ellen E. Eckert ( CN=Ellen E. Eckert/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregg Edgar ( CN=Gregg Edgar/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Damon Edwards ( CN=Damon Edwards/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer Edwards ( CN=Jennifer Edwards/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Laura Edwards ( CN=Laura Edwards/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kimberly Ellison ( CN=Kimberly Ellison/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jamie D. Ellis ( CN=Jamie D. Ellis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Joe Ellis ( CN=Joe Ellis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Linda M. Ellis ( CN=Linda M. Ellis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael H. Ellis ( CN=Michael H. Ellis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nicole Enberg ( CN=Nicole Enberg/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Deborah J. Eng ( CN=Deborah J. Eng/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tucker A. Eskew ( CN=Tucker A. Eskew/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:John D. Estes ( CN=John D. Estes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Madalene E. Evans ( CN=Madalene E. Evans/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wanda M. Evans ( CN=Wanda M. Evans/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Caroline Fair ( CN=Caroline Fair/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Richard Falkenrath ( CN=Richard Falkenrath/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer M. Farley ( CN=Jennifer M. Farley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paddy Feeny ( CN=Paddy Feeny/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Craig Felner ( CN=Craig Felner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Catherine S. Fenton ( CN=Catherine S. Fenton/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Theodore W. Ferm ( CN=Theodore W. Ferm/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeanie L. Figg ( CN=Jeanie L. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kara G. Figg ( CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Heather R. Fitzgerald ( CN=Heather R. Fitzgerald/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Maureen Flanigan ( CN=Maureen Flanigan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lawrence A. Fleischer ( CN=Lawrence A. Fleischer/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:James H. Fleming ( CN=James H. Fleming/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Romaine C. Flowers ( CN=Romaine C. Flowers/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley N. Fochtman ( CN=Ashley N. Fochtman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew W. Fogarty ( CN=Matthew W. Fogarty/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer Foley ( CN=Jennifer Foley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Maisie Fong ( CN=Maisie Fong/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ransome S. Foose ( CN=Ransome S. Foose/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Geoffrey K. Fowler ( CN=Geoffrey K. Fowler/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lana M. Frankensfield ( CN=Lana M. Frankensfield/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sara A. Frankfurt ( CN=Sara A. Frankfurt/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

TO:Myra B. Freeman ( CN=Myra B. Freeman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph W. Fricks III ( CN=Joseph W. Fricks III/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Angela I. Fritz ( CN=Angela I. Fritz/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:William J. Fugo ( CN=William J. Fugo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Laura F. Fullerton ( CN=Laura F. Fullerton/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christopher Furlow ( CN=Christopher Furlow/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Reed H. Galen ( CN=Reed H. Galen/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Linda M. Gambatesa ( CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Christopher D. Gambill ( CN=Christopher D. Gambill/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jane D. Gannon ( CN=Jane D. Gannon/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kelley Gannon ( CN=Kelley Gannon/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeffery W. Garland ( CN=Jeffery W. Garland/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dorothy C. Garvin ( CN=Dorothy C. Garvin/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Lashawn Gaskins ( CN=Lashawn Gaskins/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Luz Gelabert ( CN=Luz Gelabert/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph H. Gerdes ( CN=Joseph H. Gerdes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael J. Gerson ( CN=Michael J. Gerson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Julie A. Giardina ( CN=Julie A. Giardina/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Faisal M. Gill ( CN=Faisal M. Gill/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Georgia D. Godfrey ( CN=Georgia D. Godfrey/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Barbara J. Goergen ( CN=Barbara J. Goergen/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Adam B. Goldman ( CN=Adam B. Goldman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Alessandra L. Gonzalez ( CN=Alessandra L. Gonzalez/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley Goodrich-Mahoney ( CN=Ashley Goodrich-Mahoney/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robert F. Goodwin ( CN=Robert F. Goodwin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Terry W. Good ( CN=Terry W. Good/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Janet V. Gordon ( CN=Janet V. Gordon/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John Gordon ( CN=John Gordon/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Leonardo F. Gorordo ( CN=Leonardo F. Gorordo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Blake Gottesman ( CN=Blake Gottesman/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Donna B. Gottshall ( CN=Donna B. Gottshall/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN



**From:** CN=PostMaster/O=EOP [ OA ]  
**To:** Lewis Libby/OVP/EOP@Exchange [ OVP ] <Lewis Libby>; Charles S. Abbot/WHO/EOP@Exchange [ WHO ] <Charles S. Abbot>; Allen K. Abney/WHO/EOP [ WHO ] <Allen K. Abney>; Gilbert R. Aguirre/WHO/EOP [ WHO ] <Gilbert R. Aguirre>; Victoria Ahaev/WHO/EOP [ WHO ] <Victoria Ahaev>; David Aidekman/WHO/EOP [ WHO ] <David Aidekman>; Robbie Aiken/WHO/EOP [ WHO ] <Robbie Aiken>; Barrett Aldemeyer/WHO/EOP [ WHO ] <Barrett Aldemeyer>; Phillips M. Alicia/WHO/EOP [ WHO ] <Phillips M. Alicia>; Cristina Allegretti/WHO/EOP@Exchange [ WHO ] <Cristina Allegretti>; Leeda A. Allen/WHO/EOP [ WHO ] <Leeda A. Allen>; Michael Allen/WHO/EOP [ WHO ] <Michael Allen>; L. Linus Amorsingh/WHO/EOP [ WHO ] <L. Linus Amorsingh>; Meredith Anderson WH AGL BULK/WHO/EOP [ WHO ] <Meredith Anderson WH AGL BULK>; Catherine S. Anderson/WHO/EOP [ WHO ] <Catherine S. Anderson>; David Anderson/WHO/EOP [ WHO ] <David Anderson>; Meredith Anderson/WHO/EOP [ WHO ] <Meredith Anderson>; Peder Anderson/WHO/EOP [ WHO ] <Peder Anderson>; Theresa R. Anderson/WHO/EOP [ WHO ] <Theresa R. Anderson>; Mary C. Andrews/WHO/EOP [ WHO ] <Mary C. Andrews>; Richard E. Antaya/WHO/EOP [ WHO ] <Richard E. Antaya>; Katherine Anthony/WHO/EOP [ WHO ] <Katherine Anthony>; Jackie Arends/WHO/EOP [ WHO ] <Jackie Arends>; Elisabeth Armstead/WHO/EOP [ WHO ] <Elisabeth Armstead>; Sara W. Armstrong/WHO/EOP@Exchange [ WHO ] <Sara W. Armstrong>; John Arnett/WHO/EOP [ WHO ] <John Arnett>; Listi Arnold/WHO/EOP@Exchange [ WHO ] <Listi Arnold>; William L. Arritt/WHO/EOP [ WHO ] <William L. Arritt>; Paul Ashin/WHO/EOP [ WHO ] <Paul Ashin>; Carolyn F. Atkinson Volunteers/WHO/EOP [ WHO ] <Carolyn F. Atkinson Volunteers>; Carolyn F. Atkinson/WHO/EOP [ WHO ] <Carolyn F. Atkinson>; Chelsey Atkin/WHO/EOP@Exchange [ WHO ] <Chelsey Atkin>; Steven A. Atkiss/WHO/EOP [ WHO ] <Steven A. Atkiss>; Candice L. Attili/WHO/EOP [ WHO ] <Candice L. Attili>; Tyler Auschwitz/WHO/EOP [ WHO ] <Tyler Auschwitz>; Balan R. Ayyar/WHO/EOP [ WHO ] <Balan R. Ayyar>; Chad Babin/WHO/EOP@Exchange [ WHO ] <Chad Babin>; Kimberly A. Badenhop/WHO/EOP [ WHO ] <Kimberly A. Badenhop>; James Baehr/WHO/EOP [ WHO ] <James Baehr>; Christine K. Baer/WHO/EOP [ WHO ] <Christine K. Baer>; Joel B. Bagnal OHS TCIMD DO/WHO/EOP [ WHO ] <Joel B. Bagnal OHS TCIMD DO>; Joel B. Bagnal/WHO/EOP [ WHO ] <Joel B. Bagnal>; Christa J. Bailey/WHO/EOP [ WHO ] <Christa J. Bailey>; Robert T. Bailey/WHO/EOP [ WHO ] <Robert T. Bailey>; Jenica Baldwin/WHO/EOP [ WHO ] <Jenica Baldwin>; David Ballard/WHO/EOP [ WHO ] <David Ballard>; Andrea G. Ball/WHO/EOP@Exchange [ WHO ] <Andrea G. Ball>; Yigal S. Bar-Av/WHO/EOP [ WHO ] <Yigal S. Bar-Av>; Allison Barber/WHO/EOP [ WHO ] <Allison Barber>; Barbara A. Barclay/WHO/EOP@Exchange [ WHO ] <Barbara A. Barclay>; Tiffany L. Barfield/WHO/EOP@Exchange [ WHO ] <Tiffany L. Barfield>; Campbell L. Barks/WHO/EOP [ WHO ] <Campbell L. Barks>; Donna M. Barnes/WHO/EOP [ WHO ] <Donna M. Barnes>; Grace E. Barnes/WHO/EOP [ WHO ] <Grace E. Barnes>; Elisha Barnette/WHO/EOP [ WHO ] <Elisha Barnette>; Ruben S. Barrales/WHO/EOP [ WHO ] <Ruben S. Barrales>; Del Bartee/WHO/EOP [ WHO ] <Del Bartee>; Daniel J. Bartlett/WHO/EOP@Exchange [ WHO ] <Daniel J. Bartlett>; H. Christopher Bartolomucci/WHO/EOP [ WHO ] <H. Christopher Bartolomucci>; Blaire A. Bassett/WHO/EOP [ WHO ] <Blair A. Bassett>; Robert Bauer/WHO/EOP [ WHO ] <Robert Bauer>; Healy E. Baumgardner/WHO/EOP [ WHO ] <Healy E. Baumgardner>; Eileen F. Bean/WHO/EOP [ WHO ] <Eileen F. Bean>; Darren W. Bearson/WHO/EOP [ WHO ] <Darren W. Bearson>; Emmalee Becker/WHO/EOP@Exchange [ WHO ] <Emmalee Becker>; Kathy J. Becker/WHO/EOP [ WHO ] <Kathy J. Becker>; Stacey Bellet/WHO/EOP [ WHO ] <Stacey Bellet>; Kathryn E. Bell/WHO/EOP [ WHO ] <Kathryn E. Bell>; Jorge Beltran/WHO/EOP [ WHO ] <Jorge Beltran>; Melissa S. Bennett/WHO/EOP@Exchange [ WHO ] <Melissa S. Bennett>; Latoya Benson/WHO/EOP [ WHO ] <Latoya Benson>; Alexander R. Berger/WHO/EOP [ WHO ] <Alexander R. Berger>; Laura Berg/WHO/EOP [ WHO ] <Laura Berg>; Kenneth Bernard/WHO/EOP [ WHO ] <Kenneth Bernard>; Brian R. Besanceny/WHO/EOP [ WHO ] <Brian R. Besanceny>; George E. Best/WHO/EOP [ WHO ] <George E. Best>; Kaylene Bettis/WHO/EOP [ WHO ] <Kaylene Bettis>; Todd W. Beyer/WHO/EOP [ WHO ] <Todd W. Beyer>; Rebecca A. Beynon/WHO/EOP [ WHO ] <Rebecca A. Beynon>; Thomas A. Bezas/WHO/EOP [ WHO ] <Thomas A. Bezas>; Joann Bingham/WHO/EOP [ WHO ] <Joann Bingham>; Elizabeth Bingold/WHO/EOP [ WHO ] <Elizabeth Bingold>; Mary U. Binns/WHO/EOP [ WHO ] <Mary U. Binns>; Kristin Birdwell/WHO/EOP [ WHO ] <Kristin Birdwell>; Debra D. Bird/WHO/EOP@Exchange [ WHO ] <Debra D. Bird>; Randy L. Blair/WHO/EOP [ WHO ] <Randy L. Blair>; Bradley A. Blakeman/WHO/EOP@Exchange [ WHO ] <Bradley A. Blakeman>; Jeffrey W. Bloemker/WHO/EOP [ WHO ] <Jeffrey W. Bloemker>; Matthew Blomerth/WHO/EOP [ WHO ] <Matthew Blomerth>; John N. Bobbitt/WHO/EOP [ WHO ] <John N. Bobbitt>; Matias Bobenrieth/WHO/EOP [ WHO ] <Matias Bobenrieth>; Michael J. Boisvenue/WHO

TO:Dennis Grace ( CN=Dennis Grace/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephanie E. Grace ( CN=Stephanie E. Grace/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Heather H. Graham ( CN=Heather H. Graham/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lottie B. Graham ( CN=Lottie B. Graham/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kevin B. Graney ( CN=Kevin B. Graney/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Margaret M. Grant ( CN=Margaret M. Grant/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Caleb Graves ( CN=Caleb Graves/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Adrian G. Gray ( CN=Adrian G. Gray/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ann Gray ( CN=Ann Gray/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Emily S. Gray ( CN=Emily S. Gray/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Terra Gray ( CN=Terra Gray/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:William Greene ( CN=William Greene/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Fraser Greenwood ( CN=Fraser Greenwood/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew T. Green ( CN=Matthew T. Green/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Judy Grier ( CN=Judy Grier/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Chad M. Grogan ( CN=Chad M. Grogan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew Groh ( CN=Matthew Groh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brook Grossi ( CN=Brook Grossi/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Taylor S. Gross ( CN=Taylor S. Gross/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Justin A. Grove ( CN=Justin A. Grove/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Darren D. Grubb ( CN=Darren D. Grubb/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Abel Guerra ( CN=Abel Guerra/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jon A. Guest ( CN=Jon A. Guest/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katharina M. Hager ( CN=Katharina M. Hager/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph W. Hagin ( CN=Joseph W. Hagin/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Robert J. Hall ( CN=Robert J. Hall/OU=WHO/O=EOP [ WHO ] )  
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TO:Nancy G. Hansen ( CN=Nancy G. Hansen/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew D. Hanson ( CN=Andrew D. Hanson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Mary Ann Hanusa ( CN=Mary Ann Hanusa/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Elizabeth K. Harden ( CN=Elizabeth K. Harden/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Daniel Hardwick ( CN=Daniel Hardwick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Leah J. Harrelson ( CN=Leah J. Harrelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Tobin Harvey ( CN=Tobin Harvey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Jordan Hassin ( CN=Jordan Hassin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tracy R. Hatfield ( CN=Tracy R. Hatfield/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Erin M. Hattersley ( CN=Erin M. Hattersley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sarah Hawkins ( CN=Sarah Hawkins/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kathryn J. Hayes ( CN=Kathryn J. Hayes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen F. Hayes ( CN=Stephen F. Hayes/OU=WHO/O=EOP [ WHO ] )  
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TO:John J. Healey ( CN=John J. Healey/OU=WHO/O=EOP [ WHO ] )  
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TO:Erin E. Healy ( CN=Erin E. Healy/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael Heath ( CN=Michael Heath/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Anne Heiligenstein ( CN=Anne Heiligenstein/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Patrice Heironimus ( CN=Patrice Heironimus/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Janice A. Heltibridle ( CN=Janice A. Heltibridle/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Chris Henick ( CN=Chris Henick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Aimee L. Henneke ( CN=Aimee L. Henneke/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John R. Henry ( CN=John R. Henry/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth A. Herald ( CN=Elizabeth A. Herald/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Marilyn V. Herald ( CN=Marilyn V. Herald/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Deborah Hermer ( CN=Deborah Hermer/OU=WHO/O=EOP [ WHO ] )  
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TO:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Emily Herring ( CN=Emily Herring/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Hans H. Hertell ( CN=Hans H. Hertell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Bradley E. Hester ( CN=Bradley E. Hester/OU=WHO/O=EOP [ WHO ] )  
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TO:Heather Heyman ( CN=Heather Heyman/OU=WHO/O=EOP [ WHO ] )  
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TO:David Higbee ( CN=David Higbee/OU=WHO/O=EOP [ WHO ] )  
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TO:Courtney Higgins ( CN=Courtney Higgins/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katherine S. Hildebrand ( CN=Katherine S. Hildebrand/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kirsten J. Hildebrand ( CN=Kirsten J. Hildebrand/OU=WHO/O=EOP [ WHO ] )  
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TO:David H. Hill ( CN=David H. Hill/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Eleanor R. Hill ( CN=Eleanor R. Hill/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gretchen A. Hirschauer ( CN=Gretchen A. Hirschauer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cabell Hobbs ( CN=Cabell Hobbs/OU=WHO/O=EOP [ WHO ] )  
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TO:David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Adam Hobson ( CN=Adam Hobson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Douglas L. Hoelscher ( CN=Douglas L. Hoelscher/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Grayson Hoffman ( CN=Grayson Hoffman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lewis Hofmann ( CN=Lewis Hofmann/OU=WHO/O=EOP [ WHO ] )  
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TO:Derrek Hofrichter ( CN=Derrek Hofrichter/OU=WHO/O=EOP [ WHO ] )  
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TO:Elizabeth Hogan ( CN=Elizabeth Hogan/OU=WHO/O=EOP [ WHO ] )  
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TO:Annie Holand ( CN=Annie Holand/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Ashley Holbrook ( CN=Ashley Holbrook/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Brook Holladay ( CN=Brook Holladay/OU=WHO/O=EOP [ WHO ] )  
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TO:Ryan Holladay ( CN=Ryan Holladay/OU=WHO/O=EOP [ WHO ] )  
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TO:Elizabeth A. Holland ( CN=Elizabeth A. Holland/OU=WHO/O=EOP [ WHO ] )  
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TO:Eric W. Holland ( CN=Eric W. Holland/OU=WHO/O=EOP [ WHO ] )  
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TO:William Holley ( CN=William Holley/OU=WHO/O=EOP [ WHO ] )  
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TO:Stuart Holliday ( CN=Stuart Holliday/OU=WHO/O=EOP [ WHO ] )  
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TO:David F. Holt ( CN=David F. Holt/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Anita Homan ( CN=Anita Homan/OU=WHO/O=EOP [ WHO ] )  
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TO:Chris Hornbarger ( CN=Chris Hornbarger/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Emily A. House ( CN=Emily A. House/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Betsy K. Howard ( CN=Betsy K. Howard/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dustin D. Huddleston ( CN=Dustin D. Huddleston/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory C. Huffman ( CN=Gregory C. Huffman/OU=WHO/O=EOP [ WHO ] )  
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TO:Taylor A. Hughes ( CN=Taylor A. Hughes/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:William C. Hughes ( CN=William C. Hughes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lauren K. Huguet ( CN=Lauren K. Huguet/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:John J. Hunter ( CN=John J. Hunter/OU=WHO/O=EOP [ WHO ] )  
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TO:Manuela Hunt ( CN=Manuela Hunt/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lea A. Hutchins ( CN=Lea A. Hutchins/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lili Hyder ( CN=Lili Hyder/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Adam B. Ingols ( CN=Adam B. Ingols/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Carmen M. Ingwell ( CN=Carmen M. Ingwell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Richard G. Irwin OHS TCIMD DO ( CN=Richard G. Irwin OHS TCIMD DO/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Richard G. Irwin ( CN=Richard G. Irwin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Moreen E. Ishikawa ( CN=Moreen E. Ishikawa/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Curtis R. Jablonka ( CN=Curtis R. Jablonka/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Marilyn R. Jacanin ( CN=Marilyn R. Jacanin/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

TO:Barry S. Jackson ( CN=Barry S. Jackson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Theodoric C. James Jr ( CN=Theodoric C. James Jr/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Charles James ( CN=Charles James/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gordon C. James ( CN=Gordon C. James/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jon Jefferson ( CN=Jon Jefferson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sylvester Jefferson ( CN=Sylvester Jefferson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew C. Jeffrey ( CN=Andrew C. Jeffrey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory J. Jenkins ( CN=Gregory J. Jenkins/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Amy Jensen ( CN=Amy Jensen/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kendall Jesmer ( CN=Kendall Jesmer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeffrey T. Jezierski ( CN=Jeffrey T. Jezierski/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Clay Johnson III ( CN=Clay Johnson III/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sydney R. Johnson ( CN=Sydney R. Johnson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Megan R. Johnston ( CN=Megan R. Johnston/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Alison Jones ( CN=Alison Jones/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brian C. Jones ( CN=Brian C. Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Crystal B. Jones ( CN=Crystal B. Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cyril Jones ( CN=Cyril Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Deborah A. Jones ( CN=Deborah A. Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jacqueline D. Jones ( CN=Jacqueline D. Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ramona L. Jones ( CN=Ramona L. Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sammie Joseph ( CN=Sammie Joseph/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Deidra A. Jules ( CN=Deidra A. Jules/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robert P. Kadlec ( CN=Robert P. Kadlec/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:David E. Kalbaugh ( CN=David E. Kalbaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Michael Karem ( CN=Michael Karem/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer M. Katzaman ( CN=Jennifer M. Katzaman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul Kaurin ( CN=Paul Kaurin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph M. Kearney ( CN=Joseph M. Kearney/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Angela C. Kebric ( CN=Angela C. Kebric/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Josefine Keenan ( CN=Josefine Keenan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sarah B. Keith ( CN=Sarah B. Keith/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:James M. Kelly ( CN=James M. Kelly/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Samuel B. Kelner ( CN=Samuel B. Kelner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen A. Kemmer ( CN=Stephen A. Kemmer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephanie Kendall ( CN=Stephanie Kendall/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Daniel J. Keniry ( CN=Daniel J. Keniry/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Usmaan Khalid ( CN=Usmaan Khalid/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lydia Khalil ( CN=Lydia Khalil/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Amanda S. Khan ( CN=Amanda S. Khan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Suhail A. Khan ( CN=Suhail A. Khan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Amichai Kilchevsky ( CN=Amichai Kilchevsky/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jenny Kim ( CN=Jenny Kim/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen King OHS TCIMD DO ( CN=Stephen King OHS TCIMD DO/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lana M. King ( CN=Lana M. King/OU=WHO/O=EOP [ WHO ] )  
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TO:Stephen King ( CN=Stephen King/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Taeshonnda C. King ( CN=Taeshonnda C. King/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Guy R. Kirby ( CN=Guy R. Kirby/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew Kirk ( CN=Matthew Kirk/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:James R. Kish ( CN=James R. Kish/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Monica V. Kladakis ( CN=Monica V. Kladakis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jenna K. Klein ( CN=Jenna K. Klein/OU=OMB/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Barbara B. Knight ( CN=Barbara B. Knight/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:David C. Knudsen ( CN=David C. Knudsen/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew Koch ( CN=Matthew Koch/OU=WHO/O=EOP [ WHO ] )  
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TO:Richard Kolar ( CN=Richard Kolar/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christina E. Kolesar ( CN=Christina E. Kolesar/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lindsey C. Kozberg ( CN=Lindsey C. Kozberg/OU=WHO/O=EOP [ WHO ] )  
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TO:John Kramerer ( CN=John Kramerer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Emily L. Kropp ( CN=Emily L. Kropp/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robert J. Kruckemeyer ( CN=Robert J. Kruckemeyer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lorraine Kuchmy ( CN=Lorraine Kuchmy/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeffrey Kuhlman ( CN=Jeffrey Kuhlman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:David Kuo ( CN=David Kuo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Jeffrey F. Kupfer ( CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Ross M. Kyle ( CN=Ross M. Kyle/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Greg Lagana ( CN=Greg Lagana/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Samuel A. Lahood ( CN=Samuel A. Lahood/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolene Langie ( CN=Carolene Langie/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Timothy R. Langley ( CN=Timothy R. Langley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tracy A. Langlois ( CN=Tracy A. Langlois/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:William Lang ( CN=William Lang/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kenneth Lanza ( CN=Kenneth Lanza/OU=WHO/O=EOP [ WHO ] )  
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TO:Solomon Lartey ( CN=Solomon Lartey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Charles H. Lawley ( CN=Charles H. Lawley/OU=WHO/O=EOP [ WHO ] )  
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TO:Laura S. Lawlor ( CN=Laura S. Lawlor/OU=WHO/O=EOP [ WHO ] )  
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TO:Eric Leckey ( CN=Eric Leckey/OU=WHO/O=EOP [ WHO ] )  
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TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Jude Leitten ( CN=Jude Leitten/OU=WHO/O=EOP [ WHO ] )  
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TO:Kay Lennon ( CN=Kay Lennon/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Adam L. Levine ( CN=Adam L. Levine/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Sharon R. Lewis ( CN=Sharon R. Lewis/OU=WHO/O=EOP [ WHO ] )  
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TO:Darin LeZotte ( CN=Darin LeZotte/OU=WHO/O=EOP [ WHO ] )  
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TO:Elan Liang ( CN=Elan Liang/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Andrew Liggett ( CN=Andrew Liggett/OU=WHO/O=EOP [ WHO ] )  
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TO:Susan D. Lindahl ( CN=Susan D. Lindahl/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephanie E. Linder ( CN=Stephanie E. Linder/OU=WHO/O=EOP [ WHO ] )  
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TO:Elizabeth A. Lonick ( CN=Elizabeth A. Lonick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Saundra Jo Lonick ( CN=Saundra Jo Lonick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Katie R. Loovis ( CN=Katie R. Loovis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ginger G. Loper ( CN=Ginger G. Loper/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Carrie B. Loy Cabinet Affairs ( CN=Carrie B. Loy Cabinet Affairs/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Amy C. Lunde ( CN=Amy C. Lunde/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Therese Lyons ( CN=Therese Lyons/OU=WHO/O=EOP [ WHO ] )  
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TO:Jonathan Mackintosh ( CN=Jonathan Mackintosh/OU=WHO/O=EOP [ WHO ] )  
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TO:Robin A. MacLean ( CN=Robin A. MacLean/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Liz Macnab ( CN=Liz Macnab/OU=WHO/O=EOP [ WHO ] )  
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TO:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )  
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TO:Brooke H. Manning ( CN=Brooke H. Manning/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Curt J. Mann ( CN=Curt J. Mann/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gabrielle Marchionna ( CN=Gabrielle Marchionna/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Donald R. Margo ( CN=Donald R. Margo/OU=WHO/O=EOP [ WHO ] )  
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TO:David M. Mark ( CN=David M. Mark/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Bonny K. Marshall ( CN=Bonny K. Marshall/OU=WHO/O=EOP [ WHO ] )  
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TO:Misty C. Marshall ( CN=Misty C. Marshall/OU=WHO/O=EOP [ WHO ] )  
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TO:Robert Marsh ( CN=Robert Marsh/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Kimberly V. Martiny ( CN=Kimberly V. Martiny/OU=WHO/O=EOP [ WHO ] )  
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TO:Jackie Mather ( CN=Jackie Mather/OU=WHO/O=EOP [ WHO ] )  
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TO:Lee Mayfield ( CN=Lee Mayfield/OU=WHO/O=EOP [ WHO ] )  
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TO:Kristina McAlister ( CN=Kristina McAlister/OU=WHO/O=EOP [ WHO ] )  
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TO:Ellen W. McCathran ( CN=Ellen W. McCathran/OU=WHO/O=EOP [ WHO ] )  
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TO:Peter McCauley ( CN=Peter McCauley/OU=WHO/O=EOP [ WHO ] )  
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TO:Lauren McCord ( CN=Lauren McCord/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN



TO:Michael McCormick ( CN=Michael McCormick/OU=WHO/O=EOP [ WHO ] )  
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TO:Andrea McDaniel ( CN=Andrea McDaniel/OU=WHO/O=EOP [ WHO ] )  
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TO:Ann McDaniel ( CN=Ann McDaniel/OU=WHO/O=EOP [ WHO ] )  
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TO:Brian McDonald ( CN=Brian McDonald/OU=WHO/O=EOP [ WHO ] )  
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TO:Rebekah McDonald ( CN=Rebekah McDonald/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jack McDougale ( CN=Jack McDougale/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gwendolyn S. McFadden ( CN=Gwendolyn S. McFadden/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew W. McGarrity ( CN=Andrew W. McGarrity/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katherine E. McGill ( CN=Katherine E. McGill/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Hugh A. McGovern ( CN=Hugh A. McGovern/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dolores McGuinn ( CN=Dolores McGuinn/OU=WHO/O=EOP [ WHO ] )  
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TO:Sara B. McIntosh ( CN=Sara B. McIntosh/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kathryn M. McKeown ( CN=Kathryn M. McKeown/OU=WHO/O=EOP [ WHO ] )  
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TO:David McMaster ( CN=David McMaster/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Molly McMurray ( CN=Molly McMurray/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP [ WHO ] )  
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TO:Julia McNeese ( CN=Julia McNeese/OU=WHO/O=EOP [ WHO ] )  
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TO:Tyler N. McPherson ( CN=Tyler N. McPherson/OU=WHO/O=EOP [ WHO ] )  
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TO:Vickie A. McQuade ( CN=Vickie A. McQuade/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Deborah McRae ( CN=Deborah McRae/OU=WHO/O=EOP [ WHO ] )  
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TO:Sonya E. Medina ( CN=Sonya E. Medina/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Michael E. Meece ( CN=Michael E. Meece/OU=WHO/O=EOP [ WHO ] )  
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TO:George E. Melissinos ( CN=George E. Melissinos/OU=WHO/O=EOP [ WHO ] )  
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TO:Andrea M. Mendoza ( CN=Andrea M. Mendoza/OU=WHO/O=EOP [ WHO ] )  
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TO:Manuel A. Mendoza ( CN=Manuel A. Mendoza/OU=WHO/O=EOP [ WHO ] )  
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TO:John M. Meyers ( CN=John M. Meyers/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Steven J. Meyers ( CN=Steven J. Meyers/OU=WHO/O=EOP [ WHO ] )  
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TO:Anne M. Midey ( CN=Anne M. Midey/OU=WHO/O=EOP [ WHO ] )  
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TO:Shirley Miles ( CN=Shirley Miles/OU=WHO/O=EOP [ WHO ] )  
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TO:Katherine Milgram ( CN=Katherine Milgram/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Ashley Miller ( CN=Ashley Miller/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christopher T. Miller ( CN=Christopher T. Miller/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael H. Miller ( CN=Michael H. Miller/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Patti S. Miller ( CN=Patti S. Miller/OU=WHO/O=EOP [ WHO ] )  
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TO:Raymond D. Miller ( CN=Raymond D. Miller/OU=WHO/O=EOP [ WHO ] )  
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TO:Chad Millison ( CN=Chad Millison/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gwendolyn F. Mincey ( CN=Gwendolyn F. Mincey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kevin M. Minne ( CN=Kevin M. Minne/OU=WHO/O=EOP [ WHO ] )  
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TO:William C. Minnis ( CN=William C. Minnis/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew Modell ( CN=Matthew Modell/OU=WHO/O=EOP [ WHO ] )  
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TO:Megan S. Mollmann ( CN=Megan S. Mollmann/OU=WHO/O=EOP [ WHO ] )  
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TO:Paul D. Montanus ( CN=Paul D. Montanus/OU=WHO/O=EOP [ WHO ] )  
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TO:Daneil K. Montgomery ( CN=Daneil K. Montgomery/OU=WHO/O=EOP [ WHO ] )  
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TO:James D. Morgeson ( CN=James D. Morgeson/OU=WHO/O=EOP [ WHO ] )  
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TO:Nathaniel R. Morris ( CN=Nathaniel R. Morris/OU=WHO/O=EOP [ WHO ] )  
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TO:Kimberly A. Mosser ( CN=Kimberly A. Mosser/OU=WHO/O=EOP [ WHO ] )  
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TO:Daniel T. Moss ( CN=Daniel T. Moss/OU=WHO/O=EOP [ WHO ] )  
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TO:Eric L. Motley ( CN=Eric L. Motley/OU=WHO/O=EOP [ WHO ] )  
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TO:Edmund C. Moy ( CN=Edmund C. Moy/OU=WHO/O=EOP [ WHO ] )  
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TO:Joseph Mukes ( CN=Joseph Mukes/OU=WHO/O=EOP [ WHO ] )  
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TO:Scott D. Munn ( CN=Scott D. Munn/OU=WHO/O=EOP [ WHO ] )  
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TO:Tara Murphy ( CN=Tara Murphy/OU=WHO/O=EOP [ WHO ] )  
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TO:Airen Murray ( CN=Airen Murray/OU=WHO/O=EOP [ WHO ] )  
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TO:John Murray ( CN=John Murray/OU=WHO/O=EOP [ WHO ] )  
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TO:Kathleen Mynster ( CN=Kathleen Mynster/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carol A. Nagel ( CN=Carol A. Nagel/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael J. Napolitano ( CN=Michael J. Napolitano/OU=WHO/O=EOP [ WHO ] )  
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TO:Anthony Nardozi ( CN=Anthony Nardozi/OU=WHO/O=EOP [ WHO ] )  
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TO:Charles B. Nash ( CN=Charles B. Nash/OU=WHO/O=EOP [ WHO ] )  
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TO:Rebecca C. Neale ( CN=Rebecca C. Neale/OU=WHO/O=EOP [ WHO ] )  
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TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

TO:Noam M. Neusner ( CN=Noam M. Neusner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John F. Newell ( CN=John F. Newell/OU=WHO/O=EOP [ WHO ] )  
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TO:Paul Newell ( CN=Paul Newell/OU=WHO/O=EOP [ WHO ] )  
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TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ] )  
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TO:Paul Nicholas ( CN=Paul Nicholas/OU=WHO/O=EOP [ WHO ] )  
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TO:Jon Nichols ( CN=Jon Nichols/OU=WHO/O=EOP [ WHO ] )  
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TO:Wendy L. Nipper ( CN=Wendy L. Nipper/OU=WHO/O=EOP [ WHO ] )  
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TO:Eric Noji ( CN=Eric Noji/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joshua P. Noland ( CN=Joshua P. Noland/OU=WHO/O=EOP [ WHO ] )  
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TO:Robert C. Noonan ( CN=Robert C. Noonan/OU=WHO/O=EOP [ WHO ] )  
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TO:Gregory J. North ( CN=Gregory J. North/OU=WHO/O=EOP [ WHO ] )  
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TO:Andre D. Norwood ( CN=Andre D. Norwood/OU=WHO/O=EOP [ WHO ] )  
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TO:Elise Nowlin ( CN=Elise Nowlin/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Philip J. O'Beirne ( CN=Philip J. O'Beirne/OU=WHO/O=EOP [ WHO ] )  
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TO:Daniel O'Driscoll ( CN=Daniel O'Driscoll/OU=WHO/O=EOP [ WHO ] )  
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TO:Sean B. O'Hollaren ( CN=Sean B. O'Hollaren/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Ziad S. Ojakli ( CN=Ziad S. Ojakli/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ] )  
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TO:Kami B. Owens ( CN=Kami B. Owens/OU=WHO/O=EOP [ WHO ] )  
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TO:Melissa L. Pacak ( CN=Melissa L. Pacak/OU=WHO/O=EOP [ WHO ] )  
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TO:Andrew B. Pacelli ( CN=Andrew B. Pacelli/OU=WHO/O=EOP [ WHO ] )  
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TO:Kathleen Packard OHS TCIMD DO ( CN=Kathleen Packard OHS TCIMD DO/OU=WHO/O=EOP [ WHO ] )  
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TO:Theresa Pagliocca ( CN=Theresa Pagliocca/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Anne Palisi ( CN=Anne Palisi/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory R. Papeika Briefing Room ( CN=Gregory R. Papeika Briefing Room/OU=WHO/O=EOP [ WHO ] )  
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TO:Doris Parker ( CN=Doris Parker/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joyce A. Parker ( CN=Joyce A. Parker/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alessandro Parrini ( CN=Alessandro Parrini/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michelle Parrozzo ( CN=Michelle Parrozzo/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Ajay Patil ( CN=Ajay Patil/OU=WHO/O=EOP [ WHO ] )

/EOP@Exchange [ WHO ] <Michael J. Boisvenue>;Joshua B. Bolten/WHO/EOP@Exchange [ WHO ] <Joshua B. Bolten>;Frank Bonner/WHO/EOP [ WHO ] <Frank Bonner>;Michael Bourke/WHO/EOP [ WHO ] <Michael Bourke>;Lindsay J. Bourns/WHO/EOP [ WHO ] <Lindsay J. Bourns>;Dennis J. Bowden/WHO/EOP [ WHO ] <Dennis J. Bowden>;Stuart W. Bowen/WHO/EOP@Exchange [ WHO ] <Stuart W. Bowen>;David W. Boyer/WHO/EOP [ WHO ] <David W. Boyer>;Denise Bradley/WHO/EOP@Exchange [ WHO ] <Denise Bradley>;Ronald Brahm/WHO/EOP [ WHO ] <Ronald Brahm>;Keith R. Brancato/WHO/EOP [ WHO ] <Keith R. Brancato>;Michael D. Brasseur/WHO/EOP [ WHO ] <Michael D. Brasseur>;Brian Bravo/WHO/EOP@Exchange [ WHO ] <Brian Bravo>;Jan Brecht-Clark/WHO/EOP [ WHO ] <Jan Brecht-Clark>;Una F. Brien/WHO/EOP [ WHO ] <Una F. Brien>;Hana F. Brilliant/WHO/EOP [ WHO ] <Hana F. Brilliant>;John G. Briscoe/WHO/EOP [ WHO ] <John G. Briscoe>;Avery Broadbent/WHO/EOP [ WHO ] <Avery Broadbent>;Mary J. Brooke/WHO/EOP [ WHO ] <Mary J. Brooke>;Jennifer R. Brosnahan/WHO/EOP [ WHO ] <Jennifer R. Brosnahan>;Debra S. Brown/WHO/EOP@Exchange [ WHO ] <Debra S. Brown>;Larry W. Brown/WHO/EOP [ WHO ] <Larry W. Brown>;Reginald J. Brown/WHO/EOP [ WHO ] <Reginald J. Brown>;Jesse L. Bryson/WHO/EOP [ WHO ] <Jesse L. Bryson>;Claire E. Buchan/WHO/EOP@Exchange [ WHO ] <Claire E. Buchan>;Victoria Buckley/WHO/EOP [ WHO ] <Victoria Buckley>;Katja Bullock/WHO/EOP [ WHO ] <Katja Bullock>;Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>;Therese Burch/WHO/EOP [ WHO ] <Therese Burch>;Amanda K. Burdick/WHO/EOP [ WHO ] <Amanda K. Burdick>;Christine M. Burgeson/WHO/EOP@Exchange [ WHO ] <Christine M. Burgeson>;Lisa Burgess/WHO/EOP [ WHO ] <Lisa Burgess>;John G. Burke/WHO/EOP [ WHO ] <John G. Burke>;Thomas Burke/WHO/EOP [ WHO ] <Thomas Burke>;Shannon Burkhardt/WHO/EOP [ WHO ] <Shannon Burkhardt>;Jonathan W. Burks/WHO/EOP@Exchange [ WHO ] <Jonathan W. Burks>;Janice L. Burmeister/WHO/EOP [ WHO ] <Janice L. Burmeister>;James M. Burnham/WHO/EOP [ WHO ] <James M. Burnham>;Patrick Burns/WHO/EOP [ WHO ] <Patrick Burns>;Susan M. Burns/WHO/EOP [ WHO ] <Susan M. Burns>;Lindsay Burton/WHO/EOP [ WHO ] <Lindsay Burton>;Justin Busch/WHO/EOP [ WHO ] <Justin Busch>;Kate M. Byrnes/WHO/EOP [ WHO ] <Kate M. Byrnes>;Matthew Byrne/WHO/EOP [ WHO ] <Matthew Byrne>;Catalina Cabral/WHO/EOP [ WHO ] <Catalina Cabral>;Raquel Cabral/WHO/EOP@Exchange [ WHO ] <Raquel Cabral>;Marissa Cain/WHO/EOP [ WHO ] <Marissa Cain>;Regina L. Cain/WHO/EOP [ WHO ] <Regina L. Cain>;Tim M. Callaghan/WHO/EOP [ WHO ] <Tim M. Callaghan>;William Cameron/WHO/EOP [ WHO ] <William Cameron>;Anne E. Campbell/WHO/EOP@Exchange [ WHO ] <Anne E. Campbell>;Frances L. Campbell/WHO/EOP [ WHO ] <Frances L. Campbell>;Sarah Campbell/WHO/EOP [ WHO ] <Sarah Campbell>;Denise Cardamone/WHO/EOP [ WHO ] <Denise Cardamone>;Andrew H. Card/WHO/EOP@Exchange [ WHO ] <Andrew H. Card>;Stanley W. Carlson-Thies/WHO/EOP [ WHO ] <Stanley W. Carlson-Thies>;Jeremy Carl/WHO/EOP [ WHO ] <Jeremy Carl>;Ann Carmichael/WHO/EOP [ WHO ] <Ann Carmichael>;Pamela P. Carpenter/WHO/EOP [ WHO ] <Pamela P. Carpenter>;Colleen M. Carroll/WHO/EOP [ WHO ] <Colleen M. Carroll>;James W. Carroll/WHO/EOP [ WHO ] <James W. Carroll>;Pamela R. Casey/WHO/EOP [ WHO ] <Pamela R. Casey>;Patrick J. Casey/WHO/EOP [ WHO ] <Patrick J. Casey>;Lois A. Cassano/WHO/EOP@Exchange [ WHO ] <Lois A. Cassano>;Jennifer Cervantes/WHO/EOP [ WHO ] <Jennifer Cervantes>;Kirsten A. Chadwick/WHO/EOP@Exchange [ WHO ] <Kirsten A. Chadwick>;Daniel L. Chafin/WHO/EOP [ WHO ] <Daniel L. Chafin>;Shane P. Chambers/WHO/EOP@Exchange [ WHO ] <Shane P. Chambers>;Katherine M. Channell/WHO/EOP [ WHO ] <Katherine M. Channell>;Angela A. Chinque/WHO/EOP [ WHO ] <Angela A. Chinque>;Linwood Chisholm/WHO/EOP [ WHO ] <Linwood Chisholm>;ZaFreen Chowdhury/WHO/EOP [ WHO ] <ZaFreen Chowdhury>;Andrew D. Ciafardini/WHO/EOP [ WHO ] <Andrew D. Ciafardini>;Eric J. Ciliberti/WHO/EOP [ WHO ] <Eric J. Ciliberti>;Frank Cilluffo/WHO/EOP [ WHO ] <Frank Cilluffo>;Joseph Clancy/WHO/EOP [ WHO ] <Joseph Clancy>;Kay F. Clarke/WHO/EOP [ WHO ] <Kay F. Clarke>;Alicia P. Clark/WHO/EOP [ WHO ] <Alicia P. Clark>;James E. Clark/WHO/EOP [ WHO ] <James E. Clark>;Karen D. Clark/WHO/EOP [ WHO ] <Karen D. Clark>;Stephen L. Clark/WHO/EOP [ WHO ] <Stephen L. Clark>;Ralph J. Clemens/WHO/EOP [ WHO ] <Ralph J. Clemens>;Miriam J. Clement/WHO/EOP [ WHO ] <Miriam J. Clement>;Carolyn E. Cleveland/WHO/EOP@Exchange [ WHO ] <Carolyn E. Cleveland>;Elizabeth E. Coker/WHO/EOP [ WHO ] <Elizabeth E. Coker>;Ronald S. Colburn/WHO/EOP [ WHO ] <Ronald S. Colburn>;Jesse Connors/WHO/EOP [ WHO ] <Jesse Connors>;Thais C. Conway/WHO/EOP [ WHO ] <Thais C. Conway>;Mark W. Cooper/WHO/EOP [ WHO ] <Mark W. Cooper>;Rory S. Cooper/WHO/EOP [ WHO ] <Rory S. Cooper>;Tamar Cooper/WHO/EOP [ WHO ] <Tamar Cooper>;Timothy A. Cornell/WHO/EOP [ WHO ] <Timothy A. Cornell>;Brian S. Cossiboom/WHO/EOP [ WHO ] <Brian S. Cossiboom>;Margaret Cousley/WHO/EOP [ WHO ] <Margaret Cousley>;Christopher Coverdell/WHO/EOP [ WHO ] <Christopher Coverdell>;Edward Cowling/WHO/EOP [ WHO ] <Edward Cowling>;Christopher C.

READ:UNKNOWN  
TO:David J. Patterson ( CN=David J. Patterson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dennis C. Patterson ( CN=Dennis C. Patterson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Richard S. Paulus ( CN=Richard S. Paulus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Beth Pedison ( CN=Beth Pedison/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Sarah Penny ( CN=Sarah Penny/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brian Peterman ( CN=Brian Peterman/OU=WHO/O=EOP [ WHO ] )  
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TO:Catherine E. Peterson ( CN=Catherine E. Peterson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Bruce W. Peters ( CN=Bruce W. Peters/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sarah Pfeifer ( CN=Sarah Pfeifer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Hillary D. Phelps ( CN=Hillary D. Phelps/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Janet M. Philips ( CN=Janet M. Philips/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Garry L. Phillips ( CN=Garry L. Phillips/OU=WHO/O=EOP [ WHO ] )  
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TO:Mary K. Pigg ( CN=Mary K. Pigg/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nina Pinto ( CN=Nina Pinto/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kasey S. Pipes ( CN=Kasey S. Pipes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth Pitts ( CN=Elizabeth Pitts/OU=WHO/O=EOP [ WHO ] )  
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TO:Lewis Podolske ( CN=Lewis Podolske/OU=WHO/O=EOP [ WHO ] )  
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TO:Robert M. Pohl ( CN=Robert M. Pohl/OU=WHO/O=EOP [ WHO ] )  
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TO:Nancy Pomerleau ( CN=Nancy Pomerleau/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Conley V. Poole ( CN=Conley V. Poole/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory J. Popadiuk ( CN=Gregory J. Popadiuk/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin H. Porritt ( CN=Benjamin H. Porritt/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ] )  
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TO:Dina Powell ( CN=Dina Powell/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Glenn W. Powell ( CN=Glenn W. Powell/OU=WHO/O=EOP [ WHO ] )  
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TO:Alexander Powers ( CN=Alexander Powers/OU=WHO/O=EOP [ WHO ] )  
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TO:Robert T. Pratt Jr ( CN=Robert T. Pratt Jr/OU=WHO/O=EOP [ WHO ] )  
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TO:Melissa R. Price ( CN=Melissa R. Price/OU=WHO/O=EOP [ WHO ] )  
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TO:Suzanne Primoff ( CN=Suzanne Primoff/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Clare Pritchett ( CN=Clare Pritchett/OU=WHO/O=EOP@Exchange [ WHO ] )

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TO:Kristopher N. Purcell ( CN=Kristopher N. Purcell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ben Quevedo ( CN=Ben Quevedo/OU=WHO/O=EOP [ WHO ] )  
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TO:Lori J. Raad ( CN=Lori J. Raad/OU=WHO/O=EOP [ WHO ] )  
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TO:David B. Rachelson ( CN=David B. Rachelson/OU=WHO/O=EOP [ WHO ] )  
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TO:Susan B. Ralston Senior Advisor ( CN=Susan B. Ralston Senior Advisor/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Tim Reynolds ( CN=Tim Reynolds/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Katherine A. Rhodes ( CN=Katherine A. Rhodes/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:January M. Riecke ( CN=January M. Riecke/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Allison L. Riepenhoff ( CN=Allison L. Riepenhoff/OU=WHO/O=EOP@Exchange [ WHO ] )  
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READ:UNKNOWN

TO:Julius Rothstein ( CN=Julius Rothstein/OU=WHO/O=EOP [ WHO ] )  
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TO:Maria H. Roumel ( CN=Maria H. Roumel/OU=WHO/O=EOP [ WHO ] )  
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TO:Emory Rounds ( CN=Emory Rounds/OU=WHO/O=EOP [ WHO ] )  
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TO:Dexter L. Rountree ( CN=Dexter L. Rountree/OU=WHO/O=EOP [ WHO ] )  
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TO:Eileen M. Rowley ( CN=Eileen M. Rowley/OU=WHO/O=EOP [ WHO ] )  
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TO:Wendell A. Samuels ( CN=Wendell A. Samuels/OU=WHO/O=EOP [ WHO ] )  
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TO:Ronald Sanders ( CN=Ronald Sanders/OU=WHO/O=EOP [ WHO ] )  
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TO:Anne Savage ( CN=Anne Savage/OU=WHO/O=EOP [ WHO ] )  
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TO:Virginia B. Saxton ( CN=Virginia B. Saxton/OU=WHO/O=EOP [ WHO ] )  
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TO:Desiree T. Sayle ( CN=Desiree T. Sayle/OU=WHO/O=EOP [ WHO ] )  
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TO:Elisabeth C. Scheneman ( CN=Elisabeth C. Scheneman/OU=WHO/O=EOP [ WHO ] )  
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TO:John T. Schramm ( CN=John T. Schramm/OU=WHO/O=EOP [ WHO ] )  
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TO:Lisa B. Schreiber Hughes ( CN=Lisa B. Schreiber Hughes/OU=WHO/O=EOP [ WHO ] )  
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TO:Aaron D. Schwitters ( CN=Aaron D. Schwitters/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew Scully ( CN=Matthew Scully/OU=WHO/O=EOP [ WHO ] )  
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TO:Richard Shanor ( CN=Richard Shanor/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Jason S. Sharp ( CN=Jason S. Sharp/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael A. Sharp ( CN=Michael A. Sharp/OU=WHO/O=EOP [ WHO ] )  
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TO:Morad Shayegan ( CN=Morad Shayegan/OU=WHO/O=EOP [ WHO ] )  
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TO:Erin S. Shelton ( CN=Erin S. Shelton/OU=WHO/O=EOP [ WHO ] )  
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TO:Cynthia L. Shourds ( CN=Cynthia L. Shourds/OU=WHO/O=EOP [ WHO ] )  
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TO:Wendy W. Showers ( CN=Wendy W. Showers/OU=WHO/O=EOP [ WHO ] )  
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TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Jason R. Simmerman ( CN=Jason R. Simmerman/OU=WHO/O=EOP [ WHO ] )  
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TO:Virginia E. Simms ( CN=Virginia E. Simms/OU=WHO/O=EOP [ WHO ] )  
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TO:Catherine M. Simonds ( CN=Catherine M. Simonds/OU=WHO/O=EOP [ WHO ] )  
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TO:Andrew Simon ( CN=Andrew Simon/OU=WHO/O=EOP [ WHO ] )  
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TO:Wandra E. Simpson ( CN=Wandra E. Simpson/OU=WHO/O=EOP [ WHO ] )  
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TO:John Sisco ( CN=John Sisco/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Douglas W. Slade ( CN=Douglas W. Slade/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul M. Slaton ( CN=Paul M. Slaton/OU=WHO/O=EOP [ WHO ] )  
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TO:Kristen Slaughter ( CN=Kristen Slaughter/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth Smart ( CN=Elizabeth Smart/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Angela Z. Smith ( CN=Angela Z. Smith/OU=WHO/O=EOP [ WHO ] )  
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TO:Bernice W. Smith ( CN=Bernice W. Smith/OU=WHO/O=EOP [ WHO ] )  
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TO:Courtney Smith ( CN=Courtney Smith/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Darrel A. Smith ( CN=Darrel A. Smith/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Heidi M. Smith ( CN=Heidi M. Smith/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
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TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Dana Snyder ( CN=Dana Snyder/OU=WHO/O=EOP [ WHO ] )  
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TO:Louella A. Snyder ( CN=Louella A. Snyder/OU=WHO/O=EOP [ WHO ] )  
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TO:Peter S. Sobich ( CN=Peter S. Sobich/OU=WHO/O=EOP [ WHO ] )  
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TO:Virginia L. Southerland ( CN=Virginia L. Southerland/OU=WHO/O=EOP [ WHO ] )  
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TO:Christine G. Spain ( CN=Christine G. Spain/OU=WHO/O=EOP [ WHO ] )  
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TO:Jon Spaner ( CN=Jon Spaner/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Aretha Sparks ( CN=Aretha Sparks/OU=WHO/O=EOP [ WHO ] )  
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TO:Jesse E. Sproul ( CN=Jesse E. Sproul/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Scott Stanzel ( CN=Scott Stanzel/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN



TO:Daniel W. Starratt ( CN=Daniel W. Starratt/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeffrey Starr ( CN=Jeffrey Starr/OU=WHO/O=EOP [ WHO ] )  
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TO:Lynne D. Stauss ( CN=Lynne D. Stauss/OU=WHO/O=EOP [ WHO ] )  
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TO:Jennifer Stecher ( CN=Jennifer Stecher/OU=WHO/O=EOP [ WHO ] )  
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TO:Lynden R. Steele ( CN=Lynden R. Steele/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael Steele ( CN=Michael Steele/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sara M. Steele ( CN=Sara M. Steele/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gretchen P. Steen ( CN=Gretchen P. Steen/OU=WHO/O=EOP [ WHO ] )  
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TO:Illa Steen ( CN=Illa Steen/OU=WHO/O=EOP [ WHO ] )  
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TO:Susan L. Sterner ( CN=Susan L. Sterner/OU=WHO/O=EOP [ WHO ] )  
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TO:Bruce L. Stewart ( CN=Bruce L. Stewart/OU=WHO/O=EOP [ WHO ] )  
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TO:Ryan P. Stiles ( CN=Ryan P. Stiles/OU=WHO/O=EOP [ WHO ] )  
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TO:Eleanor Stone ( CN=Eleanor Stone/OU=WHO/O=EOP [ WHO ] )  
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TO:Roddy Story ( CN=Roddy Story/OU=WHO/O=EOP [ WHO ] )  
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TO:Timothy C. Stout ( CN=Timothy C. Stout/OU=WHO/O=EOP [ WHO ] )  
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TO:Kenneth Stroeck ( CN=Kenneth Stroeck/OU=WHO/O=EOP [ WHO ] )  
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TO:Andrew Stroot ( CN=Andrew Stroot/OU=WHO/O=EOP [ WHO ] )  
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TO:Jose G. Suarez ( CN=Jose G. Suarez/OU=WHO/O=EOP [ WHO ] )  
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TO:Deborah D. Suitt ( CN=Deborah D. Suitt/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Mark J. Sullivan ( CN=Mark J. Sullivan/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael J. Sullivan ( CN=Michael J. Sullivan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Margaret M. Suntum ( CN=Margaret M. Suntum/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ryan A. Sweeney ( CN=Ryan A. Sweeney/OU=WHO/O=EOP [ WHO ] )  
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TO:LaShawnda J. Swinson ( CN=LaShawnda J. Swinson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Justin Taft ( CN=Justin Taft/OU=WHO/O=EOP [ WHO ] )  
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TO:Hugh T. Taggart Jr ( CN=Hugh T. Taggart Jr/OU=WHO/O=EOP [ WHO ] )  
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TO:Claire Taplett ( CN=Claire Taplett/OU=WHO/O=EOP [ WHO ] )  
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TO:Galey D. Tatum ( CN=Galey D. Tatum/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael J. Taylor ( CN=Michael J. Taylor/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sara M. Taylor ( CN=Sara M. Taylor/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Randal C. Teague ( CN=Randal C. Teague/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Meredith A. Terpeluk ( CN=Meredith A. Terpeluk/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Eric W. Terrell ( CN=Eric W. Terrell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nancy A. Theis ( CN=Nancy A. Theis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Edwin R. Thomas III ( CN=Edwin R. Thomas III/OU=WHO/O=EOP [ WHO ] )  
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##### End Original ARMS Header #####

REMINDER: A response to the attached memorandum from the White House  
Counsel,s Office is due by COB today, Monday, June 16.

REV\_00122102

If you have not already done so, please print the attached documents,  
follow the steps outlined in the memorandum and return your signed  
certification as described in the memorandum.  
Please contact Jennifer Newstead at 456-1984 if you have any questions.  
Thank you for your help.

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Goergen/WHO/EOP@Exchange [ WHO ] <Barbara J. Goergen>;Adam B. Goldman/WHO/EOP [ WHO ] <Adam B. Goldman>;Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>;Alessandra L. Gonzalez/WHO/EOP [ WHO ] <Alessandra L. Gonzalez>;Ashley Goodrich-Mahoney/WHO/EOP [ WHO ] <Ashley Goodrich-Mahoney>;Robert F. Goodwin/WHO/EOP [ WHO ] <Robert F. Goodwin>;Terry W. Good/WHO/EOP [ WHO ] <Terry W. Good>;Janet V. Gordon/WHO/EOP [ WHO ] <Janet V. Gordon>;John Gordon/WHO/EOP@Exchange [ WHO ] <John Gordon>;Leonardo F. Gorordo/WHO/EOP [ WHO ] <Leonardo F. Gorordo>;Blake Gottesman/WHO/EOP@Exchange [ WHO ] <Blake Gottesman>;Donna B. Gottshall/WHO/EOP@Exchange [ WHO ] <Donna B. Gottshall>;Dennis Grace/WHO/EOP [ WHO ] <Dennis Grace>;Stephanie E. Grace/WHO/EOP [ WHO ] <Stephanie E. Grace>;Heather H. Graham/WHO/EOP [ WHO ] <Heather H. Graham>;Lottie B. Graham/WHO/EOP [ WHO ] <Lottie B. Graham>;Kevin B. Graney/WHO/EOP [ WHO ] <Kevin B. Graney>;Margaret M. Grant/WHO/EOP [ WHO ] <Margaret M. 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June 9, 2003

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF  
OFFICE OF POLICY DEVELOPMENT STAFF  
NATIONAL SECURITY COUNCIL STAFF

FROM: ALBERTO R. GONZALES, COUNSEL TO THE PRESIDENT

SUBJECT: NATIONAL COMMISSION ON TERRORIST ATTACKS "EOP  
DOCUMENT REQUEST NO. 2"

**Please read this entire memorandum carefully. It deals with legal obligations that apply to you.**

The National Commission on Terrorist Attacks Upon the United States ("Commission") was established in the legislative branch, principally to inquire into, and report to the President and Congress on, the terrorists attacks of September 11, 2001 and the extent of U.S. preparedness for and immediate response to the attacks (Public Law 107-306, November 27, 2002). The Executive Office of the President (EOP) is cooperating with the Commission effort, consistent with the policy set forth in the memorandum of March 19, 2003 from the President's Chief of Staff.

The Commission has submitted "EOP Document Request No. 2" (attached) seeking executive materials from the EOP. The first category of materials sought by "EOP Document Request No. 2" will be the subject of a separate memorandum. The remaining categories are:

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.
3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President.
4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001 that concerned domestic policy responses to the terrorist attacks upon the United States.
5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

You must complete the following steps expeditiously:

1. Search for all materials you possess or control that fall within any of the categories set forth above. Your search for materials must be reasonable, diligent, and conducted in good faith, and must include any materials which may previously have been sent to the Office of Records Management. Retrieve all materials that fall within any of the categories set forth above and photocopy them.
2. Complete the attached certification, attach any photocopies produced under Step 1, and submit the certification and photocopies to Elizabeth Farrell 456-5942, EEOB Room 154, as early as possible but in all events not later than the close of business on Monday, June 16, 2003. NSC staff should submit their signed certification, along with any photocopies produced under Step 1, to William Leary, in the NSC Records Directorate, EEOB Room 392, 456-9201, as early as possible but in all events not later than the close of business on Monday, June 16, 2003.

Also, please be aware that we anticipate additional Commission requests for information concerning the extent of U.S. preparedness for and immediate response to the terrorist attacks of September 11, 2001. It is important that you and your staff preserve all records which may potentially be responsive to this or a future request.

Please call Jennifer Newstead, Associate White House Counsel, at 456-1984, if you have any questions. Thank you for your assistance.

CERTIFICATION BY EMPLOYEE

(in response to "EOP Document Request No. 2" dated June 4, 2003  
from the National Commission on Terrorist Attacks Upon the United States)

(Check one item as appropriate, sign, and date,  
and submit to the Office of the Counsel to the President by June 16, 2003)

\_\_\_\_\_ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have produced with this certification photocopies of all such responsive documents to the Office of the Counsel to the President.

\_\_\_\_\_ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have no such documents.

\_\_\_\_\_  
Signature of Individual Making Certification

\_\_\_\_\_  
Date

Printed Name: \_\_\_\_\_

Telephone No.: \_\_\_\_\_



Thomas H. Kean  
CHAIR

Lee H. Hamilton  
VICE CHAIR

Richard Ben-Veniste

Max Cleland

Ired F. Fielding

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Blake Gorton

John Lehman

Timothy J. Roemer

James R. Thompson

Philip D. Zelikow  
EXECUTIVE DIRECTOR

## EOP DOCUMENT REQUEST No. 2

The National Commission on Terrorist Attacks Upon the United States (the "Commission") requests that the Executive Office of the President (the "respondent") provide the Commission with the following documents and information no later than June 25, 2003 (the "production date"). The Commission requests that the respondent inform the Commission promptly if the production date poses a problem for certain categories of documents, such as documents from the previous Administration that may be in the custody of the National Archives and Records Administration, and meet promptly with the Commission staff to set a schedule for the production of those documents.

1. The briefing materials prepared or compiled by NSC staff and distributed to attendees for; any summaries prepared or compiled by NSC staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by NSC staff of Principals and Deputies Committee meetings held from January 1, 1998, through September 20, 2001 that concerned:

- (a) Al-Qa'ida, Usama bin Laden, and/or Afghanistan;
- (b) the policy and budget development, implementation, or review of the overall counterterrorism policies of the United States, including PDD-62 (1998), the Five Year Counterterrorism Plan, and any successor NSPDs; and/or
- (c) counterterrorism issues involving threats to or attacks on the United States or American persons or assets in relations with Malaysia, Pakistan, Saudi Arabia, Sudan, the United Arab Emirates, and Yemen, other than materials that focus only on Palestinian terrorist activities.

Principals meetings include any such meeting whether chaired by the President or by the National Security Adviser. This request applies to principals or deputies level meetings addressing these topics wholly or in part regardless of the title used for the group or whether conducted in person or by SVTS, including meetings of the "Foreign Policy Team," the "Small Group," and the Counterterrorism Security Group (including CSG meetings chaired by the National Coordinator), as well as relevant meetings at Camp David.

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

TEL (202) 331-4060  
FAX (202) 296-5545  
[www.9-11commission.gov](http://www.9-11commission.gov)



## EOP DOCUMENT REQUEST No. 2

Page 2

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President. (A request for such documents directed to the Office of the Vice President will be submitted separately.)
4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001, that concerned domestic policy responses to the terrorist attacks upon the United States.
5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

The Commission requests that the documents requested above be provided as soon as they are available, even though all requested documents may not be provided at the same time, through means of a "rolling" production.

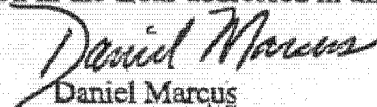
If any requested documents are withheld from production, even temporarily, based on an alleged claim of privilege or for any other reason, the Commission requests that the respondent, as soon as possible and in no event later than the production date, identify and describe each such document or class of documents, as well as the alleged basis for not producing it, with sufficient specificity to allow a meaningful challenge to any such withholding.

If the respondent does not have possession, custody or control of any requested documents but has information about where such documents may be located, the Commission requests that the respondent provide such information as soon as possible and in no event later than the production date.

If the respondent has any questions or concerns about the interpretation or scope of these document requests, the Commission requests that any such questions or concerns be raised with the Commission as soon as possible so that any such issues can be addressed and resolved prior to the production date.

The Commission intends to make further document requests as its work develops and reserves the right to request additional documents and information in the areas addressed in this request.

June 4, 2003

  
Daniel Marcus  
General Counsel

Vogel/WHO/EOP [ WHO ] <Daniel Vogel>;Jennifer D. Vosko/WHO/EOP [ WHO ] <Jennifer D. Vosko>;Eric A. Walker OHS TCIMD DO/WHO/EOP [ WHO ] <Eric A. Walker OHS TCIMD DO>;Eric A. Walker/WHO/EOP [ WHO ] <Eric A. Walker>;Helgard C. Walker/WHO/EOP [ WHO ] <Helgard C. Walker>;Charity Wallace/WHO/EOP [ WHO ] <Charity Wallace>;Dennis J. Walsh/WHO/EOP [ WHO ] <Dennis J. Walsh>;Edmund A. Walsh/WHO/EOP [ WHO ] <Edmund A. Walsh>;Peter S. Watkins/WHO/EOP [ WHO ] <Peter S. Watkins>;Tiffany A. Watkins/WHO/EOP [ WHO ] <Tiffany A. Watkins>;Beatrice Watts/WHO/EOP [ WHO ] <Beatrice Watts>;Bradley Wayman/WHO/EOP [ WHO ] <Bradley Wayman>;David S. Weed/WHO/EOP [ WHO ] <David S. Weed>;Peter H. Wehner/WHO/EOP [ WHO ] <Peter H. Wehner>;Vicki S. Weinberg/WHO/EOP [ WHO ] <Vicki S. Weinberg>;Jared B. Weinstein/WHO/EOP@Exchange [ WHO ] <Jared B. Weinstein>;Matthew L. Wendel/WHO/EOP [ WHO ] <Matthew L. Wendel>;Kristin Werkhoven/WHO/EOP [ WHO ] <Kristin Werkhoven>;Lezlee J. Westine/WHO/EOP [ WHO ] <Lezlee J. Westine>;Howard R. Westray/WHO/EOP [ WHO ] <Howard R. Westray>;Christal R. West/WHO/EOP@Exchange [ WHO ] <Christal R. West>;Jeremy L. White FBCI/WHO/EOP [ WHO ] <Jeremy L. White FBCI>;Donald W. Whitecotton/WHO/EOP [ WHO ] <Donald W. Whitecotton>;Bentley White/WHO/EOP [ WHO ] <Bentley White>;Erin White/WHO/EOP [ WHO ] <Erin White>;Jeremy L. White/WHO/EOP [ WHO ] <Jeremy L. White>;Worthington W. White/WHO/EOP [ WHO ] <Worthington W. White>;Jeremiah Whitson/WHO/EOP [ WHO ] <Jeremiah Whitson>;Morris Wilkes/WHO/EOP [ WHO ] <Morris Wilkes>;Nancy K. Willeford/WHO/EOP [ WHO ] <Nancy K. Willeford>;Beverly D. Williams/WHO/EOP [ WHO ] <Beverly D. Williams>;Cynthia F. Williams/WHO/EOP [ WHO ] <Cynthia F. Williams>;Elizabeth Williams/WHO/EOP [ WHO ] <Elizabeth Williams>;Jan E. Williams/WHO/EOP [ WHO ] <Jan E. Williams>;Jennifer L. Williams/WHO/EOP [ WHO ] <Jennifer L. Williams>;John Williams/WHO/EOP [ WHO ] <John Williams>;Patricia Williams/WHO/EOP [ WHO ] <Patricia Williams>;Sherman A. Williams/WHO/EOP [ WHO ] <Sherman A. Williams>;Grace Willson/WHO/EOP [ WHO ] <Grace Willson>;Lauren L. Willson/WHO/EOP [ WHO ] <Lauren L. Willson>;Aiesha A. Wilson/WHO/EOP [ WHO ] <Aiesha A. Wilson>;Christian Woelk/WHO/EOP [ WHO ] <Christian Woelk>;Harry W. Wolff/WHO/EOP@Exchange [ WHO ] <Harry W. Wolff>;Robin M. Womack/WHO/EOP [ WHO ] <Robin M. Womack>;Women's Office/WHO/EOP [ WHO ] <Women's Office>;Mary Woods/WHO/EOP [ WHO ] <Mary Woods>;Gayle S. Worthy/WHO/EOP [ WHO ] <Gayle S. Worthy>;Jennifer A. Wray/WHO/EOP [ WHO ] <Jennifer A. Wray>;Liza Wright/WHO/EOP [ WHO ] <Liza Wright>;James A. Yeager/WHO/EOP [ WHO ] <James A. Yeager>;Reginald D. Young Jr./WHO/EOP [ WHO ] <Reginald D. Young Jr.>;Patricia L. Young/WHO/EOP [ WHO ] <Patricia L. Young>;Tracy Young/WHO/EOP [ WHO ] <Tracy Young>;Jacob H. Yunker/WHO/EOP@Exchange [ WHO ] <Jacob H. Yunker>;Bruce Zanca/WHO/EOP [ WHO ] <Bruce Zanca>;Jennifer Zangara/WHO/EOP [ WHO ] <Jennifer Zangara>;Bridget Zarate/WHO/EOP [ WHO ] <Bridget Zarate>;Matthew Zartman/WHO/EOP [ WHO ] <Matthew Zartman>;DeWitt Zemp/WHO/EOP [ WHO ] <DeWitt Zemp>;Gregory Zimmerman/WHO/EOP [ WHO ] <Gregory Zimmerman>;Mara Zimmerman/WHO/EOP [ WHO ] <Mara Zimmerman>;Neil H. Zimmerman/WHO/EOP [ WHO ] <Neil H. Zimmerman>

**Sent:** 6/16/2003 10:13:41 AM

**Subject:** : ADMINISTRATIVE ALERT: Important Reminder From White House Counsel's Office

**Attachments:** P\_3HJ00007\_WHO.TXT\_1.doc; P\_3HJ00007\_WHO.TXT\_2.pdf

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CREATION DATE/TIME:16-JUN-2003 14:13:41.00

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READ:UNKNOWN  
TO>Listi Arnold ( CN>Listi Arnold/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:William L. Arritt ( CN=William L. Arritt/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul Ashin ( CN=Paul Ashin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolyn F. Atkinson Volunteers ( CN=Carolyn F. Atkinson Volunteers/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolyn F. Atkinson ( CN=Carolyn F. Atkinson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Chelsey Atkin ( CN=Chelsey Atkin/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Steven A. Atkiss ( CN=Steven A. Atkiss/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Candice L. Attili ( CN=Candice L. Attili/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tyler Auschwitz ( CN=Tyler Auschwitz/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Balan R. Ayyar ( CN=Balan R. Ayyar/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Chad Babin ( CN=Chad Babin/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kimberly A. Badenhop ( CN=Kimberly A. Badenhop/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:James Baehr ( CN=James Baehr/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christine K. Baer ( CN=Christine K. Baer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Joel B. Bagnal OHS TCIMD DO ( CN=Joel B. Bagnal OHS TCIMD DO/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joel B. Bagnal ( CN=Joel B. Bagnal/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christa J. Bailey ( CN=Christa J. Bailey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robert T. Bailey ( CN=Robert T. Bailey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jenica Baldwin ( CN=Jenica Baldwin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:David Ballard ( CN=David Ballard/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrea G. Ball ( CN=Andrea G. Ball/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Yigal S. Bar-Av ( CN=Yigal S. Bar-Av/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Allison Barber ( CN=Allison Barber/OU=WHO/O=EOP [ WHO ] )  
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TO:Barbara A. Barclay ( CN=Barbara A. Barclay/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Tiffany L. Barfield ( CN=Tiffany L. Barfield/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Campbell L. Barks ( CN=Campbell L. Barks/OU=WHO/O=EOP [ WHO ] )  
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TO:Donna M. Barnes ( CN=Donna M. Barnes/OU=WHO/O=EOP [ WHO ] )  
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TO:Grace E. Barnes ( CN=Grace E. Barnes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elisha Barnette ( CN=Elisha Barnette/OU=WHO/O=EOP [ WHO ] )  
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TO:Ruben S. Barrales ( CN=Ruben S. Barrales/OU=WHO/O=EOP [ WHO ] )  
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TO:Del Bartee ( CN=Del Bartee/OU=WHO/O=EOP [ WHO ] )  
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TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Blair A. Bassett ( CN=Blair A. Bassett/OU=WHO/O=EOP [ WHO ] )  
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TO:Robert Bauer ( CN=Robert Bauer/OU=WHO/O=EOP [ WHO ] )  
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TO:Healy E. Baumgardner ( CN=Healy E. Baumgardner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Eileen F. Bean ( CN=Eileen F. Bean/OU=WHO/O=EOP [ WHO ] )  
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TO:Darren W. Bearson ( CN=Darren W. Bearson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Emmaley Becker ( CN=Emmaley Becker/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Kathy J. Becker ( CN=Kathy J. Becker/OU=WHO/O=EOP [ WHO ] )  
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TO:Stacey Bellet ( CN=Stacey Bellet/OU=WHO/O=EOP [ WHO ] )  
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TO:Kathryn E. Bell ( CN=Kathryn E. Bell/OU=WHO/O=EOP [ WHO ] )  
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TO:Jorge Beltran ( CN=Jorge Beltran/OU=WHO/O=EOP [ WHO ] )  
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TO:Latoya Benson ( CN=Latoya Benson/OU=WHO/O=EOP [ WHO ] )  
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TO:Alexander R. Berger ( CN=Alexander R. Berger/OU=WHO/O=EOP [ WHO ] )  
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TO:Laura Berg ( CN=Laura Berg/OU=WHO/O=EOP [ WHO ] )  
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TO:Kenneth Bernard ( CN=Kenneth Bernard/OU=WHO/O=EOP [ WHO ] )  
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TO:Brian R. Besanceney ( CN=Brian R. Besanceney/OU=WHO/O=EOP [ WHO ] )  
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TO:George E. Best ( CN=George E. Best/OU=WHO/O=EOP [ WHO ] )  
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TO:Kaylene Bettis ( CN=Kaylene Bettis/OU=WHO/O=EOP [ WHO ] )  
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TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP [ WHO ] )  
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TO:Kristin Birdwell ( CN=Kristin Birdwell/OU=WHO/O=EOP [ WHO ] )  
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TO:Debra D. Bird ( CN=Debra D. Bird/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Randy L. Blair ( CN=Randy L. Blair/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew Blomerth ( CN=Matthew Blomerth/OU=WHO/O=EOP [ WHO ] )  
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TO:Una F. Brien ( CN=Una F. Brien/OU=WHO/O=EOP [ WHO ] )  
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TO:John G. Briscoe ( CN=John G. Briscoe/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Avery Broadbent ( CN=Avery Broadbent/OU=WHO/O=EOP [ WHO ] )  
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TO:Mary J. Brooke ( CN=Mary J. Brooke/OU=WHO/O=EOP [ WHO ] )  
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TO:Thomas Burke ( CN=Thomas Burke/OU=WHO/O=EOP [ WHO ] )  
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TO:Kate M. Byrnes ( CN=Kate M. Byrnes/OU=WHO/O=EOP [ WHO ] )  
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TO:Anne E. Campbell ( CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

TO:Frances L. Campbell ( CN=Frances L. Campbell/OU=WHO/O=EOP [ WHO ] )  
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TO:Sarah Campbell ( CN=Sarah Campbell/OU=WHO/O=EOP [ WHO ] )  
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TO:Andrew H. Card ( CN=Andrew H. Card/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Stanley W. Carlson-Thies ( CN=Stanley W. Carlson-Thies/OU=WHO/O=EOP [ WHO ] )  
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TO:Jeremy Carl ( CN=Jeremy Carl/OU=WHO/O=EOP [ WHO ] )  
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TO:Ann Carmichael ( CN=Ann Carmichael/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Pamela P. Carpenter ( CN=Pamela P. Carpenter/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Colleen M. Carroll ( CN=Colleen M. Carroll/OU=WHO/O=EOP [ WHO ] )  
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TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP [ WHO ] )  
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TO:Pamela R. Casey ( CN=Pamela R. Casey/OU=WHO/O=EOP [ WHO ] )  
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TO:Lois A. Cassano ( CN=Lois A. Cassano/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Jennifer Cervantes ( CN=Jennifer Cervantes/OU=WHO/O=EOP [ WHO ] )  
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TO:Linwood Chisholm ( CN=Linwood Chisholm/OU=WHO/O=EOP [ WHO ] )  
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TO:ZaFreen Chowdhury ( CN=ZaFreen Chowdhury/OU=WHO/O=EOP [ WHO ] )  
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TO:Andrew D. Ciafardini ( CN=Andrew D. Ciafardini/OU=WHO/O=EOP [ WHO ] )  
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TO:Eric J. Ciliberti ( CN=Eric J. Ciliberti/OU=WHO/O=EOP [ WHO ] )  
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TO:Kay F. Clarke ( CN=Kay F. Clarke/OU=WHO/O=EOP [ WHO ] )  
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TO:Alicia P. Clark ( CN=Alicia P. Clark/OU=WHO/O=EOP [ WHO ] )  
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TO:James E. Clark ( CN=James E. Clark/OU=WHO/O=EOP [ WHO ] )  
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TO:Stephen L. Clark ( CN=Stephen L. Clark/OU=WHO/O=EOP [ WHO ] )  
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TO:Ralph J. Clemens ( CN=Ralph J. Clemens/OU=WHO/O=EOP [ WHO ] )  
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TO:Miriam J. Clement ( CN=Miriam J. Clement/OU=WHO/O=EOP [ WHO ] )  
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TO:Carolyn E. Cleveland ( CN=Carolyn E. Cleveland/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Elizabeth E. Coker ( CN=Elizabeth E. Coker/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Ronald S. Colburn ( CN=Ronald S. Colburn/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jesse Connors ( CN=Jesse Connors/OU=WHO/O=EOP [ WHO ] )  
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TO:Thais C. Conway ( CN=Thais C. Conway/OU=WHO/O=EOP [ WHO ] )  
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TO:Mark W. Cooper ( CN=Mark W. Cooper/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Rory S. Cooper ( CN=Rory S. Cooper/OU=WHO/O=EOP [ WHO ] )  
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TO:Tamar Cooper ( CN=Tamar Cooper/OU=WHO/O=EOP [ WHO ] )  
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TO:Timothy A. Cornell ( CN=Timothy A. Cornell/OU=WHO/O=EOP [ WHO ] )  
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TO:Brian S. Cossiboom ( CN=Brian S. Cossiboom/OU=WHO/O=EOP [ WHO ] )  
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TO:Margaret Cousley ( CN=Margaret Cousley/OU=WHO/O=EOP [ WHO ] )  
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TO:Christopher Coverdell ( CN=Christopher Coverdell/OU=WHO/O=EOP [ WHO ] )  
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TO:Edward Cowling ( CN=Edward Cowling/OU=WHO/O=EOP [ WHO ] )  
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TO:Lynn A. Crable ( CN=Lynn A. Crable/OU=WHO/O=EOP [ WHO ] )  
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TO:Justin Crawford ( CN=Justin Crawford/OU=WHO/O=EOP [ WHO ] )  
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TO:Anne C. Crowther ( CN=Anne C. Crowther/OU=WHO/O=EOP [ WHO ] )  
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TO:Courtney Crow ( CN=Courtney Crow/OU=WHO/O=EOP [ WHO ] )  
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TO:Cameron Cushman ( CN=Cameron Cushman/OU=WHO/O=EOP [ WHO ] )  
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TO:Christopher B. Cutchall ( CN=Christopher B. Cutchall/OU=WHO/O=EOP [ WHO ] )  
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TO:John J. Daly ( CN=John J. Daly/OU=WHO/O=EOP [ WHO ] )  
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TO:John Danilovich ( CN=John Danilovich/OU=WHO/O=EOP [ WHO ] )  
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TO:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ] )  
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TO:Carlton J. Davis ( CN=Carlton J. Davis/OU=WHO/O=EOP [ WHO ] )  
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TO:Jane H. Davis ( CN=Jane H. Davis/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael Davis ( CN=Michael Davis/OU=WHO/O=EOP [ WHO ] )  
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TO:Anna Dawson ( CN=Anna Dawson/OU=WHO/O=EOP [ WHO ] )  
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TO:Bradford D. Dayspring ( CN=Bradford D. Dayspring/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Josh Deckard ( CN=Josh Deckard/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Mary K. DeFehr ( CN=Mary K. DeFehr/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Suzy DeFrancis ( CN=Suzy DeFrancis/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Danilo DeGuzman Jr. ( CN=Danilo DeGuzman Jr./OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nina DeLorenzo ( CN=Nina DeLorenzo/OU=WHO/O=EOP [ WHO ] )  
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READ:UNKNOWN  
TO:Meghan Derksen ( CN=Meghan Derksen/OU=WHO/O=EOP [ WHO ] )  
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TO:Robert Deservi ( CN=Robert Deservi/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nicolle Devenish ( CN=Nicolle Devenish/OU=WHO/O=EOP [ WHO ] )  
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TO:Rory J. Diamond ( CN=Rory J. Diamond/OU=WHO/O=EOP [ WHO ] )  
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TO:Reed Dickens ( CN=Reed Dickens/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Lana Dickey ( CN=Lana Dickey/OU=WHO/O=EOP [ WHO ] )  
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TO:Rhonda B. Djossou ( CN=Rhonda B. Djossou/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeffrey R. Donegan ( CN=Jeffrey R. Donegan/OU=WHO/O=EOP [ WHO ] )  
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TO:Elizabeth H. Donnan ( CN=Elizabeth H. Donnan/OU=WHO/O=EOP [ WHO ] )  
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TO:Diana C. Donnelly ( CN=Diana C. Donnelly/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Jacqueline Donohue ( CN=Jacqueline Donohue/OU=WHO/O=EOP [ WHO ] )  
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TO:Joan R. Doty ( CN=Joan R. Doty/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:James C. Douglas ( CN=James C. Douglas/OU=WHO/O=EOP [ WHO ] )  
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TO:Penny G. Douglas ( CN=Penny G. Douglas/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Eric A. Draper ( CN=Eric A. Draper/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Philip C. Droege ( CN=Philip C. Droege/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley D. Drummond ( CN=Ashley D. Drummond/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael Drummond ( CN=Michael Drummond/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sara-Elena Dryden ( CN=Sara-Elena Dryden/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cliff Dubose ( CN=Cliff Dubose/OU=WHO/O=EOP [ WHO ] )  
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TO:L. Burke Duncan ( CN=L. Burke Duncan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Denise A. Dunckel ( CN=Denise A. Dunckel/OU=WHO/O=EOP [ WHO ] )  
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TO:Kady Dunlap ( CN=Kady Dunlap/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Kari M. Dunn ( CN=Kari M. Dunn/OU=WHO/O=EOP [ WHO ] )  
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TO:Catherine Dwight ( CN=Catherine Dwight/OU=WHO/O=EOP [ WHO ] )  
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TO:Paul B. Dyck ( CN=Paul B. Dyck/OU=WHO/O=EOP [ WHO ] )  
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TO:Paul Ebb ( CN=Paul Ebb/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ellen E. Eckert ( CN=Ellen E. Eckert/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregg Edgar ( CN=Gregg Edgar/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Damon Edwards ( CN=Damon Edwards/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer Edwards ( CN=Jennifer Edwards/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Laura Edwards ( CN=Laura Edwards/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kimberly Ellison ( CN=Kimberly Ellison/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jamie D. Ellis ( CN=Jamie D. Ellis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Joe Ellis ( CN=Joe Ellis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Linda M. Ellis ( CN=Linda M. Ellis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael H. Ellis ( CN=Michael H. Ellis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nicole Enberg ( CN=Nicole Enberg/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Deborah J. Eng ( CN=Deborah J. Eng/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tucker A. Eskew ( CN=Tucker A. Eskew/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:John D. Estes ( CN=John D. Estes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Madalene E. Evans ( CN=Madalene E. Evans/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wanda M. Evans ( CN=Wanda M. Evans/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Caroline Fair ( CN=Caroline Fair/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Richard Falkenrath ( CN=Richard Falkenrath/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer M. Farley ( CN=Jennifer M. Farley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paddy Feeny ( CN=Paddy Feeny/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Craig Felner ( CN=Craig Felner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Catherine S. Fenton ( CN=Catherine S. Fenton/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Theodore W. Ferm ( CN=Theodore W. Ferm/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeanie L. Figg ( CN=Jeanie L. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kara G. Figg ( CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Heather R. Fitzgerald ( CN=Heather R. Fitzgerald/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Maureen Flanigan ( CN=Maureen Flanigan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lawrence A. Fleischer ( CN=Lawrence A. Fleischer/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:James H. Fleming ( CN=James H. Fleming/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Romaine C. Flowers ( CN=Romaine C. Flowers/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley N. Fochtman ( CN=Ashley N. Fochtman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew W. Fogarty ( CN=Matthew W. Fogarty/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer Foley ( CN=Jennifer Foley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Maisie Fong ( CN=Maisie Fong/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ransome S. Foose ( CN=Ransome S. Foose/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Geoffrey K. Fowler ( CN=Geoffrey K. Fowler/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lana M. Frankensfield ( CN=Lana M. Frankensfield/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sara A. Frankfurt ( CN=Sara A. Frankfurt/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

TO:Myra B. Freeman ( CN=Myra B. Freeman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph W. Fricks III ( CN=Joseph W. Fricks III/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Angela I. Fritz ( CN=Angela I. Fritz/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:William J. Fugo ( CN=William J. Fugo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Laura F. Fullerton ( CN=Laura F. Fullerton/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christopher Furlow ( CN=Christopher Furlow/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Reed H. Galen ( CN=Reed H. Galen/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Linda M. Gambatesa ( CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Christopher D. Gambill ( CN=Christopher D. Gambill/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jane D. Gannon ( CN=Jane D. Gannon/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kelley Gannon ( CN=Kelley Gannon/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeffery W. Garland ( CN=Jeffery W. Garland/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dorothy C. Garvin ( CN=Dorothy C. Garvin/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Lashawn Gaskins ( CN=Lashawn Gaskins/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Luz Gelabert ( CN=Luz Gelabert/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph H. Gerdes ( CN=Joseph H. Gerdes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael J. Gerson ( CN=Michael J. Gerson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Julie A. Giardina ( CN=Julie A. Giardina/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Faisal M. Gill ( CN=Faisal M. Gill/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Georgia D. Godfrey ( CN=Georgia D. Godfrey/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Barbara J. Goergen ( CN=Barbara J. Goergen/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Adam B. Goldman ( CN=Adam B. Goldman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Alessandra L. Gonzalez ( CN=Alessandra L. Gonzalez/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley Goodrich-Mahoney ( CN=Ashley Goodrich-Mahoney/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robert F. Goodwin ( CN=Robert F. Goodwin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Terry W. Good ( CN=Terry W. Good/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Janet V. Gordon ( CN=Janet V. Gordon/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John Gordon ( CN=John Gordon/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Leonardo F. Gorordo ( CN=Leonardo F. Gorordo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Blake Gottesman ( CN=Blake Gottesman/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Donna B. Gottshall ( CN=Donna B. Gottshall/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

**From:** CN=PostMaster/O=EOP [ OA ]  
**To:** Lewis Libby/OVP/EOP@Exchange [ OVP ] <Lewis Libby>;Charles S. Abbot/WHO/EOP@Exchange [ WHO ] <Charles S. Abbot>;Allen K. Abney/WHO/EOP [ WHO ] <Allen K. Abney>;Gilbert R. Aguirre/WHO/EOP [ WHO ] <Gilbert R. Aguirre>;Victoria Ahaev/WHO/EOP [ WHO ] <Victoria Ahaev>;David Aidekman/WHO/EOP [ WHO ] <David Aidekman>;Robbie Aiken/WHO/EOP [ WHO ] <Robbie Aiken>;Barrett Aldemeyer/WHO/EOP [ WHO ] <Barrett Aldemeyer>;Phillips M. Alicia/WHO/EOP [ WHO ] <Phillips M. Alicia>;Cristina Allegretti/WHO/EOP@Exchange [ WHO ] <Cristina Allegretti>;Leeda A. Allen/WHO/EOP [ WHO ] <Leeda A. Allen>;Michael Allen/WHO/EOP [ WHO ] <Michael Allen>;L. Linus Amorsingh/WHO/EOP [ WHO ] <L. Linus Amorsingh>;Meredith Anderson WH AGL BULK/WHO/EOP [ WHO ] <Meredith Anderson WH AGL BULK>;Catherine S. Anderson/WHO/EOP [ WHO ] <Catherine S. Anderson>;David Anderson/WHO/EOP [ WHO ] <David Anderson>;Meredith Anderson/WHO/EOP [ WHO ] <Meredith Anderson>;Peder Anderson/WHO/EOP [ WHO ] <Peder Anderson>;Theresa R. Anderson/WHO/EOP [ WHO ] <Theresa R. Anderson>;Mary C. Andrews/WHO/EOP [ WHO ] <Mary C. Andrews>;Richard E. Antaya/WHO/EOP [ WHO ] <Richard E. Antaya>;Katherine Anthony/WHO/EOP [ WHO ] <Katherine Anthony>;Jackie Arends/WHO/EOP [ WHO ] <Jackie Arends>;Elisabeth Armstead/WHO/EOP [ WHO ] <Elisabeth Armstead>;Sara W. Armstrong/WHO/EOP@Exchange [ WHO ] <Sara W. Armstrong>;John Arnett/WHO/EOP [ WHO ] <John Arnett>;Listi Arnold/WHO/EOP@Exchange [ WHO ] <Listi Arnold>;William L. Arritt/WHO/EOP [ WHO ] <William L. Arritt>;Paul Ashin/WHO/EOP [ WHO ] <Paul Ashin>;Carolyn F. Atkinson Volunteers/WHO/EOP [ WHO ] <Carolyn F. Atkinson Volunteers>;Carolyn F. Atkinson/WHO/EOP [ WHO ] <Carolyn F. Atkinson>;Chelsey Atkin/WHO/EOP@Exchange [ WHO ] <Chelsey Atkin>;Steven A. Atkiss/WHO/EOP [ WHO ] <Steven A. Atkiss>;Candice L. Attili/WHO/EOP [ WHO ] <Candice L. Attili>;Tyler Auschwitz/WHO/EOP [ WHO ] <Tyler Auschwitz>;Balan R. Ayyar/WHO/EOP [ WHO ] <Balan R. Ayyar>;Chad Babin/WHO/EOP@Exchange [ WHO ] <Chad Babin>;Kimberly A. Badenhop/WHO/EOP [ WHO ] <Kimberly A. Badenhop>;James Baehr/WHO/EOP [ WHO ] <James Baehr>;Christine K. Baer/WHO/EOP [ WHO ] <Christine K. Baer>;Joel B. Bagnal OHS TCIMD DO/WHO/EOP [ WHO ] <Joel B. Bagnal OHS TCIMD DO>;Joel B. Bagnal/WHO/EOP [ WHO ] <Joel B. Bagnal>;Christa J. Bailey/WHO/EOP [ WHO ] <Christa J. Bailey>;Robert T. Bailey/WHO/EOP [ WHO ] <Robert T. Bailey>;Jenica Baldwin/WHO/EOP [ WHO ] <Jenica Baldwin>;David Ballard/WHO/EOP [ WHO ] <David Ballard>;Andrea G. Ball/WHO/EOP@Exchange [ WHO ] <Andrea G. Ball>;Yigal S. Bar-Av/WHO/EOP [ WHO ] <Yigal S. Bar-Av>;Allison Barber/WHO/EOP [ WHO ] <Allison Barber>;Barbara A. Barclay/WHO/EOP@Exchange [ WHO ] <Barbara A. Barclay>;Tiffany L. Barfield/WHO/EOP@Exchange [ WHO ] <Tiffany L. Barfield>;Campbell L. Barks/WHO/EOP [ WHO ] <Campbell L. Barks>;Donna M. Barnes/WHO/EOP [ WHO ] <Donna M. Barnes>;Grace E. Barnes/WHO/EOP [ WHO ] <Grace E. Barnes>;Elisha Barnette/WHO/EOP [ WHO ] <Elisha Barnette>;Ruben S. Barrales/WHO/EOP [ WHO ] <Ruben S. Barrales>;Del Bartee/WHO/EOP [ WHO ] <Del Bartee>;Daniel J. Bartlett/WHO/EOP@Exchange [ WHO ] <Daniel J. Bartlett>;H. Christopher Bartolomucci/WHO/EOP [ WHO ] <H. Christopher Bartolomucci>;Blair A. Bassett/WHO/EOP [ WHO ] <Blair A. Bassett>;Robert Bauer/WHO/EOP [ WHO ] <Robert Bauer>;Healy E. Baumgardner/WHO/EOP [ WHO ] <Healy E. Baumgardner>;Eileen F. Bean/WHO/EOP [ WHO ] <Eileen F. Bean>;Darren W. Bearson/WHO/EOP [ WHO ] <Darren W. Bearson>;Emmaley Becker/WHO/EOP@Exchange [ WHO ] <Emmaley Becker>;Kathy J. Becker/WHO/EOP [ WHO ] <Kathy J. Becker>;Stacey Bellet/WHO/EOP [ WHO ] <Stacey Bellet>;Kathryn E. Bell/WHO/EOP [ WHO ] <Kathryn E. Bell>;Jorge Beltran/WHO/EOP [ WHO ] <Jorge Beltran>;Melissa S. Bennett/WHO/EOP@Exchange [ WHO ] <Melissa S. Bennett>;Latoya Benson/WHO/EOP [ WHO ] <Latoya Benson>;Alexander R. Berger/WHO/EOP [ WHO ] <Alexander R. Berger>;Laura Berg/WHO/EOP [ WHO ] <Laura Berg>;Kenneth Bernard/WHO/EOP [ WHO ] <Kenneth Bernard>;Brian R. Besanceney/WHO/EOP [ WHO ] <Brian R. Besanceney>;George E. Best/WHO/EOP [ WHO ] <George E. Best>;Kaylene Bettis/WHO/EOP [ WHO ] <Kaylene Bettis>;Todd W. Beyer/WHO/EOP [ WHO ] <Todd W. Beyer>;Rebecca A. Beynon/WHO/EOP [ WHO ] <Rebecca A. Beynon>;Thomas A. Bezas/WHO/EOP [ WHO ] <Thomas A. Bezas>;Joann Bingham/WHO/EOP [ WHO ] <Joann Bingham>;Elizabeth Bingold/WHO/EOP [ WHO ] <Elizabeth Bingold>;Mary U. Binns/WHO/EOP [ WHO ] <Mary U. Binns>;Kristin Birdwell/WHO/EOP [ WHO ] <Kristin Birdwell>;Debra D. Bird/WHO/EOP@Exchange [ WHO ] <Debra D. Bird>;Randy L. Blair/WHO/EOP [ WHO ] <Randy L. Blair>;Bradley A. Blakeman/WHO/EOP@Exchange [ WHO ] <Bradley A. Blakeman>;Jeffrey W. Bloemker/WHO/EOP [ WHO ] <Jeffrey W. Bloemker>;Matthew Blomerth/WHO/EOP [ WHO ] <Matthew Blomerth>;John N. Bobbitt/WHO/EOP [ WHO ] <John N. Bobbitt>;Matias Bobenrieth/WHO/EOP [ WHO ] <Matias Bobenrieth>;Michael J. Boisvenue/WHO

TO:Dennis Grace ( CN=Dennis Grace/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephanie E. Grace ( CN=Stephanie E. Grace/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Heather H. Graham ( CN=Heather H. Graham/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lottie B. Graham ( CN=Lottie B. Graham/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kevin B. Graney ( CN=Kevin B. Graney/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Margaret M. Grant ( CN=Margaret M. Grant/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Caleb Graves ( CN=Caleb Graves/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Adrian G. Gray ( CN=Adrian G. Gray/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ann Gray ( CN=Ann Gray/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Emily S. Gray ( CN=Emily S. Gray/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Terra Gray ( CN=Terra Gray/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:William Greene ( CN=William Greene/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Fraser Greenwood ( CN=Fraser Greenwood/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew T. Green ( CN=Matthew T. Green/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Judy Grier ( CN=Judy Grier/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Chad M. Grogan ( CN=Chad M. Grogan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew Groh ( CN=Matthew Groh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brook Grossi ( CN=Brook Grossi/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Taylor S. Gross ( CN=Taylor S. Gross/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Justin A. Grove ( CN=Justin A. Grove/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Darren D. Grubb ( CN=Darren D. Grubb/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Abel Guerra ( CN=Abel Guerra/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jon A. Guest ( CN=Jon A. Guest/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katharina M. Hager ( CN=Katharina M. Hager/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph W. Hagin ( CN=Joseph W. Hagin/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Robert J. Hall ( CN=Robert J. Hall/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nancy G. Hansen ( CN=Nancy G. Hansen/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew D. Hanson ( CN=Andrew D. Hanson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Mary Ann Hanusa ( CN=Mary Ann Hanusa/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth K. Harden ( CN=Elizabeth K. Harden/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Daniel Hardwick ( CN=Daniel Hardwick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Leah J. Harrelson ( CN=Leah J. Harrelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Tobin Harvey ( CN=Tobin Harvey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Jordan Hassin ( CN=Jordan Hassin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tracy R. Hatfield ( CN=Tracy R. Hatfield/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Erin M. Hattersley ( CN=Erin M. Hattersley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sarah Hawkins ( CN=Sarah Hawkins/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kathryn J. Hayes ( CN=Kathryn J. Hayes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen F. Hayes ( CN=Stephen F. Hayes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John J. Healey ( CN=John J. Healey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Erin E. Healy ( CN=Erin E. Healy/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael Heath ( CN=Michael Heath/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Anne Heiligenstein ( CN=Anne Heiligenstein/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Patrice Heironimus ( CN=Patrice Heironimus/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Janice A. Heltibridle ( CN=Janice A. Heltibridle/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Chris Henick ( CN=Chris Henick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Aimee L. Henneke ( CN=Aimee L. Henneke/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John R. Henry ( CN=John R. Henry/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth A. Herald ( CN=Elizabeth A. Herald/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Marilyn V. Herald ( CN=Marilyn V. Herald/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Deborah Hermer ( CN=Deborah Hermer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Emily Herring ( CN=Emily Herring/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Hans H. Hertell ( CN=Hans H. Hertell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Bradley E. Hester ( CN=Bradley E. Hester/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Heather Heyman ( CN=Heather Heyman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:David Higbee ( CN=David Higbee/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Courtney Higgins ( CN=Courtney Higgins/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katherine S. Hildebrand ( CN=Katherine S. Hildebrand/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kirsten J. Hildebrand ( CN=Kirsten J. Hildebrand/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:David H. Hill ( CN=David H. Hill/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Eleanor R. Hill ( CN=Eleanor R. Hill/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gretchen A. Hirschauer ( CN=Gretchen A. Hirschauer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cabell Hobbs ( CN=Cabell Hobbs/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Adam Hobson ( CN=Adam Hobson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Douglas L. Hoelscher ( CN=Douglas L. Hoelscher/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Grayson Hoffman ( CN=Grayson Hoffman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lewis Hofmann ( CN=Lewis Hofmann/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Derrek Hofrichter ( CN=Derrek Hofrichter/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth Hogan ( CN=Elizabeth Hogan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Annie Holand ( CN=Annie Holand/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Ashley Holbrook ( CN=Ashley Holbrook/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brook Holladay ( CN=Brook Holladay/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ryan Holladay ( CN=Ryan Holladay/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth A. Holland ( CN=Elizabeth A. Holland/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Eric W. Holland ( CN=Eric W. Holland/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:William Holley ( CN=William Holley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stuart Holliday ( CN=Stuart Holliday/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:David F. Holt ( CN=David F. Holt/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Anita Homan ( CN=Anita Homan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Chris Hornbarger ( CN=Chris Hornbarger/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Emily A. House ( CN=Emily A. House/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Betsy K. Howard ( CN=Betsy K. Howard/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dustin D. Huddleston ( CN=Dustin D. Huddleston/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory C. Huffman ( CN=Gregory C. Huffman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Taylor A. Hughes ( CN=Taylor A. Hughes/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:William C. Hughes ( CN=William C. Hughes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lauren K. Huguet ( CN=Lauren K. Huguet/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:John J. Hunter ( CN=John J. Hunter/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Manuela Hunt ( CN=Manuela Hunt/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lea A. Hutchins ( CN=Lea A. Hutchins/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lili Hyder ( CN=Lili Hyder/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Adam B. Ingols ( CN=Adam B. Ingols/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Carmen M. Ingwell ( CN=Carmen M. Ingwell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Richard G. Irwin OHS TCIMD DO ( CN=Richard G. Irwin OHS TCIMD DO/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Richard G. Irwin ( CN=Richard G. Irwin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Moreen E. Ishikawa ( CN=Moreen E. Ishikawa/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Curtis R. Jablonka ( CN=Curtis R. Jablonka/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Marilyn R. Jacanin ( CN=Marilyn R. Jacanin/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

TO:Barry S. Jackson ( CN=Barry S. Jackson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Theodoric C. James Jr ( CN=Theodoric C. James Jr/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Charles James ( CN=Charles James/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gordon C. James ( CN=Gordon C. James/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jon Jefferson ( CN=Jon Jefferson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sylvester Jefferson ( CN=Sylvester Jefferson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew C. Jeffrey ( CN=Andrew C. Jeffrey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory J. Jenkins ( CN=Gregory J. Jenkins/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Amy Jensen ( CN=Amy Jensen/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kendall Jesmer ( CN=Kendall Jesmer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeffrey T. Jezierski ( CN=Jeffrey T. Jezierski/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Clay Johnson III ( CN=Clay Johnson III/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sydney R. Johnson ( CN=Sydney R. Johnson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Megan R. Johnston ( CN=Megan R. Johnston/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Alison Jones ( CN=Alison Jones/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brian C. Jones ( CN=Brian C. Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Crystal B. Jones ( CN=Crystal B. Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cyril Jones ( CN=Cyril Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Deborah A. Jones ( CN=Deborah A. Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jacqueline D. Jones ( CN=Jacqueline D. Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ramona L. Jones ( CN=Ramona L. Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sammie Joseph ( CN=Sammie Joseph/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Deidra A. Jules ( CN=Deidra A. Jules/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robert P. Kadlec ( CN=Robert P. Kadlec/OU=WHO/O=EOP [ WHO ] )  
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TO:David E. Kalbaugh ( CN=David E. Kalbaugh/OU=WHO/O=EOP [ WHO ] )  
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TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Michael Karem ( CN=Michael Karem/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer M. Katzaman ( CN=Jennifer M. Katzaman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul Kaurin ( CN=Paul Kaurin/OU=WHO/O=EOP [ WHO ] )  
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TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph M. Kearney ( CN=Joseph M. Kearney/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Angela C. Kebric ( CN=Angela C. Kebric/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN



TO:Josefine Keenan ( CN=Josefine Keenan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sarah B. Keith ( CN=Sarah B. Keith/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:James M. Kelly ( CN=James M. Kelly/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Samuel B. Kelner ( CN=Samuel B. Kelner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen A. Kemmer ( CN=Stephen A. Kemmer/OU=WHO/O=EOP [ WHO ] )  
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TO:Stephanie Kendall ( CN=Stephanie Kendall/OU=WHO/O=EOP [ WHO ] )  
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TO:Daniel J. Keniry ( CN=Daniel J. Keniry/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Usmaan Khalid ( CN=Usmaan Khalid/OU=WHO/O=EOP [ WHO ] )  
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TO:Lydia Khalil ( CN=Lydia Khalil/OU=WHO/O=EOP [ WHO ] )  
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TO:Amanda S. Khan ( CN=Amanda S. Khan/OU=WHO/O=EOP [ WHO ] )  
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TO:Suhail A. Khan ( CN=Suhail A. Khan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Amichai Kilchevsky ( CN=Amichai Kilchevsky/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jenny Kim ( CN=Jenny Kim/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen King OHS TCIMD DO ( CN=Stephen King OHS TCIMD DO/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lana M. King ( CN=Lana M. King/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen King ( CN=Stephen King/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Taeshonnda C. King ( CN=Taeshonnda C. King/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Guy R. Kirby ( CN=Guy R. Kirby/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew Kirk ( CN=Matthew Kirk/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:James R. Kish ( CN=James R. Kish/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Monica V. Kladakis ( CN=Monica V. Kladakis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jenna K. Klein ( CN=Jenna K. Klein/OU=OMB/O=EOP [ WHO ] )  
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TO:Barbara B. Knight ( CN=Barbara B. Knight/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Matthew Koch ( CN=Matthew Koch/OU=WHO/O=EOP [ WHO ] )  
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TO:Richard Kolar ( CN=Richard Kolar/OU=WHO/O=EOP [ WHO ] )  
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TO:Christina E. Kolesar ( CN=Christina E. Kolesar/OU=WHO/O=EOP [ WHO ] )  
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TO:Lindsey C. Kozberg ( CN=Lindsey C. Kozberg/OU=WHO/O=EOP [ WHO ] )  
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TO:John Kramerer ( CN=John Kramerer/OU=WHO/O=EOP [ WHO ] )  
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TO:Emily L. Kropp ( CN=Emily L. Kropp/OU=WHO/O=EOP [ WHO ] )  
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TO:Robert J. Kruckemeyer ( CN=Robert J. Kruckemeyer/OU=WHO/O=EOP [ WHO ] )  
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TO:Lorraine Kuchmy ( CN=Lorraine Kuchmy/OU=WHO/O=EOP [ WHO ] )  
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TO:Jeffrey F. Kupfer ( CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Ross M. Kyle ( CN=Ross M. Kyle/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Greg Lagana ( CN=Greg Lagana/OU=WHO/O=EOP [ WHO ] )  
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TO:Samuel A. Lahood ( CN=Samuel A. Lahood/OU=WHO/O=EOP [ WHO ] )  
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TO:Carolene Langie ( CN=Carolene Langie/OU=WHO/O=EOP [ WHO ] )  
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TO:Timothy R. Langley ( CN=Timothy R. Langley/OU=WHO/O=EOP [ WHO ] )  
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TO:Tracy A. Langlois ( CN=Tracy A. Langlois/OU=WHO/O=EOP [ WHO ] )  
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TO:William Lang ( CN=William Lang/OU=WHO/O=EOP [ WHO ] )  
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TO:Solomon Lartey ( CN=Solomon Lartey/OU=WHO/O=EOP [ WHO ] )  
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TO:Charles H. Lawley ( CN=Charles H. Lawley/OU=WHO/O=EOP [ WHO ] )  
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TO:Laura S. Lawlor ( CN=Laura S. Lawlor/OU=WHO/O=EOP [ WHO ] )  
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TO:Kay Lennon ( CN=Kay Lennon/OU=WHO/O=EOP [ WHO ] )  
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TO:Sharon R. Lewis ( CN=Sharon R. Lewis/OU=WHO/O=EOP [ WHO ] )  
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TO:Darin LeZotte ( CN=Darin LeZotte/OU=WHO/O=EOP [ WHO ] )  
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TO:Andrew Liggett ( CN=Andrew Liggett/OU=WHO/O=EOP [ WHO ] )  
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TO:Susan D. Lindahl ( CN=Susan D. Lindahl/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephanie E. Linder ( CN=Stephanie E. Linder/OU=WHO/O=EOP [ WHO ] )  
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TO:Blake Lindner ( CN=Blake Lindner/OU=WHO/O=EOP [ WHO ] )  
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TO:Lindsey M. Lineweaver ( CN=Lindsey M. Lineweaver/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Thomas Lintner ( CN=Thomas Lintner/OU=WHO/O=EOP [ WHO ] )  
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TO:Elizabeth Liptock ( CN=Elizabeth Liptock/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Kenneth A. Lisaius ( CN=Kenneth A. Lisaius/OU=WHO/O=EOP [ WHO ] )  
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TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Tracy Litton ( CN=Tracy Litton/OU=WHO/O=EOP [ WHO ] )  
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TO:Susan Lockart ( CN=Susan Lockart/OU=WHO/O=EOP [ WHO ] )  
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TO:Elizabeth A. Lonick ( CN=Elizabeth A. Lonick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Saundra Jo Lonick ( CN=Saundra Jo Lonick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Katie R. Loovis ( CN=Katie R. Loovis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ginger G. Loper ( CN=Ginger G. Loper/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Carrie B. Loy Cabinet Affairs ( CN=Carrie B. Loy Cabinet Affairs/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Amy C. Lunde ( CN=Amy C. Lunde/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Therese Lyons ( CN=Therese Lyons/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jonathan Mackintosh ( CN=Jonathan Mackintosh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robin A. MacLean ( CN=Robin A. MacLean/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Liz Macnab ( CN=Liz Macnab/OU=WHO/O=EOP [ WHO ] )  
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TO:Jose Mallea ( CN=Jose Mallea/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brooke H. Manning ( CN=Brooke H. Manning/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Curt J. Mann ( CN=Curt J. Mann/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gabrielle Marchionna ( CN=Gabrielle Marchionna/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Donald R. Margo ( CN=Donald R. Margo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:David M. Mark ( CN=David M. Mark/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Bonny K. Marshall ( CN=Bonny K. Marshall/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Misty C. Marshall ( CN=Misty C. Marshall/OU=WHO/O=EOP [ WHO ] )  
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TO:Robert Marsh ( CN=Robert Marsh/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:John M. Martinez ( CN=John M. Martinez/OU=WHO/O=EOP [ WHO ] )  
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TO:Kimberly V. Martiny ( CN=Kimberly V. Martiny/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katharine Massrey ( CN=Katharine Massrey/OU=WHO/O=EOP [ WHO ] )  
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TO:Jackie Mather ( CN=Jackie Mather/OU=WHO/O=EOP [ WHO ] )  
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TO:Philip C. Mattson ( CN=Philip C. Mattson/OU=WHO/O=EOP [ WHO ] )  
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TO:Lee Mayfield ( CN=Lee Mayfield/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kristina McAlister ( CN=Kristina McAlister/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:James M. McAllister ( CN=James M. McAllister/OU=WHO/O=EOP [ WHO ] )  
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TO:Daniel M. McCarthy ( CN=Daniel M. McCarthy/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Ellen W. McCathran ( CN=Ellen W. McCathran/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:William W. McCathran ( CN=William W. McCathran/OU=WHO/O=EOP [ WHO ] )  
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TO:Peter McCauley ( CN=Peter McCauley/OU=WHO/O=EOP [ WHO ] )  
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TO:Donald McClain ( CN=Donald McClain/OU=WHO/O=EOP [ WHO ] )  
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TO:Scott McClellan ( CN=Scott McClellan/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:John P. McConnell ( CN=John P. McConnell/OU=WHO/O=EOP [ WHO ] )  
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TO:Lauren McCord ( CN=Lauren McCord/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

TO:Michael McCormick ( CN=Michael McCormick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrea McDaniel ( CN=Andrea McDaniel/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ann McDaniel ( CN=Ann McDaniel/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brian McDonald ( CN=Brian McDonald/OU=WHO/O=EOP [ WHO ] )  
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TO:Rebekah McDonald ( CN=Rebekah McDonald/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jack McDougale ( CN=Jack McDougale/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gwendolyn S. McFadden ( CN=Gwendolyn S. McFadden/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew W. McGarrity ( CN=Andrew W. McGarrity/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katherine E. McGill ( CN=Katherine E. McGill/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Hugh A. McGovern ( CN=Hugh A. McGovern/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dolores McGuinn ( CN=Dolores McGuinn/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sara B. McIntosh ( CN=Sara B. McIntosh/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kathryn M. McKeown ( CN=Kathryn M. McKeown/OU=WHO/O=EOP [ WHO ] )  
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TO:David McMaster ( CN=David McMaster/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Molly McMurray ( CN=Molly McMurray/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Julia McNeese ( CN=Julia McNeese/OU=WHO/O=EOP [ WHO ] )  
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TO:Tyler N. McPherson ( CN=Tyler N. McPherson/OU=WHO/O=EOP [ WHO ] )  
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TO:Vickie A. McQuade ( CN=Vickie A. McQuade/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Deborah McRae ( CN=Deborah McRae/OU=WHO/O=EOP [ WHO ] )  
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TO:Sonya E. Medina ( CN=Sonya E. Medina/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Michael E. Meece ( CN=Michael E. Meece/OU=WHO/O=EOP [ WHO ] )  
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TO:Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP [ WHO ] )  
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TO:Lisa Meier ( CN=Lisa Meier/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:George E. Melissinos ( CN=George E. Melissinos/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrea M. Mendoza ( CN=Andrea M. Mendoza/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Manuel A. Mendoza ( CN=Manuel A. Mendoza/OU=WHO/O=EOP [ WHO ] )  
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TO:John M. Meyers ( CN=John M. Meyers/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Steven J. Meyers ( CN=Steven J. Meyers/OU=WHO/O=EOP [ WHO ] )  
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TO:A. Morgan Middlemas ( CN=A. Morgan Middlemas/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Anne M. Midey ( CN=Anne M. Midey/OU=WHO/O=EOP [ WHO ] )  
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TO:Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Shirley Miles ( CN=Shirley Miles/OU=WHO/O=EOP [ WHO ] )  
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TO:Katherine Milgram ( CN=Katherine Milgram/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Ashley Miller ( CN=Ashley Miller/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christopher T. Miller ( CN=Christopher T. Miller/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael H. Miller ( CN=Michael H. Miller/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Patti S. Miller ( CN=Patti S. Miller/OU=WHO/O=EOP [ WHO ] )  
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TO:Raymond D. Miller ( CN=Raymond D. Miller/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Chad Millison ( CN=Chad Millison/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gwendolyn F. Mincey ( CN=Gwendolyn F. Mincey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kevin M. Minne ( CN=Kevin M. Minne/OU=WHO/O=EOP [ WHO ] )  
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TO:William C. Minnis ( CN=William C. Minnis/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew Modell ( CN=Matthew Modell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Megan S. Mollmann ( CN=Megan S. Mollmann/OU=WHO/O=EOP [ WHO ] )  
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TO:Paul D. Montanus ( CN=Paul D. Montanus/OU=WHO/O=EOP [ WHO ] )  
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TO:Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Daneil K. Montgomery ( CN=Daneil K. Montgomery/OU=WHO/O=EOP [ WHO ] )  
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TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:James D. Morgeson ( CN=James D. Morgeson/OU=WHO/O=EOP [ WHO ] )  
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TO:Nathaniel R. Morris ( CN=Nathaniel R. Morris/OU=WHO/O=EOP [ WHO ] )  
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TO:Kimberly A. Mosser ( CN=Kimberly A. Mosser/OU=WHO/O=EOP [ WHO ] )  
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TO:Daniel T. Moss ( CN=Daniel T. Moss/OU=WHO/O=EOP [ WHO ] )  
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TO:Eric L. Motley ( CN=Eric L. Motley/OU=WHO/O=EOP [ WHO ] )  
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TO:Edmund C. Moy ( CN=Edmund C. Moy/OU=WHO/O=EOP [ WHO ] )  
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TO:Joseph Mukes ( CN=Joseph Mukes/OU=WHO/O=EOP [ WHO ] )  
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TO:Tara Murphy ( CN=Tara Murphy/OU=WHO/O=EOP [ WHO ] )  
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TO:Airen Murray ( CN=Airen Murray/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John Murray ( CN=John Murray/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kathleen Mynster ( CN=Kathleen Mynster/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carol A. Nagel ( CN=Carol A. Nagel/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael J. Napolitano ( CN=Michael J. Napolitano/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Anthony Nardozi ( CN=Anthony Nardozi/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Charles B. Nash ( CN=Charles B. Nash/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Rebecca C. Neale ( CN=Rebecca C. Neale/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

TO:Noam M. Neusner ( CN=Noam M. Neusner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John F. Newell ( CN=John F. Newell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul Newell ( CN=Paul Newell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul Nicholas ( CN=Paul Nicholas/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jon Nichols ( CN=Jon Nichols/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wendy L. Nipper ( CN=Wendy L. Nipper/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Eric Noji ( CN=Eric Noji/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joshua P. Noland ( CN=Joshua P. Noland/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robert C. Noonan ( CN=Robert C. Noonan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory J. North ( CN=Gregory J. North/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andre D. Norwood ( CN=Andre D. Norwood/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elise Nowlin ( CN=Elise Nowlin/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Philip J. O'Beirne ( CN=Philip J. O'Beirne/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Daniel O'Driscoll ( CN=Daniel O'Driscoll/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sean B. O'Hollaren ( CN=Sean B. O'Hollaren/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Ziad S. Ojakli ( CN=Ziad S. Ojakli/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kami B. Owens ( CN=Kami B. Owens/OU=WHO/O=EOP [ WHO ] )  
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TO:Melissa L. Pacak ( CN=Melissa L. Pacak/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew B. Pacelli ( CN=Andrew B. Pacelli/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kathleen Packard OHS TCIMD DO ( CN=Kathleen Packard OHS TCIMD DO/OU=WHO/O=EOP [ WHO ] )  
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TO:Kathleen Packard ( CN=Kathleen Packard/OU=WHO/O=EOP [ WHO ] )  
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TO:Theresa Pagliocca ( CN=Theresa Pagliocca/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Anne Palisi ( CN=Anne Palisi/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory R. Papeika Briefing Room ( CN=Gregory R. Papeika Briefing Room/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
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TO:Christie Parell ( CN=Christie Parell/OU=WHO/O=EOP [ WHO ] )  
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TO:Doris Parker ( CN=Doris Parker/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joyce A. Parker ( CN=Joyce A. Parker/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alessandro Parrini ( CN=Alessandro Parrini/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michelle Parrozzo ( CN=Michelle Parrozzo/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Ajay Patil ( CN=Ajay Patil/OU=WHO/O=EOP [ WHO ] )

/EOP@Exchange [ WHO ] <Michael J. Boisvenue>;Joshua B. Bolten/WHO/EOP@Exchange [ WHO ] <Joshua B. Bolten>;Frank Bonner/WHO/EOP [ WHO ] <Frank Bonner>;Michael Bourke/WHO/EOP [ WHO ] <Michael Bourke>;Lindsay J. Bourns/WHO/EOP [ WHO ] <Lindsay J. Bourns>;Dennis J. Bowden/WHO/EOP [ WHO ] <Dennis J. Bowden>;Stuart W. Bowen/WHO/EOP@Exchange [ WHO ] <Stuart W. Bowen>;David W. Boyer/WHO/EOP [ WHO ] <David W. Boyer>;Denise Bradley/WHO/EOP@Exchange [ WHO ] <Denise Bradley>;Ronald Brahm/WHO/EOP [ WHO ] <Ronald Brahm>;Keith R. Brancato/WHO/EOP [ WHO ] <Keith R. Brancato>;Michael D. Brasseur/WHO/EOP [ WHO ] <Michael D. Brasseur>;Brian Bravo/WHO/EOP@Exchange [ WHO ] <Brian Bravo>;Jan Brecht-Clark/WHO/EOP [ WHO ] <Jan Brecht-Clark>;Una F. Brien/WHO/EOP [ WHO ] <Una F. Brien>;Hana F. Brilliant/WHO/EOP [ WHO ] <Hana F. Brilliant>;John G. Briscoe/WHO/EOP [ WHO ] <John G. Briscoe>;Avery Broadbent/WHO/EOP [ WHO ] <Avery Broadbent>;Mary J. Brooke/WHO/EOP [ WHO ] <Mary J. Brooke>;Jennifer R. Brosnahan/WHO/EOP [ WHO ] <Jennifer R. Brosnahan>;Debra S. Brown/WHO/EOP@Exchange [ WHO ] <Debra S. Brown>;Larry W. Brown/WHO/EOP [ WHO ] <Larry W. Brown>;Reginald J. Brown/WHO/EOP [ WHO ] <Reginald J. Brown>;Jesse L. Bryson/WHO/EOP [ WHO ] <Jesse L. Bryson>;Claire E. Buchan/WHO/EOP@Exchange [ WHO ] <Claire E. Buchan>;Victoria Buckley/WHO/EOP [ WHO ] <Victoria Buckley>;Katja Bullock/WHO/EOP [ WHO ] <Katja Bullock>;Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>;Therese Burch/WHO/EOP [ WHO ] <Therese Burch>;Amanda K. Burdick/WHO/EOP [ WHO ] <Amanda K. Burdick>;Christine M. Burgeson/WHO/EOP@Exchange [ WHO ] <Christine M. Burgeson>;Lisa Burgess/WHO/EOP [ WHO ] <Lisa Burgess>;John G. Burke/WHO/EOP [ WHO ] <John G. Burke>;Thomas Burke/WHO/EOP [ WHO ] <Thomas Burke>;Shannon Burkhardt/WHO/EOP [ WHO ] <Shannon Burkhardt>;Jonathan W. Burks/WHO/EOP@Exchange [ WHO ] <Jonathan W. Burks>;Janice L. Burmeister/WHO/EOP [ WHO ] <Janice L. Burmeister>;James M. Burnham/WHO/EOP [ WHO ] <James M. Burnham>;Patrick Burns/WHO/EOP [ WHO ] <Patrick Burns>;Susan M. Burns/WHO/EOP [ WHO ] <Susan M. Burns>;Lindsay Burton/WHO/EOP [ WHO ] <Lindsay Burton>;Justin Busch/WHO/EOP [ WHO ] <Justin Busch>;Kate M. Byrnes/WHO/EOP [ WHO ] <Kate M. Byrnes>;Matthew Byrne/WHO/EOP [ WHO ] <Matthew Byrne>;Catalina Cabral/WHO/EOP [ WHO ] <Catalina Cabral>;Raquel Cabral/WHO/EOP@Exchange [ WHO ] <Raquel Cabral>;Marissa Cain/WHO/EOP [ WHO ] <Marissa Cain>;Regina L. Cain/WHO/EOP [ WHO ] <Regina L. Cain>;Tim M. Callaghan/WHO/EOP [ WHO ] <Tim M. Callaghan>;William Cameron/WHO/EOP [ WHO ] <William Cameron>;Anne E. Campbell/WHO/EOP@Exchange [ WHO ] <Anne E. Campbell>;Frances L. Campbell/WHO/EOP [ WHO ] <Frances L. Campbell>;Sarah Campbell/WHO/EOP [ WHO ] <Sarah Campbell>;Denise Cardamone/WHO/EOP [ WHO ] <Denise Cardamone>;Andrew H. Card/WHO/EOP@Exchange [ WHO ] <Andrew H. Card>;Stanley W. Carlson-Thies/WHO/EOP [ WHO ] <Stanley W. Carlson-Thies>;Jeremy Carl/WHO/EOP [ WHO ] <Jeremy Carl>;Ann Carmichael/WHO/EOP [ WHO ] <Ann Carmichael>;Pamela P. Carpenter/WHO/EOP [ WHO ] <Pamela P. Carpenter>;Colleen M. Carroll/WHO/EOP [ WHO ] <Colleen M. Carroll>;James W. Carroll/WHO/EOP [ WHO ] <James W. Carroll>;Pamela R. Casey/WHO/EOP [ WHO ] <Pamela R. Casey>;Patrick J. Casey/WHO/EOP [ WHO ] <Patrick J. Casey>;Lois A. Cassano/WHO/EOP@Exchange [ WHO ] <Lois A. Cassano>;Jennifer Cervantes/WHO/EOP [ WHO ] <Jennifer Cervantes>;Kirsten A. Chadwick/WHO/EOP@Exchange [ WHO ] <Kirsten A. Chadwick>;Daniel L. Chafin/WHO/EOP [ WHO ] <Daniel L. Chafin>;Shane P. Chambers/WHO/EOP@Exchange [ WHO ] <Shane P. Chambers>;Katherine M. Channell/WHO/EOP [ WHO ] <Katherine M. Channell>;Angela A. Chinque/WHO/EOP [ WHO ] <Angela A. Chinque>;Linwood Chisholm/WHO/EOP [ WHO ] <Linwood Chisholm>;ZaFreen Chowdhury/WHO/EOP [ WHO ] <ZaFreen Chowdhury>;Andrew D. Ciafardini/WHO/EOP [ WHO ] <Andrew D. Ciafardini>;Eric J. Ciliberti/WHO/EOP [ WHO ] <Eric J. Ciliberti>;Frank Cilluffo/WHO/EOP [ WHO ] <Frank Cilluffo>;Joseph Clancy/WHO/EOP [ WHO ] <Joseph Clancy>;Kay F. Clarke/WHO/EOP [ WHO ] <Kay F. Clarke>;Alicia P. Clark/WHO/EOP [ WHO ] <Alicia P. Clark>;James E. Clark/WHO/EOP [ WHO ] <James E. Clark>;Karen D. Clark/WHO/EOP [ WHO ] <Karen D. Clark>;Stephen L. Clark/WHO/EOP [ WHO ] <Stephen L. Clark>;Ralph J. Clemens/WHO/EOP [ WHO ] <Ralph J. Clemens>;Miriam J. Clement/WHO/EOP [ WHO ] <Miriam J. Clement>;Carolyn E. Cleveland/WHO/EOP@Exchange [ WHO ] <Carolyn E. Cleveland>;Elizabeth E. Coker/WHO/EOP [ WHO ] <Elizabeth E. Coker>;Ronald S. Colburn/WHO/EOP [ WHO ] <Ronald S. Colburn>;Jesse Connors/WHO/EOP [ WHO ] <Jesse Connors>;Thais C. Conway/WHO/EOP [ WHO ] <Thais C. Conway>;Mark W. Cooper/WHO/EOP [ WHO ] <Mark W. Cooper>;Rory S. Cooper/WHO/EOP [ WHO ] <Rory S. Cooper>;Tamar Cooper/WHO/EOP [ WHO ] <Tamar Cooper>;Timothy A. Cornell/WHO/EOP [ WHO ] <Timothy A. Cornell>;Brian S. Cossiboom/WHO/EOP [ WHO ] <Brian S. Cossiboom>;Margaret Cousley/WHO/EOP [ WHO ] <Margaret Cousley>;Christopher Coverdell/WHO/EOP [ WHO ] <Christopher Coverdell>;Edward Cowling/WHO/EOP [ WHO ] <Edward Cowling>;Christopher C.

READ:UNKNOWN  
TO:David J. Patterson ( CN=David J. Patterson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dennis C. Patterson ( CN=Dennis C. Patterson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Richard S. Paulus ( CN=Richard S. Paulus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Beth Pedison ( CN=Beth Pedison/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Sarah Penny ( CN=Sarah Penny/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brian Peterman ( CN=Brian Peterman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Catherine E. Peterson ( CN=Catherine E. Peterson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Bruce W. Peters ( CN=Bruce W. Peters/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sarah Pfeifer ( CN=Sarah Pfeifer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Hillary D. Phelps ( CN=Hillary D. Phelps/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Janet M. Philips ( CN=Janet M. Philips/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Garry L. Phillips ( CN=Garry L. Phillips/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Mary K. Pigg ( CN=Mary K. Pigg/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nina Pinto ( CN=Nina Pinto/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kasey S. Pipes ( CN=Kasey S. Pipes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth Pitts ( CN=Elizabeth Pitts/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wade Plunkett ( CN=Wade Plunkett/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lewis Podolske ( CN=Lewis Podolske/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robert M. Pohl ( CN=Robert M. Pohl/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nancy Pomerleau ( CN=Nancy Pomerleau/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Conley V. Poole ( CN=Conley V. Poole/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory J. Popadiuk ( CN=Gregory J. Popadiuk/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin H. Porritt ( CN=Benjamin H. Porritt/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dina Powell ( CN=Dina Powell/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Glenn W. Powell ( CN=Glenn W. Powell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alexander Powers ( CN=Alexander Powers/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robert T. Pratt Jr ( CN=Robert T. Pratt Jr/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katherine M. Prendergast ( CN=Katherine M. Prendergast/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Melissa R. Price ( CN=Melissa R. Price/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Suzanne Primoff ( CN=Suzanne Primoff/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Clare Pritchett ( CN=Clare Pritchett/OU=WHO/O=EOP@Exchange [ WHO ] )



READ:UNKNOWN  
TO:Kristopher N. Purcell ( CN=Kristopher N. Purcell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ben Quevedo ( CN=Ben Quevedo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lori J. Raad ( CN=Lori J. Raad/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:David B. Rachelson ( CN=David B. Rachelson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Susan B. Ralston Senior Advisor ( CN=Susan B. Ralston Senior Advisor/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Presley Reader ( CN=Presley Reader/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:James M. Reagan ( CN=James M. Reagan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jason Recher ( CN=Jason Recher/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gilbert Reed ( CN=Gilbert Reed/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Meghan Reese ( CN=Meghan Reese/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Shelley Reese ( CN=Shelley Reese/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:James M. Reid ( CN=James M. Reid/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Margaret A. Reid ( CN=Margaret A. Reid/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Peter Reid ( CN=Peter Reid/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeannette B. Reilly ( CN=Jeannette B. Reilly/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen Repp ( CN=Stephen Repp/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael D. Resnick ( CN=Michael D. Resnick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tim Reynolds ( CN=Tim Reynolds/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Katherine A. Rhodes ( CN=Katherine A. Rhodes/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Thomas J. Ridge ( CN=Thomas J. Ridge/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:January M. Riecke ( CN=January M. Riecke/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Allison L. Riepenhoff ( CN=Allison L. Riepenhoff/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Ryder Riess ( CN=Ryder Riess/OU=WHO/O=EOP [ WHO ] )  
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TO:Krista L. Ritacco ( CN=Krista L. Ritacco/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Samuel Ritchie ( CN=Samuel Ritchie/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gertrude A. Roddick ( CN=Gertrude A. Roddick/OU=WHO/O=EOP [ WHO ] )  
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TO:Leonard B. Rodriguez ( CN=Leonard B. Rodriguez/OU=WHO/O=EOP [ WHO ] )  
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TO:Noelia Rodriguez ( CN=Noelia Rodriguez/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brian J. Roehrkasse ( CN=Brian J. Roehrkasse/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Mark V. Rosenker ( CN=Mark V. Rosenker/OU=WHO/O=EOP [ WHO ] )  
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TO:Edward J. Rossillo ( CN=Edward J. Rossillo/OU=WHO/O=EOP [ WHO ] )  
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TO:James J. Ross ( CN=James J. Ross/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Julius Rothstein ( CN=Julius Rothstein/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Maria H. Roumel ( CN=Maria H. Roumel/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Emory Rounds ( CN=Emory Rounds/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dexter L. Rountree ( CN=Dexter L. Rountree/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Karl C. Rove ( CN=Karl C. Rove/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Eileen M. Rowley ( CN=Eileen M. Rowley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jill C. Rowley ( CN=Jill C. Rowley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kathryn E. Rust ( CN=Kathryn E. Rust/OU=WHO/O=EOP [ WHO ] )  
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TO:Catharine A. Ryun ( CN=Catharine A. Ryun/OU=WHO/O=EOP [ WHO ] )  
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TO:Malgorzata Sadowska ( CN=Malgorzata Sadowska/OU=WHO/O=EOP [ WHO ] )  
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TO:Margarita Salazar ( CN=Margarita Salazar/OU=WHO/O=EOP [ WHO ] )  
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TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )  
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TO:Wendell A. Samuels ( CN=Wendell A. Samuels/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael A. Sanders ( CN=Michael A. Sanders/OU=WHO/O=EOP [ WHO ] )  
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TO:Ronald Sanders ( CN=Ronald Sanders/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:G. Timothy Saunders ( CN=G. Timothy Saunders/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lori Saunders ( CN=Lori Saunders/OU=WHO/O=EOP [ WHO ] )  
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TO:Anne Savage ( CN=Anne Savage/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Virginia B. Saxton ( CN=Virginia B. Saxton/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Desiree T. Sayle ( CN=Desiree T. Sayle/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elisabeth C. Scheneman ( CN=Elisabeth C. Scheneman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP [ WHO ] )  
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TO:Daniel C. Schneider ( CN=Daniel C. Schneider/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John T. Schramm ( CN=John T. Schramm/OU=WHO/O=EOP [ WHO ] )  
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TO:Lisa B. Schreiber Hughes ( CN=Lisa B. Schreiber Hughes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Aaron D. Schwitters ( CN=Aaron D. Schwitters/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew A. Scogin ( CN=Matthew A. Scogin/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew Scully ( CN=Matthew Scully/OU=WHO/O=EOP [ WHO ] )  
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TO:Peter Scully ( CN=Peter Scully/OU=WHO/O=EOP [ WHO ] )  
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TO:Scott Sechser ( CN=Scott Sechser/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Zachary Seely ( CN=Zachary Seely/OU=WHO/O=EOP [ WHO ] )  
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TO:Eugene Seybold ( CN=Eugene Seybold/OU=WHO/O=EOP [ WHO ] )  
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TO:Scott N. Sforza ( CN=Scott N. Sforza/OU=WHO/O=EOP [ WHO ] )  
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TO:Richard Shanor ( CN=Richard Shanor/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Jason S. Sharp ( CN=Jason S. Sharp/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael A. Sharp ( CN=Michael A. Sharp/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Morad Shayegan ( CN=Morad Shayegan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Erin S. Shelton ( CN=Erin S. Shelton/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cynthia L. Shourds ( CN=Cynthia L. Shourds/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wendy W. Showers ( CN=Wendy W. Showers/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Patricia Shumaker ( CN=Patricia Shumaker/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jason R. Simmerman ( CN=Jason R. Simmerman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Virginia E. Simms ( CN=Virginia E. Simms/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Catherine M. Simonds ( CN=Catherine M. Simonds/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew Simon ( CN=Andrew Simon/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wandra E. Simpson ( CN=Wandra E. Simpson/OU=WHO/O=EOP [ WHO ] )  
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TO:John Sisco ( CN=John Sisco/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Douglas W. Slade ( CN=Douglas W. Slade/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul M. Slaton ( CN=Paul M. Slaton/OU=WHO/O=EOP [ WHO ] )  
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REMINDER: A response to the attached memorandum from the White House  
Counsel,s Office is due by COB today, Monday, June 16.

REV\_00122145

If you have not already done so, please print the attached documents,  
follow the steps outlined in the memorandum and return your signed  
certification as described in the memorandum.  
Please contact Jennifer Newstead at 456-1984 if you have any questions.  
Thank you for your help.

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June 9, 2003

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF  
OFFICE OF POLICY DEVELOPMENT STAFF  
NATIONAL SECURITY COUNCIL STAFF

FROM: ALBERTO R. GONZALES, COUNSEL TO THE PRESIDENT

SUBJECT: NATIONAL COMMISSION ON TERRORIST ATTACKS "EOP  
DOCUMENT REQUEST NO. 2"

**Please read this entire memorandum carefully. It deals with legal obligations that apply to you.**

The National Commission on Terrorist Attacks Upon the United States ("Commission") was established in the legislative branch, principally to inquire into, and report to the President and Congress on, the terrorists attacks of September 11, 2001 and the extent of U.S. preparedness for and immediate response to the attacks (Public Law 107-306, November 27, 2002). The Executive Office of the President (EOP) is cooperating with the Commission effort, consistent with the policy set forth in the memorandum of March 19, 2003 from the President's Chief of Staff.

The Commission has submitted "EOP Document Request No. 2" (attached) seeking executive materials from the EOP. The first category of materials sought by "EOP Document Request No. 2" will be the subject of a separate memorandum. The remaining categories are:

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.
3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President.
4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001 that concerned domestic policy responses to the terrorist attacks upon the United States.
5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

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You must complete the following steps expeditiously:

1. Search for all materials you possess or control that fall within any of the categories set forth above. Your search for materials must be reasonable, diligent, and conducted in good faith, and must include any materials which may previously have been sent to the Office of Records Management. Retrieve all materials that fall within any of the categories set forth above and photocopy them.
2. Complete the attached certification, attach any photocopies produced under Step 1, and submit the certification and photocopies to Elizabeth Farrell 456-5942, EEOB Room 154, as early as possible but in all events not later than the close of business on Monday, June 16, 2003. NSC staff should submit their signed certification, along with any photocopies produced under Step 1, to William Leary, in the NSC Records Directorate, EEOP Room 392, 456-9201, as early as possible but in all events not later than the close of business on Monday, June 16, 2003.

Also, please be aware that we anticipate additional Commission requests for information concerning the extent of U.S. preparedness for and immediate response to the terrorist attacks of September 11, 2001. It is important that you and your staff preserve all records which may potentially be responsive to this or a future request.

Please call Jennifer Newstead, Associate White House Counsel, at 456-1984, if you have any questions. Thank you for your assistance.

CERTIFICATION BY EMPLOYEE

(in response to "EOP Document Request No. 2" dated June 4, 2003  
from the National Commission on Terrorist Attacks Upon the United States)

(Check one item as appropriate, sign, and date,  
and submit to the Office of the Counsel to the President by June 16, 2003)

\_\_\_\_\_ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have produced with this certification photocopies of all such responsive documents to the Office of the Counsel to the President.

\_\_\_\_\_ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have no such documents.

\_\_\_\_\_  
Signature of Individual Making Certification

\_\_\_\_\_  
Date

Printed Name: \_\_\_\_\_

Telephone No.: \_\_\_\_\_



Thomas H. Kean  
CHAIR

Lee H. Hamilton  
VICE CHAIR

Richard Ben-Veniste

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Blake Gorton

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Philip D. Zelikow  
EXECUTIVE DIRECTOR

## EOP DOCUMENT REQUEST No. 2

The National Commission on Terrorist Attacks Upon the United States (the "Commission") requests that the Executive Office of the President (the "respondent") provide the Commission with the following documents and information no later than June 25, 2003 (the "production date"). The Commission requests that the respondent inform the Commission promptly if the production date poses a problem for certain categories of documents, such as documents from the previous Administration that may be in the custody of the National Archives and Records Administration, and meet promptly with the Commission staff to set a schedule for the production of those documents.

1. The briefing materials prepared or compiled by NSC staff and distributed to attendees for; any summaries prepared or compiled by NSC staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by NSC staff of Principals and Deputies Committee meetings held from January 1, 1998, through September 20, 2001 that concerned:

- (a) Al-Qa'ida, Usama bin Laden, and/or Afghanistan;
- (b) the policy and budget development, implementation, or review of the overall counterterrorism policies of the United States, including PDD-62 (1998), the Five Year Counterterrorism Plan, and any successor NSPDs; and/or
- (c) counterterrorism issues involving threats to or attacks on the United States or American persons or assets in relations with Malaysia, Pakistan, Saudi Arabia, Sudan, the United Arab Emirates, and Yemen, other than materials that focus only on Palestinian terrorist activities.

Principals meetings include any such meeting whether chaired by the President or by the National Security Adviser. This request applies to principals or deputies level meetings addressing these topics wholly or in part regardless of the title used for the group or whether conducted in person or by SVTS, including meetings of the "Foreign Policy Team," the "Small Group," and the Counterterrorism Security Group (including CSG meetings chaired by the National Coordinator), as well as relevant meetings at Camp David.

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

TEL (202) 331-4060  
FAX (202) 296-5545  
www.9-11commission.gov

## EOP DOCUMENT REQUEST No. 2

Page 2

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President. (A request for such documents directed to the Office of the Vice President will be submitted separately.)
4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001, that concerned domestic policy responses to the terrorist attacks upon the United States.
5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

The Commission requests that the documents requested above be provided as soon as they are available, even though all requested documents may not be provided at the same time, through means of a "rolling" production.

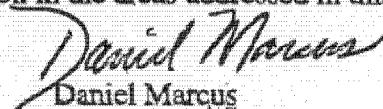
If any requested documents are withheld from production, even temporarily, based on an alleged claim of privilege or for any other reason, the Commission requests that the respondent, as soon as possible and in no event later than the production date, identify and describe each such document or class of documents, as well as the alleged basis for not producing it, with sufficient specificity to allow a meaningful challenge to any such withholding.

If the respondent does not have possession, custody or control of any requested documents but has information about where such documents may be located, the Commission requests that the respondent provide such information as soon as possible and in no event later than the production date.

If the respondent has any questions or concerns about the interpretation or scope of these document requests, the Commission requests that any such questions or concerns be raised with the Commission as soon as possible so that any such issues can be addressed and resolved prior to the production date.

The Commission intends to make further document requests as its work develops and reserves the right to request additional documents and information in the areas addressed in this request.

June 4, 2003

  
Daniel Marcus  
General Counsel

Vogel/WHO/EOP [ WHO ] <Daniel Vogel>;Jennifer D. Vosko/WHO/EOP [ WHO ] <Jennifer D. Vosko>;Eric A. Walker OHS TCIMD DO/WHO/EOP [ WHO ] <Eric A. Walker OHS TCIMD DO>;Eric A. Walker/WHO/EOP [ WHO ] <Eric A. Walker>;Helgard C. Walker/WHO/EOP [ WHO ] <Helgard C. Walker>;Charity Wallace/WHO/EOP [ WHO ] <Charity Wallace>;Dennis J. Walsh/WHO/EOP [ WHO ] <Dennis J. Walsh>;Edmund A. Walsh/WHO/EOP [ WHO ] <Edmund A. Walsh>;Peter S. Watkins/WHO/EOP [ WHO ] <Peter S. Watkins>;Tiffany A. Watkins/WHO/EOP [ WHO ] <Tiffany A. Watkins>;Beatrice Watts/WHO/EOP [ WHO ] <Beatrice Watts>;Bradley Wayman/WHO/EOP [ WHO ] <Bradley Wayman>;David S. Weed/WHO/EOP [ WHO ] <David S. Weed>;Peter H. Wehner/WHO/EOP [ WHO ] <Peter H. Wehner>;Vicki S. Weinberg/WHO/EOP [ WHO ] <Vicki S. Weinberg>;Jared B. Weinstein/WHO/EOP@Exchange [ WHO ] <Jared B. Weinstein>;Matthew L. Wendel/WHO/EOP [ WHO ] <Matthew L. Wendel>;Kristin Werkhoven/WHO/EOP [ WHO ] <Kristin Werkhoven>;Lezlee J. Westine/WHO/EOP [ WHO ] <Lezlee J. Westine>;Howard R. Westray/WHO/EOP [ WHO ] <Howard R. Westray>;Christal R. West/WHO/EOP@Exchange [ WHO ] <Christal R. West>;Jeremy L. White FBCI/WHO/EOP [ WHO ] <Jeremy L. White FBCI>;Donald W. Whitecotton/WHO/EOP [ WHO ] <Donald W. Whitecotton>;Bentley White/WHO/EOP [ WHO ] <Bentley White>;Erin White/WHO/EOP [ WHO ] <Erin White>;Jeremy L. White/WHO/EOP [ WHO ] <Jeremy L. White>;Worthington W. White/WHO/EOP [ WHO ] <Worthington W. White>;Jeremiah Whitson/WHO/EOP [ WHO ] <Jeremiah Whitson>;Morris Wilkes/WHO/EOP [ WHO ] <Morris Wilkes>;Nancy K. Willeford/WHO/EOP [ WHO ] <Nancy K. Willeford>;Beverly D. Williams/WHO/EOP [ WHO ] <Beverly D. Williams>;Cynthia F. Williams/WHO/EOP [ WHO ] <Cynthia F. Williams>;Elizabeth Williams/WHO/EOP [ WHO ] <Elizabeth Williams>;Jan E. Williams/WHO/EOP [ WHO ] <Jan E. Williams>;Jennifer L. Williams/WHO/EOP [ WHO ] <Jennifer L. Williams>;John Williams/WHO/EOP [ WHO ] <John Williams>;Patricia Williams/WHO/EOP [ WHO ] <Patricia Williams>;Sherman A. Williams/WHO/EOP [ WHO ] <Sherman A. Williams>;Grace Willson/WHO/EOP [ WHO ] <Grace Willson>;Lauren L. Willson/WHO/EOP [ WHO ] <Lauren L. Willson>;Aiesha A. Wilson/WHO/EOP [ WHO ] <Aiesha A. Wilson>;Christian Woelk/WHO/EOP [ WHO ] <Christian Woelk>;Harry W. Wolff/WHO/EOP@Exchange [ WHO ] <Harry W. Wolff>;Robin M. Womack/WHO/EOP [ WHO ] <Robin M. Womack>;Women's Office/WHO/EOP [ WHO ] <Women's Office>;Mary Woods/WHO/EOP [ WHO ] <Mary Woods>;Gayle S. Worthy/WHO/EOP [ WHO ] <Gayle S. Worthy>;Jennifer A. Wray/WHO/EOP [ WHO ] <Jennifer A. Wray>;Liza Wright/WHO/EOP [ WHO ] <Liza Wright>;James A. Yeager/WHO/EOP [ WHO ] <James A. Yeager>;Reginald D. Young Jr./WHO/EOP [ WHO ] <Reginald D. Young Jr.>;Patricia L. Young/WHO/EOP [ WHO ] <Patricia L. Young>;Tracy Young/WHO/EOP [ WHO ] <Tracy Young>;Jacob H. Yunker/WHO/EOP@Exchange [ WHO ] <Jacob H. Yunker>;Bruce Zanca/WHO/EOP [ WHO ] <Bruce Zanca>;Jennifer Zangara/WHO/EOP [ WHO ] <Jennifer Zangara>;Bridget Zarate/WHO/EOP [ WHO ] <Bridget Zarate>;Matthew Zartman/WHO/EOP [ WHO ] <Matthew Zartman>;DeWitt Zemp/WHO/EOP [ WHO ] <DeWitt Zemp>;Gregory Zimmerman/WHO/EOP [ WHO ] <Gregory Zimmerman>;Mara Zimmerman/WHO/EOP [ WHO ] <Mara Zimmerman>;Neil H. Zimmerman/WHO/EOP [ WHO ] <Neil H. Zimmerman>

**Sent:** 6/16/2003 10:13:41 AM

**Subject:** : ADMINISTRATIVE ALERT: Important Reminder From White House Counsel's Office

**Attachments:** 03754\_p\_3hj00007\_who.txt\_1.doc; 03754\_p\_3hj00007\_who.txt\_2.pdf

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:PostMaster ( CN=PostMaster/O=EOP [ OA ] )

CREATION DATE/TIME:16-JUN-2003 14:13:41.00

SUBJECT:: ADMINISTRATIVE ALERT: Important Reminder From White House Counsel's Office

TO:Lewis Libby ( CN=Lewis Libby/OU=OVP/O=EOP@Exchange [ OVP ] )

READ:UNKNOWN

TO:Charles S. Abbot ( CN=Charles S. Abbot/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Allen K. Abney ( CN=Allen K. Abney/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

TO:Gilbert R. Aguirre ( CN=Gilbert R. Aguirre/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

TO:Victoria Ahaev ( CN=Victoria Ahaev/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

TO:David Aidekman ( CN=David Aidekman/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

TO:Robbie Aiken ( CN=Robbie Aiken/OU=WHO/O=EOP [ WHO ] )

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READ:UNKNOWN  
TO:Barrett Aldemeyer ( CN=Barrett Aldemeyer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Phillips M. Alicia ( CN=Phillips M. Alicia/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cristina Allegretti ( CN=Cristina Allegretti/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Leeda A. Allen ( CN=Leeda A. Allen/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael Allen ( CN=Michael Allen/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:L. Linus Amorsingh ( CN=L. Linus Amorsingh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Meredith Anderson WH AGL BULK ( CN=Meredith Anderson WH AGL BULK/OU=WHO/O=EOP [ WHO ] )  
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TO:Catherine S. Anderson ( CN=Catherine S. Anderson/OU=WHO/O=EOP [ WHO ] )  
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TO:David Anderson ( CN=David Anderson/OU=WHO/O=EOP [ WHO ] )  
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TO:Peder Anderson ( CN=Peder Anderson/OU=WHO/O=EOP [ WHO ] )  
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TO:Mary C. Andrews ( CN=Mary C. Andrews/OU=WHO/O=EOP [ WHO ] )  
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TO:Richard E. Antaya ( CN=Richard E. Antaya/OU=WHO/O=EOP [ WHO ] )  
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TO:Katherine Anthony ( CN=Katherine Anthony/OU=WHO/O=EOP [ WHO ] )  
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TO:Jackie Arends ( CN=Jackie Arends/OU=WHO/O=EOP [ WHO ] )  
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TO:Elisabeth Armstead ( CN=Elisabeth Armstead/OU=WHO/O=EOP [ WHO ] )  
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TO:John Arnett ( CN=John Arnett/OU=WHO/O=EOP [ WHO ] )  
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TO>Listi Arnold ( CN>Listi Arnold/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Paul Ashin ( CN=Paul Ashin/OU=WHO/O=EOP [ WHO ] )  
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TO:Christine K. Baer ( CN=Christine K. Baer/OU=WHO/O=EOP [ WHO ] )  
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TO:Joel B. Bagnal OHS TCIMD DO ( CN=Joel B. Bagnal OHS TCIMD DO/OU=WHO/O=EOP [ WHO ] )  
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TO:Jenica Baldwin ( CN=Jenica Baldwin/OU=WHO/O=EOP [ WHO ] )  
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TO:David Ballard ( CN=David Ballard/OU=WHO/O=EOP [ WHO ] )  
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TO:Allison Barber ( CN=Allison Barber/OU=WHO/O=EOP [ WHO ] )  
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TO:Healy E. Baumgardner ( CN=Healy E. Baumgardner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Eileen F. Bean ( CN=Eileen F. Bean/OU=WHO/O=EOP [ WHO ] )  
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TO:Darren W. Bearson ( CN=Darren W. Bearson/OU=WHO/O=EOP [ WHO ] )  
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TO:Emmaley Becker ( CN=Emmaley Becker/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Kathy J. Becker ( CN=Kathy J. Becker/OU=WHO/O=EOP [ WHO ] )  
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TO:Stacey Bellet ( CN=Stacey Bellet/OU=WHO/O=EOP [ WHO ] )  
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TO:Kathryn E. Bell ( CN=Kathryn E. Bell/OU=WHO/O=EOP [ WHO ] )  
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TO:Kaylene Bettis ( CN=Kaylene Bettis/OU=WHO/O=EOP [ WHO ] )  
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READ:UNKNOWN



TO:Avery Broadbent ( CN=Avery Broadbent/OU=WHO/O=EOP [ WHO ] )  
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TO:Therese Burch ( CN=Therese Burch/OU=WHO/O=EOP [ WHO ] )  
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TO:Amanda K. Burdick ( CN=Amanda K. Burdick/OU=WHO/O=EOP [ WHO ] )  
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TO:Lisa Burgess ( CN=Lisa Burgess/OU=WHO/O=EOP [ WHO ] )  
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TO:John G. Burke ( CN=John G. Burke/OU=WHO/O=EOP [ WHO ] )  
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TO:Thomas Burke ( CN=Thomas Burke/OU=WHO/O=EOP [ WHO ] )  
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TO:Patrick Burns ( CN=Patrick Burns/OU=WHO/O=EOP [ WHO ] )  
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TO:Susan M. Burns ( CN=Susan M. Burns/OU=WHO/O=EOP [ WHO ] )  
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TO:Lindsay Burton ( CN=Lindsay Burton/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew Byrne ( CN=Matthew Byrne/OU=WHO/O=EOP [ WHO ] )  
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TO:Marissa Cain ( CN=Marissa Cain/OU=WHO/O=EOP [ WHO ] )  
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TO:William Cameron ( CN=William Cameron/OU=WHO/O=EOP [ WHO ] )  
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TO:Anne E. Campbell ( CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Frances L. Campbell ( CN=Frances L. Campbell/OU=WHO/O=EOP [ WHO ] )  
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TO:Sarah Campbell ( CN=Sarah Campbell/OU=WHO/O=EOP [ WHO ] )  
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TO:Andrew H. Card ( CN=Andrew H. Card/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Stanley W. Carlson-Thies ( CN=Stanley W. Carlson-Thies/OU=WHO/O=EOP [ WHO ] )  
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TO:Ann Carmichael ( CN=Ann Carmichael/OU=WHO/O=EOP [ WHO ] )  
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TO:Pamela P. Carpenter ( CN=Pamela P. Carpenter/OU=WHO/O=EOP [ WHO ] )  
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TO:Colleen M. Carroll ( CN=Colleen M. Carroll/OU=WHO/O=EOP [ WHO ] )  
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TO:Pamela R. Casey ( CN=Pamela R. Casey/OU=WHO/O=EOP [ WHO ] )  
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TO:Carolyn E. Cleveland ( CN=Carolyn E. Cleveland/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth E. Coker ( CN=Elizabeth E. Coker/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Ronald S. Colburn ( CN=Ronald S. Colburn/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jesse Connors ( CN=Jesse Connors/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Thais C. Conway ( CN=Thais C. Conway/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Mark W. Cooper ( CN=Mark W. Cooper/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Rory S. Cooper ( CN=Rory S. Cooper/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tamar Cooper ( CN=Tamar Cooper/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Timothy A. Cornell ( CN=Timothy A. Cornell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brian S. Cossiboom ( CN=Brian S. Cossiboom/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Margaret Cousley ( CN=Margaret Cousley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christopher Coverdell ( CN=Christopher Coverdell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Edward Cowling ( CN=Edward Cowling/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christopher C. Cox ( CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Lynn A. Crable ( CN=Lynn A. Crable/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Justin Crawford ( CN=Justin Crawford/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Anne C. Crowther ( CN=Anne C. Crowther/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Courtney Crow ( CN=Courtney Crow/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cameron Cushman ( CN=Cameron Cushman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christopher B. Cutchall ( CN=Christopher B. Cutchall/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John J. Daly ( CN=John J. Daly/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John Danilovich ( CN=John Danilovich/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carlton J. Davis ( CN=Carlton J. Davis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jane H. Davis ( CN=Jane H. Davis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer L. Davis ( CN=Jennifer L. Davis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael Davis ( CN=Michael Davis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Anna Dawson ( CN=Anna Dawson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Bradford D. Dayspring ( CN=Bradford D. Dayspring/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Josh Deckard ( CN=Josh Deckard/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Mary K. DeFehr ( CN=Mary K. DeFehr/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Suzy DeFrancis ( CN=Suzy DeFrancis/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Danilo DeGuzman Jr. ( CN=Danilo DeGuzman Jr./OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nina DeLorenzo ( CN=Nina DeLorenzo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Melanie DeMayo ( CN=Melanie DeMayo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Meghan Derksen ( CN=Meghan Derksen/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Robert Deservi ( CN=Robert Deservi/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nicolle Devenish ( CN=Nicolle Devenish/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Rory J. Diamond ( CN=Rory J. Diamond/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Reed Dickens ( CN=Reed Dickens/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Lana Dickey ( CN=Lana Dickey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Rhonda B. Djossou ( CN=Rhonda B. Djossou/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeffrey R. Donegan ( CN=Jeffrey R. Donegan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth H. Donnan ( CN=Elizabeth H. Donnan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Diana C. Donnelly ( CN=Diana C. Donnelly/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jacqueline Donohue ( CN=Jacqueline Donohue/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joan R. Doty ( CN=Joan R. Doty/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:James C. Douglas ( CN=James C. Douglas/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Penny G. Douglas ( CN=Penny G. Douglas/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Eric A. Draper ( CN=Eric A. Draper/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Philip C. Droege ( CN=Philip C. Droege/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley D. Drummond ( CN=Ashley D. Drummond/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael Drummond ( CN=Michael Drummond/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sara-Elena Dryden ( CN=Sara-Elena Dryden/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cliff Dubose ( CN=Cliff Dubose/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:L. Burke Duncan ( CN=L. Burke Duncan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Denise A. Dunckel ( CN=Denise A. Dunckel/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kady Dunlap ( CN=Kady Dunlap/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kari M. Dunn ( CN=Kari M. Dunn/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Catherine Dwight ( CN=Catherine Dwight/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul B. Dyck ( CN=Paul B. Dyck/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul Ebb ( CN=Paul Ebb/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ellen E. Eckert ( CN=Ellen E. Eckert/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregg Edgar ( CN=Gregg Edgar/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Damon Edwards ( CN=Damon Edwards/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer Edwards ( CN=Jennifer Edwards/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Laura Edwards ( CN=Laura Edwards/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kimberly Ellison ( CN=Kimberly Ellison/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jamie D. Ellis ( CN=Jamie D. Ellis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Joe Ellis ( CN=Joe Ellis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Linda M. Ellis ( CN=Linda M. Ellis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael H. Ellis ( CN=Michael H. Ellis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nicole Enberg ( CN=Nicole Enberg/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Deborah J. Eng ( CN=Deborah J. Eng/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tucker A. Eskew ( CN=Tucker A. Eskew/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:John D. Estes ( CN=John D. Estes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Madalene E. Evans ( CN=Madalene E. Evans/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wanda M. Evans ( CN=Wanda M. Evans/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Caroline Fair ( CN=Caroline Fair/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Richard Falkenrath ( CN=Richard Falkenrath/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer M. Farley ( CN=Jennifer M. Farley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paddy Feeny ( CN=Paddy Feeny/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Craig Felner ( CN=Craig Felner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Catherine S. Fenton ( CN=Catherine S. Fenton/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Theodore W. Ferm ( CN=Theodore W. Ferm/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeanie L. Figg ( CN=Jeanie L. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kara G. Figg ( CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Heather R. Fitzgerald ( CN=Heather R. Fitzgerald/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Maureen Flanigan ( CN=Maureen Flanigan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lawrence A. Fleischer ( CN=Lawrence A. Fleischer/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:James H. Fleming ( CN=James H. Fleming/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Romaine C. Flowers ( CN=Romaine C. Flowers/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley N. Fochtman ( CN=Ashley N. Fochtman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew W. Fogarty ( CN=Matthew W. Fogarty/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer Foley ( CN=Jennifer Foley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Maisie Fong ( CN=Maisie Fong/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ransome S. Foose ( CN=Ransome S. Foose/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Geoffrey K. Fowler ( CN=Geoffrey K. Fowler/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lana M. Frankensfield ( CN=Lana M. Frankensfield/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sara A. Frankfurt ( CN=Sara A. Frankfurt/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

TO:Myra B. Freeman ( CN=Myra B. Freeman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph W. Fricks III ( CN=Joseph W. Fricks III/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Angela I. Fritz ( CN=Angela I. Fritz/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:William J. Fugo ( CN=William J. Fugo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Laura F. Fullerton ( CN=Laura F. Fullerton/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christopher Furlow ( CN=Christopher Furlow/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Reed H. Galen ( CN=Reed H. Galen/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Linda M. Gambatesa ( CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Christopher D. Gambill ( CN=Christopher D. Gambill/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jane D. Gannon ( CN=Jane D. Gannon/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kelley Gannon ( CN=Kelley Gannon/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeffery W. Garland ( CN=Jeffery W. Garland/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dorothy C. Garvin ( CN=Dorothy C. Garvin/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Lashawn Gaskins ( CN=Lashawn Gaskins/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Luz Gelabert ( CN=Luz Gelabert/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph H. Gerdes ( CN=Joseph H. Gerdes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael J. Gerson ( CN=Michael J. Gerson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Julie A. Giardina ( CN=Julie A. Giardina/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Faisal M. Gill ( CN=Faisal M. Gill/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Georgia D. Godfrey ( CN=Georgia D. Godfrey/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Barbara J. Goergen ( CN=Barbara J. Goergen/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Adam B. Goldman ( CN=Adam B. Goldman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Alessandra L. Gonzalez ( CN=Alessandra L. Gonzalez/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley Goodrich-Mahoney ( CN=Ashley Goodrich-Mahoney/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robert F. Goodwin ( CN=Robert F. Goodwin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Terry W. Good ( CN=Terry W. Good/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Janet V. Gordon ( CN=Janet V. Gordon/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John Gordon ( CN=John Gordon/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Leonardo F. Gorordo ( CN=Leonardo F. Gorordo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Blake Gottesman ( CN=Blake Gottesman/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Donna B. Gottshall ( CN=Donna B. Gottshall/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

**From:** CN=PostMaster/O=EOP [ OA ]  
**To:** Lewis Libby/OVP/EOP@Exchange [ OVP ] <Lewis Libby>;Charles S. Abbot/WHO/EOP@Exchange [ WHO ] <Charles S. Abbot>;Allen K. Abney/WHO/EOP [ WHO ] <Allen K. Abney>;Gilbert R. Aguirre/WHO/EOP [ WHO ] <Gilbert R. Aguirre>;Victoria Ahaev/WHO/EOP [ WHO ] <Victoria Ahaev>;David Aidekman/WHO/EOP [ WHO ] <David Aidekman>;Robbie Aiken/WHO/EOP [ WHO ] <Robbie Aiken>;Barrett Aldemeyer/WHO/EOP [ WHO ] <Barrett Aldemeyer>;Phillips M. Alicia/WHO/EOP [ WHO ] <Phillips M. Alicia>;Cristina Allegretti/WHO/EOP@Exchange [ WHO ] <Cristina Allegretti>;Leeda A. Allen/WHO/EOP [ WHO ] <Leeda A. Allen>;Michael Allen/WHO/EOP [ WHO ] <Michael Allen>;L. Linus Amorsingh/WHO/EOP [ WHO ] <L. Linus Amorsingh>;Meredith Anderson WH AGL BULK/WHO/EOP [ WHO ] <Meredith Anderson WH AGL BULK>;Catherine S. Anderson/WHO/EOP [ WHO ] <Catherine S. Anderson>;David Anderson/WHO/EOP [ WHO ] <David Anderson>;Meredith Anderson/WHO/EOP [ WHO ] <Meredith Anderson>;Peder Anderson/WHO/EOP [ WHO ] <Peder Anderson>;Theresa R. Anderson/WHO/EOP [ WHO ] <Theresa R. Anderson>;Mary C. Andrews/WHO/EOP [ WHO ] <Mary C. Andrews>;Richard E. Antaya/WHO/EOP [ WHO ] <Richard E. Antaya>;Katherine Anthony/WHO/EOP [ WHO ] <Katherine Anthony>;Jackie Arends/WHO/EOP [ WHO ] <Jackie Arends>;Elisabeth Armstead/WHO/EOP [ WHO ] <Elisabeth Armstead>;Sara W. Armstrong/WHO/EOP@Exchange [ WHO ] <Sara W. Armstrong>;John Arnett/WHO/EOP [ WHO ] <John Arnett>;Listi Arnold/WHO/EOP@Exchange [ WHO ] <Listi Arnold>;William L. Arritt/WHO/EOP [ WHO ] <William L. Arritt>;Paul Ashin/WHO/EOP [ WHO ] <Paul Ashin>;Carolyn F. Atkinson Volunteers/WHO/EOP [ WHO ] <Carolyn F. Atkinson Volunteers>;Carolyn F. Atkinson/WHO/EOP [ WHO ] <Carolyn F. Atkinson>;Chelsey Atkin/WHO/EOP@Exchange [ WHO ] <Chelsey Atkin>;Steven A. Atkiss/WHO/EOP [ WHO ] <Steven A. Atkiss>;Candice L. Attili/WHO/EOP [ WHO ] <Candice L. Attili>;Tyler Auschwitz/WHO/EOP [ WHO ] <Tyler Auschwitz>;Balan R. Ayyar/WHO/EOP [ WHO ] <Balan R. Ayyar>;Chad Babin/WHO/EOP@Exchange [ WHO ] <Chad Babin>;Kimberly A. Badenhop/WHO/EOP [ WHO ] <Kimberly A. Badenhop>;James Baehr/WHO/EOP [ WHO ] <James Baehr>;Christine K. Baer/WHO/EOP [ WHO ] <Christine K. Baer>;Joel B. Bagnal OHS TCIMD DO/WHO/EOP [ WHO ] <Joel B. Bagnal OHS TCIMD DO>;Joel B. Bagnal/WHO/EOP [ WHO ] <Joel B. Bagnal>;Christa J. Bailey/WHO/EOP [ WHO ] <Christa J. Bailey>;Robert T. Bailey/WHO/EOP [ WHO ] <Robert T. Bailey>;Jenica Baldwin/WHO/EOP [ WHO ] <Jenica Baldwin>;David Ballard/WHO/EOP [ WHO ] <David Ballard>;Andrea G. Ball/WHO/EOP@Exchange [ WHO ] <Andrea G. Ball>;Yigal S. Bar-Av/WHO/EOP [ WHO ] <Yigal S. Bar-Av>;Allison Barber/WHO/EOP [ WHO ] <Allison Barber>;Barbara A. Barclay/WHO/EOP@Exchange [ WHO ] <Barbara A. Barclay>;Tiffany L. Barfield/WHO/EOP@Exchange [ WHO ] <Tiffany L. Barfield>;Campbell L. Barks/WHO/EOP [ WHO ] <Campbell L. Barks>;Donna M. Barnes/WHO/EOP [ WHO ] <Donna M. Barnes>;Grace E. Barnes/WHO/EOP [ WHO ] <Grace E. Barnes>;Elisha Barnette/WHO/EOP [ WHO ] <Elisha Barnette>;Ruben S. Barrales/WHO/EOP [ WHO ] <Ruben S. Barrales>;Del Bartee/WHO/EOP [ WHO ] <Del Bartee>;Daniel J. Bartlett/WHO/EOP@Exchange [ WHO ] <Daniel J. Bartlett>;H. Christopher Bartolomucci/WHO/EOP [ WHO ] <H. Christopher Bartolomucci>;Blair A. Bassett/WHO/EOP [ WHO ] <Blair A. Bassett>;Robert Bauer/WHO/EOP [ WHO ] <Robert Bauer>;Healy E. Baumgardner/WHO/EOP [ WHO ] <Healy E. Baumgardner>;Eileen F. Bean/WHO/EOP [ WHO ] <Eileen F. Bean>;Darren W. Bearson/WHO/EOP [ WHO ] <Darren W. Bearson>;Emmaley Becker/WHO/EOP@Exchange [ WHO ] <Emmaley Becker>;Kathy J. Becker/WHO/EOP [ WHO ] <Kathy J. Becker>;Stacey Bellet/WHO/EOP [ WHO ] <Stacey Bellet>;Kathryn E. Bell/WHO/EOP [ WHO ] <Kathryn E. Bell>;Jorge Beltran/WHO/EOP [ WHO ] <Jorge Beltran>;Melissa S. Bennett/WHO/EOP@Exchange [ WHO ] <Melissa S. Bennett>;Latoya Benson/WHO/EOP [ WHO ] <Latoya Benson>;Alexander R. Berger/WHO/EOP [ WHO ] <Alexander R. Berger>;Laura Berg/WHO/EOP [ WHO ] <Laura Berg>;Kenneth Bernard/WHO/EOP [ WHO ] <Kenneth Bernard>;Brian R. Besanceney/WHO/EOP [ WHO ] <Brian R. Besanceney>;George E. Best/WHO/EOP [ WHO ] <George E. Best>;Kaylene Bettis/WHO/EOP [ WHO ] <Kaylene Bettis>;Todd W. Beyer/WHO/EOP [ WHO ] <Todd W. Beyer>;Rebecca A. Beynon/WHO/EOP [ WHO ] <Rebecca A. Beynon>;Thomas A. Bezas/WHO/EOP [ WHO ] <Thomas A. Bezas>;Joann Bingham/WHO/EOP [ WHO ] <Joann Bingham>;Elizabeth Bingold/WHO/EOP [ WHO ] <Elizabeth Bingold>;Mary U. Binns/WHO/EOP [ WHO ] <Mary U. Binns>;Kristin Birdwell/WHO/EOP [ WHO ] <Kristin Birdwell>;Debra D. Bird/WHO/EOP@Exchange [ WHO ] <Debra D. Bird>;Randy L. Blair/WHO/EOP [ WHO ] <Randy L. Blair>;Bradley A. Blakeman/WHO/EOP@Exchange [ WHO ] <Bradley A. Blakeman>;Jeffrey W. Bloemker/WHO/EOP [ WHO ] <Jeffrey W. Bloemker>;Matthew Blomerth/WHO/EOP [ WHO ] <Matthew Blomerth>;John N. Bobbitt/WHO/EOP [ WHO ] <John N. Bobbitt>;Matias Bobenrieth/WHO/EOP [ WHO ] <Matias Bobenrieth>;Michael J. Boisvenue/WHO

TO:Dennis Grace ( CN=Dennis Grace/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephanie E. Grace ( CN=Stephanie E. Grace/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Heather H. Graham ( CN=Heather H. Graham/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lottie B. Graham ( CN=Lottie B. Graham/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kevin B. Graney ( CN=Kevin B. Graney/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Margaret M. Grant ( CN=Margaret M. Grant/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Caleb Graves ( CN=Caleb Graves/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Adrian G. Gray ( CN=Adrian G. Gray/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ann Gray ( CN=Ann Gray/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Emily S. Gray ( CN=Emily S. Gray/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Terra Gray ( CN=Terra Gray/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:William Greene ( CN=William Greene/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Fraser Greenwood ( CN=Fraser Greenwood/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew T. Green ( CN=Matthew T. Green/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Judy Grier ( CN=Judy Grier/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Chad M. Grogan ( CN=Chad M. Grogan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew Groh ( CN=Matthew Groh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brook Grossi ( CN=Brook Grossi/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Taylor S. Gross ( CN=Taylor S. Gross/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Justin A. Grove ( CN=Justin A. Grove/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Darren D. Grubb ( CN=Darren D. Grubb/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Abel Guerra ( CN=Abel Guerra/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jon A. Guest ( CN=Jon A. Guest/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katharina M. Hager ( CN=Katharina M. Hager/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph W. Hagin ( CN=Joseph W. Hagin/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Robert J. Hall ( CN=Robert J. Hall/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nancy G. Hansen ( CN=Nancy G. Hansen/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew D. Hanson ( CN=Andrew D. Hanson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Mary Ann Hanusa ( CN=Mary Ann Hanusa/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth K. Harden ( CN=Elizabeth K. Harden/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Daniel Hardwick ( CN=Daniel Hardwick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Leah J. Harrelson ( CN=Leah J. Harrelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Tobin Harvey ( CN=Tobin Harvey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN



TO:Jordan Hassin ( CN=Jordan Hassin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tracy R. Hatfield ( CN=Tracy R. Hatfield/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Erin M. Hattersley ( CN=Erin M. Hattersley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sarah Hawkins ( CN=Sarah Hawkins/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kathryn J. Hayes ( CN=Kathryn J. Hayes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen F. Hayes ( CN=Stephen F. Hayes/OU=WHO/O=EOP [ WHO ] )  
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TO:John J. Healey ( CN=John J. Healey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Erin E. Healy ( CN=Erin E. Healy/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael Heath ( CN=Michael Heath/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Anne Heiligenstein ( CN=Anne Heiligenstein/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Patrice Heironimus ( CN=Patrice Heironimus/OU=WHO/O=EOP [ WHO ] )  
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TO:Janice A. Heltibridge ( CN=Janice A. Heltibridge/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Chris Henick ( CN=Chris Henick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Aimee L. Henneke ( CN=Aimee L. Henneke/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John R. Henry ( CN=John R. Henry/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth A. Herald ( CN=Elizabeth A. Herald/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Marilyn V. Herald ( CN=Marilyn V. Herald/OU=WHO/O=EOP [ WHO ] )  
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TO:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Heather Heyman ( CN=Heather Heyman/OU=WHO/O=EOP [ WHO ] )  
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TO:Gretchen A. Hirschauer ( CN=Gretchen A. Hirschauer/OU=WHO/O=EOP [ WHO ] )  
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TO:Douglas L. Hoelscher ( CN=Douglas L. Hoelscher/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Grayson Hoffman ( CN=Grayson Hoffman/OU=WHO/O=EOP [ WHO ] )  
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TO:Lewis Hofmann ( CN=Lewis Hofmann/OU=WHO/O=EOP [ WHO ] )  
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TO:Ryan Holladay ( CN=Ryan Holladay/OU=WHO/O=EOP [ WHO ] )  
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TO:Elizabeth A. Holland ( CN=Elizabeth A. Holland/OU=WHO/O=EOP [ WHO ] )  
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TO:Betsy K. Howard ( CN=Betsy K. Howard/OU=WHO/O=EOP [ WHO ] )  
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TO:Dustin D. Huddleston ( CN=Dustin D. Huddleston/OU=WHO/O=EOP [ WHO ] )  
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TO:Manuela Hunt ( CN=Manuela Hunt/OU=WHO/O=EOP [ WHO ] )  
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TO:Lea A. Hutchins ( CN=Lea A. Hutchins/OU=WHO/O=EOP [ WHO ] )  
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TO:Lili Hyder ( CN=Lili Hyder/OU=WHO/O=EOP [ WHO ] )  
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TO:Carmen M. Ingwell ( CN=Carmen M. Ingwell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Richard G. Irwin OHS TCIMD DO ( CN=Richard G. Irwin OHS TCIMD DO/OU=WHO/O=EOP [ WHO ] )  
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TO:Moreen E. Ishikawa ( CN=Moreen E. Ishikawa/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Curtis R. Jablonka ( CN=Curtis R. Jablonka/OU=WHO/O=EOP [ WHO ] )  
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TO:Marilyn R. Jacanin ( CN=Marilyn R. Jacanin/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Barry S. Jackson ( CN=Barry S. Jackson/OU=WHO/O=EOP [ WHO ] )  
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TO:Theodoric C. James Jr ( CN=Theodoric C. James Jr/OU=WHO/O=EOP [ WHO ] )  
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TO:Charles James ( CN=Charles James/OU=WHO/O=EOP [ WHO ] )  
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TO:Gordon C. James ( CN=Gordon C. James/OU=WHO/O=EOP [ WHO ] )  
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TO:Jon Jefferson ( CN=Jon Jefferson/OU=WHO/O=EOP [ WHO ] )  
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TO:Sylvester Jefferson ( CN=Sylvester Jefferson/OU=WHO/O=EOP [ WHO ] )  
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TO:Amy Jensen ( CN=Amy Jensen/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ] )  
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TO:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael Karem ( CN=Michael Karem/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Jennifer M. Katzaman ( CN=Jennifer M. Katzaman/OU=WHO/O=EOP [ WHO ] )  
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TO:Paul Kaurin ( CN=Paul Kaurin/OU=WHO/O=EOP [ WHO ] )  
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TO:Angela C. Kebric ( CN=Angela C. Kebric/OU=WHO/O=EOP [ WHO ] )  
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TO:Josefine Keenan ( CN=Josefine Keenan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sarah B. Keith ( CN=Sarah B. Keith/OU=WHO/O=EOP [ WHO ] )  
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TO:James M. Kelly ( CN=James M. Kelly/OU=WHO/O=EOP [ WHO ] )  
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TO:Samuel B. Kelner ( CN=Samuel B. Kelner/OU=WHO/O=EOP [ WHO ] )  
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TO:Stephen A. Kemmer ( CN=Stephen A. Kemmer/OU=WHO/O=EOP [ WHO ] )  
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TO:Stephanie Kendall ( CN=Stephanie Kendall/OU=WHO/O=EOP [ WHO ] )  
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TO:Daniel J. Keniry ( CN=Daniel J. Keniry/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Usmaan Khalid ( CN=Usmaan Khalid/OU=WHO/O=EOP [ WHO ] )  
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TO:Lydia Khalil ( CN=Lydia Khalil/OU=WHO/O=EOP [ WHO ] )  
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TO:Amanda S. Khan ( CN=Amanda S. Khan/OU=WHO/O=EOP [ WHO ] )  
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TO:Suhail A. Khan ( CN=Suhail A. Khan/OU=WHO/O=EOP [ WHO ] )  
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TO:Amichai Kilchevsky ( CN=Amichai Kilchevsky/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jenny Kim ( CN=Jenny Kim/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen King OHS TCIMD DO ( CN=Stephen King OHS TCIMD DO/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lana M. King ( CN=Lana M. King/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen King ( CN=Stephen King/OU=WHO/O=EOP [ WHO ] )  
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TO:Taeshonnda C. King ( CN=Taeshonnda C. King/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Guy R. Kirby ( CN=Guy R. Kirby/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew Kirk ( CN=Matthew Kirk/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:James R. Kish ( CN=James R. Kish/OU=WHO/O=EOP [ WHO ] )  
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TO:Monica V. Kladakis ( CN=Monica V. Kladakis/OU=WHO/O=EOP [ WHO ] )  
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TO:Jenna K. Klein ( CN=Jenna K. Klein/OU=OMB/O=EOP [ WHO ] )  
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TO:Richard Kolar ( CN=Richard Kolar/OU=WHO/O=EOP [ WHO ] )  
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TO:Christina E. Kolesar ( CN=Christina E. Kolesar/OU=WHO/O=EOP [ WHO ] )  
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TO:Lindsey C. Kozberg ( CN=Lindsey C. Kozberg/OU=WHO/O=EOP [ WHO ] )  
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TO:John Kramerer ( CN=John Kramerer/OU=WHO/O=EOP [ WHO ] )  
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TO:Jeffrey F. Kupfer ( CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Ross M. Kyle ( CN=Ross M. Kyle/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Greg Lagana ( CN=Greg Lagana/OU=WHO/O=EOP [ WHO ] )  
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TO:Samuel A. Lahood ( CN=Samuel A. Lahood/OU=WHO/O=EOP [ WHO ] )  
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TO:Carolene Langie ( CN=Carolene Langie/OU=WHO/O=EOP [ WHO ] )  
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TO:Timothy R. Langley ( CN=Timothy R. Langley/OU=WHO/O=EOP [ WHO ] )  
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TO:Kenneth Lanza ( CN=Kenneth Lanza/OU=WHO/O=EOP [ WHO ] )  
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TO:Laura S. Lawlor ( CN=Laura S. Lawlor/OU=WHO/O=EOP [ WHO ] )  
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TO:Susan Lockart ( CN=Susan Lockart/OU=WHO/O=EOP [ WHO ] )  
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TO:Elizabeth A. Lonick ( CN=Elizabeth A. Lonick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Saundra Jo Lonick ( CN=Saundra Jo Lonick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Katie R. Loovis ( CN=Katie R. Loovis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ginger G. Loper ( CN=Ginger G. Loper/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Carrie B. Loy Cabinet Affairs ( CN=Carrie B. Loy Cabinet Affairs/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Amy C. Lunde ( CN=Amy C. Lunde/OU=WHO/O=EOP [ WHO ] )  
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TO:Therese Lyons ( CN=Therese Lyons/OU=WHO/O=EOP [ WHO ] )  
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TO:Jonathan Mackintosh ( CN=Jonathan Mackintosh/OU=WHO/O=EOP [ WHO ] )  
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TO:Robin A. MacLean ( CN=Robin A. MacLean/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Liz Macnab ( CN=Liz Macnab/OU=WHO/O=EOP [ WHO ] )  
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TO:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )  
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TO:Brooke H. Manning ( CN=Brooke H. Manning/OU=WHO/O=EOP [ WHO ] )  
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TO:Curt J. Mann ( CN=Curt J. Mann/OU=WHO/O=EOP [ WHO ] )  
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TO:Gabrielle Marchionna ( CN=Gabrielle Marchionna/OU=WHO/O=EOP [ WHO ] )  
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TO:Donald R. Margo ( CN=Donald R. Margo/OU=WHO/O=EOP [ WHO ] )  
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TO:David M. Mark ( CN=David M. Mark/OU=WHO/O=EOP [ WHO ] )  
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TO:Bonny K. Marshall ( CN=Bonny K. Marshall/OU=WHO/O=EOP [ WHO ] )  
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TO:Misty C. Marshall ( CN=Misty C. Marshall/OU=WHO/O=EOP [ WHO ] )  
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TO:Robert Marsh ( CN=Robert Marsh/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Kimberly V. Martiny ( CN=Kimberly V. Martiny/OU=WHO/O=EOP [ WHO ] )  
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TO:Jackie Mather ( CN=Jackie Mather/OU=WHO/O=EOP [ WHO ] )  
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TO:Lee Mayfield ( CN=Lee Mayfield/OU=WHO/O=EOP [ WHO ] )  
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TO:John P. McConnell ( CN=John P. McConnell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lauren McCord ( CN=Lauren McCord/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

TO:Michael McCormick ( CN=Michael McCormick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrea McDaniel ( CN=Andrea McDaniel/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ann McDaniel ( CN=Ann McDaniel/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brian McDonald ( CN=Brian McDonald/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Rebekah McDonald ( CN=Rebekah McDonald/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jack McDougale ( CN=Jack McDougale/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gwendolyn S. McFadden ( CN=Gwendolyn S. McFadden/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew W. McGarrity ( CN=Andrew W. McGarrity/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katherine E. McGill ( CN=Katherine E. McGill/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Hugh A. McGovern ( CN=Hugh A. McGovern/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dolores McGuinn ( CN=Dolores McGuinn/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sara B. McIntosh ( CN=Sara B. McIntosh/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kathryn M. McKeown ( CN=Kathryn M. McKeown/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:David McMaster ( CN=David McMaster/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Molly McMurray ( CN=Molly McMurray/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Julia McNeese ( CN=Julia McNeese/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tyler N. McPherson ( CN=Tyler N. McPherson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Vickie A. McQuade ( CN=Vickie A. McQuade/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Deborah McRae ( CN=Deborah McRae/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sonya E. Medina ( CN=Sonya E. Medina/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Michael E. Meece ( CN=Michael E. Meece/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lisa Meier ( CN=Lisa Meier/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:George E. Melissinos ( CN=George E. Melissinos/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrea M. Mendoza ( CN=Andrea M. Mendoza/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Manuel A. Mendoza ( CN=Manuel A. Mendoza/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John M. Meyers ( CN=John M. Meyers/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Steven J. Meyers ( CN=Steven J. Meyers/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:A. Morgan Middlemas ( CN=A. Morgan Middlemas/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Anne M. Midey ( CN=Anne M. Midey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Shirley Miles ( CN=Shirley Miles/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katherine Milgram ( CN=Katherine Milgram/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Ashley Miller ( CN=Ashley Miller/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christopher T. Miller ( CN=Christopher T. Miller/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael H. Miller ( CN=Michael H. Miller/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Patti S. Miller ( CN=Patti S. Miller/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Raymond D. Miller ( CN=Raymond D. Miller/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Chad Millison ( CN=Chad Millison/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gwendolyn F. Mincey ( CN=Gwendolyn F. Mincey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kevin M. Minne ( CN=Kevin M. Minne/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:William C. Minnis ( CN=William C. Minnis/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew Modell ( CN=Matthew Modell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Megan S. Mollmann ( CN=Megan S. Mollmann/OU=WHO/O=EOP [ WHO ] )  
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TO:Paul D. Montanus ( CN=Paul D. Montanus/OU=WHO/O=EOP [ WHO ] )  
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TO:Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Daneil K. Montgomery ( CN=Daneil K. Montgomery/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:James D. Morgeson ( CN=James D. Morgeson/OU=WHO/O=EOP [ WHO ] )  
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TO:Nathaniel R. Morris ( CN=Nathaniel R. Morris/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul L. Morse ( CN=Paul L. Morse/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kimberly A. Mosser ( CN=Kimberly A. Mosser/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Daniel T. Moss ( CN=Daniel T. Moss/OU=WHO/O=EOP [ WHO ] )  
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TO:Eric L. Motley ( CN=Eric L. Motley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Edmund C. Moy ( CN=Edmund C. Moy/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph Mukes ( CN=Joseph Mukes/OU=WHO/O=EOP [ WHO ] )  
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TO:Scott D. Munn ( CN=Scott D. Munn/OU=WHO/O=EOP [ WHO ] )  
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TO:Tara Murphy ( CN=Tara Murphy/OU=WHO/O=EOP [ WHO ] )  
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TO:Airen Murray ( CN=Airen Murray/OU=WHO/O=EOP [ WHO ] )  
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TO:John Murray ( CN=John Murray/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kathleen Mynster ( CN=Kathleen Mynster/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carol A. Nagel ( CN=Carol A. Nagel/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael J. Napolitano ( CN=Michael J. Napolitano/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Anthony Nardozi ( CN=Anthony Nardozi/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Charles B. Nash ( CN=Charles B. Nash/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Rebecca C. Neale ( CN=Rebecca C. Neale/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN



TO:Noam M. Neusner ( CN=Noam M. Neusner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John F. Newell ( CN=John F. Newell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul Newell ( CN=Paul Newell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul Nicholas ( CN=Paul Nicholas/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jon Nichols ( CN=Jon Nichols/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wendy L. Nipper ( CN=Wendy L. Nipper/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Eric Noji ( CN=Eric Noji/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joshua P. Noland ( CN=Joshua P. Noland/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robert C. Noonan ( CN=Robert C. Noonan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory J. North ( CN=Gregory J. North/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andre D. Norwood ( CN=Andre D. Norwood/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elise Nowlin ( CN=Elise Nowlin/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Philip J. O'Beirne ( CN=Philip J. O'Beirne/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Daniel O'Driscoll ( CN=Daniel O'Driscoll/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sean B. O'Hollaren ( CN=Sean B. O'Hollaren/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Ziad S. Ojakli ( CN=Ziad S. Ojakli/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kami B. Owens ( CN=Kami B. Owens/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Melissa L. Pacak ( CN=Melissa L. Pacak/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew B. Pacelli ( CN=Andrew B. Pacelli/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kathleen Packard OHS TCIMD DO ( CN=Kathleen Packard OHS TCIMD DO/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kathleen Packard ( CN=Kathleen Packard/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Theresa Pagliocca ( CN=Theresa Pagliocca/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Anne Palisi ( CN=Anne Palisi/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory R. Papeika Briefing Room ( CN=Gregory R. Papeika Briefing Room/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory R. Papeika News Room ( CN=Gregory R. Papeika News Room/OU=WHO/O=EOP [ WHO ] )  
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READ:UNKNOWN  
TO:Christie Parell ( CN=Christie Parell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Doris Parker ( CN=Doris Parker/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joyce A. Parker ( CN=Joyce A. Parker/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alessandro Parrini ( CN=Alessandro Parrini/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michelle Parrozzo ( CN=Michelle Parrozzo/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Ajay Patil ( CN=Ajay Patil/OU=WHO/O=EOP [ WHO ] )

/EOP@Exchange [ WHO ] <Michael J. Boisvenue>; Joshua B. Bolten/WHO/EOP@Exchange [ WHO ] <Joshua B. Bolten>; Frank Bonner/WHO/EOP [ WHO ] <Frank Bonner>; Michael Bourke/WHO/EOP [ WHO ] <Michael Bourke>; Lindsay J. Bourns/WHO/EOP [ WHO ] <Lindsay J. Bourns>; Dennis J. Bowden/WHO/EOP [ WHO ] <Dennis J. Bowden>; Stuart W. Bowen/WHO/EOP@Exchange [ WHO ] <Stuart W. Bowen>; David W. Boyer/WHO/EOP [ WHO ] <David W. Boyer>; Denise Bradley/WHO/EOP@Exchange [ WHO ] <Denise Bradley>; Ronald Brahm/WHO/EOP [ WHO ] <Ronald Brahm>; Keith R. Brancato/WHO/EOP [ WHO ] <Keith R. Brancato>; Michael D. Brasseur/WHO/EOP [ WHO ] <Michael D. Brasseur>; Brian Bravo/WHO/EOP@Exchange [ WHO ] <Brian Bravo>; Jan Brecht-Clark/WHO/EOP [ WHO ] <Jan Brecht-Clark>; Una F. Brien/WHO/EOP [ WHO ] <Una F. Brien>; Hana F. Brilliant/WHO/EOP [ WHO ] <Hana F. Brilliant>; John G. Briscoe/WHO/EOP [ WHO ] <John G. Briscoe>; Avery Broadbent/WHO/EOP [ WHO ] <Avery Broadbent>; Mary J. Brooke/WHO/EOP [ WHO ] <Mary J. Brooke>; Jennifer R. Brosnahan/WHO/EOP [ WHO ] <Jennifer R. Brosnahan>; Debra S. Brown/WHO/EOP@Exchange [ WHO ] <Debra S. Brown>; Larry W. Brown/WHO/EOP [ WHO ] <Larry W. Brown>; Reginald J. Brown/WHO/EOP [ WHO ] <Reginald J. Brown>; Jesse L. Bryson/WHO/EOP [ WHO ] <Jesse L. Bryson>; Claire E. Buchan/WHO/EOP@Exchange [ WHO ] <Claire E. Buchan>; Victoria Buckley/WHO/EOP [ WHO ] <Victoria Buckley>; Katja Bullock/WHO/EOP [ WHO ] <Katja Bullock>; Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>; Therese Burch/WHO/EOP [ WHO ] <Therese Burch>; Amanda K. Burdick/WHO/EOP [ WHO ] <Amanda K. Burdick>; Christine M. Burgeson/WHO/EOP@Exchange [ WHO ] <Christine M. Burgeson>; Lisa Burgess/WHO/EOP [ WHO ] <Lisa Burgess>; John G. Burke/WHO/EOP [ WHO ] <John G. Burke>; Thomas Burke/WHO/EOP [ WHO ] <Thomas Burke>; Shannon Burkhardt/WHO/EOP [ WHO ] <Shannon Burkhardt>; Jonathan W. Burks/WHO/EOP@Exchange [ WHO ] <Jonathan W. Burks>; Janice L. Burmeister/WHO/EOP [ WHO ] <Janice L. Burmeister>; James M. Burnham/WHO/EOP [ WHO ] <James M. Burnham>; Patrick Burns/WHO/EOP [ WHO ] <Patrick Burns>; Susan M. Burns/WHO/EOP [ WHO ] <Susan M. Burns>; Lindsay Burton/WHO/EOP [ WHO ] <Lindsay Burton>; Justin Busch/WHO/EOP [ WHO ] <Justin Busch>; Kate M. Byrnes/WHO/EOP [ WHO ] <Kate M. Byrnes>; Matthew Byrne/WHO/EOP [ WHO ] <Matthew Byrne>; Catalina Cabral/WHO/EOP [ WHO ] <Catalina Cabral>; Raquel Cabral/WHO/EOP@Exchange [ WHO ] <Raquel Cabral>; Marissa Cain/WHO/EOP [ WHO ] <Marissa Cain>; Regina L. Cain/WHO/EOP [ WHO ] <Regina L. Cain>; Tim M. Callaghan/WHO/EOP [ WHO ] <Tim M. Callaghan>; William Cameron/WHO/EOP [ WHO ] <William Cameron>; Anne E. Campbell/WHO/EOP@Exchange [ WHO ] <Anne E. Campbell>; Frances L. Campbell/WHO/EOP [ WHO ] <Frances L. Campbell>; Sarah Campbell/WHO/EOP [ WHO ] <Sarah Campbell>; Denise Cardamone/WHO/EOP [ WHO ] <Denise Cardamone>; Andrew H. Card/WHO/EOP@Exchange [ WHO ] <Andrew H. Card>; Stanley W. Carlson-Thies/WHO/EOP [ WHO ] <Stanley W. Carlson-Thies>; Jeremy Carl/WHO/EOP [ WHO ] <Jeremy Carl>; Ann Carmichael/WHO/EOP [ WHO ] <Ann Carmichael>; Pamela P. Carpenter/WHO/EOP [ WHO ] <Pamela P. Carpenter>; Colleen M. Carroll/WHO/EOP [ WHO ] <Colleen M. Carroll>; James W. Carroll/WHO/EOP [ WHO ] <James W. Carroll>; Pamela R. Casey/WHO/EOP [ WHO ] <Pamela R. Casey>; Patrick J. Casey/WHO/EOP [ WHO ] <Patrick J. Casey>; Lois A. Cassano/WHO/EOP@Exchange [ WHO ] <Lois A. Cassano>; Jennifer Cervantes/WHO/EOP [ WHO ] <Jennifer Cervantes>; Kirsten A. Chadwick/WHO/EOP@Exchange [ WHO ] <Kirsten A. Chadwick>; Daniel L. Chafin/WHO/EOP [ WHO ] <Daniel L. Chafin>; Shane P. Chambers/WHO/EOP@Exchange [ WHO ] <Shane P. Chambers>; Katherine M. Channell/WHO/EOP [ WHO ] <Katherine M. Channell>; Angela A. Chinque/WHO/EOP [ WHO ] <Angela A. Chinque>; Linwood Chisholm/WHO/EOP [ WHO ] <Linwood Chisholm>; ZaFreen Chowdhury/WHO/EOP [ WHO ] <ZaFreen Chowdhury>; Andrew D. Ciafardini/WHO/EOP [ WHO ] <Andrew D. Ciafardini>; Eric J. Ciliberti/WHO/EOP [ WHO ] <Eric J. Ciliberti>; Frank Cilluffo/WHO/EOP [ WHO ] <Frank Cilluffo>; Joseph Clancy/WHO/EOP [ WHO ] <Joseph Clancy>; Kay F. Clarke/WHO/EOP [ WHO ] <Kay F. Clarke>; Alicia P. Clark/WHO/EOP [ WHO ] <Alicia P. Clark>; James E. Clark/WHO/EOP [ WHO ] <James E. Clark>; Karen D. Clark/WHO/EOP [ WHO ] <Karen D. Clark>; Stephen L. Clark/WHO/EOP [ WHO ] <Stephen L. Clark>; Ralph J. Clemens/WHO/EOP [ WHO ] <Ralph J. Clemens>; Miriam J. Clement/WHO/EOP [ WHO ] <Miriam J. Clement>; Carolyn E. Cleveland/WHO/EOP@Exchange [ WHO ] <Carolyn E. Cleveland>; Elizabeth E. Coker/WHO/EOP [ WHO ] <Elizabeth E. Coker>; Ronald S. Colburn/WHO/EOP [ WHO ] <Ronald S. Colburn>; Jesse Connors/WHO/EOP [ WHO ] <Jesse Connors>; Thais C. Conway/WHO/EOP [ WHO ] <Thais C. Conway>; Mark W. Cooper/WHO/EOP [ WHO ] <Mark W. Cooper>; Rory S. Cooper/WHO/EOP [ WHO ] <Rory S. Cooper>; Tamar Cooper/WHO/EOP [ WHO ] <Tamar Cooper>; Timothy A. Cornell/WHO/EOP [ WHO ] <Timothy A. Cornell>; Brian S. Cossiboom/WHO/EOP [ WHO ] <Brian S. Cossiboom>; Margaret Cousley/WHO/EOP [ WHO ] <Margaret Cousley>; Christopher Coverdell/WHO/EOP [ WHO ] <Christopher Coverdell>; Edward Cowling/WHO/EOP [ WHO ] <Edward Cowling>; Christopher C.

READ:UNKNOWN  
TO:David J. Patterson ( CN=David J. Patterson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dennis C. Patterson ( CN=Dennis C. Patterson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Richard S. Paulus ( CN=Richard S. Paulus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Beth Pedison ( CN=Beth Pedison/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Sarah Penny ( CN=Sarah Penny/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brian Peterman ( CN=Brian Peterman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Catherine E. Peterson ( CN=Catherine E. Peterson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Bruce W. Peters ( CN=Bruce W. Peters/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sarah Pfeifer ( CN=Sarah Pfeifer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Hillary D. Phelps ( CN=Hillary D. Phelps/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Janet M. Philips ( CN=Janet M. Philips/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Garry L. Phillips ( CN=Garry L. Phillips/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Mary K. Pigg ( CN=Mary K. Pigg/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nina Pinto ( CN=Nina Pinto/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kasey S. Pipes ( CN=Kasey S. Pipes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth Pitts ( CN=Elizabeth Pitts/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wade Plunkett ( CN=Wade Plunkett/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lewis Podolske ( CN=Lewis Podolske/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robert M. Pohl ( CN=Robert M. Pohl/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nancy Pomerleau ( CN=Nancy Pomerleau/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Conley V. Poole ( CN=Conley V. Poole/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory J. Popadiuk ( CN=Gregory J. Popadiuk/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin H. Porritt ( CN=Benjamin H. Porritt/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dina Powell ( CN=Dina Powell/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Glenn W. Powell ( CN=Glenn W. Powell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alexander Powers ( CN=Alexander Powers/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robert T. Pratt Jr ( CN=Robert T. Pratt Jr/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katherine M. Prendergast ( CN=Katherine M. Prendergast/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Melissa R. Price ( CN=Melissa R. Price/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Suzanne Primoff ( CN=Suzanne Primoff/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Clare Pritchett ( CN=Clare Pritchett/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN  
TO:Kristopher N. Purcell ( CN=Kristopher N. Purcell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ben Quevedo ( CN=Ben Quevedo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lori J. Raad ( CN=Lori J. Raad/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:David B. Rachelson ( CN=David B. Rachelson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Susan B. Ralston Senior Advisor ( CN=Susan B. Ralston Senior Advisor/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Presley Reader ( CN=Presley Reader/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:James M. Reagan ( CN=James M. Reagan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jason Recher ( CN=Jason Recher/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gilbert Reed ( CN=Gilbert Reed/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Meghan Reese ( CN=Meghan Reese/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Shelley Reese ( CN=Shelley Reese/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:James M. Reid ( CN=James M. Reid/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Margaret A. Reid ( CN=Margaret A. Reid/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Peter Reid ( CN=Peter Reid/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeannette B. Reilly ( CN=Jeannette B. Reilly/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen Repp ( CN=Stephen Repp/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael D. Resnick ( CN=Michael D. Resnick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tim Reynolds ( CN=Tim Reynolds/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Katherine A. Rhodes ( CN=Katherine A. Rhodes/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Thomas J. Ridge ( CN=Thomas J. Ridge/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:January M. Riecke ( CN=January M. Riecke/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Allison L. Riepenhoff ( CN=Allison L. Riepenhoff/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Ryder Riess ( CN=Ryder Riess/OU=WHO/O=EOP [ WHO ] )  
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REMINDER: A response to the attached memorandum from the White House  
 Counsel,s Office is due by COB today, Monday, June 16.

REV\_00122188

If you have not already done so, please print the attached documents,  
follow the steps outlined in the memorandum and return your signed  
certification as described in the memorandum.  
Please contact Jennifer Newstead at 456-1984 if you have any questions.  
Thank you for your help.

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 <Mercedes M. Viana>;Jesse O. Villarreal/WHO/EOP [ WHO ] <Jesse O. Villarreal>;Daniel

June 9, 2003

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF  
OFFICE OF POLICY DEVELOPMENT STAFF  
NATIONAL SECURITY COUNCIL STAFF

FROM: ALBERTO R. GONZALES, COUNSEL TO THE PRESIDENT

SUBJECT: NATIONAL COMMISSION ON TERRORIST ATTACKS "EOP  
DOCUMENT REQUEST NO. 2"

**Please read this entire memorandum carefully. It deals with legal obligations that apply to you.**

The National Commission on Terrorist Attacks Upon the United States ("Commission") was established in the legislative branch, principally to inquire into, and report to the President and Congress on, the terrorists attacks of September 11, 2001 and the extent of U.S. preparedness for and immediate response to the attacks (Public Law 107-306, November 27, 2002). The Executive Office of the President (EOP) is cooperating with the Commission effort, consistent with the policy set forth in the memorandum of March 19, 2003 from the President's Chief of Staff.

The Commission has submitted "EOP Document Request No. 2" (attached) seeking executive materials from the EOP. The first category of materials sought by "EOP Document Request No. 2" will be the subject of a separate memorandum. The remaining categories are:

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.
3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President.
4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001 that concerned domestic policy responses to the terrorist attacks upon the United States.
5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

You must complete the following steps expeditiously:

1. Search for all materials you possess or control that fall within any of the categories set forth above. Your search for materials must be reasonable, diligent, and conducted in good faith, and must include any materials which may previously have been sent to the Office of Records Management. Retrieve all materials that fall within any of the categories set forth above and photocopy them.
2. Complete the attached certification, attach any photocopies produced under Step 1, and submit the certification and photocopies to Elizabeth Farrell 456-5942, EEOB Room 154, as early as possible but in all events not later than the close of business on Monday, June 16, 2003. NSC staff should submit their signed certification, along with any photocopies produced under Step 1, to William Leary, in the NSC Records Directorate, EEOP Room 392, 456-9201, as early as possible but in all events not later than the close of business on Monday, June 16, 2003.

Also, please be aware that we anticipate additional Commission requests for information concerning the extent of U.S. preparedness for and immediate response to the terrorist attacks of September 11, 2001. It is important that you and your staff preserve all records which may potentially be responsive to this or a future request.

Please call Jennifer Newstead, Associate White House Counsel, at 456-1984, if you have any questions. Thank you for your assistance.

CERTIFICATION BY EMPLOYEE

(in response to "EOP Document Request No. 2" dated June 4, 2003  
from the National Commission on Terrorist Attacks Upon the United States)

(Check one item as appropriate, sign, and date,  
and submit to the Office of the Counsel to the President by June 16, 2003)

\_\_\_\_\_ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have produced with this certification photocopies of all such responsive documents to the Office of the Counsel to the President.

\_\_\_\_\_ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have no such documents.

\_\_\_\_\_  
Signature of Individual Making Certification

\_\_\_\_\_  
Date

Printed Name: \_\_\_\_\_

Telephone No.: \_\_\_\_\_



Thomas H. Kean  
CHAIR

Lee H. Hamilton  
VICE CHAIR

Richard Ben-Veniste

Max Cleland

Ired F. Fielding

Janie S. Gorelick

Blake Gorton

John Lehman

Timothy J. Roemer

James R. Thompson

Philip D. Zelikow  
EXECUTIVE DIRECTOR

## EOP DOCUMENT REQUEST No. 2

The National Commission on Terrorist Attacks Upon the United States (the "Commission") requests that the Executive Office of the President (the "respondent") provide the Commission with the following documents and information no later than June 25, 2003 (the "production date"). The Commission requests that the respondent inform the Commission promptly if the production date poses a problem for certain categories of documents, such as documents from the previous Administration that may be in the custody of the National Archives and Records Administration, and meet promptly with the Commission staff to set a schedule for the production of those documents.

1. The briefing materials prepared or compiled by NSC staff and distributed to attendees for; any summaries prepared or compiled by NSC staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by NSC staff of Principals and Deputies Committee meetings held from January 1, 1998, through September 20, 2001 that concerned:

- (a) Al-Qa'ida, Usama bin Laden, and/or Afghanistan;
- (b) the policy and budget development, implementation, or review of the overall counterterrorism policies of the United States, including PDD-62 (1998), the Five Year Counterterrorism Plan, and any successor NSPDs; and/or
- (c) counterterrorism issues involving threats to or attacks on the United States or American persons or assets in relations with Malaysia, Pakistan, Saudi Arabia, Sudan, the United Arab Emirates, and Yemen, other than materials that focus only on Palestinian terrorist activities.

Principals meetings include any such meeting whether chaired by the President or by the National Security Adviser. This request applies to principals or deputies level meetings addressing these topics wholly or in part regardless of the title used for the group or whether conducted in person or by SVTS, including meetings of the "Foreign Policy Team," the "Small Group," and the Counterterrorism Security Group (including CSG meetings chaired by the National Coordinator), as well as relevant meetings at Camp David.

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

TEL (202) 331-4060  
FAX (202) 296-5545  
[www.9-11commission.gov](http://www.9-11commission.gov)

## EOP DOCUMENT REQUEST No. 2

Page 2

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President. (A request for such documents directed to the Office of the Vice President will be submitted separately.)
4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001, that concerned domestic policy responses to the terrorist attacks upon the United States.
5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

The Commission requests that the documents requested above be provided as soon as they are available, even though all requested documents may not be provided at the same time, through means of a "rolling" production.

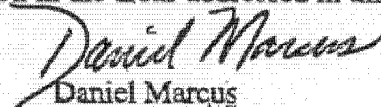
If any requested documents are withheld from production, even temporarily, based on an alleged claim of privilege or for any other reason, the Commission requests that the respondent, as soon as possible and in no event later than the production date, identify and describe each such document or class of documents, as well as the alleged basis for not producing it, with sufficient specificity to allow a meaningful challenge to any such withholding.

If the respondent does not have possession, custody or control of any requested documents but has information about where such documents may be located, the Commission requests that the respondent provide such information as soon as possible and in no event later than the production date.

If the respondent has any questions or concerns about the interpretation or scope of these document requests, the Commission requests that any such questions or concerns be raised with the Commission as soon as possible so that any such issues can be addressed and resolved prior to the production date.

The Commission intends to make further document requests as its work develops and reserves the right to request additional documents and information in the areas addressed in this request.

June 4, 2003

  
Daniel Marcus  
General Counsel

Vogel/WHO/EOP [ WHO ] <Daniel Vogel>;Jennifer D. Vosko/WHO/EOP [ WHO ] <Jennifer D. Vosko>;Eric A. Walker OHS TCIMD DO/WHO/EOP [ WHO ] <Eric A. Walker OHS TCIMD DO>;Eric A. Walker/WHO/EOP [ WHO ] <Eric A. Walker>;Helgard C. Walker/WHO/EOP [ WHO ] <Helgard C. Walker>;Charity Wallace/WHO/EOP [ WHO ] <Charity Wallace>;Dennis J. Walsh/WHO/EOP [ WHO ] <Dennis J. Walsh>;Edmund A. Walsh/WHO/EOP [ WHO ] <Edmund A. Walsh>;Peter S. Watkins/WHO/EOP [ WHO ] <Peter S. Watkins>;Tiffany A. Watkins/WHO/EOP [ WHO ] <Tiffany A. Watkins>;Beatrice Watts/WHO/EOP [ WHO ] <Beatrice Watts>;Bradley Wayman/WHO/EOP [ WHO ] <Bradley Wayman>;David S. Weed/WHO/EOP [ WHO ] <David S. Weed>;Peter H. Wehner/WHO/EOP [ WHO ] <Peter H. Wehner>;Vicki S. Weinberg/WHO/EOP [ WHO ] <Vicki S. Weinberg>;Jared B. Weinstein/WHO/EOP@Exchange [ WHO ] <Jared B. Weinstein>;Matthew L. Wendel/WHO/EOP [ WHO ] <Matthew L. Wendel>;Kristin Werkhoven/WHO/EOP [ WHO ] <Kristin Werkhoven>;Lezlee J. Westine/WHO/EOP [ WHO ] <Lezlee J. Westine>;Howard R. Westray/WHO/EOP [ WHO ] <Howard R. Westray>;Christal R. West/WHO/EOP@Exchange [ WHO ] <Christal R. West>;Jeremy L. White FBCI/WHO/EOP [ WHO ] <Jeremy L. White FBCI>;Donald W. Whitecotton/WHO/EOP [ WHO ] <Donald W. Whitecotton>;Bentley White/WHO/EOP [ WHO ] <Bentley White>;Erin White/WHO/EOP [ WHO ] <Erin White>;Jeremy L. White/WHO/EOP [ WHO ] <Jeremy L. White>;Worthington W. White/WHO/EOP [ WHO ] <Worthington W. White>;Jeremiah Whitson/WHO/EOP [ WHO ] <Jeremiah Whitson>;Morris Wilkes/WHO/EOP [ WHO ] <Morris Wilkes>;Nancy K. Willeford/WHO/EOP [ WHO ] <Nancy K. Willeford>;Beverly D. Williams/WHO/EOP [ WHO ] <Beverly D. Williams>;Cynthia F. Williams/WHO/EOP [ WHO ] <Cynthia F. Williams>;Elizabeth Williams/WHO/EOP [ WHO ] <Elizabeth Williams>;Jan E. Williams/WHO/EOP [ WHO ] <Jan E. Williams>;Jennifer L. Williams/WHO/EOP [ WHO ] <Jennifer L. Williams>;John Williams/WHO/EOP [ WHO ] <John Williams>;Patricia Williams/WHO/EOP [ WHO ] <Patricia Williams>;Sherman A. Williams/WHO/EOP [ WHO ] <Sherman A. Williams>;Grace Willson/WHO/EOP [ WHO ] <Grace Willson>;Lauren L. Willson/WHO/EOP [ WHO ] <Lauren L. Willson>;Aiesha A. Wilson/WHO/EOP [ WHO ] <Aiesha A. Wilson>;Christian Woelk/WHO/EOP [ WHO ] <Christian Woelk>;Harry W. Wolff/WHO/EOP@Exchange [ WHO ] <Harry W. Wolff>;Robin M. Womack/WHO/EOP [ WHO ] <Robin M. Womack>;Women's Office/WHO/EOP [ WHO ] <Women's Office>;Mary Woods/WHO/EOP [ WHO ] <Mary Woods>;Gayle S. Worthy/WHO/EOP [ WHO ] <Gayle S. Worthy>;Jennifer A. Wray/WHO/EOP [ WHO ] <Jennifer A. Wray>;Liza Wright/WHO/EOP [ WHO ] <Liza Wright>;James A. Yeager/WHO/EOP [ WHO ] <James A. Yeager>;Reginald D. Young Jr./WHO/EOP [ WHO ] <Reginald D. Young Jr.>;Patricia L. Young/WHO/EOP [ WHO ] <Patricia L. Young>;Tracy Young/WHO/EOP [ WHO ] <Tracy Young>;Jacob H. Yunker/WHO/EOP@Exchange [ WHO ] <Jacob H. Yunker>;Bruce Zanca/WHO/EOP [ WHO ] <Bruce Zanca>;Jennifer Zangara/WHO/EOP [ WHO ] <Jennifer Zangara>;Bridget Zarate/WHO/EOP [ WHO ] <Bridget Zarate>;Matthew Zartman/WHO/EOP [ WHO ] <Matthew Zartman>;DeWitt Zemp/WHO/EOP [ WHO ] <DeWitt Zemp>;Gregory Zimmerman/WHO/EOP [ WHO ] <Gregory Zimmerman>;Mara Zimmerman/WHO/EOP [ WHO ] <Mara Zimmerman>;Neil H. Zimmerman/WHO/EOP [ WHO ] <Neil H. Zimmerman>

**Sent:** 6/16/2003 10:13:59 AM

**Subject:** : ADMINISTRATIVE ALERT: Important Reminder From White House Counsel's Office

**Attachments:** 03757\_p\_05k00007\_who.txt\_1.doc; 03757\_p\_05k00007\_who.txt\_2.pdf

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CREATION DATE/TIME:16-JUN-2003 14:13:59.00

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TO:Keith R. Brancato ( CN=Keith R. Brancato/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael D. Brasseur ( CN=Michael D. Brasseur/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jan Brecht-Clark ( CN=Jan Brecht-Clark/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Una F. Brien ( CN=Una F. Brien/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Hana F. Brilliant ( CN=Hana F. Brilliant/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John G. Briscoe ( CN=John G. Briscoe/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Avery Broadbent ( CN=Avery Broadbent/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Mary J. Brooke ( CN=Mary J. Brooke/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Debra S. Brown ( CN=Debra S. Brown/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Larry W. Brown ( CN=Larry W. Brown/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jesse L. Bryson ( CN=Jesse L. Bryson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Claire E. Buchan ( CN=Claire E. Buchan/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Victoria Buckley ( CN=Victoria Buckley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katja Bullock ( CN=Katja Bullock/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Therese Burch ( CN=Therese Burch/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Amanda K. Burdick ( CN=Amanda K. Burdick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christine M. Burgeson ( CN=Christine M. Burgeson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Lisa Burgess ( CN=Lisa Burgess/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John G. Burke ( CN=John G. Burke/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Thomas Burke ( CN=Thomas Burke/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Shannon Burkhardt ( CN=Shannon Burkhardt/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jonathan W. Burks ( CN=Jonathan W. Burks/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Janice L. Burmeister ( CN=Janice L. Burmeister/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:James M. Burnham ( CN=James M. Burnham/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Patrick Burns ( CN=Patrick Burns/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Susan M. Burns ( CN=Susan M. Burns/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lindsay Burton ( CN=Lindsay Burton/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Justin Busch ( CN=Justin Busch/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kate M. Byrnes ( CN=Kate M. Byrnes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew Byrne ( CN=Matthew Byrne/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Catalina Cabral ( CN=Catalina Cabral/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Raquel Cabral ( CN=Raquel Cabral/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Marissa Cain ( CN=Marissa Cain/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Regina L. Cain ( CN=Regina L. Cain/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tim M. Callaghan ( CN=Tim M. Callaghan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:William Cameron ( CN=William Cameron/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Anne E. Campbell ( CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

TO:Frances L. Campbell ( CN=Frances L. Campbell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sarah Campbell ( CN=Sarah Campbell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Denise Cardamone ( CN=Denise Cardamone/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew H. Card ( CN=Andrew H. Card/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Stanley W. Carlson-Thies ( CN=Stanley W. Carlson-Thies/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeremy Carl ( CN=Jeremy Carl/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ann Carmichael ( CN=Ann Carmichael/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Pamela P. Carpenter ( CN=Pamela P. Carpenter/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Colleen M. Carroll ( CN=Colleen M. Carroll/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Pamela R. Casey ( CN=Pamela R. Casey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Patrick J. Casey ( CN=Patrick J. Casey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lois A. Cassano ( CN=Lois A. Cassano/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer Cervantes ( CN=Jennifer Cervantes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kirsten A. Chadwick ( CN=Kirsten A. Chadwick/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Daniel L. Chafin ( CN=Daniel L. Chafin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Shane P. Chambers ( CN=Shane P. Chambers/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Katherine M. Channell ( CN=Katherine M. Channell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Angela A. Chinque ( CN=Angela A. Chinque/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Linwood Chisholm ( CN=Linwood Chisholm/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:ZaFreen Chowdhury ( CN=ZaFreen Chowdhury/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew D. Ciafardini ( CN=Andrew D. Ciafardini/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Eric J. Ciliberti ( CN=Eric J. Ciliberti/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Frank Cilluffo ( CN=Frank Cilluffo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph Clancy ( CN=Joseph Clancy/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kay F. Clarke ( CN=Kay F. Clarke/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alicia P. Clark ( CN=Alicia P. Clark/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:James E. Clark ( CN=James E. Clark/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Karen D. Clark ( CN=Karen D. Clark/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen L. Clark ( CN=Stephen L. Clark/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ralph J. Clemens ( CN=Ralph J. Clemens/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Miriam J. Clement ( CN=Miriam J. Clement/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolyn E. Cleveland ( CN=Carolyn E. Cleveland/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth E. Coker ( CN=Elizabeth E. Coker/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Ronald S. Colburn ( CN=Ronald S. Colburn/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jesse Connors ( CN=Jesse Connors/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Thais C. Conway ( CN=Thais C. Conway/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Mark W. Cooper ( CN=Mark W. Cooper/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Rory S. Cooper ( CN=Rory S. Cooper/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tamar Cooper ( CN=Tamar Cooper/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Timothy A. Cornell ( CN=Timothy A. Cornell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brian S. Cossiboom ( CN=Brian S. Cossiboom/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Margaret Cousley ( CN=Margaret Cousley/OU=WHO/O=EOP [ WHO ] )  
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TO:Christopher Coverdell ( CN=Christopher Coverdell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Edward Cowling ( CN=Edward Cowling/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christopher C. Cox ( CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Lynn A. Crable ( CN=Lynn A. Crable/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Justin Crawford ( CN=Justin Crawford/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Anne C. Crowther ( CN=Anne C. Crowther/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Courtney Crow ( CN=Courtney Crow/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cameron Cushman ( CN=Cameron Cushman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christopher B. Cutchall ( CN=Christopher B. Cutchall/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John J. Daly ( CN=John J. Daly/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John Danilovich ( CN=John Danilovich/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carlton J. Davis ( CN=Carlton J. Davis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jane H. Davis ( CN=Jane H. Davis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer L. Davis ( CN=Jennifer L. Davis/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael Davis ( CN=Michael Davis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Anna Dawson ( CN=Anna Dawson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Bradford D. Dayspring ( CN=Bradford D. Dayspring/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Josh Deckard ( CN=Josh Deckard/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Mary K. DeFehr ( CN=Mary K. DeFehr/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Suzy DeFrancis ( CN=Suzy DeFrancis/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Danilo DeGuzman Jr. ( CN=Danilo DeGuzman Jr./OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nina DeLorenzo ( CN=Nina DeLorenzo/OU=WHO/O=EOP [ WHO ] )  
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TO:Melanie DeMayo ( CN=Melanie DeMayo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Meghan Derksen ( CN=Meghan Derksen/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Robert Deservi ( CN=Robert Deservi/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nicolle Devenish ( CN=Nicolle Devenish/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Rory J. Diamond ( CN=Rory J. Diamond/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Reed Dickens ( CN=Reed Dickens/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Lana Dickey ( CN=Lana Dickey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Rhonda B. Djossou ( CN=Rhonda B. Djossou/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeffrey R. Donegan ( CN=Jeffrey R. Donegan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth H. Donnan ( CN=Elizabeth H. Donnan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Diana C. Donnelly ( CN=Diana C. Donnelly/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jacqueline Donohue ( CN=Jacqueline Donohue/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joan R. Doty ( CN=Joan R. Doty/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:James C. Douglas ( CN=James C. Douglas/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Penny G. Douglas ( CN=Penny G. Douglas/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Eric A. Draper ( CN=Eric A. Draper/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Philip C. Droege ( CN=Philip C. Droege/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley D. Drummond ( CN=Ashley D. Drummond/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael Drummond ( CN=Michael Drummond/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sara-Elena Dryden ( CN=Sara-Elena Dryden/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cliff Dubose ( CN=Cliff Dubose/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:L. Burke Duncan ( CN=L. Burke Duncan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Denise A. Dunckel ( CN=Denise A. Dunckel/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kady Dunlap ( CN=Kady Dunlap/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kari M. Dunn ( CN=Kari M. Dunn/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Catherine Dwight ( CN=Catherine Dwight/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul B. Dyck ( CN=Paul B. Dyck/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul Ebb ( CN=Paul Ebb/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ellen E. Eckert ( CN=Ellen E. Eckert/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregg Edgar ( CN=Gregg Edgar/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Damon Edwards ( CN=Damon Edwards/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer Edwards ( CN=Jennifer Edwards/OU=WHO/O=EOP [ WHO ] )  
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TO:Laura Edwards ( CN=Laura Edwards/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kimberly Ellison ( CN=Kimberly Ellison/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jamie D. Ellis ( CN=Jamie D. Ellis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Joe Ellis ( CN=Joe Ellis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Linda M. Ellis ( CN=Linda M. Ellis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael H. Ellis ( CN=Michael H. Ellis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nicole Enberg ( CN=Nicole Enberg/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Deborah J. Eng ( CN=Deborah J. Eng/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tucker A. Eskew ( CN=Tucker A. Eskew/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:John D. Estes ( CN=John D. Estes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Madalene E. Evans ( CN=Madalene E. Evans/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wanda M. Evans ( CN=Wanda M. Evans/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Caroline Fair ( CN=Caroline Fair/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Richard Falkenrath ( CN=Richard Falkenrath/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer M. Farley ( CN=Jennifer M. Farley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paddy Feeny ( CN=Paddy Feeny/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Craig Felner ( CN=Craig Felner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Catherine S. Fenton ( CN=Catherine S. Fenton/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Theodore W. Ferm ( CN=Theodore W. Ferm/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeanie L. Figg ( CN=Jeanie L. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kara G. Figg ( CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Heather R. Fitzgerald ( CN=Heather R. Fitzgerald/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Maureen Flanigan ( CN=Maureen Flanigan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lawrence A. Fleischer ( CN=Lawrence A. Fleischer/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:James H. Fleming ( CN=James H. Fleming/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Romaine C. Flowers ( CN=Romaine C. Flowers/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley N. Fochtman ( CN=Ashley N. Fochtman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew W. Fogarty ( CN=Matthew W. Fogarty/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer Foley ( CN=Jennifer Foley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Maisie Fong ( CN=Maisie Fong/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ransome S. Foose ( CN=Ransome S. Foose/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Geoffrey K. Fowler ( CN=Geoffrey K. Fowler/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lana M. Frankensfield ( CN=Lana M. Frankensfield/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sara A. Frankfurt ( CN=Sara A. Frankfurt/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN



TO:Myra B. Freeman ( CN=Myra B. Freeman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph W. Fricks III ( CN=Joseph W. Fricks III/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Angela I. Fritz ( CN=Angela I. Fritz/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:William J. Fugo ( CN=William J. Fugo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Laura F. Fullerton ( CN=Laura F. Fullerton/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christopher Furlow ( CN=Christopher Furlow/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Reed H. Galen ( CN=Reed H. Galen/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Linda M. Gambatesa ( CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Christopher D. Gambill ( CN=Christopher D. Gambill/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jane D. Gannon ( CN=Jane D. Gannon/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kelley Gannon ( CN=Kelley Gannon/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeffery W. Garland ( CN=Jeffery W. Garland/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dorothy C. Garvin ( CN=Dorothy C. Garvin/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Lashawn Gaskins ( CN=Lashawn Gaskins/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Luz Gelabert ( CN=Luz Gelabert/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph H. Gerdes ( CN=Joseph H. Gerdes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael J. Gerson ( CN=Michael J. Gerson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Julie A. Giardina ( CN=Julie A. Giardina/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Faisal M. Gill ( CN=Faisal M. Gill/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Georgia D. Godfrey ( CN=Georgia D. Godfrey/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Barbara J. Goergen ( CN=Barbara J. Goergen/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Adam B. Goldman ( CN=Adam B. Goldman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Alessandra L. Gonzalez ( CN=Alessandra L. Gonzalez/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley Goodrich-Mahoney ( CN=Ashley Goodrich-Mahoney/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robert F. Goodwin ( CN=Robert F. Goodwin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Terry W. Good ( CN=Terry W. Good/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Janet V. Gordon ( CN=Janet V. Gordon/OU=WHO/O=EOP [ WHO ] )  
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TO:John Gordon ( CN=John Gordon/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Leonardo F. Gorordo ( CN=Leonardo F. Gorordo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Blake Gottesman ( CN=Blake Gottesman/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Donna B. Gottshall ( CN=Donna B. Gottshall/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

**From:** CN=PostMaster/O=EOP [ OA ]  
**To:** Lewis Libby/OVP/EOP@Exchange [ OVP ] <Lewis Libby>;Charles S. Abbot/WHO/EOP@Exchange [ WHO ] <Charles S. Abbot>;Allen K. Abney/WHO/EOP [ WHO ] <Allen K. Abney>;Gilbert R. Aguirre/WHO/EOP [ WHO ] <Gilbert R. Aguirre>;Victoria Ahaev/WHO/EOP [ WHO ] <Victoria Ahaev>;David Aidekman/WHO/EOP [ WHO ] <David Aidekman>;Robbie Aiken/WHO/EOP [ WHO ] <Robbie Aiken>;Barrett Aldemeyer/WHO/EOP [ WHO ] <Barrett Aldemeyer>;Phillips M. Alicia/WHO/EOP [ WHO ] <Phillips M. Alicia>;Cristina Allegretti/WHO/EOP@Exchange [ WHO ] <Cristina Allegretti>;Leeda A. Allen/WHO/EOP [ WHO ] <Leeda A. Allen>;Michael Allen/WHO/EOP [ WHO ] <Michael Allen>;L. Linus Amorsingh/WHO/EOP [ WHO ] <L. Linus Amorsingh>;Meredith Anderson WH AGL BULK/WHO/EOP [ WHO ] <Meredith Anderson WH AGL BULK>;Catherine S. Anderson/WHO/EOP [ WHO ] <Catherine S. Anderson>;David Anderson/WHO/EOP [ WHO ] <David Anderson>;Meredith Anderson/WHO/EOP [ WHO ] <Meredith Anderson>;Peder Anderson/WHO/EOP [ WHO ] <Peder Anderson>;Theresa R. Anderson/WHO/EOP [ WHO ] <Theresa R. Anderson>;Mary C. Andrews/WHO/EOP [ WHO ] <Mary C. Andrews>;Richard E. Antaya/WHO/EOP [ WHO ] <Richard E. Antaya>;Katherine Anthony/WHO/EOP [ WHO ] <Katherine Anthony>;Jackie Arends/WHO/EOP [ WHO ] <Jackie Arends>;Elisabeth Armstead/WHO/EOP [ WHO ] <Elisabeth Armstead>;Sara W. Armstrong/WHO/EOP@Exchange [ WHO ] <Sara W. Armstrong>;John Arnett/WHO/EOP [ WHO ] <John Arnett>;Listi Arnold/WHO/EOP@Exchange [ WHO ] <Listi Arnold>;William L. Arritt/WHO/EOP [ WHO ] <William L. Arritt>;Paul Ashin/WHO/EOP [ WHO ] <Paul Ashin>;Carolyn F. Atkinson Volunteers/WHO/EOP [ WHO ] <Carolyn F. Atkinson Volunteers>;Carolyn F. Atkinson/WHO/EOP [ WHO ] <Carolyn F. Atkinson>;Chelsey Atkin/WHO/EOP@Exchange [ WHO ] <Chelsey Atkin>;Steven A. Atkiss/WHO/EOP [ WHO ] <Steven A. Atkiss>;Candice L. Attili/WHO/EOP [ WHO ] <Candice L. Attili>;Tyler Auschwitz/WHO/EOP [ WHO ] <Tyler Auschwitz>;Balan R. Ayyar/WHO/EOP [ WHO ] <Balan R. Ayyar>;Chad Babin/WHO/EOP@Exchange [ WHO ] <Chad Babin>;Kimberly A. Badenhop/WHO/EOP [ WHO ] <Kimberly A. Badenhop>;James Baehr/WHO/EOP [ WHO ] <James Baehr>;Christine K. Baer/WHO/EOP [ WHO ] <Christine K. Baer>;Joel B. Bagnal OHS TCIMD DO/WHO/EOP [ WHO ] <Joel B. Bagnal OHS TCIMD DO>;Joel B. Bagnal/WHO/EOP [ WHO ] <Joel B. Bagnal>;Christa J. Bailey/WHO/EOP [ WHO ] <Christa J. Bailey>;Robert T. Bailey/WHO/EOP [ WHO ] <Robert T. Bailey>;Jenica Baldwin/WHO/EOP [ WHO ] <Jenica Baldwin>;David Ballard/WHO/EOP [ WHO ] <David Ballard>;Andrea G. Ball/WHO/EOP@Exchange [ WHO ] <Andrea G. Ball>;Yigal S. Bar-Av/WHO/EOP [ WHO ] <Yigal S. Bar-Av>;Allison Barber/WHO/EOP [ WHO ] <Allison Barber>;Barbara A. Barclay/WHO/EOP@Exchange [ WHO ] <Barbara A. Barclay>;Tiffany L. Barfield/WHO/EOP@Exchange [ WHO ] <Tiffany L. Barfield>;Campbell L. Barks/WHO/EOP [ WHO ] <Campbell L. Barks>;Donna M. Barnes/WHO/EOP [ WHO ] <Donna M. Barnes>;Grace E. Barnes/WHO/EOP [ WHO ] <Grace E. Barnes>;Elisha Barnette/WHO/EOP [ WHO ] <Elisha Barnette>;Ruben S. Barrales/WHO/EOP [ WHO ] <Ruben S. Barrales>;Del Bartee/WHO/EOP [ WHO ] <Del Bartee>;Daniel J. Bartlett/WHO/EOP@Exchange [ WHO ] <Daniel J. Bartlett>;H. Christopher Bartolomucci/WHO/EOP [ WHO ] <H. Christopher Bartolomucci>;Blair A. Bassett/WHO/EOP [ WHO ] <Blair A. Bassett>;Robert Bauer/WHO/EOP [ WHO ] <Robert Bauer>;Healy E. Baumgardner/WHO/EOP [ WHO ] <Healy E. Baumgardner>;Eileen F. Bean/WHO/EOP [ WHO ] <Eileen F. Bean>;Darren W. Bearson/WHO/EOP [ WHO ] <Darren W. Bearson>;Emmaley Becker/WHO/EOP@Exchange [ WHO ] <Emmaley Becker>;Kathy J. Becker/WHO/EOP [ WHO ] <Kathy J. Becker>;Stacey Bellet/WHO/EOP [ WHO ] <Stacey Bellet>;Kathryn E. Bell/WHO/EOP [ WHO ] <Kathryn E. Bell>;Jorge Beltran/WHO/EOP [ WHO ] <Jorge Beltran>;Melissa S. Bennett/WHO/EOP@Exchange [ WHO ] <Melissa S. Bennett>;Latoya Benson/WHO/EOP [ WHO ] <Latoya Benson>;Alexander R. Berger/WHO/EOP [ WHO ] <Alexander R. Berger>;Laura Berg/WHO/EOP [ WHO ] <Laura Berg>;Kenneth Bernard/WHO/EOP [ WHO ] <Kenneth Bernard>;Brian R. Besanceney/WHO/EOP [ WHO ] <Brian R. Besanceney>;George E. Best/WHO/EOP [ WHO ] <George E. Best>;Kaylene Bettis/WHO/EOP [ WHO ] <Kaylene Bettis>;Todd W. Beyer/WHO/EOP [ WHO ] <Todd W. Beyer>;Rebecca A. Beynon/WHO/EOP [ WHO ] <Rebecca A. Beynon>;Thomas A. Bezas/WHO/EOP [ WHO ] <Thomas A. Bezas>;Joann Bingham/WHO/EOP [ WHO ] <Joann Bingham>;Elizabeth Bingold/WHO/EOP [ WHO ] <Elizabeth Bingold>;Mary U. Binns/WHO/EOP [ WHO ] <Mary U. Binns>;Kristin Birdwell/WHO/EOP [ WHO ] <Kristin Birdwell>;Debra D. Bird/WHO/EOP@Exchange [ WHO ] <Debra D. Bird>;Randy L. Blair/WHO/EOP [ WHO ] <Randy L. Blair>;Bradley A. Blakeman/WHO/EOP@Exchange [ WHO ] <Bradley A. Blakeman>;Jeffrey W. Bloemker/WHO/EOP [ WHO ] <Jeffrey W. Bloemker>;Matthew Blomerth/WHO/EOP [ WHO ] <Matthew Blomerth>;John N. Bobbitt/WHO/EOP [ WHO ] <John N. Bobbitt>;Matias Bobenrieth/WHO/EOP [ WHO ] <Matias Bobenrieth>;Michael J. Boisvenue/WHO

TO:Dennis Grace ( CN=Dennis Grace/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephanie E. Grace ( CN=Stephanie E. Grace/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Heather H. Graham ( CN=Heather H. Graham/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lottie B. Graham ( CN=Lottie B. Graham/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kevin B. Graney ( CN=Kevin B. Graney/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Margaret M. Grant ( CN=Margaret M. Grant/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Caleb Graves ( CN=Caleb Graves/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Adrian G. Gray ( CN=Adrian G. Gray/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ann Gray ( CN=Ann Gray/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Emily S. Gray ( CN=Emily S. Gray/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Terra Gray ( CN=Terra Gray/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:William Greene ( CN=William Greene/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Fraser Greenwood ( CN=Fraser Greenwood/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew T. Green ( CN=Matthew T. Green/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Judy Grier ( CN=Judy Grier/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Chad M. Grogan ( CN=Chad M. Grogan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew Groh ( CN=Matthew Groh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brook Grossi ( CN=Brook Grossi/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Taylor S. Gross ( CN=Taylor S. Gross/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Justin A. Grove ( CN=Justin A. Grove/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Darren D. Grubb ( CN=Darren D. Grubb/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Abel Guerra ( CN=Abel Guerra/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jon A. Guest ( CN=Jon A. Guest/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katharina M. Hager ( CN=Katharina M. Hager/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph W. Hagin ( CN=Joseph W. Hagin/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Robert J. Hall ( CN=Robert J. Hall/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nancy G. Hansen ( CN=Nancy G. Hansen/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew D. Hanson ( CN=Andrew D. Hanson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Mary Ann Hanusa ( CN=Mary Ann Hanusa/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth K. Harden ( CN=Elizabeth K. Harden/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Daniel Hardwick ( CN=Daniel Hardwick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Leah J. Harrelson ( CN=Leah J. Harrelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Tobin Harvey ( CN=Tobin Harvey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Jordan Hassin ( CN=Jordan Hassin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tracy R. Hatfield ( CN=Tracy R. Hatfield/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Erin M. Hattersley ( CN=Erin M. Hattersley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sarah Hawkins ( CN=Sarah Hawkins/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kathryn J. Hayes ( CN=Kathryn J. Hayes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen F. Hayes ( CN=Stephen F. Hayes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John J. Healey ( CN=John J. Healey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Erin E. Healy ( CN=Erin E. Healy/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael Heath ( CN=Michael Heath/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Anne Heiligenstein ( CN=Anne Heiligenstein/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Patrice Heironimus ( CN=Patrice Heironimus/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Janice A. Heltibridle ( CN=Janice A. Heltibridle/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Chris Henick ( CN=Chris Henick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Aimee L. Henneke ( CN=Aimee L. Henneke/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John R. Henry ( CN=John R. Henry/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth A. Herald ( CN=Elizabeth A. Herald/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Marilyn V. Herald ( CN=Marilyn V. Herald/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Deborah Hermer ( CN=Deborah Hermer/OU=WHO/O=EOP [ WHO ] )  
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TO:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Emily Herring ( CN=Emily Herring/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Hans H. Hertell ( CN=Hans H. Hertell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Bradley E. Hester ( CN=Bradley E. Hester/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Heather Heyman ( CN=Heather Heyman/OU=WHO/O=EOP [ WHO ] )  
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TO:David Higbee ( CN=David Higbee/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Courtney Higgins ( CN=Courtney Higgins/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katherine S. Hildebrand ( CN=Katherine S. Hildebrand/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kirsten J. Hildebrand ( CN=Kirsten J. Hildebrand/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:David H. Hill ( CN=David H. Hill/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Eleanor R. Hill ( CN=Eleanor R. Hill/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gretchen A. Hirschauer ( CN=Gretchen A. Hirschauer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cabell Hobbs ( CN=Cabell Hobbs/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Adam Hobson ( CN=Adam Hobson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Douglas L. Hoelscher ( CN=Douglas L. Hoelscher/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Grayson Hoffman ( CN=Grayson Hoffman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lewis Hofmann ( CN=Lewis Hofmann/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Derrek Hofrichter ( CN=Derrek Hofrichter/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth Hogan ( CN=Elizabeth Hogan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Annie Holand ( CN=Annie Holand/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Ashley Holbrook ( CN=Ashley Holbrook/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brook Holladay ( CN=Brook Holladay/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ryan Holladay ( CN=Ryan Holladay/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth A. Holland ( CN=Elizabeth A. Holland/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Eric W. Holland ( CN=Eric W. Holland/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:William Holley ( CN=William Holley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stuart Holliday ( CN=Stuart Holliday/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:David F. Holt ( CN=David F. Holt/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Anita Homan ( CN=Anita Homan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Chris Hornbarger ( CN=Chris Hornbarger/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Emily A. House ( CN=Emily A. House/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Betsy K. Howard ( CN=Betsy K. Howard/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dustin D. Huddleston ( CN=Dustin D. Huddleston/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory C. Huffman ( CN=Gregory C. Huffman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Taylor A. Hughes ( CN=Taylor A. Hughes/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:William C. Hughes ( CN=William C. Hughes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lauren K. Huguet ( CN=Lauren K. Huguet/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:John J. Hunter ( CN=John J. Hunter/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Manuela Hunt ( CN=Manuela Hunt/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lea A. Hutchins ( CN=Lea A. Hutchins/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lili Hyder ( CN=Lili Hyder/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Adam B. Ingols ( CN=Adam B. Ingols/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Carmen M. Ingwell ( CN=Carmen M. Ingwell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Richard G. Irwin OHS TCIMD DO ( CN=Richard G. Irwin OHS TCIMD DO/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Richard G. Irwin ( CN=Richard G. Irwin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Moreen E. Ishikawa ( CN=Moreen E. Ishikawa/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Curtis R. Jablonka ( CN=Curtis R. Jablonka/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Marilyn R. Jacanin ( CN=Marilyn R. Jacanin/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

TO:Barry S. Jackson ( CN=Barry S. Jackson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Theodoric C. James Jr ( CN=Theodoric C. James Jr/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Charles James ( CN=Charles James/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gordon C. James ( CN=Gordon C. James/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jon Jefferson ( CN=Jon Jefferson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sylvester Jefferson ( CN=Sylvester Jefferson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew C. Jeffrey ( CN=Andrew C. Jeffrey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory J. Jenkins ( CN=Gregory J. Jenkins/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Amy Jensen ( CN=Amy Jensen/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kendall Jesmer ( CN=Kendall Jesmer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeffrey T. Jezierski ( CN=Jeffrey T. Jezierski/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Clay Johnson III ( CN=Clay Johnson III/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sydney R. Johnson ( CN=Sydney R. Johnson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Megan R. Johnston ( CN=Megan R. Johnston/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Alison Jones ( CN=Alison Jones/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brian C. Jones ( CN=Brian C. Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Crystal B. Jones ( CN=Crystal B. Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cyril Jones ( CN=Cyril Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Deborah A. Jones ( CN=Deborah A. Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jacqueline D. Jones ( CN=Jacqueline D. Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ramona L. Jones ( CN=Ramona L. Jones/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sammie Joseph ( CN=Sammie Joseph/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Deidra A. Jules ( CN=Deidra A. Jules/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robert P. Kadlec ( CN=Robert P. Kadlec/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:David E. Kalbaugh ( CN=David E. Kalbaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Michael Karem ( CN=Michael Karem/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer M. Katzaman ( CN=Jennifer M. Katzaman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul Kaurin ( CN=Paul Kaurin/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph M. Kearney ( CN=Joseph M. Kearney/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Angela C. Kebric ( CN=Angela C. Kebric/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Josefine Keenan ( CN=Josefine Keenan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sarah B. Keith ( CN=Sarah B. Keith/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:James M. Kelly ( CN=James M. Kelly/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Samuel B. Kelner ( CN=Samuel B. Kelner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen A. Kemmer ( CN=Stephen A. Kemmer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephanie Kendall ( CN=Stephanie Kendall/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Daniel J. Keniry ( CN=Daniel J. Keniry/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Usmaan Khalid ( CN=Usmaan Khalid/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lydia Khalil ( CN=Lydia Khalil/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Amanda S. Khan ( CN=Amanda S. Khan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Suhail A. Khan ( CN=Suhail A. Khan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Amichai Kilchevsky ( CN=Amichai Kilchevsky/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jenny Kim ( CN=Jenny Kim/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen King OHS TCIMD DO ( CN=Stephen King OHS TCIMD DO/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lana M. King ( CN=Lana M. King/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen King ( CN=Stephen King/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Taeshonnda C. King ( CN=Taeshonnda C. King/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Guy R. Kirby ( CN=Guy R. Kirby/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew Kirk ( CN=Matthew Kirk/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:James R. Kish ( CN=James R. Kish/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Monica V. Kladakis ( CN=Monica V. Kladakis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jenna K. Klein ( CN=Jenna K. Klein/OU=OMB/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Barbara B. Knight ( CN=Barbara B. Knight/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:David C. Knudsen ( CN=David C. Knudsen/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew Koch ( CN=Matthew Koch/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Richard Kolar ( CN=Richard Kolar/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christina E. Kolesar ( CN=Christina E. Kolesar/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lindsey C. Kozberg ( CN=Lindsey C. Kozberg/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John Kramerer ( CN=John Kramerer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Emily L. Kropp ( CN=Emily L. Kropp/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robert J. Kruckemeyer ( CN=Robert J. Kruckemeyer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lorraine Kuchmy ( CN=Lorraine Kuchmy/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeffrey Kuhlman ( CN=Jeffrey Kuhlman/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:David Kuo ( CN=David Kuo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Jeffrey F. Kupfer ( CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Ross M. Kyle ( CN=Ross M. Kyle/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Greg Lagana ( CN=Greg Lagana/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Samuel A. Lahood ( CN=Samuel A. Lahood/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolene Langie ( CN=Carolene Langie/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Timothy R. Langley ( CN=Timothy R. Langley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tracy A. Langlois ( CN=Tracy A. Langlois/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:William Lang ( CN=William Lang/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kenneth Lanza ( CN=Kenneth Lanza/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Solomon Lartey ( CN=Solomon Lartey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Charles H. Lawley ( CN=Charles H. Lawley/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Laura S. Lawlor ( CN=Laura S. Lawlor/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Eric Leckey ( CN=Eric Leckey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jude Leitten ( CN=Jude Leitten/OU=WHO/O=EOP [ WHO ] )  
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TO:Kay Lennon ( CN=Kay Lennon/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Adam L. Levine ( CN=Adam L. Levine/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Sharon R. Lewis ( CN=Sharon R. Lewis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Darin LeZotte ( CN=Darin LeZotte/OU=WHO/O=EOP [ WHO ] )  
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TO:Elan Liang ( CN=Elan Liang/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Andrew Liggett ( CN=Andrew Liggett/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Susan D. Lindahl ( CN=Susan D. Lindahl/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephanie E. Linder ( CN=Stephanie E. Linder/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Blake Lindner ( CN=Blake Lindner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Stephen M. Lineberry ( CN=Stephen M. Lineberry/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lindsey M. Lineweaver ( CN=Lindsey M. Lineweaver/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Thomas Lintner ( CN=Thomas Lintner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth Liptock ( CN=Elizabeth Liptock/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kenneth A. Lisaius ( CN=Kenneth A. Lisaius/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Tracy Litton ( CN=Tracy Litton/OU=WHO/O=EOP [ WHO ] )  
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TO:Susan Lockart ( CN=Susan Lockart/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth A. Lonick ( CN=Elizabeth A. Lonick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Saundra Jo Lonick ( CN=Saundra Jo Lonick/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN



TO:Katie R. Loovis ( CN=Katie R. Loovis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ginger G. Loper ( CN=Ginger G. Loper/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Carrie B. Loy Cabinet Affairs ( CN=Carrie B. Loy Cabinet Affairs/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Amy C. Lunde ( CN=Amy C. Lunde/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Therese Lyons ( CN=Therese Lyons/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jonathan Mackintosh ( CN=Jonathan Mackintosh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robin A. MacLean ( CN=Robin A. MacLean/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Liz Macnab ( CN=Liz Macnab/OU=WHO/O=EOP [ WHO ] )  
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TO:Jose Mallea ( CN=Jose Mallea/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brooke H. Manning ( CN=Brooke H. Manning/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Curt J. Mann ( CN=Curt J. Mann/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gabrielle Marchionna ( CN=Gabrielle Marchionna/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Donald R. Margo ( CN=Donald R. Margo/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:David M. Mark ( CN=David M. Mark/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Bonny K. Marshall ( CN=Bonny K. Marshall/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Misty C. Marshall ( CN=Misty C. Marshall/OU=WHO/O=EOP [ WHO ] )  
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TO:Robert Marsh ( CN=Robert Marsh/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
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TO:Kimberly V. Martiny ( CN=Kimberly V. Martiny/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katharine Massrey ( CN=Katharine Massrey/OU=WHO/O=EOP [ WHO ] )  
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TO:Jackie Mather ( CN=Jackie Mather/OU=WHO/O=EOP [ WHO ] )  
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TO:Philip C. Mattson ( CN=Philip C. Mattson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lee Mayfield ( CN=Lee Mayfield/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kristina McAlister ( CN=Kristina McAlister/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:James M. McAllister ( CN=James M. McAllister/OU=WHO/O=EOP [ WHO ] )  
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TO:Daniel M. McCarthy ( CN=Daniel M. McCarthy/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Ellen W. McCathran ( CN=Ellen W. McCathran/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:William W. McCathran ( CN=William W. McCathran/OU=WHO/O=EOP [ WHO ] )  
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TO:Peter McCauley ( CN=Peter McCauley/OU=WHO/O=EOP [ WHO ] )  
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TO:Donald McClain ( CN=Donald McClain/OU=WHO/O=EOP [ WHO ] )  
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TO:Scott McClellan ( CN=Scott McClellan/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:John P. McConnell ( CN=John P. McConnell/OU=WHO/O=EOP [ WHO ] )  
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TO:Lauren McCord ( CN=Lauren McCord/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

TO:Michael McCormick ( CN=Michael McCormick/OU=WHO/O=EOP [ WHO ] )  
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TO:Andrea McDaniel ( CN=Andrea McDaniel/OU=WHO/O=EOP [ WHO ] )  
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TO:Ann McDaniel ( CN=Ann McDaniel/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brian McDonald ( CN=Brian McDonald/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Rebekah McDonald ( CN=Rebekah McDonald/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jack McDougale ( CN=Jack McDougale/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gwendolyn S. McFadden ( CN=Gwendolyn S. McFadden/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew W. McGarrity ( CN=Andrew W. McGarrity/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katherine E. McGill ( CN=Katherine E. McGill/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Hugh A. McGovern ( CN=Hugh A. McGovern/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dolores McGuinn ( CN=Dolores McGuinn/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sara B. McIntosh ( CN=Sara B. McIntosh/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kathryn M. McKeown ( CN=Kathryn M. McKeown/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:David McMaster ( CN=David McMaster/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Molly McMurray ( CN=Molly McMurray/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP [ WHO ] )  
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TO:Julia McNeese ( CN=Julia McNeese/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tyler N. McPherson ( CN=Tyler N. McPherson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Vickie A. McQuade ( CN=Vickie A. McQuade/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Deborah McRae ( CN=Deborah McRae/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sonya E. Medina ( CN=Sonya E. Medina/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Michael E. Meece ( CN=Michael E. Meece/OU=WHO/O=EOP [ WHO ] )  
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TO:Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP [ WHO ] )  
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TO:Lisa Meier ( CN=Lisa Meier/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:George E. Melissinos ( CN=George E. Melissinos/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrea M. Mendoza ( CN=Andrea M. Mendoza/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Manuel A. Mendoza ( CN=Manuel A. Mendoza/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John M. Meyers ( CN=John M. Meyers/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Steven J. Meyers ( CN=Steven J. Meyers/OU=WHO/O=EOP [ WHO ] )  
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TO:A. Morgan Middlemas ( CN=A. Morgan Middlemas/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Anne M. Midey ( CN=Anne M. Midey/OU=WHO/O=EOP [ WHO ] )  
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TO:Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Shirley Miles ( CN=Shirley Miles/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Katherine Milgram ( CN=Katherine Milgram/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Ashley Miller ( CN=Ashley Miller/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christopher T. Miller ( CN=Christopher T. Miller/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael H. Miller ( CN=Michael H. Miller/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Patti S. Miller ( CN=Patti S. Miller/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Raymond D. Miller ( CN=Raymond D. Miller/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Chad Millison ( CN=Chad Millison/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gwendolyn F. Mincey ( CN=Gwendolyn F. Mincey/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kevin M. Minne ( CN=Kevin M. Minne/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:William C. Minnis ( CN=William C. Minnis/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew Modell ( CN=Matthew Modell/OU=WHO/O=EOP [ WHO ] )  
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TO:Megan S. Mollmann ( CN=Megan S. Mollmann/OU=WHO/O=EOP [ WHO ] )  
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TO:Paul D. Montanus ( CN=Paul D. Montanus/OU=WHO/O=EOP [ WHO ] )  
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TO:Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Daneil K. Montgomery ( CN=Daneil K. Montgomery/OU=WHO/O=EOP [ WHO ] )  
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TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:James D. Morgeson ( CN=James D. Morgeson/OU=WHO/O=EOP [ WHO ] )  
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TO:Nathaniel R. Morris ( CN=Nathaniel R. Morris/OU=WHO/O=EOP [ WHO ] )  
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TO:Paul L. Morse ( CN=Paul L. Morse/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Kimberly A. Mosser ( CN=Kimberly A. Mosser/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Daniel T. Moss ( CN=Daniel T. Moss/OU=WHO/O=EOP [ WHO ] )  
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TO:Eric L. Motley ( CN=Eric L. Motley/OU=WHO/O=EOP [ WHO ] )  
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TO:Edmund C. Moy ( CN=Edmund C. Moy/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph Mukes ( CN=Joseph Mukes/OU=WHO/O=EOP [ WHO ] )  
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TO:Scott D. Munn ( CN=Scott D. Munn/OU=WHO/O=EOP [ WHO ] )  
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TO:Tara Murphy ( CN=Tara Murphy/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Airen Murray ( CN=Airen Murray/OU=WHO/O=EOP [ WHO ] )  
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TO:John Murray ( CN=John Murray/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kathleen Mynster ( CN=Kathleen Mynster/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carol A. Nagel ( CN=Carol A. Nagel/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael J. Napolitano ( CN=Michael J. Napolitano/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Anthony Nardozi ( CN=Anthony Nardozi/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Charles B. Nash ( CN=Charles B. Nash/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Rebecca C. Neale ( CN=Rebecca C. Neale/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN

TO:Noam M. Neusner ( CN=Noam M. Neusner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:John F. Newell ( CN=John F. Newell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul Newell ( CN=Paul Newell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ] )  
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TO:Paul Nicholas ( CN=Paul Nicholas/OU=WHO/O=EOP [ WHO ] )  
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TO:Jon Nichols ( CN=Jon Nichols/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wendy L. Nipper ( CN=Wendy L. Nipper/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Eric Noji ( CN=Eric Noji/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joshua P. Noland ( CN=Joshua P. Noland/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Robert C. Noonan ( CN=Robert C. Noonan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory J. North ( CN=Gregory J. North/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andre D. Norwood ( CN=Andre D. Norwood/OU=WHO/O=EOP [ WHO ] )  
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TO:Elise Nowlin ( CN=Elise Nowlin/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Philip J. O'Beirne ( CN=Philip J. O'Beirne/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Daniel O'Driscoll ( CN=Daniel O'Driscoll/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sean B. O'Hollaren ( CN=Sean B. O'Hollaren/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Ziad S. Ojakli ( CN=Ziad S. Ojakli/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kami B. Owens ( CN=Kami B. Owens/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Melissa L. Pacak ( CN=Melissa L. Pacak/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew B. Pacelli ( CN=Andrew B. Pacelli/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kathleen Packard OHS TCIMD DO ( CN=Kathleen Packard OHS TCIMD DO/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kathleen Packard ( CN=Kathleen Packard/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Theresa Pagliocca ( CN=Theresa Pagliocca/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Anne Palisi ( CN=Anne Palisi/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory R. Papeika Briefing Room ( CN=Gregory R. Papeika Briefing Room/OU=WHO/O=EOP [ WHO ] )  
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TO:Gregory R. Papeika News Room ( CN=Gregory R. Papeika News Room/OU=WHO/O=EOP [ WHO ] )  
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TO:Christie Parell ( CN=Christie Parell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Doris Parker ( CN=Doris Parker/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joyce A. Parker ( CN=Joyce A. Parker/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alessandro Parrini ( CN=Alessandro Parrini/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michelle Parrozzo ( CN=Michelle Parrozzo/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Ajay Patil ( CN=Ajay Patil/OU=WHO/O=EOP [ WHO ] )

/EOP@Exchange [ WHO ] <Michael J. Boisvenue>;Joshua B. Bolten/WHO/EOP@Exchange [ WHO ] <Joshua B. Bolten>;Frank Bonner/WHO/EOP [ WHO ] <Frank Bonner>;Michael Bourke/WHO/EOP [ WHO ] <Michael Bourke>;Lindsay J. Bourns/WHO/EOP [ WHO ] <Lindsay J. Bourns>;Dennis J. Bowden/WHO/EOP [ WHO ] <Dennis J. Bowden>;Stuart W. Bowen/WHO/EOP@Exchange [ WHO ] <Stuart W. Bowen>;David W. Boyer/WHO/EOP [ WHO ] <David W. Boyer>;Denise Bradley/WHO/EOP@Exchange [ WHO ] <Denise Bradley>;Ronald Brahm/WHO/EOP [ WHO ] <Ronald Brahm>;Keith R. Brancato/WHO/EOP [ WHO ] <Keith R. Brancato>;Michael D. Brasseur/WHO/EOP [ WHO ] <Michael D. Brasseur>;Brian Bravo/WHO/EOP@Exchange [ WHO ] <Brian Bravo>;Jan Brecht-Clark/WHO/EOP [ WHO ] <Jan Brecht-Clark>;Una F. Brien/WHO/EOP [ WHO ] <Una F. Brien>;Hana F. Brilliant/WHO/EOP [ WHO ] <Hana F. Brilliant>;John G. Briscoe/WHO/EOP [ WHO ] <John G. Briscoe>;Avery Broadbent/WHO/EOP [ WHO ] <Avery Broadbent>;Mary J. Brooke/WHO/EOP [ WHO ] <Mary J. Brooke>;Jennifer R. Brosnahan/WHO/EOP [ WHO ] <Jennifer R. Brosnahan>;Debra S. Brown/WHO/EOP@Exchange [ WHO ] <Debra S. Brown>;Larry W. Brown/WHO/EOP [ WHO ] <Larry W. Brown>;Reginald J. Brown/WHO/EOP [ WHO ] <Reginald J. Brown>;Jesse L. Bryson/WHO/EOP [ WHO ] <Jesse L. Bryson>;Claire E. Buchan/WHO/EOP@Exchange [ WHO ] <Claire E. Buchan>;Victoria Buckley/WHO/EOP [ WHO ] <Victoria Buckley>;Katja Bullock/WHO/EOP [ WHO ] <Katja Bullock>;Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>;Therese Burch/WHO/EOP [ WHO ] <Therese Burch>;Amanda K. Burdick/WHO/EOP [ WHO ] <Amanda K. Burdick>;Christine M. Burgeson/WHO/EOP@Exchange [ WHO ] <Christine M. Burgeson>;Lisa Burgess/WHO/EOP [ WHO ] <Lisa Burgess>;John G. Burke/WHO/EOP [ WHO ] <John G. Burke>;Thomas Burke/WHO/EOP [ WHO ] <Thomas Burke>;Shannon Burkhardt/WHO/EOP [ WHO ] <Shannon Burkhardt>;Jonathan W. Burks/WHO/EOP@Exchange [ WHO ] <Jonathan W. Burks>;Janice L. Burmeister/WHO/EOP [ WHO ] <Janice L. Burmeister>;James M. Burnham/WHO/EOP [ WHO ] <James M. Burnham>;Patrick Burns/WHO/EOP [ WHO ] <Patrick Burns>;Susan M. Burns/WHO/EOP [ WHO ] <Susan M. Burns>;Lindsay Burton/WHO/EOP [ WHO ] <Lindsay Burton>;Justin Busch/WHO/EOP [ WHO ] <Justin Busch>;Kate M. Byrnes/WHO/EOP [ WHO ] <Kate M. Byrnes>;Matthew Byrne/WHO/EOP [ WHO ] <Matthew Byrne>;Catalina Cabral/WHO/EOP [ WHO ] <Catalina Cabral>;Raquel Cabral/WHO/EOP@Exchange [ WHO ] <Raquel Cabral>;Marissa Cain/WHO/EOP [ WHO ] <Marissa Cain>;Regina L. Cain/WHO/EOP [ WHO ] <Regina L. Cain>;Tim M. Callaghan/WHO/EOP [ WHO ] <Tim M. Callaghan>;William Cameron/WHO/EOP [ WHO ] <William Cameron>;Anne E. Campbell/WHO/EOP@Exchange [ WHO ] <Anne E. Campbell>;Frances L. Campbell/WHO/EOP [ WHO ] <Frances L. Campbell>;Sarah Campbell/WHO/EOP [ WHO ] <Sarah Campbell>;Denise Cardamone/WHO/EOP [ WHO ] <Denise Cardamone>;Andrew H. Card/WHO/EOP@Exchange [ WHO ] <Andrew H. Card>;Stanley W. Carlson-Thies/WHO/EOP [ WHO ] <Stanley W. Carlson-Thies>;Jeremy Carl/WHO/EOP [ WHO ] <Jeremy Carl>;Ann Carmichael/WHO/EOP [ WHO ] <Ann Carmichael>;Pamela P. Carpenter/WHO/EOP [ WHO ] <Pamela P. Carpenter>;Colleen M. Carroll/WHO/EOP [ WHO ] <Colleen M. Carroll>;James W. Carroll/WHO/EOP [ WHO ] <James W. Carroll>;Pamela R. Casey/WHO/EOP [ WHO ] <Pamela R. Casey>;Patrick J. Casey/WHO/EOP [ WHO ] <Patrick J. Casey>;Lois A. Cassano/WHO/EOP@Exchange [ WHO ] <Lois A. Cassano>;Jennifer Cervantes/WHO/EOP [ WHO ] <Jennifer Cervantes>;Kirsten A. Chadwick/WHO/EOP@Exchange [ WHO ] <Kirsten A. Chadwick>;Daniel L. Chafin/WHO/EOP [ WHO ] <Daniel L. Chafin>;Shane P. Chambers/WHO/EOP@Exchange [ WHO ] <Shane P. Chambers>;Katherine M. Channell/WHO/EOP [ WHO ] <Katherine M. Channell>;Angela A. Chinque/WHO/EOP [ WHO ] <Angela A. Chinque>;Linwood Chisholm/WHO/EOP [ WHO ] <Linwood Chisholm>;ZaFreen Chowdhury/WHO/EOP [ WHO ] <ZaFreen Chowdhury>;Andrew D. Ciafardini/WHO/EOP [ WHO ] <Andrew D. Ciafardini>;Eric J. Ciliberti/WHO/EOP [ WHO ] <Eric J. Ciliberti>;Frank Cilluffo/WHO/EOP [ WHO ] <Frank Cilluffo>;Joseph Clancy/WHO/EOP [ WHO ] <Joseph Clancy>;Kay F. Clarke/WHO/EOP [ WHO ] <Kay F. Clarke>;Alicia P. Clark/WHO/EOP [ WHO ] <Alicia P. Clark>;James E. Clark/WHO/EOP [ WHO ] <James E. Clark>;Karen D. Clark/WHO/EOP [ WHO ] <Karen D. Clark>;Stephen L. Clark/WHO/EOP [ WHO ] <Stephen L. Clark>;Ralph J. Clemens/WHO/EOP [ WHO ] <Ralph J. Clemens>;Miriam J. Clement/WHO/EOP [ WHO ] <Miriam J. Clement>;Carolyn E. Cleveland/WHO/EOP@Exchange [ WHO ] <Carolyn E. Cleveland>;Elizabeth E. Coker/WHO/EOP [ WHO ] <Elizabeth E. Coker>;Ronald S. Colburn/WHO/EOP [ WHO ] <Ronald S. Colburn>;Jesse Connors/WHO/EOP [ WHO ] <Jesse Connors>;Thais C. Conway/WHO/EOP [ WHO ] <Thais C. Conway>;Mark W. Cooper/WHO/EOP [ WHO ] <Mark W. Cooper>;Rory S. Cooper/WHO/EOP [ WHO ] <Rory S. Cooper>;Tamar Cooper/WHO/EOP [ WHO ] <Tamar Cooper>;Timothy A. Cornell/WHO/EOP [ WHO ] <Timothy A. Cornell>;Brian S. Cossiboom/WHO/EOP [ WHO ] <Brian S. Cossiboom>;Margaret Cousley/WHO/EOP [ WHO ] <Margaret Cousley>;Christopher Coverdell/WHO/EOP [ WHO ] <Christopher Coverdell>;Edward Cowling/WHO/EOP [ WHO ] <Edward Cowling>;Christopher C.

READ:UNKNOWN  
TO:David J. Patterson ( CN=David J. Patterson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dennis C. Patterson ( CN=Dennis C. Patterson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Richard S. Paulus ( CN=Richard S. Paulus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Beth Pedison ( CN=Beth Pedison/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Sarah Penny ( CN=Sarah Penny/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brian Peterman ( CN=Brian Peterman/OU=WHO/O=EOP [ WHO ] )  
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TO:Catherine E. Peterson ( CN=Catherine E. Peterson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Bruce W. Peters ( CN=Bruce W. Peters/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sarah Pfeifer ( CN=Sarah Pfeifer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Hillary D. Phelps ( CN=Hillary D. Phelps/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Janet M. Philips ( CN=Janet M. Philips/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Garry L. Phillips ( CN=Garry L. Phillips/OU=WHO/O=EOP [ WHO ] )  
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TO:Mary K. Pigg ( CN=Mary K. Pigg/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nina Pinto ( CN=Nina Pinto/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kasey S. Pipes ( CN=Kasey S. Pipes/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth Pitts ( CN=Elizabeth Pitts/OU=WHO/O=EOP [ WHO ] )  
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TO:Lewis Podolske ( CN=Lewis Podolske/OU=WHO/O=EOP [ WHO ] )  
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TO:Robert M. Pohl ( CN=Robert M. Pohl/OU=WHO/O=EOP [ WHO ] )  
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TO:Nancy Pomerleau ( CN=Nancy Pomerleau/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Conley V. Poole ( CN=Conley V. Poole/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Gregory J. Popadiuk ( CN=Gregory J. Popadiuk/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin H. Porritt ( CN=Benjamin H. Porritt/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ] )  
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TO:Dina Powell ( CN=Dina Powell/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Glenn W. Powell ( CN=Glenn W. Powell/OU=WHO/O=EOP [ WHO ] )  
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TO:Alexander Powers ( CN=Alexander Powers/OU=WHO/O=EOP [ WHO ] )  
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TO:Robert T. Pratt Jr ( CN=Robert T. Pratt Jr/OU=WHO/O=EOP [ WHO ] )  
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TO:Melissa R. Price ( CN=Melissa R. Price/OU=WHO/O=EOP [ WHO ] )  
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TO:Suzanne Primoff ( CN=Suzanne Primoff/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Clare Pritchett ( CN=Clare Pritchett/OU=WHO/O=EOP@Exchange [ WHO ] )

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TO:Kristopher N. Purcell ( CN=Kristopher N. Purcell/OU=WHO/O=EOP [ WHO ] )  
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TO:Ben Quevedo ( CN=Ben Quevedo/OU=WHO/O=EOP [ WHO ] )  
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TO:Lori J. Raad ( CN=Lori J. Raad/OU=WHO/O=EOP [ WHO ] )  
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TO:David B. Rachelson ( CN=David B. Rachelson/OU=WHO/O=EOP [ WHO ] )  
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TO:Susan B. Ralston Senior Advisor ( CN=Susan B. Ralston Senior Advisor/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Tim Reynolds ( CN=Tim Reynolds/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Katherine A. Rhodes ( CN=Katherine A. Rhodes/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:January M. Riecke ( CN=January M. Riecke/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Allison L. Riepenhoff ( CN=Allison L. Riepenhoff/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:James J. Ross ( CN=James J. Ross/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Julius Rothstein ( CN=Julius Rothstein/OU=WHO/O=EOP [ WHO ] )  
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TO:Maria H. Roumel ( CN=Maria H. Roumel/OU=WHO/O=EOP [ WHO ] )  
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TO:Emory Rounds ( CN=Emory Rounds/OU=WHO/O=EOP [ WHO ] )  
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TO:Dexter L. Rountree ( CN=Dexter L. Rountree/OU=WHO/O=EOP [ WHO ] )  
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TO:Eileen M. Rowley ( CN=Eileen M. Rowley/OU=WHO/O=EOP [ WHO ] )  
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TO:Wendell A. Samuels ( CN=Wendell A. Samuels/OU=WHO/O=EOP [ WHO ] )  
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TO:Ronald Sanders ( CN=Ronald Sanders/OU=WHO/O=EOP [ WHO ] )  
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TO:Anne Savage ( CN=Anne Savage/OU=WHO/O=EOP [ WHO ] )  
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TO:Virginia B. Saxton ( CN=Virginia B. Saxton/OU=WHO/O=EOP [ WHO ] )  
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TO:Desiree T. Sayle ( CN=Desiree T. Sayle/OU=WHO/O=EOP [ WHO ] )  
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TO:Elisabeth C. Scheneman ( CN=Elisabeth C. Scheneman/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP [ WHO ] )  
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TO:John T. Schramm ( CN=John T. Schramm/OU=WHO/O=EOP [ WHO ] )  
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TO:Lisa B. Schreiber Hughes ( CN=Lisa B. Schreiber Hughes/OU=WHO/O=EOP [ WHO ] )  
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TO:Aaron D. Schwitters ( CN=Aaron D. Schwitters/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew Scully ( CN=Matthew Scully/OU=WHO/O=EOP [ WHO ] )  
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TO:Eugene Seybold ( CN=Eugene Seybold/OU=WHO/O=EOP [ WHO ] )  
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TO:Richard Shanor ( CN=Richard Shanor/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN



TO:Jason S. Sharp ( CN=Jason S. Sharp/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael A. Sharp ( CN=Michael A. Sharp/OU=WHO/O=EOP [ WHO ] )  
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TO:Morad Shayegan ( CN=Morad Shayegan/OU=WHO/O=EOP [ WHO ] )  
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TO:Erin S. Shelton ( CN=Erin S. Shelton/OU=WHO/O=EOP [ WHO ] )  
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TO:Cynthia L. Shourds ( CN=Cynthia L. Shourds/OU=WHO/O=EOP [ WHO ] )  
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TO:Wendy W. Showers ( CN=Wendy W. Showers/OU=WHO/O=EOP [ WHO ] )  
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TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Jason R. Simmerman ( CN=Jason R. Simmerman/OU=WHO/O=EOP [ WHO ] )  
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TO:Virginia E. Simms ( CN=Virginia E. Simms/OU=WHO/O=EOP [ WHO ] )  
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TO:Catherine M. Simonds ( CN=Catherine M. Simonds/OU=WHO/O=EOP [ WHO ] )  
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TO:Andrew Simon ( CN=Andrew Simon/OU=WHO/O=EOP [ WHO ] )  
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TO:Wandra E. Simpson ( CN=Wandra E. Simpson/OU=WHO/O=EOP [ WHO ] )  
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TO:John Sisco ( CN=John Sisco/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Douglas W. Slade ( CN=Douglas W. Slade/OU=WHO/O=EOP [ WHO ] )  
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TO:Paul M. Slaton ( CN=Paul M. Slaton/OU=WHO/O=EOP [ WHO ] )  
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TO:Kristen Slaughter ( CN=Kristen Slaughter/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth Smart ( CN=Elizabeth Smart/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Angela Z. Smith ( CN=Angela Z. Smith/OU=WHO/O=EOP [ WHO ] )  
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TO:Bernice W. Smith ( CN=Bernice W. Smith/OU=WHO/O=EOP [ WHO ] )  
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TO:Courtney Smith ( CN=Courtney Smith/OU=WHO/O=EOP [ WHO ] )  
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TO:Darrel A. Smith ( CN=Darrel A. Smith/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Heidi M. Smith ( CN=Heidi M. Smith/OU=WHO/O=EOP [ WHO ] )  
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TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
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TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Dana Snyder ( CN=Dana Snyder/OU=WHO/O=EOP [ WHO ] )  
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TO:Louella A. Snyder ( CN=Louella A. Snyder/OU=WHO/O=EOP [ WHO ] )  
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TO:Peter S. Sobich ( CN=Peter S. Sobich/OU=WHO/O=EOP [ WHO ] )  
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TO:Virginia L. Southerland ( CN=Virginia L. Southerland/OU=WHO/O=EOP [ WHO ] )  
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TO:Christine G. Spain ( CN=Christine G. Spain/OU=WHO/O=EOP [ WHO ] )  
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TO:Jon Spaner ( CN=Jon Spaner/OU=WHO/O=EOP@Exchange [ WHO ] )  
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TO:Aretha Sparks ( CN=Aretha Sparks/OU=WHO/O=EOP [ WHO ] )  
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TO:Jesse E. Sproul ( CN=Jesse E. Sproul/OU=WHO/O=EOP [ WHO ] )  
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TO:Scott Stanzel ( CN=Scott Stanzel/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Daniel W. Starratt ( CN=Daniel W. Starratt/OU=WHO/O=EOP [ WHO ] )  
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TO:Jeffrey Starr ( CN=Jeffrey Starr/OU=WHO/O=EOP [ WHO ] )  
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TO:Lynne D. Stauss ( CN=Lynne D. Stauss/OU=WHO/O=EOP [ WHO ] )  
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TO:Jennifer Stecher ( CN=Jennifer Stecher/OU=WHO/O=EOP [ WHO ] )  
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TO:Lynden R. Steele ( CN=Lynden R. Steele/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael Steele ( CN=Michael Steele/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sara M. Steele ( CN=Sara M. Steele/OU=WHO/O=EOP [ WHO ] )  
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TO:Gretchen P. Steen ( CN=Gretchen P. Steen/OU=WHO/O=EOP [ WHO ] )  
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TO:Illa Steen ( CN=Illa Steen/OU=WHO/O=EOP [ WHO ] )  
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TO:Susan L. Sterner ( CN=Susan L. Sterner/OU=WHO/O=EOP [ WHO ] )  
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TO:Bruce L. Stewart ( CN=Bruce L. Stewart/OU=WHO/O=EOP [ WHO ] )  
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TO:Ryan P. Stiles ( CN=Ryan P. Stiles/OU=WHO/O=EOP [ WHO ] )  
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TO:Eleanor Stone ( CN=Eleanor Stone/OU=WHO/O=EOP [ WHO ] )  
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TO:Roddy Story ( CN=Roddy Story/OU=WHO/O=EOP [ WHO ] )  
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TO:Timothy C. Stout ( CN=Timothy C. Stout/OU=WHO/O=EOP [ WHO ] )  
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TO:Kenneth Stroeck ( CN=Kenneth Stroeck/OU=WHO/O=EOP [ WHO ] )  
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TO:Andrew Stroot ( CN=Andrew Stroot/OU=WHO/O=EOP [ WHO ] )  
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TO:Jose G. Suarez ( CN=Jose G. Suarez/OU=WHO/O=EOP [ WHO ] )  
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TO:Deborah D. Suitt ( CN=Deborah D. Suitt/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Mark J. Sullivan ( CN=Mark J. Sullivan/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael J. Sullivan ( CN=Michael J. Sullivan/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Margaret M. Suntum ( CN=Margaret M. Suntum/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ryan A. Sweeney ( CN=Ryan A. Sweeney/OU=WHO/O=EOP [ WHO ] )  
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TO:LaShawnda J. Swinson ( CN=LaShawnda J. Swinson/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Justin Taft ( CN=Justin Taft/OU=WHO/O=EOP [ WHO ] )  
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TO:Hugh T. Taggart Jr ( CN=Hugh T. Taggart Jr/OU=WHO/O=EOP [ WHO ] )  
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TO:Claire Taplett ( CN=Claire Taplett/OU=WHO/O=EOP [ WHO ] )  
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TO:Galey D. Tatum ( CN=Galey D. Tatum/OU=WHO/O=EOP [ WHO ] )  
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TO:Michael J. Taylor ( CN=Michael J. Taylor/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Sara M. Taylor ( CN=Sara M. Taylor/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Randal C. Teague ( CN=Randal C. Teague/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Meredith A. Terpeluk ( CN=Meredith A. Terpeluk/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO:Eric W. Terrell ( CN=Eric W. Terrell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nancy A. Theis ( CN=Nancy A. Theis/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Edwin R. Thomas III ( CN=Edwin R. Thomas III/OU=WHO/O=EOP [ WHO ] )  
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REMINDER: A response to the attached memorandum from the White House  
Counsel,s Office is due by COB today, Monday, June 16.

REV\_00122231

If you have not already done so, please print the attached documents,  
follow the steps outlined in the memorandum and return your signed  
certification as described in the memorandum.  
Please contact Jennifer Newstead at 456-1984 if you have any questions.  
Thank you for your help.

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 Vandenbossche/WHO/EOP [ WHO ] <Charles J. Vandenbossche>;Erin A. Vargo/WHO/EOP [ WHO ]  
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 Venkayya/WHO/EOP [ WHO ] <Rajeev V. Venkayya>;Mercedes M. Viana/WHO/EOP [ WHO ]  
 <Mercedes M. Viana>;Jesse O. Villarreal/WHO/EOP [ WHO ] <Jesse O. Villarreal>;Daniel

June 9, 2003

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF  
OFFICE OF POLICY DEVELOPMENT STAFF  
NATIONAL SECURITY COUNCIL STAFF

FROM: ALBERTO R. GONZALES, COUNSEL TO THE PRESIDENT

SUBJECT: NATIONAL COMMISSION ON TERRORIST ATTACKS "EOP  
DOCUMENT REQUEST NO. 2"

**Please read this entire memorandum carefully. It deals with legal obligations that apply to you.**

The National Commission on Terrorist Attacks Upon the United States ("Commission") was established in the legislative branch, principally to inquire into, and report to the President and Congress on, the terrorists attacks of September 11, 2001 and the extent of U.S. preparedness for and immediate response to the attacks (Public Law 107-306, November 27, 2002). The Executive Office of the President (EOP) is cooperating with the Commission effort, consistent with the policy set forth in the memorandum of March 19, 2003 from the President's Chief of Staff.

The Commission has submitted "EOP Document Request No. 2" (attached) seeking executive materials from the EOP. The first category of materials sought by "EOP Document Request No. 2" will be the subject of a separate memorandum. The remaining categories are:

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.
3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President.
4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001 that concerned domestic policy responses to the terrorist attacks upon the United States.
5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

You must complete the following steps expeditiously:

1. Search for all materials you possess or control that fall within any of the categories set forth above. Your search for materials must be reasonable, diligent, and conducted in good faith, and must include any materials which may previously have been sent to the Office of Records Management. Retrieve all materials that fall within any of the categories set forth above and photocopy them.
2. Complete the attached certification, attach any photocopies produced under Step 1, and submit the certification and photocopies to Elizabeth Farrell 456-5942, EEOB Room 154, as early as possible but in all events not later than the close of business on Monday, June 16, 2003. NSC staff should submit their signed certification, along with any photocopies produced under Step 1, to William Leary, in the NSC Records Directorate, EEOP Room 392, 456-9201, as early as possible but in all events not later than the close of business on Monday, June 16, 2003.

Also, please be aware that we anticipate additional Commission requests for information concerning the extent of U.S. preparedness for and immediate response to the terrorist attacks of September 11, 2001. It is important that you and your staff preserve all records which may potentially be responsive to this or a future request.

Please call Jennifer Newstead, Associate White House Counsel, at 456-1984, if you have any questions. Thank you for your assistance.

CERTIFICATION BY EMPLOYEE

(in response to "EOP Document Request No. 2" dated June 4, 2003  
from the National Commission on Terrorist Attacks Upon the United States)

(Check one item as appropriate, sign, and date,  
and submit to the Office of the Counsel to the President by June 16, 2003)

\_\_\_\_\_ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have produced with this certification photocopies of all such responsive documents to the Office of the Counsel to the President.

\_\_\_\_\_ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have no such documents.

\_\_\_\_\_  
Signature of Individual Making Certification

\_\_\_\_\_  
Date

Printed Name: \_\_\_\_\_

Telephone No.: \_\_\_\_\_





Thomas H. Kean  
CHAIR

Lee H. Hamilton  
VICE CHAIR

Richard Ben-Veniste

Max Cleland

Ired F. Fielding

Ernie S. Gorelick

Blake Gorton

John Lehman

Timothy J. Roemer

James R. Thompson

Philip D. Zelikow  
EXECUTIVE DIRECTOR

## EOP DOCUMENT REQUEST No. 2

The National Commission on Terrorist Attacks Upon the United States (the "Commission") requests that the Executive Office of the President (the "respondent") provide the Commission with the following documents and information no later than June 25, 2003 (the "production date"). The Commission requests that the respondent inform the Commission promptly if the production date poses a problem for certain categories of documents, such as documents from the previous Administration that may be in the custody of the National Archives and Records Administration, and meet promptly with the Commission staff to set a schedule for the production of those documents.

1. The briefing materials prepared or compiled by NSC staff and distributed to attendees for; any summaries prepared or compiled by NSC staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by NSC staff of Principals and Deputies Committee meetings held from January 1, 1998, through September 20, 2001 that concerned:

- (a) Al-Qa'ida, Usama bin Laden, and/or Afghanistan;
- (b) the policy and budget development, implementation, or review of the overall counterterrorism policies of the United States, including PDD-62 (1998), the Five Year Counterterrorism Plan, and any successor NSPDs; and/or
- (c) counterterrorism issues involving threats to or attacks on the United States or American persons or assets in relations with Malaysia, Pakistan, Saudi Arabia, Sudan, the United Arab Emirates, and Yemen, other than materials that focus only on Palestinian terrorist activities.

Principals meetings include any such meeting whether chaired by the President or by the National Security Adviser. This request applies to principals or deputies level meetings addressing these topics wholly or in part regardless of the title used for the group or whether conducted in person or by SVTS, including meetings of the "Foreign Policy Team," the "Small Group," and the Counterterrorism Security Group (including CSG meetings chaired by the National Coordinator), as well as relevant meetings at Camp David.

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

TEL (202) 331-4060  
FAX (202) 296-5545  
[www.9-11commission.gov](http://www.9-11commission.gov)

## EOP DOCUMENT REQUEST No. 2

Page 2

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President. (A request for such documents directed to the Office of the Vice President will be submitted separately.)
4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001, that concerned domestic policy responses to the terrorist attacks upon the United States.
5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

The Commission requests that the documents requested above be provided as soon as they are available, even though all requested documents may not be provided at the same time, through means of a "rolling" production.

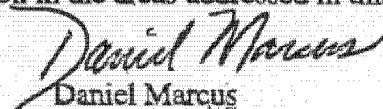
If any requested documents are withheld from production, even temporarily, based on an alleged claim of privilege or for any other reason, the Commission requests that the respondent, as soon as possible and in no event later than the production date, identify and describe each such document or class of documents, as well as the alleged basis for not producing it, with sufficient specificity to allow a meaningful challenge to any such withholding.

If the respondent does not have possession, custody or control of any requested documents but has information about where such documents may be located, the Commission requests that the respondent provide such information as soon as possible and in no event later than the production date.

If the respondent has any questions or concerns about the interpretation or scope of these document requests, the Commission requests that any such questions or concerns be raised with the Commission as soon as possible so that any such issues can be addressed and resolved prior to the production date.

The Commission intends to make further document requests as its work develops and reserves the right to request additional documents and information in the areas addressed in this request.

June 4, 2003

  
Daniel Marcus  
General Counsel

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Stevenson, Bob (Frist) <Bob\_Stevenson@frist.senate.gov>; Willcox, Lawrence (RPC) <Lawrence\_Willcox@RPC.Senate.Gov>; Dahl, Alex (Judiciary) <Alex\_Dahl@Judiciary.senate.gov>; Delrahim, Makan (Judiciary) <Makan\_Delrahim@Judiciary.senate.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Duffield, Steven (RPC) <Steven\_Duffield@RPC.Senate.Gov>; Gumerson, Katie (RPC) <Katie\_Gumerson@RPC.Senate.Gov>; Ledeen, Barbara (Republican-Conf) <Barbara\_Ledeen@src.senate.gov>; Comisac, RenaJohnson (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>; Rodgers, Mark (Republican-Conf) <Mark\_Rodgers@src.senate.gov>; Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 6/16/2003 3:03:26 PM  
**Subject:** : Meeting/Thursday  
**Attachments:** P\_TNW8H003\_WHO.TXT\_1.html; P\_TNW8H003\_WHO.TXT\_2.txt

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READ:UNKNOWN  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
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When: Thursday, June 19, 2003 3:30 PM-4:30 PM (GMT-05:00) Eastern Time (US & Canada).  
Where: Lee's Office

\*~\*~\*~\*~\*~\*~\*~\*~\*~\*

Wendy and Brett:

Lee would like to reconvene on Thursday at 3:30 with a few key people to

REV\_00122304

continue to discuss judicial issues going forward. We leave it to you who else from the WH should be invited, and please let us know if we should invite DOJ colleagues.

Manny

- att1.htm - meeting.ics

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File attachment <P\_TNW8H003\_WHO.TXT\_2>

When: Thursday, June 19, 2003 3:30 PM-4:30 PM (GMT -05:00) Eastern Time (US & Canada).

Where: Lee's Office

\*~\*~\*~\*~\*~\*~\*~\*~\*

Wendy and Brett:

Lee would like to reconvene on Thursday at 3:30 with a few key people to continue to discuss judicial issues going forward. We leave it to you who else from the WH should be invited, and please let us know if we should invite DOJ colleagues.

Manny

## Event

**From:** Miranda, Manuel (Frist)  
**To:** 'Wendy\_J.\_Grubbs@who.eop.gov'; 'Brett\_M.\_Kavanaugh@who.eop.gov'; Rodgers, Mark (Republican-Conf); Delrahim, Makan (Judiciary); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary); Ledeen, Barbara (Republican-Conf); Willcox, Lawrence (RPC); Gumerson, Katie (RPC); Stevenson, Bob (Frist); Duffield, Steven (RPC)  
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**Alarm Repeat:** Repeat 0 times

Wendy and Brett: Lee would like to reconvene on Thursday at 3:30 with a few key people to continue to discuss ju going forward. We leave it to you who else from the WH should be invited, and please let us know if we should inv colleagues. Manny

---

**From:** Ralston, Susan B.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/16/2003 7:11:21 PM  
**Subject:** TX fact sheet

Did you get a chance to look at the fact sheet?

---

**From:** Kavanaugh, Brett M.  
**To:** <Ralston, Susan B.>  
**Sent:** 6/16/2003 9:42:27 PM  
**Subject:** Re: Use of Corporate Planes

can you confirm that the Tichenor plane is corporate owned and not individually owned? Thanks.



---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@doj.opinionjournal.com [ UNKNOWN ] <otep@doj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/17/2003 1:28:37 AM  
**Subject:** : OpinionJournal - On the Editorial Page - June 17, 2003

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CREATION DATE/TIME:17-JUN-2003 05:28:37.00

SUBJECT:: OpinionJournal - On the Editorial Page - June 17, 2003

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READ:UNKNOWN

BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

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From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page

<http://www.opinionjournal.com/editorial/?id=110003636>

Despite Prince Bandar's assurances, another American woman is trapped in Saudi Arabia.

12:01 a.m. EDT

The Western Front BY BRENDAN MINITER

<http://www.opinionjournal.com/columnists/bminiter/?id=110003635>

No shooting at this year's Empire State Games. What a shame.

12:01 a.m. EDT

Scene & Heard BY KIMBERLEY A. STRASSEL

<http://www.opinionjournal.com/columnists/kstrassel/?id=110003638>

The latest scandal-plagued corporation is union-owned.

12:01 a.m. EDT

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Review & Outlook

The Lessons of Ullico

How union bosses put one over on the rank and file.

Jun 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105581557054422500,00.html%3Fmod%3Dopinion>

~~~~~

Sarah and the Saudis

Despite Prince Bandar's assurances, another American woman is trapped in the kingdom.

Jun 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105581645745093600,00.html%3Fmod%3Dopinion>

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## Commentary

Sam Waksal, Meet Robert Georgine!  
The latest scandal-plagued corporation is union-owned.  
By KIMBERLEY A. STRASSEL  
Jun 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105581453165440700,00.html%3Fmod%3Dopinion>

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Vladimir Potemkin  
Don't erect a statue of my husband in Moscow.  
By ELENA BONNER  
Jun 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105581519212700,00.html%3Fmod%3Dopinion>

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## Rule of Law

Judicial Imperialism  
Why should one Philippine national be able to sue another in U.S. courts  
-- for crimes committed in the Philippines?  
By ROBERT H. BORK  
Jun 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105581414187853000,00.html%3Fmod%3Dopinion>

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## Global View

Europe's Ambitious Bid  
The EU considers a constitution.  
By GEORGE MELLOAN  
Jun 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105580509329526900,00.html%3Fmod%3Dopinion>

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## Leisure & Arts

Theater  
Studs Terkel and the Water Works  
"Race" at the Lookingglass Theatre through Aug. 10.  
By JOEL HENNING  
Jun 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105581893016006500,00.html%3Fmod%3Dopinion>

~~~~~

Books  
Machine Dreams  
"Code Name Ginger"  
By GEORGE ANDERS  
Jun 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105581785554884900,00.html%3Fmod%3Dopinion>

~~~~~

Dance  
Sharing Lincoln Center, Artistic Paths  
American Ballet Theatre through June 28 and New York City Ballet through June 29.  
By ROBERT GRESKOVIC  
Jun 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105581749831801600,00.html%3Fmod%3Dopinion>

~~~~~

Not Exactly Gunning for the Olympics  
Tossing gun-toting athletes from state competition in New York may prove to be a costly mistake.  
By BRENDAN MINITER  
Jun 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10558184534016700,00.html%3Fmod%3Dopinion>

~~~~~

Time Off  
Diversions  
The Fabric of Moroccan Life  
Jun 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105581919393885800,00.html%3Fmod%3Dopinion>

~~~~~

International

Annan's Amnesia  
Peacekeepers are not needed in Israel because there is no peace to keep.  
From The Wall Street Journal Europe  
Jun 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105580131285600700,00.html%3Fmod%3Dopinion>

~~~~~

France's Real Revolution  
The public's legendary patience with disruptive protests is wearing distinctly thin.  
From The Wall Street Journal Europe  
Jun 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105580160937>

272000,00.html%3Fmod%3Dopinion

~~~~~

Americanizing British Institutions

Tony Blair is accused of acting more like a president than a prime minister.

By ANDREW ROBERTS

From The Wall Street Journal Europe

Jun 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105580065243155200,00.html%3Fmod%3Dopinion>

~~~~~

FTA Would Benefit Taiwan and U.S.

One of the most effective ways for the U.S. to promote democracy and human rights is to negotiate free trade with Taiwan.

By JIM RAMSTAD

From The Asian Wall Street Journal

Jun 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105580226653396300,00.html%3Fmod%3Dopinion>

~~~~~

A Victim of Medical Malpractice

Its participation in the WHO has never been more vital, but Taiwan keeps being sent to the kiddie table.

By GEORGE ALLEN

From The Asian Wall Street Journal

Jun 17 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105580340658136100,00.html%3Fmod%3Dopinion>

~~~~~

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**From:** Kavanaugh, Brett M.  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Nelson, Carolyn>  
**Sent:** 6/17/2003 9:28:33 AM  
**Subject:** edit to draft letters to Leahy and Schumer

Carrie: Please delete the word "full" before "opportunity" in both letters. Also, delete "of concern" at end of Leahy letter.  
Thanks.

---

**From:** Bumatay, Patrick J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/17/2003 9:42:14 AM  
**Subject:** contact list

You are working on a contact list for Roger Titus, right?

Thanks

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] <Brian.A.Benczkowski@usdoj.gov>; Comisac, RenaJohnson (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Smith, William (Judiciary) <William\_Smith@Judiciary.senate.gov>  
**Sent:** 6/17/2003 7:03:26 AM  
**Subject:** : Pryor/ next Tues/3:30  
**Attachments:** P\_XD28H003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:17-JUN-2003 11:03:26.00

SUBJECT:: Pryor/ next Tues/3:30

TO:Brian.A.Benczkowski@usdoj.gov ( Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

TO:"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> (

"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:"Smith, William (Judiciary)" <William\_Smith@Judiciary.senate.gov> ( "Smith, William (Judiciary)" <William\_Smith@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

William, turns out the best time for room availability is 3:30 to 4:30.  
Perhaps, you can come right after your meeting at 2:45.

-----Original Message-----

From: Smith, William (Judiciary)

Sent: Tuesday, June 17, 2003 10:45 AM

To: Miranda, Manuel (Frist); Comisac, RenaJohnson (Judiciary);

Brett M. Kavanaugh@who.eop.gov; Brian.A.Benczkowski@usdoj.gov

Subject: RE: Pryor briefing

The 10 o'clock hour is better for me. I already have a meeting scheduled for 2:45. I think it is a good idea.

William

-----Original Message-----

From: Miranda, Manuel (Frist)

Sent: Tuesday, June 17, 2003 10:06 AM

To: Comisac, RenaJohnson (Judiciary); Brett M. Kavanaugh@who.eop.gov;

Brian.A.Benczkowski@usdoj.gov; Smith, William (Judiciary)

Subject: Pryor briefing

I would like to schedule a briefing on Pryor for all staff before Senators get bombarded with calls and to give staffs a chance to prepare their Senators with TP's for recess.

The earliest I can do is next Tuesday. Would you all be able to share the presentation if we scheduled it for Tuesday the 22nd at 10:00 or 3:00?

At that time we can give staffs a heads up about the post recess schedule and rally them a bit.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_XD28H003\_WHO.TXT\_1>

REV\_00122341



William, turns out the best time for room availability is 3:30 to 4:30. Perhaps, you can come right after your meeting at 2:45-

-  
-----Original Message-----

**From:** Smith, William (Judiciary)

**Sent:** Tuesday, June 17, 2003 10:45 AM

**To:** Miranda, Manuel (Frist); Comisac, RenaJohnson (Judiciary); Brett\_M.\_Kavanaugh@who.eop.gov;  
Brian.A.Benczkowski@usdoj.gov

**Subject:** RE: Pryor briefing

-  
~~The 10 o'clock hour is better for me. I already have a meeting scheduled for 2:45. I think it is a good idea.~~

-  
William

-  
-----Original Message-----

**From:** Miranda, Manuel (Frist)

**Sent:** Tuesday, June 17, 2003 10:06 AM

**To:** Comisac, RenaJohnson (Judiciary); Brett\_M.\_Kavanaugh@who.eop.gov; Brian.A.Benczkowski@usdoj.gov;  
Smith, William (Judiciary)

**Subject:** Pryor briefing

-  
I would like to schedule a briefing on Pryor for all staff before Senators get bombarded with calls and to give staffs a chance to prepare their Senators with TP's for recess.

-  
The earliest I can do is next Tuesday. Would you all be able to share the presentation if we scheduled it for Tuesday the 22<sup>nd</sup> at 10:00 or 3:00?

-  
At that time we can give staffs a heads up about the post recess schedule and rally them a bit.

**From:** CN=Emily Winland/OU=OPD/O=EOP [ OPD ]  
**To:** Amy Jensen/WHO/EOP@Exchange@EOP [ WHO ] <Amy Jensen>;Michael E. Meece/WHO/EOP@EOP [ WHO ] <Michael E. Meece>;Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>;Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>;Ado A. Machida/OVP/EOP@Exchange@EOP [ OVP ] <Ado A. Machida>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Phillip L. Swagel/CEA/EOP@EOP [ CEA ] <Phillip L. Swagel>;Alan Gilbert/OPD/EOP@EOP [ OPD ] <Alan Gilbert>;Barry S. Jackson/WHO/EOP@EOP [ WHO ] <Barry S. Jackson>;Philip J. Perry/OMB/EOP@EOP [ OMB ] <Philip J. Perry>;Robert Marsh/WHO/EOP@Exchange@EOP [ WHO ] <Robert Marsh>;Courtney S. Elwood/OVP/EOP@Exchange@EOP [ OVP ] <Courtney S. Elwood>;Jeffrey F. Kupfer/WHO/EOP@Exchange@EOP [ WHO ] <Jeffrey F. Kupfer>;Keith Hennessey/OPD/EOP@Exchange@EOP [ OPD ] <Keith Hennessey>;Kevin Warsh/OPD/EOP@EOP [ OPD ] <Kevin Warsh>;Allison Boyd/OPD/EOP@Exchange@EOP [ OPD ] <Allison Boyd>  
**CC:** Carla B. Stone/OMB/EOP@EOP [ OMB ] <Carla B. Stone>;Marty P. Smith/OPD/EOP@EOP [ OPD ] <Marty P. Smith>;Lauren K. Allgood/OPD/EOP@Exchange@EOP [ OPD ] <Lauren K. Allgood>;Lauren J. Vestewig/OPD/EOP@Exchange@EOP [ OPD ] <Lauren J. Vestewig>;Sandra F. Daigle/CEA/EOP@EOP [ CEA ] <Sandra F. Daigle>;Kimberly Ellison/WHO/EOP@EOP [ WHO ] <Kimberly Ellison>;Jean Cooper/OPD/EOP@Exchange@EOP [ OPD ] <Jean Cooper>;Layton Skelly/OPD/EOP@EOP [ OPD ] <Layton Skelly>;Diana L. Schacht/OPD/EOP@EOP [ OPD ] <Diana L. Schacht>  
**Sent:** 6/17/2003 7:28:39 AM  
**Subject:** : Meeting on Tort Reform

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Emily Winland ( CN=Emily Winland/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME:17-JUN-2003 11:28:39.00  
SUBJECT:: Meeting on Tort Reform  
TO: Amy Jensen ( CN=Amy Jensen/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Michael E. Meece ( CN=Michael E. Meece/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Ado A. Machida ( CN=Ado A. Machida/OU=OVP/O=EOP@Exchange@EOP [ OVP ] )  
READ: UNKNOWN  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Phillip L. Swagel ( CN=Phillip L. Swagel/OU=CEA/O=EOP@EOP [ CEA ] )  
READ: UNKNOWN  
TO: Alan Gilbert ( CN=Alan Gilbert/OU=OPD/O=EOP@EOP [ OPD ] )  
READ: UNKNOWN  
TO: Barry S. Jackson ( CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP@EOP [ OMB ] )  
READ: UNKNOWN  
TO: Robert Marsh ( CN=Robert Marsh/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange@EOP [ OVP ] )  
READ: UNKNOWN  
TO: Jeffrey F. Kupfer ( CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Keith Hennessey ( CN=Keith Hennessey/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )  
READ: UNKNOWN  
TO: Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP@EOP [ OPD ] )  
READ: UNKNOWN  
TO: Allison Boyd ( CN=Allison Boyd/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )  
READ: UNKNOWN  
CC: Carla B. Stone ( CN=Carla B. Stone/OU=OMB/O=EOP@EOP [ OMB ] )  
READ: UNKNOWN  
CC: Marty P. Smith ( CN=Marty P. Smith/OU=OPD/O=EOP@EOP [ OPD ] )

READ:UNKNOWN  
CC:Lauren K. Allgood ( CN=Lauren K. Allgood/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Lauren J. Vestewig ( CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Sandra F. Daigle ( CN=Sandra F. Daigle/OU=CEA/O=EOP@EOP [ CEA ] )  
READ:UNKNOWN  
CC:Kimberly Ellison ( CN=Kimberly Ellison/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Jean Cooper ( CN=Jean Cooper/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Layton Skelly ( CN=Layton Skelly/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

There will be a meeting to discuss Tort Reform on Thursday 6/19 at 5:15pm, in room 472 EEOB. This is an internal WH meeting to discuss the Administration's Tort Reform portfolio. It will be an opportunity to regroup and strategize about events, speeches, etc., in upcoming months. Please let me know if you can attend.

thanks,  
Emily  
456-6534

---

**From:** CN=Britt Grant/OU=OPD/O=EOP [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/17/2003 11:44:24 AM  
**Subject:** : Bridgeland invite

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Britt Grant ( CN=Britt Grant/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME:17-JUN-2003 15:44:24.00  
SUBJECT:: Bridgeland invite  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Hi Brett -- question for you: Bridge has been invited to speak at a mentoring awards ceremony for the National Mentoring Partnership, but it turns out that patrons have paid for some of the tables. The funds will go to support the operations of the NMP. What are the restrictions related to an event like this? This is fairly time-sensitive because the event will take place on Thursday, and he had previously agreed to speak because we were not made aware until now that fundraising would be going on. Thanks,  
Britt

---

**From:** Alice Starr <ASTARR@west-group.com>  
**To:** Carolyn Nelson/WHO/EOP@EOP [ WHO ] <Carolyn Nelson>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/17/2003 11:52:40 AM  
**Subject:** : June 30

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Alice Starr <ASTARR@west-group.com> ( Alice Starr <ASTARR@west-group.com> [ UNKNOWN ] )  
CREATION DATE/TIME: 17-JUN-2003 15:52:40.00  
SUBJECT: : June 30  
TO: Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Any luck rounding up anyone at the WH for a McLean event for Delegate Jack Rust on June 30th. How about you Brett? Are you allowed to attend these sorts of occasions? Any interest?

Perhaps the First Lady or her Chief of Staff is available.

We are open to suggestions. - Alice

---

**From:** CN=Britt Grant/OU=OPD/O=EOP [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/17/2003 12:49:09 PM  
**Subject:** : Re: one more thing Re: Bridgeland invite  
**Attachments:** P\_8ZR8H003\_OPD.TXT\_1.pdf

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Britt Grant ( CN=Britt Grant/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME:17-JUN-2003 16:49:09.00  
SUBJECT:: Re: one more thing Re: Bridgeland invite  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

He definitely will not mention it; in fact, he may decide not to speak at all. I assume that their legal counsel has signed off, but even if they have not, that falls outside of our area of legal responsibility, does it not? I will see if we can check in with their counsel to ensure that everything is taken care of, but it would not have an effect on Bridge's ability to participate regardless, right?

Brett M. Kavanaugh  
06/17/2003 04:43:59 PM  
Record Type: Record

To: Britt Grant/OPD/EOP@EOP  
cc:  
bcc:  
Subject: Re: one more thing Re: Bridgeland invite

Bridge should not refer to this during his remarks. As for them handing it out, that depends on their own legal restrictions, which I do not know. Has their legal counsel signed off?

Britt Grant  
06/17/2003 04:34:18 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: one more thing Re: Bridgeland invite

Heather Graham just forwarded this attachment to me and is concerned that it might be a problem for the National Mentoring Partnership to hand it out over the course of the event. I do not think it would be, but please advise. Thanks.

----- Forwarded by Britt Grant/OPD/EOP on 06/17/2003

REV\_00122415

04:33 PM -----

Heather H. Graham  
06/17/2003 04:29:19 PM  
Record Type: Record

To: Britt Grant/OPD/EOP@EOP  
CC:  
Subject: Re: Bridgeland invite

Please see if it is okay for them to give this out at the NY event that John is attending. Thanks, Heather

- 11.pdf

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_8ZR8H003\_OPD.TXT\_1>

Please complete the postcards to Chairman Specter and Chairman Regula below with your contact information. Then mail the entire sheet in an envelope to MENTOR. MENTOR will deliver postcards in bundles to Congress for the greatest impact.

*Please return completed postcards to:*

**MENTOR/National Mentoring Partnership  
Attn: Mentoring Postcard Campaign  
1600 Duke Street, #300  
Alexandria, VA 22314**

Please also sign up to receive e-mail updates on mentoring legislative issues. All we need is your e-mail address: \_\_\_\_\_

Dear Chairman Specter:

Just 2.5 million of the 17.6 million young people who need mentors have them. The remaining 15 million young people fall into the "mentoring gap." High-quality mentoring programs continue to struggle to find money to help more young people.

Fortunately, you can help! I urge you to provide the \$150 million requested by the President for mentoring in FY2004. Thank you for your consideration.

Sincerely,

SIGNATURE \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

**SENATOR ARLEN SPECTER  
U.S. Senate  
Committee on Appropriations  
190 Dirksen Senate Office Building  
Washington, DC 20510**

**[www.mentoring.org](http://www.mentoring.org)**

Dear Chairman Regula:

Just 2.5 million of the 17.6 million young people who need mentors have them. The remaining 15 million young people fall into the "mentoring gap." High-quality mentoring programs continue to struggle to find money to help more young people.

Fortunately, you can help! I urge you to provide the \$150 million requested by the President for mentoring in FY2004. Thank you for your consideration.

Sincerely,

SIGNATURE \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

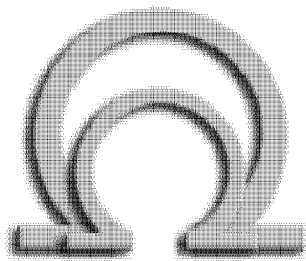
**CONGRESSMAN RALPH REGULA  
U.S. House of Representatives  
Committee on Appropriations  
2358 Rayburn House Office Building  
Washington, DC 20515**

**[www.mentoring.org](http://www.mentoring.org)**

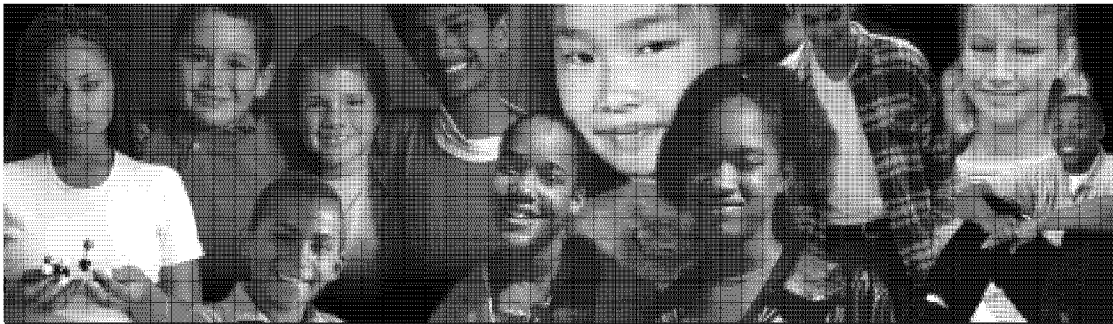




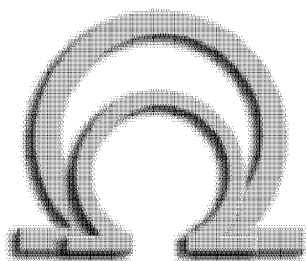
[www.mentoring.org](http://www.mentoring.org)



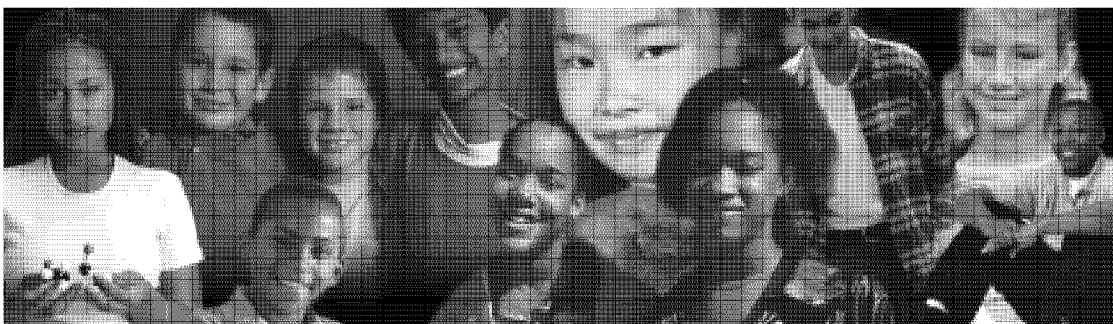
Over  
**15 MILLION**  
**YOUNG PEOPLE**  
Need Mentors...



**Federal Funding Can Help Close the Mentoring Gap!**



Over  
**15 MILLION**  
**YOUNG PEOPLE**  
Need Mentors...



**Federal Funding Can Help Close the Mentoring Gap!**

---

**From:** CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/17/2003 10:54:55 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Anne E. Campbell ( CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:17-JUN-2003 14:54:55.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

We are currently working on it. The President sent back changes. I will keep you posted. Thanks!

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, June 17, 2003 2:46 PM  
To: Campbell, Anne E.  
Subject:

Can you send me final of tonight's political speech. Thanks.

---

**From:** Jackie Bennett <Jackie.Bennett@sbalawyers.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/17/2003 11:34:11 AM  
**Subject:** : Re: fyi

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jackie Bennett <Jackie.Bennett@sbalawyers.com> ( Jackie Bennett  
<Jackie.Bennett@sbalawyers.com> [ UNKNOWN ] )  
CREATION DATE/TIME:17-JUN-2003 15:34:11.00  
SUBJECT:: Re: fyi  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks for the Immergut update.

(I'm hearing rumors about you moving onward and upward soon -- if so,  
congrats!)

Jackie M. Bennett, Jr.  
Sommer Barnard Ackerson, PC  
One Indiana Square  
Suite 3500  
Indianapolis, Indiana 46204  
Telephone: (317) 713-3444  
FAX: (317) 713-3633

---

**From:** CN=Britt Grant/OU=OPD/O=EOP [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/17/2003 11:44:24 AM  
**Subject:** : Bridgeland invite

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Britt Grant ( CN=Britt Grant/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME:17-JUN-2003 15:44:24.00  
SUBJECT:: Bridgeland invite  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Hi Brett -- question for you: Bridge has been invited to speak at a mentoring awards ceremony for the National Mentoring Partnership, but it turns out that patrons have paid for some of the tables. The funds will go to support the operations of the NMP. What are the restrictions related to an event like this? This is fairly time-sensitive because the event will take place on Thursday, and he had previously agreed to speak because we were not made aware until now that fundraising would be going on. Thanks,  
Britt

---

**From:** CN=Britt Grant/OU=OPD/O=EOP [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/17/2003 12:35:18 PM  
**Subject:** : one more thing Re: Bridgeland invite  
**Attachments:** P\_6ZQ8H003\_OPD.TXT\_1.pdf

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CREATOR:Britt Grant ( CN=Britt Grant/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME:17-JUN-2003 16:35:18.00  
SUBJECT:: one more thing Re: Bridgeland invite  
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READ:UNKNOWN  
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04:33 PM -----

Heather H. Graham  
06/17/2003 04:29:19 PM  
Record Type: Record

To: Britt Grant/OPD/EOP@EOP  
cc:  
Subject: Re: Bridgeland invite

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- 11.pdf

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_6ZQ8H003\_OPD.TXT\_1>

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*Please return completed postcards to:*

**MENTOR/National Mentoring Partnership  
Attn: Mentoring Postcard Campaign  
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Dear Chairman Specter:

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Sincerely,

SIGNATURE \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

**SENATOR ARLEN SPECTER  
U.S. Senate  
Committee on Appropriations  
190 Dirksen Senate Office Building  
Washington, DC 20510**

**www.mentoring.org**

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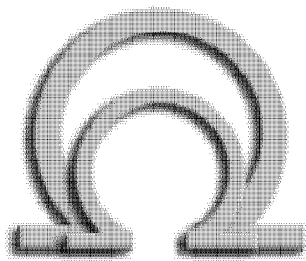
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

**CONGRESSMAN RALPH REGULA  
U.S. House of Representatives  
Committee on Appropriations  
2358 Rayburn House Office Building  
Washington, DC 20515**

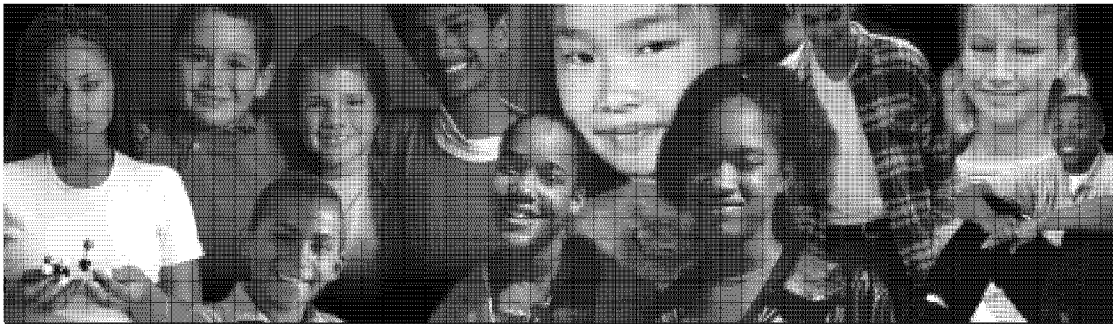
**www.mentoring.org**



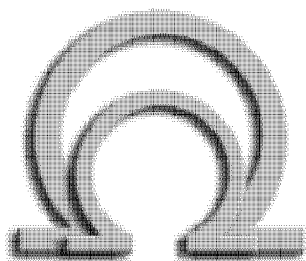
[www.mentoring.org](http://www.mentoring.org)



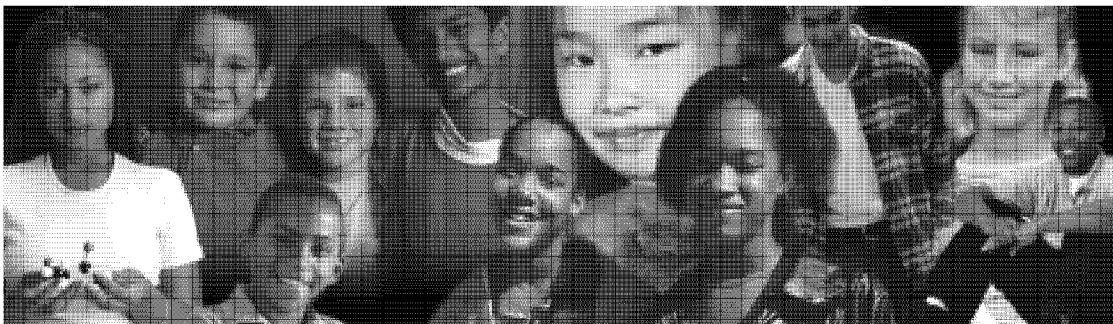
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**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/17/2003 12:35:18 PM  
**Subject:** : one more thing Re: Bridgeland invite  
**Attachments:** P\_6ZQ8H003\_WHO.TXT\_1.pdf

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CREATOR:Britt Grant ( CN=Britt Grant/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME:17-JUN-2003 16:35:18.00  
SUBJECT:: one more thing Re: Bridgeland invite  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
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Heather H. Graham  
06/17/2003 04:29:19 PM  
Record Type: Record

To: Britt Grant/OPD/EOP@EOP  
cc:  
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ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_6ZQ8H003\_WHO.TXT\_1>



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**SENATOR ARLEN SPECTER  
U.S. Senate  
Committee on Appropriations  
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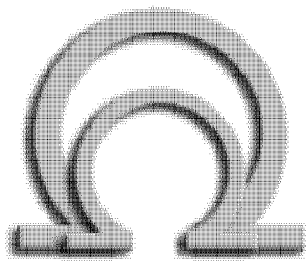
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

**CONGRESSMAN RALPH REGULA  
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Committee on Appropriations  
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Washington, DC 20515**

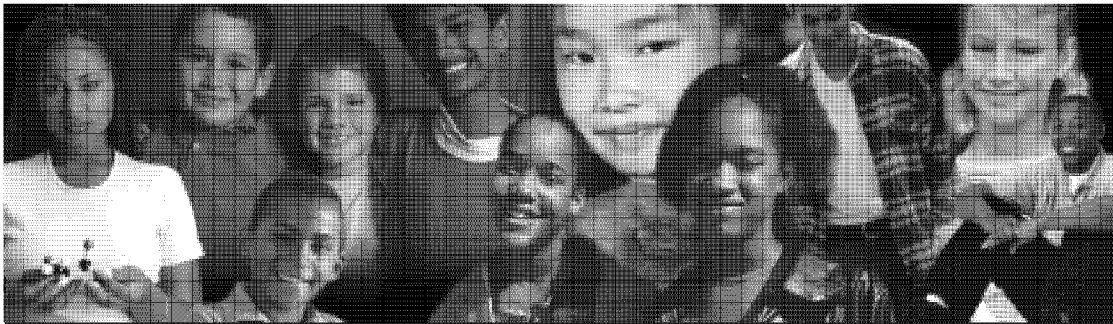
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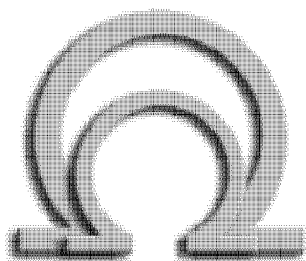
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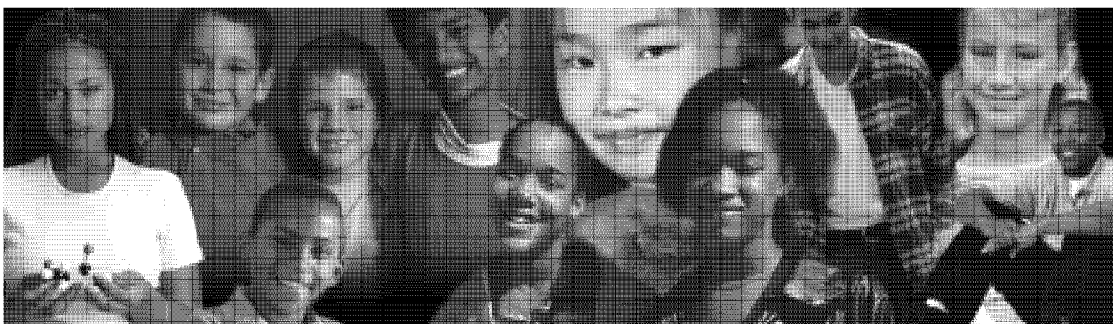
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**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/17/2003 12:52:24 PM  
**Subject:** : Re: one more thing Re: Bridgeland invite  
**Attachments:** P\_I8S8H003\_OPD.TXT\_1.pdf

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Britt Grant ( CN=Britt Grant/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME:17-JUN-2003 16:52:24.00  
SUBJECT:: Re: one more thing Re: Bridgeland invite  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
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Thanks, Brett.

Brett M. Kavanaugh  
06/17/2003 04:49:43 PM  
Record Type: Record

To: Britt Grant/OPD/EOP@EOP  
cc:  
bcc:  
Subject: Re: one more thing Re: Bridgeland invite

Correct.

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06/17/2003 04:48:07 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
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Subject: Re: one more thing Re: Bridgeland invite

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To: Britt Grant/OPD/EOP@EOP  
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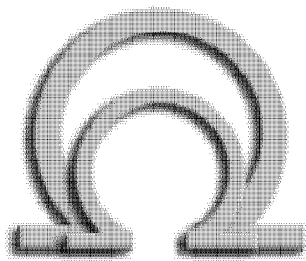
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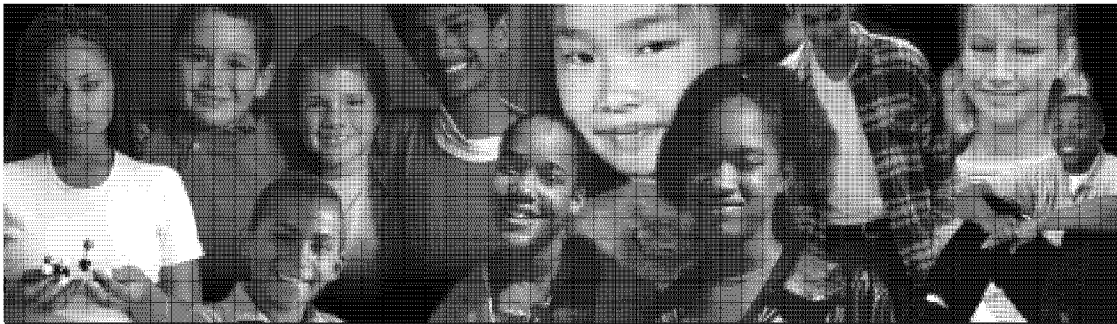
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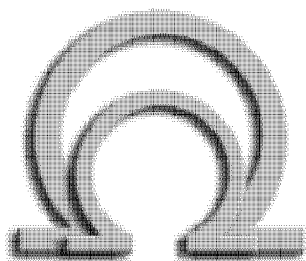
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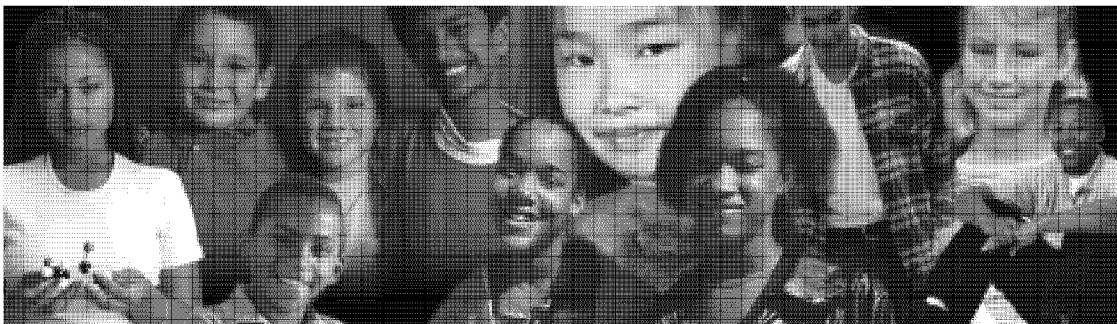
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**Sent:** 6/17/2003 12:52:24 PM  
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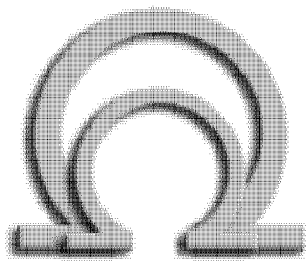
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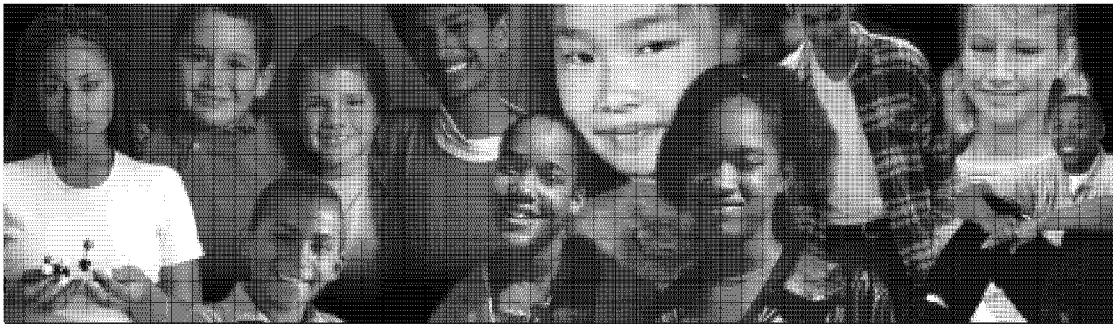
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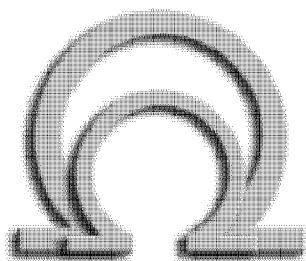
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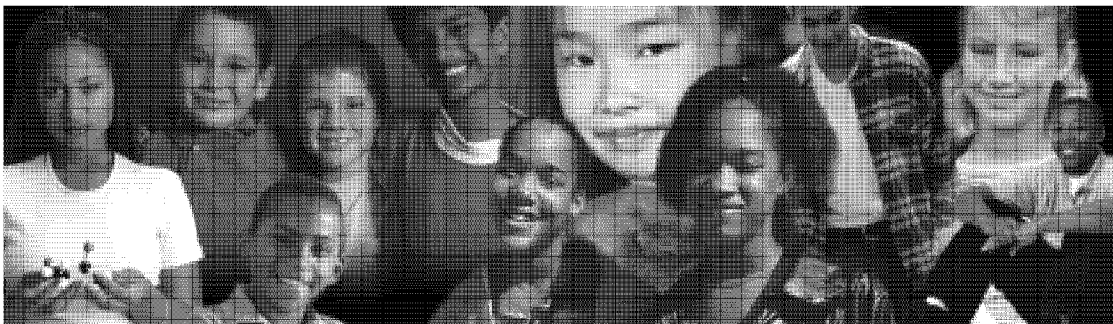
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**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/17/2003 1:00:20 PM  
**Subject:** : letter from Daschle

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Scott Stanzel ( CN=Scott Stanzel/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:17-JUN-2003 17:00:20.00  
SUBJECT:: letter from Daschle  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Have you seen a letter that Sen. Daschle sent today about a process for nominating a Supreme Court Justice? A reporter from South Dakota called to see if we had any comment on the letter (which apparently is similar to requests from Schumer and Leahy).

If you have guidance on how to respond (if at all), I'd like to hear it. I'll let you know if I get a copy of the letter.

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/17/2003 4:12:01 PM  
**Subject:** : White House Global Messenger -- 6/18/03  
**Attachments:** P\_6SG9H003\_WHO.TXT\_1.doc

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CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )  
CREATION DATE/TIME:17-JUN-2003 20:12:01.00  
SUBJECT:: White House Global Messenger -- 6/18/03  
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(See attached file: GM 6-18 FINAL.doc)

THE GLOBAL MESSENGER  
Wednesday, June 18, 2003

\*\*\*\*\*KEY POINTS\*\*\*\*\*

From remarks by Ambassador Bremer, Administrator of the Coalition Provisional Authority to Iraq, 6/17/03

-Security and rebuilding the economy to provide real jobs remain key priorities in Iraq.

-A group of Iraqi businessmen and women, economists, and politicians are advising the coalition on ways to revitalize the economy.

-Next week, Ambassador Bremer and advisors will attend the World Economic Forum in Jordan, where they will discuss rehabilitating the economy with international economic and political leaders.

-Also next week, a number of senior Iraqi civil servants will be leading a delegation to a donor conference for Iraq, hosted by the UN in New York.

-These two delegations will symbolize Iraq's reentry into the international community. For the first time in years, Iraqis will be able to freely participate in international discussions about ways to reverse the chronic economic mismanagement of their country.

-The coalition remains focused on security in Iraq. Coalition military and the Iraqi police force continue to arrest senior members of the old regime, and those who are trying to derail Iraq's reconstruction.

-The new Iraqi Police Force is being equipped and trained, and a management training course for senior police officers will begin.

-The Iraqi Judicial College has been rebuilt and the Judicial Review Committee has been created. This committee will review every judge and prosecutor in Iraq in order to establish a justice system run by people of integrity.

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Daylight. Subject to Change.

12:45 pm White House briefing

TBA State Department briefing

2:45 pm Secretary of Defense and retired General Garner brief, Pentagon

\*\*\*\*\*IRAQ HUMANITARIAN AND RECONSTRUCTION UPDATE\*\*\*\*\*

From USAID reports

In March, the U.S. government deployed a multi-agency Disaster Assistance Response Team (DART) to Iraq to assess and respond to humanitarian needs and to help coordinate the emergency relief effort.

-According to the Ministry of Trade, more than three million people in Baghdad have received or will soon receive food baskets.

-According to DART, 3,755 metric tons of food were delivered in Babil, and 19,295 metric tons were distributed in Al Basrah. In Maysan, 5,744 metric tons were distributed and in Al Muthanna, about 4,820 metric tons were distributed. Public distributions are proceeding in both Kirkuk and Mosul.

-UNICEF has dispatched teams of workers to fix blocked sewage lines and clean up piles of refuse in many parts of Baghdad, where more than 1.5 million people have benefited from UNICEF's services.

-USAID and its private sector partners have identified 18 schools in low-income communities in Al Basrah for reconstruction and refurbishment. They proposed that the school reconstruction begin in the next few weeks.

-The target date for opening the Baghdad International Airport is July 1. USAID private sector partner, Skylink, is mobilizing the local Iraqi labor force to get many of the basic functions in the terminal - such as water and electricity - up and running.

\*\*\*\*\*LIBERATION UPDATE\*\*\*\*\*

The voices of freedom, now heard across Iraq  
For more reactions to Operation Iraqi Freedom,  
visit "Liberation Update" at:  
<http://www.whitehouse.gov/liberation>

"We are like newborn children. We are very, very happy."  
--Ali Hashem Jasim, from Hawr al Hammar, Chicago Tribune, 6/13/03

THE WHITE HOUSE  
Office of Global Communications  
For more information log on to  
<http://www.whitehouse.gov/ogc>

\*\*\*\*\*  
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- GM 6-18 FINAL.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_6SG9H003\_WHO.TXT\_1>





# THE GLOBAL MESSENGER

Wednesday, June 18, 2003



## **TODAY'S SCHEDULE**

*All Times Eastern Daylight. Subject to Change.*

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TBA State Department briefing  
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Garner brief, Pentagon

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- Security and rebuilding the economy to provide real jobs remain key priorities in Iraq.
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Chicago Tribune, 6/13/03

**THE WHITE HOUSE**  
**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00122509

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**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/18/2003 1:23:11 AM  
**Subject:** : OpinionJournal - On the Editorial Page - June 18, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME:18-JUN-2003 05:23:11.00  
SUBJECT:: OpinionJournal - On the Editorial Page - June 18, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003640>

America speaks up for freedom in Iran--finally.  
12:01 a.m. EDT

Scene & Heard BY COLLIN LEVEY  
<http://www.opinionjournal.com/columnists/clevevey/?id=110003641>

Who can blame the media Lynch mob for pursuing a compelling story?

12:01 a.m. EDT

Leisure & Arts BY RUSS SMITH  
<http://www.opinionjournal.com/la/?id=110003642>

Needed: a magazine about death.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Iranian Resolution  
America speaks up for freedom -- finally.  
Jun 18 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105589473397119800,00.html%3Fmod%3Dopinion>

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Life in the Fast Lane  
The GOP revolt to block a higher gasoline tax.  
Jun 18 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105589566181459800,00.html%3Fmod%3Dopinion>

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Commentary

The Books of Revolution

Iran's "children of the revolution" want freedom, literature and a secular life.

By AZAR NAFISI

Jun 18 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10558960705091900,00.html%3Fmod%3Dopinion>

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One Voice on Reform

A collaborative effort in Europe working for growth.

By GORDON BROWN, HANS EICHEL and FRANCIS MER

Jun 18 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105588933390673800,00.html%3Fmod%3Dopinion>

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Nature vs. Politics

Greenpeace is wrong to oppose logging.

By PATRICK MOORE

Jun 18 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105589582156550800,00.html%3Fmod%3Dopinion>

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Business World

Freddie's Problem -- and Ours

This time bomb has to be defused.

By HOLMAN W. JENKINS JR.

Jun 18 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105589438656175000,00.html%3Fmod%3Dopinion>

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Leisure & Arts

Music

The Powerful Certainty of Daniel Barenboim

"The Complete Beethoven Piano Sonatas," Carnegie Hall June 19, 22, 24, 26.

By GREG SANDOW

Jun 18 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105589700698706000,00.html%3Fmod%3Dopinion>

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Let's Have Obituary Magazine

Death would be popular on the newsstand.

By RUSS SMITH

Jun 18 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105589631621179900,00.html%3Fmod%3Dopinion>

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Books

The Laci Peterson Conundrum

"Natural Rights & the Right to Choose"

By LEE BOCKHORN  
Jun 18 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105589801620267800,00.html%3Fmod%3Dopinion>

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Music  
Jubilant Sounds Swinging Through America  
"Big Band Jazz/The Jubilee Sessions/1943-1946"  
By NAT HENTOFF  
Jun 18 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105589756983031400,00.html%3Fmod%3Dopinion>

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Time Off  
Diversions  
The Fabric of Moroccan Life; Sights Once Seen: Daguerreotyping Fremont's  
Last Expedition Through the Rockies  
Jun 18 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105581919393885800,00.html%3Fmod%3Dopinion>

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International

Reform, Reform, Reform  
There's little point in settling for tepid reforms.  
From The Wall Street Journal Europe  
Jun 18 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105588714746165000,00.html%3Fmod%3Dopinion>

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Friend or Foe?  
France should pursue more lethal terrorist groups like Hamas, too.  
From The Wall Street Journal Europe  
Jun 18 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105588792863947200,00.html%3Fmod%3Dopinion>

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Rebranding Greece, Reinventing Europe  
Greece has first-world living standards coexisting with Third World politics.  
By MATTHEW KAMINSKI  
From The Wall Street Journal Europe  
Jun 18 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105588560417195100,00.html%3Fmod%3Dopinion>

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The Ugly American  
Rumsfeld's diagnostic accuracy is often met with howls of derision.  
By MICHAEL GONZALEZ  
From The Wall Street Journal Europe

Jun 18 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105588435767578900,00.html%3Fmod%3Dopinion>

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Supporting Iran's Freedom Fighters

The demonstrations may be the opening salvo of a democratic revolution.

From The Asian Wall Street Journal

Jun 18 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105588890719662700,00.html%3Fmod%3Dopinion>

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**From:** CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/18/2003 5:19:55 AM  
**Subject:** : Re: Approval

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-JUN-2003 09:19:55.00  
SUBJECT:: Re: Approval  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks.

Brett M. Kavanaugh  
06/18/2003 09:13:42 AM  
Record Type: Record

To: Tracy Jucas/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Approval

as edited

Tracy Jucas  
06/17/2003 07:20:11 PM  
Record Type: Record

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

June 17, 2003

Dear Joseph,

Thank you so much for the May 22 letter outlining your thoughts about the President and the upcoming election.

As you know, New York is the site of the 2004 convention and is an amazing representative of America. I sincerely appreciate you taking the time to write me with your thoughts and offering to help in New York. I am sure there will be many opportunities for you and others to volunteer locally when the time comes.

Again, thank you for the insightful letter, and thank you also for your support of President Bush.

Sincerely,

REV\_00122518

Matt Schlapp  
Deputy  
Assistant to the President  
Director of Political Affairs

Joseph Santora, Esq.  
400 East 56th Street  
New York, New York 10022

Brett M. Kavanaugh  
06/17/2003 07:11:25 PM  
Record Type: Record

To: Tracy Jucas/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: Approval

Please send in text.

.

----- Original Message -----

From: Tracy Jucas/WHO/EOP  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 06/17/2003 07:00:55 PM  
Subject: Approval

Hey Brett,

Matt wants your guidance re: language in a letter. This letter was sent to Karl, and Karl asked Matt to respond. Matt just wants to make sure he isn't going out on a limb too far.

Thanks,  
Tracy

**From:** CN=Emily Winland/OU=OPD/O=EOP [ OPD ]  
**To:** amy jensen/who/eop@exchange@eop [ WHO ] <amy jensen>; michael e. meece/who/eop@eop [ WHO ] <michael e. meece>; wendy j. grubbs/who/eop@exchange@eop [ WHO ] <wendy j. grubbs>; matthew a. schlapp/who/eop@eop [ WHO ] <matthew a. schlapp>; ado a. machida/ovp/eop@exchange@eop [ OVP ] <ado a. machida>; brett m. kavanaugh/who/eop@eop [ WHO ] <brett m. kavanaugh>; phillip l. swagel/cea/eop@eop [ CEA ] <phillip l. swagel>; alan gilbert/opd/eop@eop [ OPD ] <alan gilbert>; barry s. jackson/who/eop@eop [ WHO ] <barry s. jackson>; philip j. perry/omb/eop@eop [ OMB ] <philip j. perry>; robert marsh/who/eop@exchange@eop [ WHO ] <robert marsh>; courtney s. elwood/ovp/eop@exchange@eop [ OVP ] <courtney s. elwood>; jeffrey f. kupfer/who/eop@exchange@eop [ WHO ] <jeffrey f. kupfer>; keith hennessey/opd/eop@exchange@eop [ OPD ] <keith hennessey>; kevin warsh/opd/eop@eop [ OPD ] <kevin warsh>; allison boyd/opd/eop@exchange@eop [ OPD ] <allison boyd>  
**CC:** carla b. stone/omb/eop@eop [ OMB ] <carla b. stone>; marty p. smith/opd/eop@eop [ OPD ] <marty p. smith>; lauren k. allgood/opd/eop@exchange@eop [ OPD ] <lauren k. allgood>; lauren j. vestewig/opd/eop@exchange@eop [ OPD ] <lauren j. vestewig>; sandra f. daigle/cea/eop@eop [ CEA ] <sandra f. daigle>; kimberly ellison/who/eop@eop [ WHO ] <kimberly ellison>; jean cooper/opd/eop@exchange@eop [ OPD ] <jean cooper>; layton skelly/opd/eop@eop [ OPD ] <layton skelly>; diana l. schacht/opd/eop@eop [ OPD ] <diana l. schacht>  
**Sent:** 6/18/2003 5:19:55 AM  
**Subject:** : Re: Meeting on Tort Reform

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Emily Winland ( CN=Emily Winland/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME: 18-JUN-2003 09:19:55.00  
SUBJECT: : Re: Meeting on Tort Reform  
TO: amy jensen ( CN=amy jensen/OU=who/O=eop@exchange@eop [ WHO ] )  
READ: UNKNOWN  
TO: michael e. meece ( CN=michael e. meece/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
TO: wendy j. grubbs ( CN=wendy j. grubbs/OU=who/O=eop@exchange@eop [ WHO ] )  
READ: UNKNOWN  
TO: matthew a. schlapp ( CN=matthew a. schlapp/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
TO: ado a. machida ( CN=ado a. machida/OU=ovp/O=eop@exchange@eop [ OVP ] )  
READ: UNKNOWN  
TO: brett m. kavanaugh ( CN=brett m. kavanaugh/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
TO: phillip l. swagel ( CN=phillip l. swagel/OU=cea/O=eop@eop [ CEA ] )  
READ: UNKNOWN  
TO: alan gilbert ( CN=alan gilbert/OU=opd/O=eop@eop [ OPD ] )  
READ: UNKNOWN  
TO: barry s. jackson ( CN=barry s. jackson/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
TO: philip j. perry ( CN=philip j. perry/OU=omb/O=eop@eop [ OMB ] )  
READ: UNKNOWN  
TO: robert marsh ( CN=robert marsh/OU=who/O=eop@exchange@eop [ WHO ] )  
READ: UNKNOWN  
TO: courtney s. elwood ( CN=courtney s. elwood/OU=ovp/O=eop@exchange@eop [ OVP ] )  
READ: UNKNOWN  
TO: jeffrey f. kupfer ( CN=jeffrey f. kupfer/OU=who/O=eop@exchange@eop [ WHO ] )  
READ: UNKNOWN  
TO: keith hennessey ( CN=keith hennessey/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ: UNKNOWN  
TO: kevin warsh ( CN=kevin warsh/OU=opd/O=eop@eop [ OPD ] )  
READ: UNKNOWN  
TO: allison boyd ( CN=allison boyd/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ: UNKNOWN  
CC: carla b. stone ( CN=carla b. stone/OU=omb/O=eop@eop [ OMB ] )  
READ: UNKNOWN  
CC: marty p. smith ( CN=marty p. smith/OU=opd/O=eop@eop [ OPD ] )  
READ: UNKNOWN  
CC: lauren k. allgood ( CN=lauren k. allgood/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ: UNKNOWN



CC:lauren j. vestewig ( CN=lauren j. vestewig/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:sandra f. daigle ( CN=sandra f. daigle/OU=cea/O=eop@eop [ CEA ] )  
READ:UNKNOWN  
CC:kimberly ellison ( CN=kimberly ellison/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:jean cooper ( CN=jean cooper/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:layton skelly ( CN=layton skelly/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:diana l. schacht ( CN=diana l. schacht/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

A few folks did not receive this the first time around so I am resending the invite (below) for the Tort Reform meeting tomorrow at 5:15pm. If you have not gotten back to me yet, please let me know if you can attend.

thanks,  
Emily

Emily Winland  
06/17/2003 10:05:13 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc: See the distribution list at the bottom of this message  
Subject: Meeting on Tort Reform

There will be a meeting to discuss Tort Reform on Thursday 6/19 at 5:15pm, in room 472 EEOB. This is an internal WH meeting to discuss the Administration's Tort Reform portfolio. It will be an opportunity to regroup and strategize about events, speeches, etc., in upcoming months. Please let me know if you can attend.

thanks,  
Emily  
456-6534

Message Sent

To:

---

Allison Boyd/OPD/EOP@Exchange@EOP  
Alan Gilbert/OPD/EOP@EOP  
Kevin Warsh/OPD/EOP@EOP  
Phillip L. Swagel/CEA/EOP@EOP  
Keith Hennessey/OPD/EOP@Exchange@EOP  
Brett M. Kavanaugh/WHO/EOP@EOP  
Jeffrey F. Kupfer/WHO/EOP@Exchange@EOP  
Ado A. Machida/OVP/EOP@Exchange@EOP  
Courtney S. Elwood/OVP/EOP@Exchange@EOP  
Matthew A. Schlapp/WHO/EOP@EOP  
Robert Marsh/WHO/EOP@Exchange@EOP  
Wendy J. Grubbs/WHO/EOP@Exchange@EOP  
Philip J. Perry/OMB/EOP@EOP

REV\_00122521

Michael E. Meece/WHO/EOP@EOP  
Barry S. Jackson/WHO/EOP@EOP  
Amy Jensen/WHO/EOP@Exchange@EOP

Message Copied

To:

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Diana L. Schacht/OPD/EOP@EOP  
Lauren J. Vestewig/OPD/EOP@Exchange@EOP  
Layton Skelly/OPD/EOP@EOP  
Lauren K. Allgood/OPD/EOP@Exchange@EOP  
Jean Cooper/OPD/EOP@Exchange@EOP  
Marty P. Smith/OPD/EOP@EOP  
Kimberly Ellison/WHO/EOP@EOP  
Carla B. Stone/OMB/EOP@EOP  
Sandra F. Daigle/CEA/EOP@EOP

---

**From:** Susan Ralston <sralston@georgewbush.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/18/2003 1:52:50 AM  
**Subject:** : Stationary

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Susan Ralston <sralston@georgewbush.com> ( Susan Ralston <sralston@georgewbush.com>  
[ UNKNOWN ] )  
CREATION DATE/TIME: 18-JUN-2003 05:52:50.00  
SUBJECT: : Stationary  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Can karl use his general political stationary for BC04 events?

Susan Ralston

-----

Please send all replies to sralston@georgewbush.com

---

**From:** CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/18/2003 4:15:33 AM  
**Subject:** : FW: Advance Staff

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ] )  
CREATION DATE/TIME:18-JUN-2003 08:15:33.00  
SUBJECT:: FW: Advance Staff  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

You can disregard my voice-mail message from last night.; See below (info Mary got from the campaign).

-----Original Message-----

From: Mary Cheney [mailto:mcheney@georgewbush.com]  
Sent: Wednesday, June 18, 2003 7:52 AM  
To: O'Donnell, Claire M.; Wilmot, Daniel K.; Elwood, Courtney S.  
Subject: Advance Staff

Bush-Cheney paid campaign advance staff will not be used to do advance for the President or VP when the events are for Congressional candidates. ;Two reasons (1) cost.; It doesn,t make sense for the B-C campaign to pay for advance staff to do events that are not B-C events. (2) Legally (this is what I,ve been told, but I,m not a lawyer, so check it out) agency employees (schedule C,s) can be used to do advance work for Congressional events.

;  
Hope that clears it up.

;  
Mary

---

**From:** CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/18/2003 4:18:11 AM  
**Subject:** : BC-04 lawyer

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ] )  
CREATION DATE/TIME:18-JUN-2003 08:18:11.00  
SUBJECT:: BC-04 lawyer  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Could you send me the name and phone number for the BC-04 counsel?; I don't have a reason, at the moment, to contact him (or her); but I assume that I someday might.

---

**From:** CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/18/2003 4:21:41 AM  
**Subject:** : RE: Advance Staff

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ] )  
CREATION DATE/TIME:18-JUN-2003 08:21:41.00  
SUBJECT:: RE: Advance Staff  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks for that clarification; I was wondering about that.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, June 18, 2003 8:19 AM  
To: Elwood, Courtney S.; Kavanaugh, Brett M.  
Subject: Re: Advance Staff

Second part is wrong unless they take leave.

.

----- Original Message -----

From:Courtney S. Elwood/OVP/EOP@Exchange  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 06/18/2003 08:13:41 AM  
Subject: FW: Advance Staff

You can disregard my voice-mail message from last night. See below (info Mary got from the campaign).

-----Original Message-----

From: Mary Cheney [mailto:mcheney@georgewebush.com  
<mailto:mcheney@georgewebush.com>]  
Sent: Wednesday, June 18, 2003 7:52 AM  
To: O'Donnell, Claire M.; Wilmot, Daniel K.; Elwood, Courtney S.  
Subject: Advance Staff

Bush-Cheney paid campaign advance staff will not be used to do advance for the President or VP when the events are for Congressional candidates. Two reasons (1) cost. It doesn't make sense for the B-C campaign to pay for advance staff to do events that are not B-C events. (2) Legally (this is what I've been told, but I'm not a lawyer, so check it out) agency employees (schedule C,s) can be used to do advance work for Congressional events.

Hope that clears it up.

Mary

---

**From:** Bumatay, Patrick J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/18/2003 8:28:05 AM  
**Subject:** Roger Titus

Do you have contact list for Roger Titus?

---

**From:** CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/18/2003 4:30:31 AM  
**Subject:** : FW: MESSAGE MEETING REMINDER

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:18-JUN-2003 08:30:31.00  
SUBJECT:: FW: MESSAGE MEETING REMINDER  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;  
-----Original Message-----  
From: Ritacco, Krista L.  
Sent: Wednesday, June 18, 2003 8:25 AM  
To: Yunker, Jacob H.; Allgood, Lauren K.; Ball, Andrea G.; Barrales, Ruben S.; Bennett, Melissa S.; Besanceney, Brian R.; Buchan, Claire ; Burkhart, Shannon; Burks, Jonathan W.; Campbell, Anne E.; Christie, Ronald I.; Ciafardini, Andrew D.; Conde, Roberta L.; Cooper, Rory S.; DeFrancis, Suzy; Devenish, Nicolle; Douglas, Penny G.; Duffy, Trent D.; Ellison, Kimberly; Eskew, Tucker A.; Figg, Kara G.; Gerdelman, Sue H.; Gillmor, Eleanor L.; Goergen, Barbara J.; Grant, Britt; Gray, Adrian G.; Gray, Ann ; Healy, Erin E.; Hennessey, Keith; Hernandez, Israel; Hughes, Taylor A.; Ingle, Edward; Jackson, Barry S.; Jucas, Tracy; Kaplan, Joel; Kozberg, Lindsey C.; Kupfer, Jeffrey F.; Kyle, Ross M.; Lawrimore, Emily A.; Lefkowitz, Jay P.; Lineberry, Stephen M.; Litkenhaus, Colleen; Mallea, Jose; Mamo, Jeanie S.; Martin, Catherine J.; McClellan, Scott ; McCord, Lauren; McDonald, Rebekah; McQuade, Vickie A.; Middlemas, A. Morgan; Millerwise, Jennifer; Millison, Cathy L.; Montiel, Charlotte L.; Nelson, Carolyn; Nipper, Wendy L.; Parell, Christie; Pelletier, Eric C.; Perez, Anna M.; Ralston, Susan B.; Reese, Shelley; Riepenhoff, Allison L.; Rodriguez, Noelia ; Rogers, Edwina C.; Rust, Kathryn E.; Ryun, Catharine A.; Schlapp, Matthew A.; Schulte, Gregory L.; Sforza, Scott N.; Smith, Heidi M.; Snee, Ashley; Steele, Sara M.; Torgerson, Karin B.; Towey, Jim; Vestewig, Lauren J.; Wehner, Peter H.; Westine, Lezlee J.; Williams, Mary C.; Wozniak, Natalie S.  
Subject: MESSAGE MEETING REMINDER

There will be a message meeting today at noon in the Roosevelt Room.  
;



**From:** CN=Emily Winland/OU=OPD/O=EOP [ OPD ]  
**To:** amy jensen/who/eop@exchange@eop [ WHO ] <amy jensen>; michael e. meece/who/eop@eop [ WHO ] <michael e. meece>; wendy j. grubbs/who/eop@exchange@eop [ WHO ] <wendy j. grubbs>; matthew a. schlapp/who/eop@eop [ WHO ] <matthew a. schlapp>; ado a. machida/ovp/eop@exchange@eop [ OVP ] <ado a. machida>; brett m. kavanaugh/who/eop@eop [ WHO ] <brett m. kavanaugh>; phillip l. swagel/cea/eop@eop [ CEA ] <phillip l. swagel>; alan gilbert/opd/eop@eop [ OPD ] <alan gilbert>; barry s. jackson/who/eop@eop [ WHO ] <barry s. jackson>; philip j. perry/omb/eop@eop [ OMB ] <philip j. perry>; robert marsh/who/eop@exchange@eop [ WHO ] <robert marsh>; courtney s. elwood/ovp/eop@exchange@eop [ OVP ] <courtney s. elwood>; jeffrey f. kupfer/who/eop@exchange@eop [ WHO ] <jeffrey f. kupfer>; keith hennessey/opd/eop@exchange@eop [ OPD ] <keith hennessey>; kevin warsh/opd/eop@eop [ OPD ] <kevin warsh>; allison boyd/opd/eop@exchange@eop [ OPD ] <allison boyd>  
**CC:** carla b. stone/omb/eop@eop [ OMB ] <carla b. stone>; marty p. smith/opd/eop@eop [ OPD ] <marty p. smith>; lauren k. allgood/opd/eop@exchange@eop [ OPD ] <lauren k. allgood>; lauren j. vestewig/opd/eop@exchange@eop [ OPD ] <lauren j. vestewig>; sandra f. daigle/cea/eop@eop [ CEA ] <sandra f. daigle>; kimberly ellison/who/eop@eop [ WHO ] <kimberly ellison>; jean cooper/opd/eop@exchange@eop [ OPD ] <jean cooper>; layton skelly/opd/eop@eop [ OPD ] <layton skelly>; diana l. schacht/opd/eop@eop [ OPD ] <diana l. schacht>  
**Sent:** 6/18/2003 5:19:55 AM  
**Subject:** : Re: Meeting on Tort Reform

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Emily Winland ( CN=Emily Winland/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME: 18-JUN-2003 09:19:55.00  
SUBJECT: : Re: Meeting on Tort Reform  
TO: amy jensen ( CN=amy jensen/OU=who/O=eop@exchange@eop [ WHO ] )  
READ: UNKNOWN  
TO: michael e. meece ( CN=michael e. meece/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
TO: wendy j. grubbs ( CN=wendy j. grubbs/OU=who/O=eop@exchange@eop [ WHO ] )  
READ: UNKNOWN  
TO: matthew a. schlapp ( CN=matthew a. schlapp/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
TO: ado a. machida ( CN=ado a. machida/OU=ovp/O=eop@exchange@eop [ OVP ] )  
READ: UNKNOWN  
TO: brett m. kavanaugh ( CN=brett m. kavanaugh/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
TO: phillip l. swagel ( CN=phillip l. swagel/OU=cea/O=eop@eop [ CEA ] )  
READ: UNKNOWN  
TO: alan gilbert ( CN=alan gilbert/OU=opd/O=eop@eop [ OPD ] )  
READ: UNKNOWN  
TO: barry s. jackson ( CN=barry s. jackson/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
TO: philip j. perry ( CN=philip j. perry/OU=omb/O=eop@eop [ OMB ] )  
READ: UNKNOWN  
TO: robert marsh ( CN=robert marsh/OU=who/O=eop@exchange@eop [ WHO ] )  
READ: UNKNOWN  
TO: courtney s. elwood ( CN=courtney s. elwood/OU=ovp/O=eop@exchange@eop [ OVP ] )  
READ: UNKNOWN  
TO: jeffrey f. kupfer ( CN=jeffrey f. kupfer/OU=who/O=eop@exchange@eop [ WHO ] )  
READ: UNKNOWN  
TO: keith hennessey ( CN=keith hennessey/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ: UNKNOWN  
TO: kevin warsh ( CN=kevin warsh/OU=opd/O=eop@eop [ OPD ] )  
READ: UNKNOWN  
TO: allison boyd ( CN=allison boyd/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ: UNKNOWN  
CC: carla b. stone ( CN=carla b. stone/OU=omb/O=eop@eop [ OMB ] )  
READ: UNKNOWN  
CC: marty p. smith ( CN=marty p. smith/OU=opd/O=eop@eop [ OPD ] )  
READ: UNKNOWN  
CC: lauren k. allgood ( CN=lauren k. allgood/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ: UNKNOWN

CC:lauren j. vestewig ( CN=lauren j. vestewig/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:sandra f. daigle ( CN=sandra f. daigle/OU=cea/O=eop@eop [ CEA ] )  
READ:UNKNOWN  
CC:kimberly ellison ( CN=kimberly ellison/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:jean cooper ( CN=jean cooper/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:layton skelly ( CN=layton skelly/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:diana l. schacht ( CN=diana l. schacht/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

A few folks did not receive this the first time around so I am resending the invite (below) for the Tort Reform meeting tomorrow at 5:15pm. If you have not gotten back to me yet, please let me know if you can attend.

thanks,  
Emily

Emily Winland  
06/17/2003 10:05:13 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc: See the distribution list at the bottom of this message  
Subject: Meeting on Tort Reform

There will be a meeting to discuss Tort Reform on Thursday 6/19 at 5:15pm, in room 472 EEOB. This is an internal WH meeting to discuss the Administration's Tort Reform portfolio. It will be an opportunity to regroup and strategize about events, speeches, etc., in upcoming months. Please let me know if you can attend.

thanks,  
Emily  
456-6534

Message Sent

To:

-----  
Allison Boyd/OPD/EOP@Exchange@EOP  
Alan Gilbert/OPD/EOP@EOP  
Kevin Warsh/OPD/EOP@EOP  
Phillip L. Swagel/CEA/EOP@EOP  
Keith Hennessey/OPD/EOP@Exchange@EOP  
Brett M. Kavanaugh/WHO/EOP@EOP  
Jeffrey F. Kupfer/WHO/EOP@Exchange@EOP  
Ado A. Machida/OVP/EOP@Exchange@EOP  
Courtney S. Elwood/OVP/EOP@Exchange@EOP  
Matthew A. Schlapp/WHO/EOP@EOP  
Robert Marsh/WHO/EOP@Exchange@EOP  
Wendy J. Grubbs/WHO/EOP@Exchange@EOP  
Philip J. Perry/OMB/EOP@EOP

REV\_00122537

Michael E. Meece/WHO/EOP@EOP  
Barry S. Jackson/WHO/EOP@EOP  
Amy Jensen/WHO/EOP@Exchange@EOP

Message Copied

To:

---

Diana L. Schacht/OPD/EOP@EOP  
Lauren J. Vestewig/OPD/EOP@Exchange@EOP  
Layton Skelly/OPD/EOP@EOP  
Lauren K. Allgood/OPD/EOP@Exchange@EOP  
Jean Cooper/OPD/EOP@Exchange@EOP  
Marty P. Smith/OPD/EOP@EOP  
Kimberly Ellison/WHO/EOP@EOP  
Carla B. Stone/OMB/EOP@EOP  
Sandra F. Daigle/CEA/EOP@EOP

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/18/2003 9:45:42 AM  
**Subject:**

Did you want to talk to him before he leaves for Leahy? his meeting is at 10.

---

**From:** Nelson, Carolyn  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/18/2003 2:39:28 PM  
**Subject:**

the judge's next meeting with the VP et al is tomorrow afternoon, fyi.

---

**From:** Leitch, David G.  
**To:** <Gonzales, Alberto R.>; <Nelson, Carolyn>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 6/18/2003 3:02:49 PM  
**Subject:** RE: web editor says good point

Maybe this headline from the Post web site is more to your liking!

**Hispanics Now No. 1 Minority**

-----Original Message-----

From: Nelson, Carolyn  
Sent: Wednesday, June 18, 2003 2:47 PM  
To: Leitch, David G.  
Subject: FW: web editor says good point

Fyi, re: The on-line Post Article

-----Original Message-----

From: Snee, Ashley  
Sent: Wednesday, June 18, 2003 2:28 PM  
To: Kavanaugh, Brett M.; Nelson, Carolyn  
Subject: FW: web editor says good point

-----Original Message-----

From: Mike Allen [<mailto:allenm@washpost.com>]  
Sent: Wednesday, June 18, 2003 2:26 PM  
To: Snee, Ashley  
Subject: web editor says good point

they say they're fixing it

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>  
**Sent:** 6/18/2003 4:11:01 PM  
**Subject:** Can you pdf me schumer and leahy letters?

---

**From:** Sean Rushton <SRushton@CommitteeforJustice.org>  
**To:** SRushton@CommitteeforJustice.org [ UNKNOWN ] <SRushton@CommitteeforJustice.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/18/2003 1:05:56 PM  
**Subject:** : Bush Rejects Collaboration on Judicial Appointments  
**Attachments:** P\_4J6BH003\_WHO.TXT\_1.htm

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Sean Rushton <SRushton@CommitteeforJustice.org> ( Sean Rushton  
<SRushton@CommitteeforJustice.org> [ UNKNOWN ] )  
CREATION DATE/TIME:18-JUN-2003 17:05:56.00  
SUBJECT:: Bush Rejects Collaboration on Judicial Appointments  
TO:SRushton@CommitteeforJustice.org ( SRushton@CommitteeforJustice.org [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Bush Rejects Collaboration on Judicial Appointments  
President Won't Consult Democrats on Supreme Court Vacancies

By Mike Allen  
Washington Post Staff Writer  
Wednesday, June 18, 2003; 1:13 PM

President Bush today rejected an overture from Democratic senators who offered to head off a bitter fight over a future Supreme Court vacancy with a collaboration between the White House and Capitol Hill.

Senate Minority Leader Thomas A. Daschle (D-S.D.) wrote to Bush on Tuesday to say Democrats want any vacancies "filled by nominees who unite all Americans," and he suggested a bipartisan meeting of Senate leaders.

This morning, White House press secretary Ari Fleischer called the idea "a novel new approach to how the Constitution guides the appointment process." The Constitution gives the president sole power to nominate Supreme Court justices, who then need to be confirmed by the Senate.

Bush is declining to meet with Democrats on the topic. Fleischer said at a briefing that White House Counsel Alberto R. Gonzales "is always happy to meet and talk with these individual senators and of course he will, if they want to do that."

"But the Constitution is clear, the Constitution will be followed," Fleischer added. "We always welcome thoughts, but certainly no one wants to suggest that the Constitution be altered."

Fleischer brushed off questions about why Bush himself will not consult with the senators and about why Bush would not seize the opportunity to avoid a divisive process. "Unless and until there is a vacancy, this is idle chit-chat and I'd just leave it at chit-chat," Fleischer said.

A twist is that Gonzales, a former justice of the Texas Supreme Court, is one of Bush's most obvious potential nominees. Fleischer laughed off an inquiry about that. "Nice try, very clever," he said. "Good, direct front door effort to speculate--on a position that's not even open."

On Tuesday, Gonzales sent a two-paragraph response to Sen. Charles E. Schumer (D-N.Y.), a Judiciary Committee member who wrote to the White House a week ago, suggesting several potential consensus nominees.



"If a Supreme Court vacancy arises during his Presidency," Gonzales replied, "President Bush will nominate an individual of high integrity, intellect, and experience. The Senate will have an opportunity to assess the President's nominee and exercise its constitutional responsibility to vote up or down on the nominee."

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- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_4J6BH003\_WHO.TXT\_1>

# **Bush Rejects Collaboration on Judicial Appointments**

## **President Won't Consult Democrats on Supreme Court Vacancies**

By Mike Allen

Washington Post Staff Writer

Wednesday, June 18, 2003; 1:13 PM<span style="font-size:10.0pt">

*President Bush today rejected an overture from Democratic senators who offered to head off a bitter fight over a future Supreme Court vacancy with a collaboration between the White House and Capitol Hill.*

*Senate Minority Leader Thomas A. Daschle (D-S.D.) wrote to Bush on Tuesday to say Democrats want any vacancies "filled by nominees who unite all Americans," and he suggested a bipartisan meeting of Senate leaders.*

*This morning, White House press secretary Ari Fleischer called the idea "a novel new approach to how the Constitution guides the appointment process." The Constitution gives the president sole power to nominate Supreme Court justices, who then need to be confirmed by the Senate.*

*Bush is declining to meet with Democrats on the topic. Fleischer said at a briefing that White House Counsel Alberto R. Gonzales "is always happy to meet and talk with these individual senators and of course he will, if they want to do that."*

*"But the Constitution is clear, the Constitution will be followed," Fleischer added. "We always welcome thoughts, but certainly no one wants to suggest that the Constitution be altered."*

*Fleischer brushed off questions about why Bush himself will not consult with the senators and about why Bush would not seize the opportunity to avoid a divisive process. "Unless and until there is a vacancy, this is idle chit chat and I'd just leave it at chit chat," Fleischer said.*

*A twist is that Gonzales, a former justice of the Texas Supreme Court, is one of Bush's most obvious potential nominees. Fleischer laughed off an inquiry about that. "Nice try, very clever," he said. "Good, direct front door effort to speculate—on a position that's not even open."*

*On Tuesday, Gonzales sent a two-paragraph response to Sen. Charles E. Schumer (D-N.Y.), a Judiciary Committee member who wrote to the White House a week ago, suggesting several potential consensus nominees.*

*"If a Supreme Court vacancy arises during his Presidency," Gonzales replied, "President Bush will nominate an individual of high integrity, intellect, and experience. The Senate will have an opportunity to assess the President's nominee and exercise its constitutional responsibility to vote up or down on the nominee."*

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---

**From:** Ganter, Jonathan F.  
**To:** <Kavanaugh, Brett M.>;<Nelson, Carolyn>  
**Sent:** 6/18/2003 5:19:36 PM  
**Subject:** Letters

Brett-

I saved the two letters Carrie is trying to get you on the G Drive, Interns 2 Folder, Letters for Brett folder. I'll come over if you have any trouble

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 6/18/2003 1:24:11 PM  
**Subject:** : RE: Letters

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:18-JUN-2003 17:24:11.00  
SUBJECT:: RE: Letters  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thank you mini-me.

;-----Original Message-----  
From: ; Ganter, Jonathan F.;  
Sent;;; Wednesday, June 18, 2003 5:20 PM  
To:;;; Kavanaugh, Brett M.; Nelson, Carolyn  
Subject:;;;;;; Letters

Brett-  
I saved the two letters Carrie is trying to get you on the G Drive,  
Interns 2 Folder, Letters for Brett folder.; I'll come over if you have  
any trouble

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 6/18/2003 1:24:20 PM  
**Subject:** : RE: Letters

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:18-JUN-2003 17:24:20.00  
SUBJECT:: RE: Letters  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thank you mini-me.

-----Original Message-----

From: Ganter, Jonathan F.  
Sent: Wednesday, June 18, 2003 5:20 PM  
To: Kavanaugh, Brett M.; Nelson, Carolyn  
Subject: Letters

Brett-

I saved the two letters Carrie is trying to get you on the G Drive,  
Interns 2 Folder, Letters for Brett folder. I'll come over if you have  
any trouble

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jan E. Williams/WHO/EOP@EOP [ WHO ] <Jan E. Williams>  
**Sent:** 6/18/2003 8:37:50 PM  
**Subject:** : still nothing on Archivist

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 00:37:50.00  
SUBJECT:: still nothing on Archivist  
TO:Jan E. Williams ( CN=Jan E. Williams/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Mike Allen <allenm@washpost.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/18/2003 4:48:01 PM  
**Subject:** : an updated passage

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Mike Allen <allenm@washpost.com> ( Mike Allen <allenm@washpost.com> [ UNKNOWN ] )  
CREATION DATE/TIME:18-JUN-2003 20:48:01.00  
SUBJECT:: an updated passage  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

He represented Starr in his successful effort to force the release of White House lawyers??? notes of conversations with Hillary Rodham Clinton, now a senator. The notes related to the suicide of deputy White House counsel Vincent Foster.

---

**From:** CN=Adam B. Goldman/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/18/2003 9:01:23 PM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Adam B. Goldman ( CN=Adam B. Goldman/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 01:01:23.00  
SUBJECT:: Re:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks!

I have read the memo, had countless conversations, but am still amazed at how little regulation there is...in Texas, it is over regulated...you jump through all kinds of hoops and hurdles but still accomplish the same

----- Original Message -----  
From:Brett M. Kavanaugh/WHO/EOP  
To:Adam B. Goldman/WHO/EOP@EOP  
Cc:  
Date: 06/18/2003 11:57:16 PM  
Subject:

to close loop, sorry i was out when you called monday night when you needed an immediate answer, but for future reference, this kind of political activity is fine so long as you do not use your official influence or solicit contributions.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Tracy Jucas/WHO/EOP@EOP [ WHO ] <Tracy Jucas>  
**Sent:** 6/18/2003 5:24:51 PM  
**Subject:** : Re: communication

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-JUN-2003 21:24:51.00  
SUBJECT:: Re: communication  
TO:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

He can do both of these, but should notify Susan Ralston as well.

Tracy Jucas  
06/18/2003 10:57:20 AM  
Record Type: Record

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

Hi Brett,

Can you advise us on the type of communication that is acceptable between Matt and the campaign? For example: Can he fax documents to Ken? Can he e-mail from his WH account etc? He is hesitant do anything without guidance.

Tracy

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jay P. Lefkowitz/OPD/EOP@Exchange@EOP [ OPD ] <Jay P. Lefkowitz>  
**Sent:** 6/18/2003 5:30:13 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-JUN-2003 21:30:13.00  
SUBJECT::  
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

For tomorrow's tort reform meeting, I think Leg Affairs should come prepared to tell us exactly where we stand on class action, asbestos, and medical liability. You may want to alert them so they show up ready to go. Because first item on agenda I assume is to see how we can help in closing 1 or more of those 3.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Theodore W. Ulliot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliot>  
**Sent:** 6/18/2003 6:36:31 PM  
**Subject:** : Carrie should be pdfing all the letters to you

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-JUN-2003 22:36:31.00  
SUBJECT:: Carrie should be pdfing all the letters to you  
TO:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Kavanaugh, Brett M.  
**To:** <Gambatesa, Linda M.>  
**Sent:** 6/18/2003 11:26:01 PM  
**Subject:** Smithsonian

I have no legal objection to this proposal, but I have been struggling (and delaying) because of my grave concerns about the security of the bullhorn. This is an extraordinarily significant and valuable American artifact, and hauling it around the country from city to city seems destined to pose security problems. Do you agree?

---

**From:** CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/18/2003 7:28:17 PM  
**Subject:** : Re: Sunday murder board

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
CREATION DATE/TIME:18-JUN-2003 23:28:17.00  
SUBJECT:: Re: Sunday murder board  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The more I thibk about the more mike allen's comments piss me off.; I  
worked with margaret for 6 mos. On dhs.; It's I'm sure her greatest leg  
achievement, and he tels her I said congress has never once improved  
anything.; How stupid can u get?  
.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Linda M. Gambatesa/WHO/EOP@Exchange@EOP [ WHO ] <Linda M. Gambatesa>  
**Sent:** 6/18/2003 7:30:25 PM  
**Subject:** : Smithsonian

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-JUN-2003 23:30:25.00  
SUBJECT:: Smithsonian  
TO:Linda M. Gambatesa ( CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I have no legal objection to this proposal, but I have been struggling (and delaying) because of my grave concerns about the security of the bullhorn. This is an extraordinarily significant and valuable American artifact, and hauling it around the country from city to city seems destined to pose security problems. Do you agree?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Joel Kaplan/WHO/EOP@Exchange [ UNKNOWN ] <Joel Kaplan>  
**Sent:** 6/18/2003 7:34:26 PM  
**Subject:** : Re: Sunday murder board

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-JUN-2003 23:34:26.00  
SUBJECT:: Re: Sunday murder board  
TO:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I agree with you. I think you overreact a bit sometimes on these kinds of things, but not on this one. This was a mistake on his part. I think he and you need to do something to repair the damage. The problem is that he made it sound like you were serious. And moreover, she was in fact a very valuable contributor on homeland who did very much to improve the legislation. Perhaps you could call her and joke around a bit about general friendly social stuff but then say seriously, "Just to be clear, I was not remotely serious when I made that joke and I would not want you to think I was serious in any way." She will say you are overreacting, paranoid, etc, but I still think it would be good to get yourself on record with her.

From: Joel Kaplan/WHO/EOP@Exchange on 06/18/2003 11:27:06 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: Sunday murder board

The more I thibk about the more mike allen's comments piss me off.; I worked with margaret for 6 mos. On dhs.; It's I'm sure her greatest leg achievement, and he tels her I said congress has never once improved anything.; How stupid can u get?  
.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** wittesb@washpost.com @ inet [ UNKNOWN ] <wittesb@washpost.com @ inet>  
**Sent:** 6/18/2003 7:36:51 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-JUN-2003 23:36:51.00  
SUBJECT:  
TO:wittesb@washpost.com @ inet ( wittesb@washpost.com @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

your paper is aggressive . . .



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>  
**CC:** Tracy Jucas/WHO/EOP@EOP [ WHO ] <Tracy Jucas>  
**Sent:** 6/18/2003 7:49:19 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-JUN-2003 23:49:19.00  
SUBJECT: :  
TO:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Just want to make sure we are clear on this: You all can use RNC-paid for letterhead.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange@EOP [ WHO ] <Colleen Litkenhaus>  
**Sent:** 6/18/2003 7:56:35 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-JUN-2003 23:56:35.00  
SUBJECT::  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I think campaign should pay for elliptical in room on purely political trips.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Adam B. Goldman/WHO/EOP@EOP [ WHO ] <Adam B. Goldman>  
**Sent:** 6/18/2003 7:58:17 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:18-JUN-2003 23:58:17.00  
SUBJECT::  
TO:Adam B. Goldman ( CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

to close loop, sorry i was out when you called monday night when you  
needed an immediate answer, but for future reference, this kind of  
political activity is fine so long as you do not use your official  
influence or solicit contributions.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>  
**Sent:** 6/18/2003 8:25:39 PM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 00:25:39.00  
SUBJECT:: Re:  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

We think the rooms that, as you described, are used for official travelers and/or official activities -- and not for campaign-related political meetings -- should be paid for by government.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 06/19/2003 12:16:28 AM  
Record Type: Record

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

Ok.; What about the room itself on political trips?

-----Original Message-----  
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>  
To: Litkenhaus, Colleen <Colleen\_Litkenhaus@who.eop.gov>  
Sent: Wed Jun 18 23:54:51 2003  
Subject;;

I think campaign should pay for elliptical in room on purely political trips.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Tom Josefiak <tomj@georgewbush.com>  
**Sent:** 6/18/2003 8:26:34 PM  
**Subject:** : Re:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:19-JUN-2003 00:26:34.00

SUBJECT:: Re:

TO:Tom Josefiak <tomj@georgewbush.com> ( Tom Josefiak <tomj@georgewbush.com> [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Any luck with Sandler on the meeting/administrative rooms issue?

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/18/2003 8:28:15 PM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 00:28:15.00  
SUBJECT:: Re:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks.

-----Original Message-----

From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>  
To: Litkenhaus, Colleen <Colleen\_Litkenhaus@who.eop.gov>  
Sent: Thu Jun 19 00:24:40 2003  
Subject: Re:

;;;;;;;; We think the rooms that, as you described, are used for official  
travelers and/or official activities -- and not for campaign-related  
political meetings -- should be paid for by government.

;;;;;;;; From;;; Colleen Litkenhaus/WHO/EOP@Exchange on 06/19/2003 12:16:28  
AM

;;;;;;;; Record Type;;; Record

;;;;;;;; To;;; Brett M. Kavanaugh/WHO/EOP@EOP  
;;;;;;;; cc;;;   
;;;;;;;; Subject;;;;;;;; Re;

;;;;;;;; Ok.; What about the room itself on political trips?

;;;;;;;; -----Original Message-----

;;;;;;;; From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>  
;;;;;;;; To: Litkenhaus, Colleen <Colleen\_Litkenhaus@who.eop.gov>  
;;;;;;;; Sent: Wed Jun 18 23:54:51 2003  
;;;;;;;; Subject:

;;;;;;;; I think campaign should pay for elliptical in room on purely  
political trips.

---

**From:** Kavanaugh, Brett M.  
**To:** <Johnson III, Clay>;<Powell, Dina>  
**Sent:** 6/19/2003 12:33:31 AM  
**Subject:** Sen. McConnell's staffer

John Abegg, 224-8290. I told him that one of you would be in touch soon to discuss. Thanks very much.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Dina Powell/WHO/EOP@Exchange@EOP [ WHO ] <Dina Powell>; Clay Johnson III/WHO/EOP@Exchange@EOP [ WHO ] <Clay Johnson III>  
**Sent:** 6/18/2003 8:36:25 PM  
**Subject:** : Sen. McConnell's staffer

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 19-JUN-2003 00:36:25.00  
SUBJECT: : Sen. McConnell's staffer  
TO: Dina Powell ( CN=Dina Powell/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Clay Johnson III ( CN=Clay Johnson III/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

John Abegg, 224-8290. I told him that one of you would be in touch soon to discuss. Thanks very much.



---

**From:** CN=Adam B. Goldman/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/18/2003 9:01:17 PM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Adam B. Goldman ( CN=Adam B. Goldman/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 01:01:17.00  
SUBJECT:: Re:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks!

I have read the memo, had countless conversations, but am still amazed at how little regulation there is...in Texas, it is over regulated...you jump through all kinds of hoops and hurdles but still accomplish the same

----- Original Message -----  
From:Brett M. Kavanaugh/WHO/EOP  
To:Adam B. Goldman/WHO/EOP@EOP  
Cc:  
Date: 06/18/2003 11:57:16 PM  
Subject:

to close loop, sorry i was out when you called monday night when you needed an immediate answer, but for future reference, this kind of political activity is fine so long as you do not use your official influence or solicit contributions.

---

**From:** Azar, Alex (HHS/OS) <Alex.Azar@hhs.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 3:32:51 AM  
**Subject:** : Re: PHS Commissioned Corps

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov> ( "Azar, Alex (HHS/OS)"  
<Alex.Azar@hhs.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:19-JUN-2003 07:32:51.00  
SUBJECT:: Re: PHS Commissioned Corps  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks. With that understanding would it be ok if we circulate the email?  
Just want to be sure we don't have uniformed officers unwittingly violate  
the law by giving to Bush-Cheney 04 since they are military. Assume this  
would not be big news at DOD but I fear it's a thing that our people  
aren't  
as up to speed on.  
I thought that was not a bad story at all for you in the post today.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Cobb, Whit, Mr, DoD OGC <cobbw@dodgc.osd.mil>  
**Sent:** 6/19/2003 5:17:02 AM  
**Subject:** : Re: Political Activities Guidance

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 09:17:02.00  
SUBJECT:: Re: Political Activities Guidance  
TO:"Cobb, Whit, Mr, DoD OGC" <cobbw@dodgc.osd.mil> ( "Cobb, Whit, Mr, DoD OGC"  
<cobbw@dodgc.osd.mil> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Does DOD view uniformed officers as subject to 5 CFR Part 734 or are there separate rules for them? See definitional differences in 5 CFR and 5 USC 7322.

---

**From:** Tom Josefiak <tomj@georgewbush.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 1:20:55 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Tom Josefiak <tomj@georgewbush.com> ( Tom Josefiak <tomj@georgewbush.com> [ UNKNOWN ] )

CREATION DATE/TIME:19-JUN-2003 05:20:55.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

No will try in AM

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/19/2003 1:27:11 AM  
**Subject:** : OpinionJournal - On the Editorial Page - June 19, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME:19-JUN-2003 05:27:11.00  
SUBJECT:: OpinionJournal - On the Editorial Page - June 19, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY MICHAEL BARONE  
<http://www.opinionjournal.com/editorial/?id=110003646>

Yes, Hillary's running for president. Is that good for the Democrats?

12:01 a.m. EDT

John Fund's Political Diary  
<http://www.opinionjournal.com/diary/?id=110003644>

A bipartisan proposal would make the Senate less secretive.  
12:01 a.m. EDT

Leisure & Arts BY EUGENE R. TEMPEL  
<http://www.opinionjournal.com/la/?id=110003645>

What's a nonprofit to do when a donor reneges on a pledge?

12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

A Welcome Brawl  
The El Paso fight and the market for corporate control.  
Jun 19 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105598120546350500,00.html%3Fmod%3Dopinion>

~~~~~

Special Voucher Results  
Proof from Florida that school choice won't skim the cream off the top.  
Jun 19 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105598137656061800,00.html%3Fmod%3Dopinion>

~~~~~

DeLay's Finest Hour  
Keep obstructing, Mr. Majority Leader.

Jun 19 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105598154998531400,00.html%3Fmod%3Dopinion>

~~~~~

#### Commentary

Hillary 2008

Yes, she's running for president. Is that good for the Democrats?

By MICHAEL BARONE

Jun 19 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105598234330792200,00.html%3Fmod%3Dopinion>

~~~~~

We Need 'Fast Track' Research

Regulations hinder urgent research needed on pandemics.

By RICHARD WHITLEY

Jun 19 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105598255855146700,00.html%3Fmod%3Dopinion>

~~~~~

Carl Levin's Amnesia

The senator argued for years that Saddam had weapons of mass destruction.

By RUSH LIMBAUGH

Jun 19 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105598276681548100,00.html%3Fmod%3Dopinion>

~~~~~

#### Politics & People

A Special Legacy

Tim Shriver takes over the Special Olympics and thinks bigger.

By ALBERT R. HUNT

Jun 19 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105598027652495400,00.html%3Fmod%3Dopinion>

~~~~~

#### Leisure & Arts

Getting Around New York

Competitors kayaked, ran, and climbed the stairs of the Empire State Building.

By KATE FLATLEY

Jun 19 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105598415264566400,00.html%3Fmod%3Dopinion>

~~~~~

Opera

All's Well That Ends Well

Two cities and two dramatically different production styles for the same opera.

By HEIDI WALESON  
Jun 19 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105598494288335500,00.html%3Fmod%3Dopinion>

~~~~~

Retrospections and Revivals  
London theater, museums and the Glyndebourn festival.  
By MANUELA HOELTERHOFF  
Jun 19 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105598557038777900,00.html%3Fmod%3Dopinion>

~~~~~

Doubtful Donors  
A faltering economy leaves little to give.  
By EUGENE R. TEMPEL  
Jun 19 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10559862031900500,00.html%3Fmod%3Dopinion>

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Books  
Here, but Only Halfway  
"Mexifornia"  
By ROGER CLEGG  
Jun 19 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105597278287212700,00.html%3Fmod%3Dopinion>

~~~~~

Time Off  
Diversions  
Williamsburg Bridge Centennial; The Fabric of Moroccan Life; Sights Once Seen: Daguerreotyping Fremont's Last Expedition Through the Rockies  
Jun 19 2003

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The constitution does not fundamentally change the EU.  
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Ambiguity is the cornerstone of Chinese negotiation tactics.  
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From The Asian Wall Street Journal  
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**To:** Kevin Warsh/OPD/EOP@EOP [ OPD ] <Kevin Warsh>; Wayne.Abernathy@do.treas.gov [ UNKNOWN ] <Wayne.Abernathy@do.treas.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Diana L. Schacht/OPD/EOP@EOP [ OPD ] <Diana L. Schacht>  
**CC:** Michael E. Meece/WHO/EOP@EOP [ WHO ] <Michael E. Meece>  
**Sent:** 6/19/2003 5:55:50 AM  
**Subject:** : Amendments to S.1125  
**Attachments:** P\_11PBH003\_WHO.TXT\_1.doc; P\_11PBH003\_WHO.TXT\_2.doc;  
P\_11PBH003\_WHO.TXT\_3.pdf; P\_11PBH003\_WHO.TXT\_4.pdf; P\_11PBH003\_WHO.TXT\_5.pdf;  
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CREATION DATE/TIME:19-JUN-2003 09:55:50.00  
SUBJECT:: Amendments to S.1125  
TO:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Wayne.Abernathy@do.treas.gov ( Wayne.Abernathy@do.treas.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Michael E. Meece ( CN=Michael E. Meece/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
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Here are amendments that we have received through the night on the Hatch  
Asbestos Bill that begins markup today.

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asbestos.ban.final.amendment.doc - asbestos.surplus.monies.pdf - asbestosban.pdf -  
COE03\_459.pdf - COE03\_494.pdf - COE03\_495.pdf - contingentcall.year28.pdf - Definitions and  
0403 Amendment.doc - DFban1.doc - Dr. Evaluation1.doc - Exemption.doc - FELA.doc - Hardship  
adjustment.doc - hatch Murray Ban Amendment.doc - In person exam exception.doc -  
Independent Review1.doc - IOM Study1.doc - KylHatchLockbox.pdf - KylHatchLockboxAlt.pdf -  
KylSigExpoAm.pdf - KylSigExpoAmAlt.pdf - Latency1.doc - Leahy Agreed No. 6.doc - Leahy  
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- Medical Exceptions3.doc - Medical Monitoring2.doc - Medical Screening Amend.doc -  
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ID1.doc - Successor in Interest.pdf - Summary of Successor Amendment.doc - summary  
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**PROPOSED AMENDMENT TO SEC. 401 False Information**

**Strike Section 401 in its entirety and insert the following (to be added as amendment to Title 18, Chapter 63, as Section 1348):**

**Section 1348. Fraud and false statements in connection with participation in Asbestos Injury Claims Resolution Fund.**

(a) FRAUD IN CONNECTION WITH PARTICIPATION IN ASBESTOS INJURY CLAIM RESOLUTION FUND.-- Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice to defraud the Asbestos Insurers Commission or the Office of Asbestos Injury Claim Resolution under Title II of the Fairness in Asbestos Injury Resolution Act of 2003 shall be fined under this title or imprisoned not more than 20 years, or both.

(b) FALSE STATEMENTS RELATING TO ASBESTOS INJURY CLAIM RESOLUTION FUND.B Whoever, in any matter involving the Asbestos Insurers Commission or the Office of Asbestos Injury Claim Resolution, knowingly and willfullyB

- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; or
- (2) makes any materially false, fictitious, or fraudulent statements or representations; or
- (3) or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry,

in connection with the assessment of contributions or the award of a claim under Title I or II of the Fairness in Asbestos Injury Resolution Act of 2003 shall be fined under this title or imprisoned not more than 10 years, or

both.

(c) **TECHNICAL AND CONFORMING AMENDMENT.** B The table of sections for chapter 63 of title 18, United States Code, is amended by adding at the end the following:

**A1348. Fraud and false statements in connection with participation in Asbestos Injury Claims Resolution Fund.**@

**PROPOSED AMENDMENT TO SEC. 224 Enforcement of Contributions:**

**STRIKE**, on page 99, lines 1 through 18, and insert the following:

(1) IN GENERAL.B In any case in which there has been a refusal or failure to pay any liability imposed by a final determination under section 202 or 212, the Administrator may bring a civil action in the Federal district court for the District of Columbia B

(A) to enforce the liability and any lien of the United States imposed under this section;

(B) to subject any property of the participant, including any property in which the participant has any right, title, or interest, to the payment of such liability;



(C) for temporary, preliminary, or permanent relief;

(2) ADDITIONAL PENALTIES.- In any action under subsection (2) in which the refusal or failure to pay was willful, the Administrator shall be able to seek recovery:

(A) for punitive damages;

(B) for the costs of the civil action and reasonable fees incurred for collection and for attorneys and expert witnesses; and

(C) in addition to any other penalty, collect a fine in an amount equal to the total amount of the liability that has not been collected.

(3) DEFENSE LIMITATION.B In any proceeding under this subsection, the participant shall be barred from bringing any challenge to the assessment if such challenge could have been made during the review period under section 202(b)(4) or 212(b)(4), or a judicial review proceeding under title III.

**(4) DEPOSIT OF FUNDS.B Any funds collected under paragraph (c) shall be**

**B**

**(i) deposited in the Fund; and**

**(ii) used only to pay B**

**(I) claims for awards for an eligible disease or condition  
determined under title I; or**

**(II) claims for reimbursement for medical monitoring  
determined under title I.**

**(5) NO EFFECT ON OTHER LIABILITIES.B The imposition of a fine  
under paragraph 2(c) shall have no effect on -**

**(i) the assessment of contributions under sections 202 or 212; or**

**(ii) any other provision of this Act.**

**Proposed Amendment regarding Bankruptcy Court**

**INSERT on page 49, strike lines 4 through 10 and insert the following language:**

**(C) the bankruptcy court presiding over the business entity=s case determines, after  
notice and a hearing upon motion filed by the entity within 30 days of the effective  
date of this Act, which motion shall be supported by (i) an affidavit or declaration of  
the Chief Executive Officer, Chief Financial Officer or Chief Legal Officer of the**

**business entity, and (ii) copies of the entity=s public statements and securities filings made in connection with the entity=s filing for chapter 11 protection, that asbestos liability was not the sole or precipitating cause of the entity=s chapter 11 filing.**

**Notice of such motion shall be as directed by the bankruptcy court and the hearing shall be limited to consideration of the question of whether or not asbestos liability was the sole or precipitating cause of the entity=s chapter 11 filing. The bankruptcy court shall hold a hearing and make its determination with respect to the motion within 60 days after the date the motion is filed. In making its determination, the bankruptcy court shall take into account the affidavits, public statements and securities filings, and other information, if any, submitted by the entity and all other facts and circumstances presented by an objecting party. Any review must be an expedited appeal and limited to whether the decision was against the weight of the evidence presented.**

## **Leahy-Hatch Agreements**

**June 18, 2003**

### **Suggested Revisions to Collateral Source Provisions -- Sections 3(7) and 134**

**On page 5, line 21 STRIKE all through page 6, line 8 and INSERT the following:**

**(7) Collateral Source Compensation. The term Acollateral source compensation @ means only the compensation that the claimant received or is entitled to receive from a defendant, insurer or compensation trust as a result of a judgment or settlement for the same asbestos-related injury that is the subject of the claim filing.@**

**On page 41, line 17 through 19, STRIKE Athat the claimant received, or is entitled to receive, for the asbestos-related injury that is the subject of the compensation@.**

### **Suggested Revisions to Exposure Criteria Requirements (Take Home Exposure) B Section 125**

**On page 36, after line 14, INSERT new Section 125(b)(3) as follows:**

**(3) TAKE-HOME EXPOSURE.** B A claimant may alternatively satisfy the exposure criteria requirements of this section by showing that the claimant=s exposure to asbestos was the result of living with a person who, if the claim had been filed by such person, would have met the exposure criteria for any given Disease Level and the claimant lived with such person for the time period necessary to satisfy the exposure requirement for the claimed Disease Level.

**Suggested amendment to Section 122: Diagnostic criteria requirements**

**STRIKE, on page 25, lines 14 - 15: A, or other factors determined appropriate by the Asbestos Court@**

**STRIKE, on page 25, lines 16-18**

**STRIKE, on page 25, line 19: strike “(4)” and insert A(3)@**

**INSERT, on page 25, before line 21:**

**(c) DECEASED CLAIMANTS. - In the case of a clamant who is deceased at the time an application is filed, the claim may be supported by either B**

**(1) evidence from a prior physical medical examination of the**

claimant by a physician that resulted in a diagnosis of an asbestos-related injury or permits such a diagnosis to be made by a physician examining those records; or

(2) pathological evidence of an asbestos-related injury.

STRIKE, on p. 25, line 21: A(c)@ and INSERT: A(d)@

STRIKE, on p. 26, line 14: A(d)@ and INSERT: A(e)@

STRIKE, on p. 26, line 20: A(e)@ and INSERT: A(f)@

**Suggested amendment to Section 131 to index scheduled awards for future inflation:**

INSERT on p. 39, line 6, before Sec. 132, the following language:

(4)(A) Beginning January 1, 2006, award amounts set forth in paragraph (1) shall be increased annually by an amount equal to such dollar amount multiplied by the cost-of-living adjustment, rounded to the nearest \$1,000 increment.

**(B) For purposes of subparagraph (A), the cost-of-living adjustment for any calendar year is the percentage (if any) by which the CPI for the preceding calendar year exceeds the CPI for calendar year 2004.**

**(C) For purposes of subparagraph (B), the CPI for any calendar year is the average of the Consumer Price Index as of the close of the 12-month period ending on August 31 of such calendar year.**

**(D) For purposes of subparagraph (C), the term >>Consumer Price Index== means the last Consumer Price Index published by the Department of Labor. The Consumer Price Index series to be used for award escalations shall include the Consumer Price Index for all-urban consumers, with an area coverage of the U.S. City Average, for all items, and based on the 1982-84 index base period.**

**Suggested amendment to Section 111(c) to revise the statute of limitations and omit rule of construction provision:**

**STRIKE, on page 16, line 15: A2" and INSERT A4@**

**STRIKE, on page 17, line 9: A2" and INSERT A4@**

**STRIKE, on page 18, lines 1 through 6 in its entirety.**

**Suggested amendment to Section 125 Exposure Criteria Requirement:**

**STRIKE, on page 35, lines 16 - 23 in its entirety and INSERT the following language:**

**(A) IN GENERAL.B To be eligible to receive an award under this title for an asbestos-related injury, the claim submitted by an asbestos claimant shall demonstrate that the claimant was exposed to asbestos -**

**(1) in a manner that meets the exposure requirements of sections 124 and 125;**



**(2) within the United States or its territories or possessions, or a United States citizen while an employee of an entity organized under any State or Federal law regardless of location, or a United States citizen while serving on any United States flagged or owned ship, provided the exposure results from such employment or service; and**

**(3) for at least 10 years before the initial diagnosis of any asbestos-related injury.**

**Suggested Amendment to Section 204(d)(1) and (2):**

**INSERT, on page 66, line 11, after A(C) RENEWAL@ the following language:**

**AAfter an initial hardship adjustment is granted by this section, a@**

**STRIKE, on page 66 line 11 before the word Adefendant@ the following: AA@**

**INSERT, on page 66, line 19 after the entire section A(D) LIMITATION.@ the following new section:**

**(E) REINSTATEMENT. Following the expiration of the hardship adjustment period provided for under this section and during the mandatory funding period, the Administrator shall annually determine whether there has been**

**a material change in the financial condition of the defendant such that the Administrator may, under terms and conditions established by the Administrator, and consistent with the policies and legislative intent underlying this Act, reinstate any part or all of the defendant=s contribution under the statutory allocation that was not paid during the hardship adjustment term.**

**STRIKE, on page 67, line 8 : Afor the life of the Fund@ and INSERT in its place:  
Afor a term of 3 years@.**

**INSERT, on page 67, line 9 before section A(C) LIMITATION@ the following new subsections:**

- (i) RENEWAL. - After an inequity adjustment is granted by this section, a defendant may renew every 3 years its inequity adjustment by demonstrating that it remains justified.**
- (ii) REINSTATEMENT.- Following the expiration of the inequity adjustment period provided for under this section and during the mandatory funding period, the Administrator shall annually determine whether there has been a material change in conditions which would support a finding that the amount of the defendant=s**

**contribution under the statutory allocation was not inequitable.**

**Based on this determination, the Administrator may, under terms and conditions established by the Administrator, and consistent with the policies and legislative intent underlying this Act, reinstate any part or all of the defendant=s contribution under the statutory allocation that was not paid during the inequity adjustment term.**

**Suggested Amendment to Title IV - Miscellaneous Provisions:**

**INSERT** as new Section in Title IV - Miscellaneous Provisions:

Sec. \_\_ Administrator=s Annual Report

(1) IN GENERAL. B The Administrator shall submit an annual report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on the operation of the Asbestos Injury Claims Resolution Fund within six (6) months after the close of each fiscal year.

(2) CONTENTS OF REPORT. - The annual report submitted under this subsection shall include:

- (A) a summary of the claims made during such fiscal year, including the number of claims made to the Fund and a description of the types of medical diagnoses and asbestos exposures underlying those claims, and the number of claims denied by the Fund and a description of the types of medical diagnoses and asbestos exposures underlying those claims;
- (B) a summary of the eligibility determinations made by the Asbestos Court under Section 113 of this Act;
- (C) a summary of the awards made under the Act including the amount of the awards;
- (D) the identity of all participants and a summary of the funding allocations of each participant including the amounts of all contributions;
- (E) a summary of all financial hardship or inequity adjustments applied for during the fiscal year, and a summary of the adjustments that were made during the fiscal year;
- (F) a summary of the investments made under Section 222(b) of this Act;
- (G) a summary of all referrals made to law enforcement authorities made under Section 222(c) of this Act and of any legal actions brought or penalties imposed under Section 224 of this Act;
- (H) an estimate of the number and types of claims, the amount of awards, and the participant contributions for the next fiscal year;
- (I) any recommendations from the Fund=s medical panel to improve the medical criteria requirements or diagnostic provisions of the Fund;
- (J) audits conducted under Section 115;
- (K) prosecutions under Section 1348; and
- (L) any recommendations to improve the operation of the Fund.

# S. 1125

## 2d DEGREE AMENDMENT TO THE HATCH ASBESTOS BAN AMENDMENT

Viz:

Strike sections (c)(3) and (c)(4) and replace with the following:

”(3) (a) GOVERNMENTAL USE- The Administrator shall provide an exemption from the requirements of subsection (a), without review or limit on duration, if such exemption for an asbestos containing product is-

(A) Sought by the Secretary of Defense and the Secretary certifies, and provides a copy of that certification to Congress, that-

(i) use of the asbestos containing product is necessary to the critical functions of the Department;

- (ii) no reasonable alternatives to the asbestos containing product exist for the intended purpose; and
- (iii) use of the asbestos containing product will not result in an unreasonable risk to health or the environment.

(B) Sought by the Administrator of the National Aeronautics and Space Administration and the Administrator of the National Aeronautics and Space Administration certifies, and provides a copy of that certification to Congress, that-

- (i) the asbestos containing product is necessary to the critical functions of the National Aeronautics and Space Administration;
- (ii) no reasonable alternatives to the asbestos containing product exist for the intended purpose; and
- (iii) the use of the asbestos containing product will

not result in an unreasonable risk to health or the environment.”

(b) ADMINISTRATIVE PROCEDURES ACT-

Any certification required under subparagraph (a) shall not be subject to the Administrative Procedures Act, 5 U.S.C. § 500 *et seq.*

(4) **Specific Exemptions**

(A) Asbestos diaphragms for use in the manufacture of chlor-alkali and the products and derivative therefrom;

(B) Roofing cements, coating and mastic utilizing asbestos that are totally encapsulated with asphalt, **subject to a determination by the Administrator of the Environmental Protection Agency in subsection (5).**

(5) **Environmental Protection Agency Review**

(A) **Review in 18 months** – Not later than 18 months after the enactment of this Act, the Administrator of the Environmental Protection Agency shall complete a review of the exemption for roofing cements, coating and mastic utilizing asbestos that are totally encapsulated with asphalt to determine whether:

(i) the exemption would result in an unreasonable risk of injury to public health or the environment; and

(ii) there are reasonable, commercial alternatives to the roofing cements, coatings and mastics utilizing asbestos that is totally encapsulated with asphalt.

**(B) Revocation of Exemption** - Upon completion of the review, the Administrator of the EPA shall have the authority to revoke the exemption for the products exempted in 4(b) if warranted.



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To transfer any remaining monies within the Fund to the National Institutes of Health after the settlement of all foreseeable claims against the Fund.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. FEINSTEIN

Viz:

1       On page 100, between lines 11 and 12, insert the fol-  
2       lowing:

3       **SEC. 226. TRANSFER OF EXCESS FUNDS.**

4       The Administrator shall transfer any remaining mon-  
5       ies within the Fund to the National Institutes of Health  
6       for medical research into occupation-related diseases upon  
7       the later of—

8               (1) 50 years after the date of enactment of this

9       Act; or

- 1           (2) the Administrator determines that there are
- 2           no foreseeable future claims against the Fund.

1 (II) after a court in a proceeding  
2 brought under subparagraph (F) has  
3 entered a final judgment in favor of  
4 the Attorney General;  
5 the Attorney General shall recover the  
6 amount imposed (plus interest at currently  
7 prevailing rates calculated from the date  
8 that is 30 days after the date on which the  
9 Attorney General issues an order under  
10 subparagraph (B) or the date of the final  
11 judgment, as the case may be) in a civil  
12 action brought in any appropriate United  
13 States district court.

14 (ii) SCOPE OF REVIEW.—In a civil ac-  
15 tion under clause (i), the validity, amount,  
16 and appropriateness of a civil penalty shall  
17 not be subject to review.

18 (2) CONTINUING VIOLATION.—Each day on  
19 which a violation of a regulation under subsection  
20 (a) continues shall constitute a separate violation for  
21 the purpose of this subsection.

22 **SEC. 503. ENVIRONMENTAL CRIMES.**

23 Title 18, United States Code, is amended by inserting  
24 after chapter 33 the following:

1           **“CHAPTER 34. ENVIRONMENT.**

2       **“§ 731. Manufacturing, processing, or distributing in**  
3           **commerce asbestos-containing products**

4           “(a) IN GENERAL.—A person that knowingly or will-  
5 fully violates a regulation promulgated under section  
6 502(a) of the Fairness in Asbestos Injury Resolution Act  
7 of 2003, in addition to or in lieu of any civil penalty that  
8 may be imposed under section 502(e)(1) of that Act, shall  
9 be imprisoned not more than 1 year, fined not more than  
10 \$25,000, or both.

11          “(b) CONTINUING VIOLATION.—Each day on which  
12 a violation of a regulation described in subsection (a) con-  
13 tinues shall constitute a separate violation for the purpose  
14 of this section.”.

15       **SEC. 504. ASBESTOS-CAUSED DISEASES.**

16          Subpart 1 of part C of title IV of the Public Health  
17 Service Act (42 U.S.C. 285 et seq.) is amended by adding  
18 at the end the following:

19       **“SEC. 417D. RESEARCH ON ASBESTOS-CAUSED DISEASES.**

20          “(a) IN GENERAL.—The Secretary, acting through  
21 the Director of NIH and the Director of the Centers for  
22 Disease Control and Prevention, shall expand, intensify,  
23 and coordinate programs for the conduct and support of  
24 research on diseases caused by exposure to asbestos, par-  
25 ticularly mesothelioma, asbestosis, and pleural injuries.

1       “(b) ADMINISTRATION.—The Secretary shall carry  
2 out this section—

3               “(1) through the Director of NIH and the Di-  
4 rector of the CDC (Centers for Disease Control and  
5 Prevention); and

6               “(2) in collaboration with the Administrator of  
7 the Agency for Toxic Substances and Disease Reg-  
8 istry and the head of any other agency that the Sec-  
9 retary determines to be appropriate.

10       “(c) MESOTHELIOMA REGISTRY.—Not later than 1  
11 year after the date of enactment of this section, the Direc-  
12 tor of the Centers for Disease Control and Prevention, in  
13 cooperation with the Director of the National Institute for  
14 Occupational Safety and Health and the Administrator of  
15 the Agency for Toxic Substances and Disease Registry,  
16 shall establish a mechanism by which to obtain data from  
17 State cancer registries and other cancer registries, which  
18 shall form the basis for establishing a Mesothelioma Reg-  
19 istry.

20       “(d) AUTHORIZATION OF APPROPRIATIONS.—In ad-  
21 dition to amounts made available for the purposes de-  
22 scribed in subsection (a) under other law, there are au-  
23 thorized to be appropriated to carry out this section such  
24 sums as are necessary for fiscal year 2004 and each fiscal  
25 year thereafter.

1 **“SEC. 417E. MESOTHELIOMA RESEARCH AND TREATMENT**  
2 **CENTERS.**

3 “(a) IN GENERAL.—The Director of NIH shall pro-  
4 vide \$1,000,000 for each of fiscal years 2004 through  
5 2008 for each of up to 10 mesothelioma disease research  
6 and treatment centers.

7 “(b) REQUIREMENTS.—The Centers shall—

8 “(1) be chosen through competitive peer review;

9 “(2) be geographically distributed throughout  
10 the United States with special consideration given to  
11 areas of high incidence of mesothelioma disease;

12 “(3) be closely associated with Department of  
13 Veterans Affairs medical centers to provide research  
14 benefits and care to veterans, who have suffered ex-  
15 cessively from mesothelioma;

16 “(4) be engaged in research to provide mecha-  
17 nisms for detection and prevention of mesothelioma,  
18 particularly in the areas of pain management and  
19 cures;

20 “(5) be engaged in public education about  
21 mesothelioma and prevention, screening, and treat-  
22 ment;

23 “(6) be participants in the National Mesothe-  
24 lioma Registry; and

1           “(7) be coordinated in their research and treat-  
2           ment efforts with other Centers and institutions in-  
3           volved in exemplary mesothelioma research.

4           “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
5           is authorized to be appropriated to carry out this section  
6           \$10,000,000 for each of fiscal years 2004 through 2008.”.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To prohibit the commercial use of asbestos in the  
United States.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of  
victims for bodily injury caused by asbestos exposure,  
and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. FEINSTEIN

Viz:

1 At the end, add the following:

2 **TITLE V—COMMERCIAL USE OF**  
3 **ASBESTOS**

4 **SEC. 501. DEFINITIONS.**

5 In this title:

6 (1) ATTORNEY GENERAL.—The term “Attorney  
7 General” means the Attorney General, acting jointly  
8 with the Administrator of the Environmental Protec-  
9 tion Agency.



1           (2) ASBESTOS-CONTAINING PRODUCT.—The  
2           term “asbestos-containing product” means any prod-  
3           uct (including any part) to which asbestos is delib-  
4           erately or knowingly added or in which asbestos is  
5           deliberately or knowingly used in any concentration.

6           (3) CONTAMINANT-ASBESTOS PRODUCT.—The  
7           term “contaminant-asbestos product” means any  
8           product—

9                   (A) that contains asbestos as a contami-  
10                  nant of any mineral or other substance, in any  
11                  concentration; and

12                  (B) to which the asbestos is not delib-  
13                  erately or knowingly added or in which asbestos  
14                  is not deliberately or knowingly used in any  
15                  concentration.

16           (4) DISTRIBUTE IN COMMERCE.—

17                   (A) IN GENERAL.—The term “distribute in  
18                  commerce” has the meaning given the term in  
19                  section 3 of the Toxic Substances Control Act  
20                  (16 U.S.C. 2602).

21                   (B) EXCLUSIONS.—The term “distribute  
22                  in commerce” does not include—

23                           (i) an action taken with respect to an  
24                           asbestos-containing product in connection  
25                           with the end use of the asbestos-containing

1 product by a person that is an end user;  
2 or

3 (ii) distribution of an asbestos-con-  
4 taining product by a person solely for the  
5 purpose of disposal of the asbestos-con-  
6 taining product in compliance with applica-  
7 ble Federal, State, and local requirements.

8 (5) PERSON.—The term “person” means—

9 (A) any individual;

10 (B) any corporation, company, association,  
11 firm, partnership, joint venture, sole proprietor-  
12 ship, or other for-profit or nonprofit business  
13 entity (including any manufacturer, importer,  
14 distributor, or processor);

15 (C) any Federal, State, or local depart-  
16 ment, agency, or instrumentality; and

17 (D) any interstate body.

18 **SEC. 502. PROHIBITION ON ASBESTOS-CONTAINING PROD-**  
19 **UCTS.**

20 (a) IN GENERAL.—Subject to subsection (b), the At-  
21 torney General shall promulgate—

22 (1) not later than 1 year after the date of en-  
23 actment of this Act, proposed regulations that—

1 (A) prohibit persons from manufacturing,  
2 processing, or distributing in commerce asbes-  
3 tos-containing products; and

4 (B) provide for implementation of sub-  
5 sections (b) and (c); and

6 (2) not later than 2 years after the date of en-  
7 actment of this Act, final regulations that, effective  
8 60 days after the date of promulgation, prohibit per-  
9 sons from manufacturing, processing, or distributing  
10 in commerce asbestos-containing products.

11 (b) INAPPLICABILITY TO CONTAMINANT-ASBESTOS  
12 PRODUCTS.—The regulations under subsection (a) shall  
13 not apply to contaminant-asbestos products.

14 (c) EXEMPTIONS.—

15 (1) IN GENERAL.—The products and processes  
16 described in paragraph (2) shall be exempt from the  
17 regulations under subsection (a) unless the Attorney  
18 General determines that any such product should  
19 not be exempt, based on information that has be-  
20 come available since 1989 suggesting that an exemp-  
21 tion would result in an unreasonable risk of injury  
22 to public health or the environment.

23 (2) PRODUCTS AND PROCESSES.—The products  
24 and processes referred to in paragraph (1) are—

- 1 (A) asbestos diaphragms for regulated use  
2 in the manufacture of chloralkali;  
3 (B) acetylene cylinders;  
4 (C) arc chutes;  
5 (D) battery separators;  
6 (E) high-grade electrical paper;  
7 (F) missile liners;  
8 (G) packing reinforced plastic;  
9 (H) sealant tape;  
10 (I) specialty industrial gaskets; and  
11 (J) textiles.

12 (3) PETITIONS FOR EXEMPTION.—

13 (A) IN GENERAL.—Any person may peti-  
14 tion the Attorney General for, and the Attorney  
15 General may grant, an exemption from the re-  
16 quirements of subsection (a) if the Attorney  
17 General determines that—

18 (i) the exemption would not result in  
19 an unreasonable risk of injury to public  
20 health or the environment; and

21 (ii) the person has made good faith ef-  
22 forts to develop, but has been unable to de-  
23 velop, a substance, or identify a mineral,  
24 that—

1 (I) does not present an unreason-  
2 able risk of injury to public health or  
3 the environment; and

4 (II) may be substituted for an  
5 asbestos-containing product.

6 (B) TERMS AND CONDITIONS.—An exemp-  
7 tion granted under this paragraph shall be in  
8 effect for such period (not to exceed 1 year)  
9 and subject to such terms and conditions as the  
10 Attorney General may prescribe.

11 (d) DISPOSAL.—

12 (1) IN GENERAL.—Except as provided in para-  
13 graph (2), not later than 3 years after the date of  
14 enactment of this Act, each person that possesses an  
15 asbestos-containing product that is subject to the  
16 prohibition established under this section shall dis-  
17 pose of the asbestos-containing product, by a means  
18 that is in compliance with applicable Federal, State,  
19 and local requirements.

20 (2) EXEMPTION.—Nothing in paragraph (1)—

21 (A) applies to an asbestos-containing prod-  
22 uct that—

23 (i) is no longer in the stream of com-  
24 merce; or

1 (ii) is in the possession of an end  
2 user; or

3 (B) requires that an asbestos-containing  
4 product described in subparagraph (A) be re-  
5 moved or replaced.

6 (e) PENALTIES.—

7 (1) CIVIL PENALTIES.—

8 (A) IN GENERAL.—The Attorney General  
9 may impose on a person that violates a regula-  
10 tion under subsection (a) a civil penalty of not  
11 more than \$25,000 for each such violation.

12 (B) PROCEDURE.—

13 (i) IN GENERAL.—The Attorney Gen-  
14 eral shall impose a civil penalty under sub-  
15 paragraph (A) by an order made on the  
16 record after opportunity for a hearing in  
17 accordance with section 554 of title 5,  
18 United States Code.

19 (ii) NOTICE.—Before issuing an order  
20 under clause (i), the Attorney General  
21 shall—

22 (I) give the person on which a  
23 civil penalty is to be imposed written  
24 notice of the proposal to issue the  
25 order; and

1 (II) provide the person an oppor-  
2 tunity to request, not later than 15  
3 days after the date on which the no-  
4 tice is received by the person, a hear-  
5 ing on the order.

6 (C) AMOUNT.—In determining the amount  
7 of a civil penalty, the Attorney General shall  
8 take into account—

9 (i) the nature, circumstances, extent,  
10 and gravity of the violation; and

11 (ii) with respect to the violator—

12 (I) ability to pay;

13 (II) effect on ability to continue  
14 to do business;

15 (III) any history of prior such  
16 violations;

17 (IV) degree of culpability; and

18 (V) such other matters as justice  
19 may require.

20 (D) COMPROMISE, MODIFICATION, OR RE-  
21 MISSION.—The Administrator may compromise,  
22 modify, or remit, with or without conditions, a  
23 civil penalty imposed under this paragraph.

24 (E) DEDUCTION FROM AMOUNT OWED.—  
25 The amount of a civil penalty imposed on a per-

son under this paragraph may be deducted from any sums owed by the United States to the person.

(F) JUDICIAL REVIEW.—Not later than 30 days after the date on which the Attorney General issues an order imposing a civil penalty under subparagraph (B), a person that requested a hearing under subparagraph (B)(ii)(II) with respect to the civil penalty and that is aggrieved by an the order may file a petition for judicial review of the order in the United States Court of Appeals for the District of Columbia Circuit or for the United States court of appeals for any other circuit in which the person resides or transacts business.

(G) FAILURE TO PAY CIVIL PENALTY.—

(i) IN GENERAL.—If a person fails to pay a civil penalty imposed under this paragraph—

(I) after the order imposing the civil penalty has become final and if person does not file a petition for judicial review of the order under subparagraph (F); or



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for rules of construction relating to the liability of the United States Government, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. GRASSLEY

Viz:

1       At the end of the bill, add the following:

2   **SEC. 403. RULES OF CONSTRUCTION RELATING TO LIABIL-**  
3                   **ITY OF THE UNITED STATES GOVERNMENT.**

4       (a) CAUSES OF ACTIONS.—Except as otherwise spe-  
5   cifically provided in this Act, nothing in this Act may be  
6   construed as creating a cause of action against the United  
7   States Government, any entity established under this Act,  
8   or any officer or employee of the United States Govern-  
9   ment or such entity.

1       (b) FUNDING LIABILITY.—Nothing in this Act may  
2 be construed to—

3           (1) create any obligation of funding from the  
4 United States Government, other than the funding  
5 for personnel and support as provided under subtitle  
6 A of title I; or

7           (2) obligate the United States Government to  
8 pay any award or part of an award, if amounts in  
9 the Fund are inadequate.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for a limitation on attorney's fees for awards under this Act, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SESSIONS

Viz:

1       On page 41, add after line 23 the following:

2   **SEC. 135. LIMITATION ON ATTORNEY'S FEES.**

3       (a) IN GENERAL.—No more than an amount equal  
4 to 10 percent of any award as authorized by this Act may  
5 be paid to or received by any attorney for services ren-  
6 dered in connection with obtaining such award, any con-  
7 tract to the contrary notwithstanding.

8       (b) ENFORCEMENT.—Any person who violates sub-  
9 section (a) shall be guilty of a misdemeanor and shall be

1 subject to a fine in the amount provided in title 18, United  
2 States Code.

3 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
4 tion may be construed to authorize the payment of attor-  
5 ney's fees—

6 (1) from the Fund or a claimant; or

7 (2) in addition to any amount payable under  
8 the award schedule under this Act.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To require the Asbestos Court to provide notice to claimants on the availability of pro bono legal services, and any attorney's fee limitations, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S.1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SESSIONS

Viz:

1       On page 24, between lines 2 and 3, insert the fol-

2   lowing:

3               (3) NOTICE.—

4               (A) NOTICE BY COURT.—The Court shall

5       provide asbestos claimants with notice of, and

6       information relating to—

7               (i) pro bono services for legal assist-

8       ance available to those claimants; and

1                   (ii) any limitations on attorneys fees  
2                   for asbestos claims filed under this title.

3                   (B) NOTICE BY ATTORNEYS.—Before a  
4                   person becomes a client of an attorney with re-  
5                   spect to an asbestos claim, that attorney shall  
6                   provide notice to that person of pro bono serv-  
7                   ices for legal assistance available for that claim.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for additional contributions from participants.

IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. FEINSTEIN

Viz:

1 After section 225, insert the following:

2 **SEC. 226. ADDITIONAL CONTRIBUTIONS.**

3 (a) IN GENERAL.—In any year after year 27 of the  
4 Fund, if the Administrator, after consultation with appropriate experts, determines that additional contributions  
5 are necessary to ensure adequate funding for the payment  
6 of future claimants at the scheduled award values under  
7 section 131(b), the Administrator may require a participant  
8 to make additional contributions in an amount no  
9

1 greater than the participant was required to make in year  
2 26 of the Fund.

3 (b) REPORT.—If Administrator determines that addi-  
4 tional funds are required for the payment of future claim-  
5 ants at the scheduled awards value under section 131(b),  
6 the Administrator shall submit a report to Congress on  
7 the amount of additional funds that are necessary.



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup>  
Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 Section 3(2), page 4, insert the following;
- 2 “(K) mixed dust, which is any occupational or pneumoconiosis-producing
- 3 dust of which any component is any of the minerals listed under
- 4 subparagraphs (A) through (I), or is derived, in whole or in part, from
- 5 asbestos-containing materials defined at subparagraph (J).”
- 6
- 7 Section 403, page 113, line 23, insert after the word “law” the phrase; “,
- 8 whether or not characterized as such by the plaintiff.”
- 9
- 10 Strike section 403(d)(2), replace with;

1 “(2) PREEMPTION.—Any action asserting an asbestos claim, whether or  
2 not characterized as such by the plaintiff, in court of any State, except  
3 actions for which an order or judgment has been duly entered by a court that  
4 is no longer subject to any appeal or judicial review before the date of  
5 enactment of this Act, is preempted by this Act.”

6

7 Strike section 403(d)(4)(D)(i), replace with;

8 “(i) determining whether the claim is an asbestos claim, and”

# S. 1125

## 2d DEGREE AMENDMENT TO THE HATCH ASBESTOS BAN AMENDMENT

Viz:

Strike Section (c)(3) and replace with the following:

”(3) GOVERNMENTAL USE- The Administrator shall provide an exemption from the requirements of subsection (a), without review or limit on duration, if such exemption for an asbestos containing product is-

(A) Sought by the Secretary of Defense and the Secretary certifies that –

(i) use of the asbestos containing product is necessary to the critical functions of the Department;

(ii) no reasonable alternatives to the asbestos containing product exist for the intended purpose;

and

(iii) use of the asbestos containing product will not result in an unreasonable risk to health or the environment.

(B) Sought by the Administrator of the National Aeronautics and Space Administration and the Administrator of the National Aeronautics and Space Administration certifies that-

(i) the asbestos containing product is necessary to the critical functions of the National Aeronautics and Space Administration;

(ii) no reasonable alternatives to the asbestos

containing product exist for the intended purpose;

and

(iii) the use of the asbestos containing product will

not result in an unreasonable risk to health or the

environment.”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: This amendment requires that a physician “evaluate” rather than “independently verify” asbestos exposure.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1           On page 25, beginning on line 12, delete sections
- 2   122(b)(2) and 122(b)(3), and insert in lieu thereof:
- 3           “(2) includes a review by the physician of the
- 4           claimant’s work history and asbestos exposure pattern in
- 5           order to evaluate the duration, proximity, regularity and

1 intensity of the exposure, and smoking history, among  
2 other factors; and”

3 On page 25, line 19, re-designate existing paragraph  
4 122(b)(4) as paragraph 122(b)(3).

## **DURBIN AMENDMENT TO S. 1125**

**Purpose: To exempt from the Act asbestos claims currently pending in state or federal courts.**

On page 114, line 1, after the word “claim,” insert the following:

“filed after June 1, 2003.”

On page 114, line 6, after the period, insert the following new sentence:

“Nothing in this Act shall affect the jurisdiction of any federal or state court to hear, adjudicate, render judgment on or enforce any asbestos claim filed prior to June 1, 2003.”

On page 114, line 8, after the word “claim” insert the following:

“filed after June 1, 2003.”

On page 116 after line 2 insert the following new subsection:

(e): NON APPLICABILITY TO CLAIMS FILED BEFORE JUNE 1, 2003. The provisions of this section shall not apply to any asbestos claim in any state or federal court filed prior to June 1, 2003.

EXPLANATION: This amendment would exempt from coverage under the Act all asbestos claims that were filed in state or federal courts prior to June 1, 2003.



## **DURBIN AMENDMENT TO S. 1125**

**Purpose: To restore the rights of railroad workers under the Federal Employers' Liability Act (FELA)**

On page 5, line 3, strike "or"

On page 5, line 6, strike "." and insert ", or claims brought pursuant to the Act of April 22, 1908 (45 U.S.C. 51 et seq.)."

On page 8, line 20, strike "does not include" and insert "includes"

On page 8, line 22, strike "or" and insert "and"

On page 47, at the end of line 2, add "and"

On page 47, line 6, strike "and"

On page 47, strike lines 7-14

On page 62, strike lines 24-25, and on page 63, strike lines 1-2

On page 64, strike lines 13-21

EXPLANATION: This amendment would allow railroad workers with asbestos claims to seek their legal claims under the Federal Employers' Liability Act (FELA).

## **DURBIN AMENDMENT TO S. 1125**

**Purpose: To increase the amount of financial hardship and inequity adjustments.**

On page 66, line 17, strike “3 percent” and insert “6 percent”.

On page 67, line 18, strike “2 percent” and insert “4 percent”.

Increase the contribution amounts of Tier II defendant participants as necessary to compensate for the increases in the financial hardship and inequity adjustments.

On page 66, lines 20-24, insert the underlined text:

(A) IN GENERAL- A defendant may qualify for an adjustment based on inequity by demonstrating that the amount of its contribution under the statutory allocation is exceptionally inequitable when measured against that percentage of the defendant’s prior asbestos expenditures that were incurred with respect to claims that neither resulted in an adverse judgment against the defendant nor were the subject of a settlement that required a payment to a plaintiff by or on behalf of that defendant; or the amount of the likely cost to the defendant of its future liability in the tort system in the absence of the Fund.

EXPLANATION: This amendment would double the current caps for the financial hardship and inequity adjustments while revising the definition of “inequity adjustments” to include costs incurred in cases where the defendant mounted a successful defense.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for penalties for the willful failure to pay liabilities imposed under the Fairness in Asbestos Injury Resolution Act of 2003, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

1 At the end, add the following:

2 **TITLE V- PROHIBITION OF ASBESTOS**

3 **CONTAINING PRODUCTS**

4 At the end of Chapter 39 of Title 18 of the United States Code,  
5 insert the following new Chapter:

6 **Chapter 39A – Ban of Asbestos Containing Products**

7 § 838. Ban of Asbestos Containing Products

8 (a) DEFINITIONS: For the purposes of this Chapter,

1 (1) ASBESTOS. - The term “Asbestos” includes –

2 (A) chrysotile;

3 (B) amosite;

4 (C) crocidolite;

5 (D) tremolite asbestos;

6 (E) winchite asbestos;

7 (F) richterite asbestos;

8 (G) anthophyllite asbestos;

9 (H) actinolite asbestos;

10 (I) any of the minerals listed under subparagraphs (A)  
11 through (H) that has been chemically treated or altered,  
12 and any asbestiform variety, type or component  
13 thereof.

14 (2) ASBESTOS CONTAINING PRODUCT.- The term “Asbestos  
15 Containing Product” means any product (including any part) to  
16 which asbestos is deliberately or knowingly added or used because  
17 the specific properties of asbestos are necessary for product use or  
18 function. Under no circumstances shall ‘asbestos containing  
19 product’ be construed to include products that contain *de minimus*  
20 levels of naturally occurring asbestos as defined by the  
21 Administrator not later than one year after the date of enactment of  
22 this Chapter.

1 (3) DISTRIBUTE IN COMMERCE.- The term “Distribute in  
2 Commerce”-

3 a. has the meaning given the term in 15 U.S.C. § 2602; and

4 b. shall not include –

5 i. an action taken with respect to an asbestos  
6 containing product in connection with the end use  
7 of the asbestos containing product by a person  
8 that is an end user, or an action taken by a person  
9 who purchases or receives a product, directly or  
10 indirectly from an end user; or

11 ii. distribution of an asbestos-containing product by  
12 a person solely for the purpose of disposal of the  
13 asbestos containing product in compliance with  
14 applicable Federal, State and local requirements.

15 (4) ADMINISTRATOR- The term “Administrator” shall mean the  
16 Administrator for the Environmental Protection Agency.

17 (b) IN GENERAL – Subject to subsection (c), the Administrator  
18 shall, after consultation with the Assistant Attorney General for  
19 the Environmental and Natural Resources Division of the United  
20 States Department of Justice, promulgate –

21 (1) not later than 1 year after the date of enactment of this  
22 subtitle, proposed regulations that –

1 (A) prohibit persons from manufacturing, processing,  
2 or distributing in commerce asbestos-containing  
3 products; and

4 (B) provide for implementation of subsections (c)  
5 and (d); and

6 (2) not later than 2 years after the date of enactment of this  
7 subtitle, final regulations that, effective 60 days after the  
8 date of promulgation, prohibit persons from  
9 manufacturing, processing, or distributing in commerce  
10 asbestos-containing products.

11 (c) EXEMPTIONS-

12 (1) IN GENERAL- Any person may petition the  
13 Administrator for, and the Administrator may grant an  
14 exemption from the requirements of subsection (b) if the  
15 Administrator determines that –

16 (A) the exemption would not result in an  
17 unreasonable risk of injury to public health or the  
18 environment; and

19 (B) the person has made good faith efforts to  
20 develop, but has been unable to develop, a  
21 substance, or identify a mineral that does not  
22 present an unreasonable risk of injury to public

1 health or the environment and may be substituted  
2 for an asbestos containing product.

3 (2) TERMS AND CONDITIONS- An exemption granted  
4 under this subsection shall be in effect for such period  
5 (not to exceed 5 years) and subject to such terms and  
6 conditions as the Administrator may prescribe.

7 (3) GOVERNMENTAL USE- The Administrator shall  
8 provide an exemption from the requirements of  
9 subsection (a), without review or limit on duration, if  
10 such exemption for an asbestos containing product is  
11 sought by the Secretary of Defense or the Administrator  
12 of the National Aeronautics and Space Administration.

13 (4) SPECIFIC EXEMPTIONS-

14 (A) Asbestos diaphragms for use in the manufacture or  
15 chlor-alkali and the products and derivative  
16 therefrom;

17 (B) Roofing cements, coatings and mastics utilizing  
18 asbestos that is totally encapsulated with asphalt.

19 (d) DISPOSAL-

20 (1) IN GENERAL- Except as provided in paragraph (2), not  
21 later than 3 years after the date of enactment of this  
22 subtitle, each person that possesses an asbestos  
23 containing product that is subject to the prohibition

1 established under this section shall dispose of the  
2 asbestos-containing product, by a means that is in  
3 compliance with applicable Federal, State, and local  
4 requirements.

5 (2) EXEMPTION- Nothing in paragraph (1) –

6 (A) applies to an asbestos containing product that –

7 (i) is no longer in the stream of  
8 commerce; or

9 (ii) is in the possession of an end user; or

10 (B) requires that an asbestos containing product  
11 described in subparagraph (A) be removed or  
12 replaced.

13  
14  
15  
16



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide an exception to the in-person exam rule for deceased victims.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 On p. 25, before line 21:
- 2 “(c) DECEASED CLAIMANTS.—In the case of a claimant who is deceased
- 3 at the time of an application is filed, the claim may be supported by either—
- 4 (1) evidence from a prior physical medical examination of the
- 5 claimant by a physician that resulted in a diagnosis of an asbestos
- 6 related injury or permits such a diagnosis to be made by a

1           physician examining those records; or

2           (2)pathological evidence of an asbestos-related injury.”

3           Strike “(c)” on line 21 on p. 25 and insert “(d)”.

4           Strike “(d)” on line 14 on p. 26 and insert “(e)”.

5           Strike “(e)” on line 20 on p. 26 and insert “(f)”.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: This amendment allows the Court to independently review medical evidence.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

1           On page 15, line 23, after “diagnoses” insert “, x-ray  
2 films,”

3           On page 20, after line 20, insert new section 114(c)(3) as  
4 follows:

5           “(3) INDEPENDENT REVIEWS OF MEDICAL EVIDENCE. —

1 – The Asbestos Court shall establish procedures for  
2 independently evaluating the medical evidence submitted in  
3 support of claims. At a minimum, the Court shall prescribe  
4 procedures for magistrates to randomly assign claims for  
5 confirmation by certified B readers of x-rays submitted in  
6 support of claims, the cost of which shall be borne by the Fund.  
7 If an independent B reader disagrees with the quality grading or  
8 ILO level assigned to an x-ray submitted in support of a claim,  
9 the procedures shall require a second independent B reading. If  
10 neither independent B reader agrees with the quality grading and  
11 the ILO level assigned to the film as part of the claim, the  
12 magistrate shall recommend denial of the claim pursuant to  
13 subsection (f).

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: This amendment directs the Institute of Occupational Medicine to study the connection between “other cancers” (not lung-related).

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 On page 37, after line 11, insert new section 126 as follows:
- 2 **SEC. 126. INSTITUTE OF MEDICINE STUDY.**
- 3 (a) Not later than two years after date of enactment, the
- 4 Institute of Medicine of the National Academy of Sciences shall
- 5 complete a study of the causal link between asbestos exposure
- 6 and other cancers, including, but not limited to, colorectal,

1 laryngeal, esophageal, pharyngeal, and stomach cancers, except  
2 for mesothelioma and lung cancers. The Institute of Medicine  
3 shall issue a report on its findings on causation, which shall be  
4 transmitted to the Congress, the Asbestos Court, and the Medical  
5 Advisory Committee. The Asbestos Court and the Medical  
6 Advisory Committee shall consider the results of the report for  
7 purposes of determining whether asbestos exposure is a  
8 substantial contributing factor under section 124(6)(F).

9 (b) If the Asbestos Court has evidence that there have been  
10 advancements in science that would require additional study, the  
11 Court may request that the Institute of Medicine conduct a  
12 subsequent study to determine if asbestos exposure is a cause of  
13 other cancers.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To create lockbox accounts to protect severe asbestos-related injury claimants.

**IN THE SENATE OF THE UNITED STATES – 108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S.1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. KYL  
(For himself and Mr. HATCH)

Viz:

In section 223, renumber subsection (e) as (f), and insert the following as a new subsection (e):

“(e) LOCKBOX FOR SEVERE ASBESTOS-RELATED INJURY  
CLAIMANTS –

(1) Within the Fund, the Administrator shall establish the following accounts:

(A) A Mesothelioma Account, which shall be used solely to make payments to claimants eligible for an award pursuant to the criteria of Level VIII.

(B) A Lung Cancer II Account, which shall be used solely to make payments to claimants eligible for an award pursuant to the criteria of Level VII.

(C) A Severe Asbestosis Account, which shall be used solely to make payments to claimants eligible for an award pursuant to the criteria of Level IV.

(2) The Administrator shall allocate to each of the above three accounts a portion of contributions to the Fund adequate to compensate all anticipated claimants for each account. Within sixty days of the enactment of this Act, and periodically during the life of the Fund, the Administrator shall determine an appropriate amount to allocate to each account after consulting appropriate epidemiological and statistical studies.”



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To create lockbox accounts to protect severe asbestos-related injury claimants.

**IN THE SENATE OF THE UNITED STATES – 108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S.1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. KYL  
(For himself and Mr. HATCH)

Viz:

In section 223, renumber subsection (e) as (f), and insert the following as a new subsection (e):

“(e) LOCKBOX FOR SEVERE ASBESTOS-RELATED INJURY  
CLAIMANTS –

(1) Within the Fund, the Administrator shall establish the following accounts:

(A) A Mesothelioma Account, which shall be used solely to make payments to claimants eligible for an award pursuant to the criteria of Level IX.

(B) A Lung Cancer II Account, which shall be used solely to make payments to claimants eligible for an award pursuant to the criteria of Level VIII.

(C) A Severe Asbestosis II Account, which shall be used solely to make payments to claimants eligible for an award pursuant to the criteria of Level V.

(D) A Severe Asbestosis I Account, which shall be used solely to make payments to claimants eligible for an award pursuant to the criteria of Level IV.

(2) The Administrator shall allocate to each of the above four accounts a portion of contributions to the Fund adequate to compensate all anticipated claimants for each account. Within sixty days of the enactment of this Act, and periodically during the life of the Fund, the Administrator shall determine an appropriate amount to allocate to each account after consulting appropriate epidemiological and statistical studies.”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To require that asbestos exposure resulting from fabricating, altering, repairing, or otherwise working with asbestos products be significant in order to constitute “significant occupational exposure.”

**IN THE SENATE OF THE UNITED STATES – 108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S.1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. KYL

Viz:

In section 124, subsections (a)(8)(B) and (C), insert the words “significant amounts of” immediately before the words “raw asbestos fibers” and “asbestos fibers,” respectively, such that the two subsections read in their entirety:

“(B) fabricated asbestos-containing products so that the claimant in the fabrication process was exposed on a regular basis to significant amounts of raw asbestos fibers;

(C) altered, repaired, or otherwise worked with an asbestos-containing product such that the claimant was exposed on a regular basis to significant amounts of asbestos fibers; or”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To require that asbestos exposure resulting from fabricating, altering, repairing, or otherwise working with asbestos products be significant in order to constitute “substantial occupational exposure.”

**IN THE SENATE OF THE UNITED STATES – 108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S.1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. KYL

Viz:

In section 124, subsections (a)(16)(B) and (C), insert the words “significant amounts of” immediately before the words “raw asbestos fibers” and “asbestos fibers,” respectively, such that the two subsections read in their entirety:

“(B) fabricated asbestos-containing products so that the claimant in the fabrication process was exposed on a regular basis to significant amounts of raw asbestos fibers;

(C) altered, repaired, or otherwise worked with an asbestos-containing product such that the claimant was exposed on a regular basis to significant amounts of asbestos fibers; or”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To clarify the language with respect to latency periods.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

1           On page 27, beginning on line 5, delete section 123 in its  
2   entirety and replace in lieu thereof:

3           To be eligible for compensation under this Act, a  
4   claimant must establish that a minimum of 10 years has  
5   elapsed between the date of the claimant's first exposure  
6   to asbestos and the initial diagnosis.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

1 On page 5, strike line 23 and all that follows through page 6, line 11, and  
2 insert the following:

3 (7) COLLATERAL SOURCE COMPENSATION.—The term  
4 “collateral source compensation” means the compensation that the  
5 claimant received or is entitled to receive from a defendant or its  
6 insurer, or compensation trust as a result of judgment or settlement  
7 for an asbestos related injury that is the subject of a claim filed  
8 under section 111.

9 On page 41, lines 17 through 19, strike; “that the claimant received, or is  
10 entitled to receive, for the asbestos-related injury that is the subject of the  
11 compensation.”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for penalties for the willful failure to pay liabilities imposed under the Fairness in Asbestos Injury Resolution Act of 2003, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1 On page 99, strike lines 1 through 18, and insert the following:
- 2 (1) IN GENERAL.—In any case in which there has been a refusal
- 3 or failure to pay any liability imposed by a final determination
- 4 under section 202 or 212, the Administrator may bring a civil
- 5 action in the Federal district court for the District of Columbia---
- 6 (A) to enforce the liability and any lien of the United States
- 7 imposed under this section;

1 (B) to subject any property of the participant, including any  
2 property in which the participant has any right, title, or  
3 interest, to the payment of such liability;

4 (C) for temporary, preliminary, or permanent relief;

5 (2) ADDITIONAL PENALTIES.—In any action under subsection

6 (1) in which the refusal or failure to pay was willful, the  
7 Administrator shall be able to seek recovery;

8 (A) for punitive damages;

9 (B) for the costs of any civil action under this subsection,  
10 including reasonable fees incurred for collection,  
11 expert witnesses, and attorney fees; and

12 (C) In addition to any other penalty, collect a fine in an  
13 amount equal to the total amount of the liability that  
14 has not been collected.

15 (3) DEFENSE LIMITATION.—In any proceeding under this  
16 subsection, the participant shall be barred from bringing any  
17 challenge to the assessment if such challenge could have been  
18 made during the review period under section 202(b)(4) or  
19 212(b)(4), or a judicial review proceeding under title III.

20 (4) DEPOSIT OF FUNDS.—Any funds collected under paragraph

21 (C) shall be—

22 (A) deposited in the Fund; and

23 (B) used only to pay—



1 (i) claims for awards for an eligible disease or  
2 condition determined under title I;

3 (ii) claims for reimbursement for medical  
4 monitoring determined under title I

5 (5) NO EFFECT ON OTHER LIABILITIES.—The imposition of a  
6 fine under paragraph 2(C) shall have no effect on—

7 (A) the assessment of contribution under sections 202 or  
8 212; or

9 (B) any other provision of this Act.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide appropriate congressional oversight over the  
administration of the Asbestos Injury Claims Resolution Fund.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1           Insert as new Section in Title IV – Miscellaneous
- 2   Provisions:
- 3   “Sec. \_\_\_\_     ADMINISTRATOR’S ANNUAL REPORT
- 4           “(1)           IN GENERAL.—The Administrator shall
- 5   submit an annual report to the Committee on the Judiciary of the
- 6   House of Representatives and the Committee on the Judiciary of

1 the Senate on the operation of the Asbestos Injury Claims  
2 Resolution Fund within six (6) months after the close of each  
3 fiscal year.

4 “(2) CONTENTS OF REPORT.—The annual  
5 report submitted under this section shall include:

6 “(A) a summary of the claims made during such  
7 fiscal year, including the number of claims made to  
8 the Fund and a description of the types of medical  
9 diagnoses and asbestos exposures underlying those  
10 claims, and the number of claims denied by the  
11 Fund and a description of the types of medical  
12 diagnoses and asbestos exposures underlying those  
13 claims;

14 “(B) a summary of the eligibility determinations  
15 made by the Asbestos Court under Section 113 of  
16 this Act;

17 “(C) a summary of the awards made under the Act  
18 including the amount of the awards;

- 1 “(D) the identity of all participants and a summary  
2 of the funding allocations of each participant  
3 including the amounts of all contributions;  
4 “(E) a summary of all financial hardship or inequity  
5 adjustments applied for during the fiscal year, and a  
6 summary of the adjustments that were made during  
7 the fiscal year;  
8 “(F) a summary of the investments made under  
9 Section 222(b) of this Act;  
10 “(G) a summary of all referrals made to law  
11 enforcement authorities made under Section 222(c)  
12 of this Act and of any legal actions brought or  
13 penalties imposed under Section 224 of this Act;  
14 “(H) an estimate of the number and types of claims,  
15 the amount of awards, and the participant  
16 contributions for the next fiscal year;  
17 “(I) any recommendations from the Fund’s medical  
18 panel to improve the medical criteria requirements  
19 or diagnostic provisions of the Fund;  
20 “(J) audits conducted under Section 115;

- 1           “(K) prosecutions under 18 U.S.C. §1348; and
- 2           “(L) any recommendations to improve the
- 3           operation of the Fund.”.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of  
victims for bodily injury caused by asbestos exposure,  
and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1 Page 49, line 9 strike section (C) and replace with the following;
- 2 (C) The bankruptcy court presiding over the business
- 3 entity's case determines, after notice and a hearing upon
- 4 motion filed by the entity within 30 days of the effective
- 5 date of this Act, which motion shall be supported by:

- 1           (i)     an affidavit or declaration of the Chief Executive  
2                   Officer, Chief Financial Officer or Chief Legal  
3                   Officer of the business entity, and
- 4           (ii)  copies of the entity's public statements and  
5                   securities filings made in connection with the  
6                   entity's filing for chapter 11 protection that asbestos  
7                   liability was not the sole or precipitating cause of  
8                   the entity's chapter 11 filing. Notice of such motion  
9                   shall be as directed by the bankruptcy court and the  
10                  hearing shall be limited to consideration of the  
11                  question of whether or not asbestos liability was the  
12                  sole or precipitating cause of the entity's chapter 11  
13                  filing. The bankruptcy court shall hold a hearing  
14                  and make its determination with respect to the  
15                  motion within 60 days after the date the motion is  
16                  filed. In making its determination, the bankruptcy  
17                  court shall take into account the affidavits, public  
18                  statements and securities filings, and other  
19                  information, if any, submitted by the entity and all

1           other facts and circumstances presented by an  
2           objecting party.

3           (iii) JUDICIAL REVIEW.—Any review of this  
4           determination must be an expedited appeal and  
5           limited to whether the decision was against the  
6           weight of the evidence presented.



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To ensure that contributions to the Fund are not adversely affected by any financial hardship adjustment or inequity adjustment in the event there is a material change in conditions of the defendant participant following the expiration of any adjustment period.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

1           On p. 66, line 11, insert after “(C) RENEWAL.” The following  
2 language: “After an initial hardship adjustment is granted by this section, a”

3           On p. 66 line 11 before the word “defendant” strike the following:  
4 “A”

5           On p. 66, line 19 after the entire section “(D) LIMITATION.” Insert  
6 the following new section:

7           (E) REINSTATEMENT. Following the expiration of the

1 hardship adjustment period provided for under this section and  
2 during the mandatory funding period, the Administrator shall  
3 annually determine whether there has been a material change in the  
4 financial condition of the defendant such that the Administrator  
5 may, consistent with the policies and legislative intent underlying  
6 this Act, reinstate under terms and conditions established by the  
7 administrator any part or all of the defendant's contribution under  
8 the statutory allocation that was not paid during the hardship  
9 adjustment term.

10 On p. 67, line 8, strike "for the life of the Fund" and insert in its place: "for  
11 a term of 3 years."

12 On p. 67, line 9 before section "(C) LIMITATION" insert the following:

- 13 (i) RENEWAL. – After an inequity adjustment is  
14 granted by this section, a defendant may renew every  
15 3 years its inequity adjustment by demonstrating that  
16 it remains justified.
- 17 (ii) REINSTATEMENT.- Following the expiration of  
18 the inequity adjustment period provided for under  
19 this section and during the mandatory funding period,  
20 the Administrator shall annually determine whether  
21 there has been a material change in conditions which  
22 would support a finding that the amount of the  
23 defendant's contribution under the statutory

1 allocation was not inequitable. Based on this  
2 determination, the Administrator may, consistent  
3 with the policies and legislative intent underlying this  
4 Act, reinstate under terms and conditions established  
5 by the administrator any part or all of the defendant's  
6 contribution under the statutory allocation that was  
7 not paid during the inequity adjustment term.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To amend title 18, United States Code to prohibit fraud upon the Asbestos Insurers Commission and the Office of Asbestos Injury Claims Resolution.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1           On page 105, strike lines 18 through 25, and insert
- 2   the following:
- 3           (a) IN GENERAL.—Chapter 63 of title 18, United
- 4   States Code, is amended by adding at the end the fol-
- 5   lowing:
- 6

1    **“§1348. Fraud and false statements in connection**  
2                           **with participation in Asbestos Injury**  
3                           **Claims Resolution Fund**

4           “(a) FRAUD RELATING TO ASBESTOS INJURY  
5 CLAIMS RESOLUTION FUND.—Whoever knowingly and  
6 willfully executes, or attempts to execute, a scheme or artif-  
7 ice to defraud the Asbestos Insurers Commission or the  
8 Office of Asbestos Injury Claims Resolution under title II of  
9 the Fairness in Asbestos Injury Resolution Act of 2003 shall  
10 be fined under this title or imprisoned not more than 20  
11 years, or both.

12           “(b) FALSE STATEMENTS RELATING TO ASBESTOS  
13 INJURY CLAIMS RESOLUTION FUND.—Whoever, in any  
14 matter involving the Asbestos Insurers Commission or the  
15 Office of Asbestos Injury Claim Resolution, knowingly and  
16 willfully—

17                   “(1) falsifies, conceals, or covers up by any  
18                   trick, scheme, or device a material fact; or

19                   “(2) makes any materially false, fictitious, or  
20                   fraudulent statements or representations; or

1           “(3) makes or uses any false writing or docu-  
2           ment knowing the same to contain any materially  
3           false, fictitious, or fraudulent statement or entry,  
4           in connection with the award of a claim or the assessment  
5           of contributions under Title I or II of the Fairness in As-  
6           bestos Injury Resolution Act of 2003 shall be fined under  
7           this title or imprisoned not more than 10 years, or both.”.

8           (b) TECHNICAL AND CONFORMING AMENDMENT.—  
9           The table of sections for chapter 63 of title 18, United  
10          States Code, is amended by adding at the end the fol-  
11          lowing:

“1348. Fraud and false statements in connection with participation in Asbestos  
Injury Claims Resolution Fund.”.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To revise the 2 year length and rule of construction for the statute of limitations in S.1125.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_  
Viz:

- 1        On p. 16, line 15, strike “2” and insert “4”.
- 2        On p. 17, line 9, strike “2” and insert “4”.
- 3        On p. 18, strike lines 1 through 6.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To include compensation for United States citizens  
exposed to asbestos while working for United States companies  
overseas or while on United States flagged ships.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1           On p. 35, line 23 (Sec. 125(a)(2)), delete the “.” and add
- 2   “or while a United States citizen while an employee of an entity
- 3   organized under any State or Federal law regardless of location,
- 4   or while a United States citizen while serving on any United
- 5   States flagged or owned ship provided the exposure results from
- 6   such employment or service.”



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1 AMENDMENT.—To Section 131(4) of S. 1125 to index scheduled awards  
2 for future inflation;  
3 (4)(A) Beginning January 1, 2006, award amounts set forth in paragraph  
4 (1) shall be increased annually by an amount equal to such dollar  
5 amount multiplied by the cost-of-living adjustment, rounded to the  
6 nearest \$1,000 increment.  
7 (B) For purposes of subparagraph (A), the cost of living adjustment for any  
8 calendar year is the percentage (if any) by which the CPI for the  
9 succeeding calendar year exceeds the CPI for the calendar year  
10 2004.

1 (C) For purposes of subparagraph (B), the CPI for any calendar year is the  
2 average of the Consumer Price Index as of the close of the 12-month  
3 period ending on August 31 of such calendar year.

4 (D) For the purposes of subparagraph (C), the term “Consumer Price  
5 Index” means the Consumer Price Index published by the  
6 Department of Labor. The Consumer Price Index series to be used  
7 for award escalations shall include the Consumer Price Index used  
8 for all-urban consumers, with an area coverage of the U.S. City  
9 Average, for all items, and based on the 1982-84 index base period.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To create an exposure exception for claimants from Libby, Montana.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

1   **SEC. 125. EXPOSURE CRITERIA REQUIREMENTS.**

2           On page 37, line 12, add:

3                   (d) WAIVER FOR WORKERS AND RESIDENTS

4           OF LIBBY,

1 MONTANA. Because of the unique nature of the asbestos  
2 exposure related to the vermiculite mining and milling  
3 operations in Libby, Montana, the Asbestos Court shall  
4 waive the exposure requirements under this subtitle for  
5 individuals who (a) worked at the vermiculite mining and  
6 milling facility in Libby, Montana; or (b) lived or worked  
7 in within a 20-mile radius of Libby, Montana, for at least  
8 12 consecutive months prior to December 31, 2003.  
9 Claimants under this section must provide meaningful and  
10 credible evidence to establish eligibility for the waiver of  
11 the otherwise applicable exposure criteria under this  
12 subtitle, and shall provide such supporting documentation  
13 as the Asbestos Court shall require.

*For Settlement Purposes Only*

~~Years of substantial occupational exposure as~~  
~~required under this section shall be calculated~~  
~~pursuant to section 125(b).~~

~~——( ) TLC. — The term “TLC” means total lung~~  
~~capacity, which is the volume of air in the lung after~~  
~~maximal inspiration.~~

~~——(18) WEIGHTED YEARS. — The term~~  
~~“weighted years” means exposure for a period of~~  
~~years calculated pursuant to the exposure weighting~~  
~~formula in section 125(b).~~

~~——(b) REQUIREMENTS. — To be eligible for an award~~  
~~or medical monitoring reimbursement under this title, a~~  
~~claimant must meet the medical criteria requirements for 1~~  
~~of the following classes:~~

~~(1) For Class I, Bilateral Asbestos-Related~~  
~~Nonmalignant Disease (Unimpaired) For Nonmalignant~~  
~~Level I, the claimant shall provide —~~

~~——(A) a diagnosis that meets the~~  
~~requirements of section 122 of one of the~~  
~~following —~~

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——(i) interstitial fibrosis based on a

Certified B-reader x-ray reading (with  
independent review) of ILO grade 1/0  
or greater and showing small irregular  
opacities of shape/size either ss, st, or tt  
and present in both lower lung zones;

~~[The issue of the inclusion of a  
showing of small irregular opacities  
was not discussed at the 6/13/03  
meeting. Labor has proposed this  
requirement in our earlier discussions.]~~

——(ii) bilateral pleural plaques  
based on a reading of an x-ray by a  
Certified B-reader (with independent  
review); or

——(iii) bilateral pleural thickening  
based on a reading of an x-ray by a  
Certified B-reader [showing blunting of  
at least one costophrenic angle] (with  
independent review); and

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——(B) meaningful and credible evidence

of 5 years or more {weighted years} of

substantial occupational exposure calculated

pursuant to section 125(b).

~~[Although we have provided language for how the~~

~~time weighting for historical exposures might work,~~

~~we are still awaiting language from Labor.]~~

——(2) For ~~Class II: Mixed~~

~~Diseases~~ Nonmalignant Level II, the claimant shall

provide—

——(A) a diagnosis that meets the

requirements of section 122 of one of the

following—

——(i) asbestosis based on a

Certified B-reader x-ray reading ~~(with~~

~~independent review)~~ of ILO grade 1/1

or greater and showing small irregular

opacities of shape/size either ss, st, or tt

and present in both lower lung zones;

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——(ii) bilateral pleural plaques  
based on a Certified B-reader x-ray  
reading (with independent review) of  
ILO grade B2 or higher; or  
——(iii) bilateral pleural thickening  
based on a Certified B-reader x-ray  
reading (with independent review) of  
ILO grade B2 or higher [and showing  
blunting of at least one costophrenic  
angle]; and

(B) pulmonary function testing that shows—

——(i) FVC less than the lower limit  
of normal, and  
——(ii) a FEV1/FVC ratio less than  
[lower limit of normal] [65 percent];  
and

——(C) meaningful and credible evidence  
of 5 years or more weighted years of  
substantial occupational exposure calculated  
pursuant to section 125(b).

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~~[Subject to a collar on claims for this Class.]~~

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——(3) For Class III: Mildly Impaired

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~~Nonmalignant Disease~~ Nonmalignant Level III, the  
claimant shall provide——

——(A) a diagnosis that meets the

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requirements of section 122 of one of the  
following——

——(i) asbestosis based on a

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Certified B-reader x-ray reading ~~(with  
independent review)~~ of ILO grade 1/0  
or greater and showing small irregular  
opacities of shape/size either ss, st, or tt  
and present in both lower lung zones;

——(ii) bilateral pleural plaques

based on a Certified B-reader x-ray  
reading ~~(with independent review)~~ of  
ILO grade B2 or higher; or

——(iii) bilateral pleural thickening  
based on a Certified B-reader x-ray  
reading ~~(with independent review)~~ of

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ILO grade B2 or higher {and showing  
blunting of at least one costophrenic  
angle}; and

(B) pulmonary function testing that shows —

(i) TLC less than 80 percent of  
predicted, but greater than or equal to 60  
percent of predicted; or

——(ii) FVC less than the lower limit

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of normal, plus a FEV1/FVC ratio of  
not less than {lower limit of normal}

{65 percent}; and

——(C) meaningful and credible evidence

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of 5 years or more weighted years of  
substantial occupational exposure calculated  
pursuant to section 125(b).

(4) For Level IV: Moderately Impaired

~~Nonmalignant Disease~~ Nonmalignant Level IV, the

claimant shall provide—

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——(A) a diagnosis that meets the requirements of section 122 of one of the following—

——(i) asbestosis based on a Certified B-reader x-ray reading (with independent review) of ILO grade 1/2+<sup>1+</sup> or greater and showing small irregular opacities of shape/size either ss, st, or tt and present in both lower lung zones;

——(ii) bilateral pleural plaques based on a Certified B-reader x-ray reading (with independent review) of ILO grade B2 or higher; or

——(iii) bilateral pleural thickening based on a Certified B-reader x-ray reading (with independent review) of ILO grade B2 or higher [and showing blunting of at least one costophrenic angle]; and

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(B) pulmonary function testing that shows —

——(i) TLC less than 60

percent of predicted, but greater

than or equal to 50 percent of

predicted; or

——(ii) FVC less than 60 percent of

predicted, but greater than or equal to

50 percent of predicted, plus a

FEV1/FVC ratio not less than ~~lower~~

~~limit of normal~~ [65 percent]; and

——(C) meaningful and credible evidence

of 5 ~~years~~ or more weighted years of

substantial occupational exposure calculated

pursuant to section 125(b).

(5) For ~~Level V: Severely Impaired Nonmalignant~~

~~Disease~~ Nonmalignant Level V, the claimant shall provide

—

——(A) a diagnosis that meets the

requirements of section 122 of one of the

following —

*For Settlement Purposes Only*

——(i) asbestosis based on a

Certified B-reader x-ray reading (with  
independent review) of ILO grade

~~1/21+e-01/1f~~ or greater and showing

small irregular opacities of shape/size

either ss, st, or tt and present in both

lower lung zones;

——(ii) bilateral pleural plaques

based on a Certified B-reader x-ray

reading (with independent review) of

ILO grade B2 or higher; or

——(iii) bilateral pleural thickening

based on a Certified B-reader x-ray

reading (with independent review) of

ILO grade B2 or higher [and showing

blunting of at least one costophrenic

angle]; and

(B) pulmonary function testing that shows —

(i) TLC less than 50 percent of

predicted; or

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——(ii) FVC less than 50 percent of

predicted, plus a FEV1/FVC ratio not

less than ~~[lower limit of normal]~~ [65

percent]; or

——(iii) DLCO less than 40 percent

of predicted, plus a FEV1/FVC ratio

not less than ~~[lower limit of~~

~~normal~~ 65%]; or

——(iv) PO2 less than 55 mm/Hg,

plus a FEV1/FVC ratio not less than

~~[65% lower limit of normal]~~; and

——(C) meaningful and credible evidence

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of 5 years or more weighted years of

substantial occupational exposure calculated

pursuant to section 125(b).

{(6) For Level VI: Other Cancer, the claimant shall  
provide—

——(A) pathological evidence of a primary

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~~colorectal~~, laryngeal, esophageal, pharyngeal,

or stomach cancer;

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AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

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**Purpose:** PROPOSED MEDICAL CRITERIA—DRAFT LANGUAGE  
NEW SECTION 124This amendment replaces the current section 124 on  
medical criteria. It adds a level for severe asbestosis, and utilizes the  
weighted exposure framework, which recognizes the heavier exposure in  
earlier years. It also creates three categories for the lung cancer claimants –  
smoker, former smoker and non-smoker.

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S. 1125

Referred to the Committee on

Judiciary

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——(B) a diagnosis that meets the  
requirements of section 122 of one of the  
following —

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——(1) asbestosis based on a  
Certified B-reader x-ray reading (with  
independent review) of ILO grade 1/0  
or greater and showing small irregular  
opacities of shape/size either ss, st, or tt  
and present in both lower lung zones;

——(2) bilateral pleural plaques  
based on a Certified B-reader x-ray  
reading (with independent review) of  
ILO grade B2 or higher; or

——(3) bilateral pleural thickening  
based on a Certified B-reader x-ray  
reading (with independent review) of  
ILO grade B2 or higher [and showing  
blunting of at least one costophrenic  
angle]; and

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(C) pulmonary function testing that shows

(1) TLC less than 80 percent of  
predicted; or

——(2) FVC less than the lower limit

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of normal, plus a FEV1/FVC ratio of

not less than [lower limit of normal]

[65 percent]; and]

OR

——~~[(C) All claims filed under this~~

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~~paragraph shall be referred to the Medical~~

~~Advisory Committee for a determination on~~

~~amount of award.~~

——~~(1) In making a determination under~~

~~subparagraph (C), the Medical Advisory~~

~~Committee shall consider the intensity and~~

~~duration of exposure, smoking history, and~~

~~the quality of evidence relating to exposure~~

~~and smoking.~~

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~~\_\_\_\_\_ (2) Former smokers and nonsmokers~~  
~~bear the burden of producing meaningful and~~  
~~credible evidence of their smoking history as~~  
~~part of their claim submission.~~

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~~\_\_\_\_\_ (3) Meaningful and credible~~  
~~evidence of their smoking history includes~~  
~~[language to be determined]; and]~~

~~\_\_\_\_\_ (DD) meaningful and credible evidence~~  
~~of 20 years or more weighted years of~~  
~~moderate, heavy or very heavy occupational~~  
~~exposure calculated pursuant to section~~  
~~125(eb); and~~

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~~\_\_\_\_\_ [(EE) an opinion from an appropriately~~  
~~board-certified physician with a~~  
~~physician/patient relationship to the claimant~~  
~~that asbestos exposure was a substantial~~  
~~contributing factor in causing the other cancer~~  
~~in question.]~~

~~\_\_\_\_\_ (F[(F) All claims filed under this~~  
~~paragraph shall be referred to the Medical~~

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Advisory Committee for a determination that  
it is more probable than not that asbestos  
exposure was a substantial contributing factor  
in causing the other cancer in question.}

———[(7) For Level VII: Lung Cancer One, the  
claimant shall provide —

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(A) pathological evidence of a primary lung  
cancer;

———(B) meaningful and credible evidence  
of 20 years or more weighted years of  
moderate, heavy or very heavy occupational  
exposure calculated pursuant to section  
125(c); and

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———[(C) an opinion from an appropriately  
board-certified physician with a  
physician/patient relationship to the claimant  
that asbestos exposure was a substantial  
contributing factor in causing the relevant  
lung cancer.}

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——(D) All claims filed under this  
paragraph shall be referred to the Medical  
Advisory Committee for a determination on  
eligibility and amount of award.

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——(1) In making its determination  
under subparagraph (D), the Medical  
Advisory Committee shall consider the  
intensity and duration of exposure,  
smoking history, and the quality of  
evidence relating to exposure and  
smoking.

———{(2) Former smokers and  
nonsmokers bear the burden of  
producing meaningful and credible  
evidence of their smoking history as  
part of their claim submission.

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(3) Meaningful and credible evidence  
of smoking history.}

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\_\_\_\_ (3) Meaningful and credible evidence  
of their smoking history includes [language to  
be determined].]

[Subject to a collar on the number of claims for this  
Class.]

\_\_\_\_ (8) For Level VIII: Lung Cancer Two, the  
claimant shall provide —

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(A) pathological evidence of a primary lung  
cancer;

\_\_\_\_ (B) a diagnosis that meets the  
requirements of section 122 of asbestosis  
based on —

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\_\_\_\_ (i) a Certified B-reader x-ray  
reading (with independent review) of  
ILO grade [1/1] or greater and showing  
small irregular opacities of shape/size  
either ss, st, or tt and present in both  
lower lung zones; or  
(ii) pathological evidence of asbestosis;

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———(C) meaningful and credible evidence

of ~~15~~2 years or more weighted years of

moderate, heavy or very heavy occupational

exposure calculated pursuant to section

125(c); and

———(D) an opinion from an appropriately

board-certified physician with a

physician/patient relationship to the claimant

that asbestos exposure was a substantial

contributing factor in causing the relevant

lung cancer.}

———(E) A claimant filing a claim under this

paragraph may request that his or her claims

be referred to the Medical Advisory

Committee for a determination on amount of

the award.

———(1) In making a determination

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under subparagraph (E), the Medical

Advisory Committee shall consider the

intensity and duration of exposure,

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smoking history, and the quality of  
evidence relating to exposure and  
smoking.

———[(2) The Medical Advisory  
Committee also shall determine  
whether the claimant is a smoker, a  
former smoker or a nonsmoker as  
defined in subsection (a) for purposes  
of assessing the scheduled value under  
section 131.

———(3) Former smokers and  
nonsmokers bear the burden of  
producing meaningful and credible  
evidence of their smoking history as  
part of their claim submission.

(4) Meaningful and credible evidence  
of smoking history.]

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———~~(34) Meaningful and credible evidence  
of their smoking history includes [language to  
be determined].~~

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(9) For Level IX: Mesothelioma, the claimant shall

provide—

——(A) a diagnosis that meets the

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requirements of section 122 of mesothelioma

based on pathology; and

~~[This exposure requirement is our suggested language based on a definition for idiopathic mesothelioma cases previously provided to us by Labor.]~~

——(B) meaningful and credible evidence of ~~specific~~, identifiable exposure to asbestos fibers resulting from one of the following:

——(i) occupational exposure to asbestos fibers;

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——(ii) exposure to asbestos fibers brought ~~i~~into the home of the claimant ~~on the shoes, clothing, skin, or hair of~~ by a worker occupationally exposed to asbestos fibers; or

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\_\_\_\_\_ (iii) exposure to asbestos  
fibers resulting from living or working  
in the proximate vicinity of a factory,  
shipyard, building demolition site, or  
other operation that regularly released  
asbestos fibers into the air due to  
operations involving asbestos at that  
site.”

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AMENDMENT intended to be proposed by

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Hatch

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Viz:

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PROPOSED MEDICAL CRITERIA—DRAFT  
LANGUAGE

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NEW SECTION 124

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1 ~~PROPOSED MEDICAL CRITERIA—~~

2 DRAFT

3 ~~NIH/OM STUDY~~

4 On page 37, after line 11, insert new  
5 section 126 as follows:

6 ~~—— [SEC. 126. NATIONAL~~

7 ~~INSTITUTE OF HEALTH~~

8 ~~MEDICINE STUDY.~~

9 ~~—— (a) Not later than two years after~~

10 ~~date of enactment, the National~~

11 ~~Institute of Health (“NIH”) Institute of~~

12 ~~Medicine of the National Academy of~~

13 ~~Sciences shall complete a study of the~~

14 ~~causal link between asbestos exposure~~

15 ~~and other cancers, including, but not~~

16 ~~limited to, colorectal, laryngeal,~~

17 ~~esophageal, pharyngeal, and stomach~~

18 ~~cancers, except for mesothelioma and~~

19 ~~lung cancers. The Institute of~~

20 ~~Medicine and shall issue a report on its~~

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findings on causation, which shall be  
transmitted to the Congress, the  
Asbestos Court, and the Medical  
Advisory Committee. The Asbestos  
Court and the Medical Advisory  
Committee shall consider the results of  
the report for purposes of determining  
whether asbestos exposure is a  
substantial contributing factor under  
section 124(6)(F). For the purpose of  
carrying out this section, there are  
authorized to be appropriated \_\_\_\_\_  
for fiscal year \_\_\_\_\_, and such sums as  
may be necessary for each of the fiscal  
years \_\_\_\_\_.

\_\_\_\_\_ (b) If the Asbestos Court has  
evidence that there have been  
advancements in science that would  
require additional study, the Court may  
request that the Institute of Medicine

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1 conduct a subsequent study to  
2 determine if asbestos exposure is a  
3 cause of other cancers.]  
4 [Note: We are still considering  
5 language defining the conduct of the  
6 study based on the VA's Agent Orange  
7 study.]  
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~~PROPOSED MEDICAL CRITERIA~~

~~DRAFT~~

~~AMENDMENTS TO EXPOSURE~~

~~CRITERIA~~

~~[We are awaiting language from  
Democratic Staff related to exposures  
on U.S. flagships.]~~

~~[Although we have provided language  
for how the time weighting for  
historical exposures might work, we  
are still awaiting language from Labor.]~~

~~On page 35, after line 23, insert new  
subsection (b) as follows:~~

~~—— (b) SUBSTANTIAL OCCUPATIONAL  
EXPOSURE. — For purposes of section~~

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1 124, years of substantial occupational  
2 exposure shall be calculated as follows:  
3 ——— Each year or years of exposure  
4 that occurred prior to 1976 shall be  
5 counted fully; each year from 1976 to  
6 1986 shall be counted as one half; and  
7 each year after 1986 shall be counted  
8 as one fourth.

9 On page 36, after line 14, amend  
10 section 125, by inserting new  
11 subsection (c), as follows:

12  
13 ——— (cb) WEIGHTED  
14 OCCUPATIONAL YEARS OF EXPOSURE.  
15 — The period of occupational exposure  
16 for purposes of paragraphs (6), (7), and  
17 (8) of Weighted years of substantial  
18 occupational exposure and moderate,  
19 heavy and very heavy occupational

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exposure under subsection 124(b) shall

be calculated as follows:

—— (1) — MODERATE EXPOSURE. ——

Subject to paragraph (4), each year that a claimant's primary occupation, during a substantial portion of a normal work year for that occupation, involved working in areas immediate to where asbestos-containing products were being installed, repaired, or removed under circumstances that involved regular airborne emissions of asbestos fibers, shall count as one year of significant occupational exposure;

—— (2) — HEAVY EXPOSURE. ——

Subject to paragraph (4), Each year prior to 1976 that a claimant's primary occupation, during a substantial portion of a normal work year for that occupation, involved the direct



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1 ~~installation, repair, or removal of~~

2 ~~asbestos-containing products such that~~

3 ~~the person was exposed on a regular~~

4 ~~basis to asbestos fibers, shall count as~~

5 ~~two years of significant occupational~~

6 ~~exposure;~~

7 ~~—— (3) VERY HEAVY EXPOSURE. ——~~

8 ~~Each year [prior to 1976] that a~~

9 ~~claimant's primary occupation, during~~

10 ~~a substantial portion of a normal work~~

11 ~~year for that occupation, was in the~~

12 ~~following industries, (a) primary~~

13 ~~asbestos manufacturing, (b) World War~~

14 ~~II shipyard during World War II, or (c)~~

15 ~~asbestos insulation trades, such that the~~

16 ~~person was exposed on a regular basis~~

17 ~~to asbestos fibers, shall count as 4 years~~

18 ~~of significant occupational exposure;~~

19 ~~—— (4) DATES OF EXPOSURE. ——~~

20 ~~Each year or years of exposure~~

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1 calculated under paragraphs (1), (2),  
2 and (3) that occurred prior to 1976  
3 shall be counted fully; each year from  
4 1976 to 1986 shall be counted as one-  
5 half; and each year after 1986 shall be  
6 counted as one-tenth.

7 \_\_\_\_\_ (5) Individuals who do not meet  
8 formula [whose exposures] post 1976  
9 and/or post 1986 exceeded the OSHA  
10 standard may submit evidence,  
11 documentation, work history or other  
12 information to substantiate non-  
13 compliance with the OSHA standard  
14 (e.g. lack of engineering or work  
15 practice controls, protective equipment)  
16 such that exposures would be  
17 equivalent to exposures prior to 1976  
18 or 1986 or to documented exposures in  
19 similar jobs or occupations where  
20 control measures had not been

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implemented. These claims will be  
evaluated on an individual basis.

On page 35, line 24, delete “(b)” and  
replace in lieu thereof “(de)”

On page 36, line 15, delete “(c)” and  
replace in lieu thereof “(ed)”

[On page 37, line 1, amend section  
125(c)(2) by adding “(A)” before “The  
Asbestos Court”.]

[On page 37, lines 4-5, amend section  
125(c)(2) by deleting “significant” and  
replacing with “substantial”.]

[On page 37, after line 11, insert new  
subparagraph 125(c)(2)(B) as follows:

———“(B) When prescribing rules  
under subparagraph (A), the Asbestos  
Court shall consider to the extent  
relevant the structure established by the  
procedures of the Manville Personal

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Injury Settlement Trust in effect for  
claims filed on January 1, 2003, to  
categorize industries and occupations  
to which the rebuttable assumption will  
apply. Any rebuttable presumptions  
shall be consistent with the weighted  
years provision in section 125(b).”]

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Delete Section 124, and replace with the following:

**“SEC. 124. MEDICAL CRITERIA REQUIREMENTS.**

——(a) DEFINITIONS. — In this section, the following definitions shall apply:

——(1) Bilateral Asbestos-related non-malignant disease. — The term “bilateral nonmalignant disease” means a diagnosis of bilateral asbestos-related disease based on—

——(A) an x-ray reading of 1/0 or higher on the ILO scale; or

——(B) an x-ray showing bilateral pleural plaques or pleural thickening, bilateral interstitial fibrosis, or bilateral interstitial markings.

——(2) Bilateral Pleural Disease of B2.—The term “bilateral pleural disease of B2” means a chest wall pleural thickening or plaque with a maximum width of at least 5 millimeters and a total length of at least ¼ of the projection of the lateral chest wall.

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~~[Note: We are awaiting language from Labor  
regarding revised definitions.]~~

——(3) CERTIFIED B-READER. — The term  
“Certified B-reader” means an individual who has  
successfully completed the x-ray interpretation  
course sponsored by the National Institute of  
Occupational Safety and Health (NIOSH) and  
whose NIOSH certification is up to date.

——(4) CT SCAN. — The term “CT Scan” means  
an image produced by computed tomography.

——(5) DLCO. — The term “DLCO” means the  
single-breath diffusing capacity of the lung (carbon  
monoxide) technique used to measure of the volume  
of carbon monoxide transferred from the alveoli to  
blood in the pulmonary capillaries for each unit of  
driving pressure of the carbon monoxide.

(6) FEV1.—The term “FEV1” means a forced  
expiratory volume (1 second), which is the maximal  
volume of air expelled in 1 second during

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performance of the spirometric test for forced vital capacity.

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~~—( ) FEV1. — The term “FEV1” means forced expiratory volume (1 second), which is the maximal volume of air expelled in 1 second during performance of the spirometric test for forced vital capacity.~~

~~—[(7-) FORMER SMOKER. — The term “former smoker” means that the claimant had not smoked for at least 15 years prior to diagnosis of the claimed disease.]~~

~~( ) FVC. — The term “FVC” means forced vital capacity, which is the maximal volume of air expired with a maximally forced effort from a position of maximal inspiration.~~

~~—( ) ILO GRADE. — The term “ILO grade” means the radiological ratings for the presence of lung or pleural changes as determined from a chest x-ray, all as established from time to time by the International Labor Organization.~~

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(8) FVC.—The term “FVC” means forced vital capacity, which is the maximal volume of air expired with a maximally forced effort from a position of maximal inspiration.

(9) ILO Grade.—The term “ILO Grade” means the radiological ratings for the presence of lung or pleural changes as determined from a chest x-ray, all as established from time to time by the International Labor Organization.

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——(10-) LOWER LIMIT OF NORMAL. — The term “lower limit of normal” for any test means the fifth percentile of healthy populations based on age, height, and gender, as referenced in the American Medical Association’s Guides to the Evaluation of Permanent Impairment (Fifth Edition 2000).

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——(11) NONSMOKER. — The term “nonsmoker” means that the claimant never smoked.

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~~(13) PATHOLOGICAL EVIDENCE OF~~

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~~ASBESTOS.~~ (12) PATHOLOGICAL EVIDENCE OF

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1 ASBESTOS. — The term “pathological evidence of  
2 asbestos” means proof of asbestosis ~~af~~ of at least  
3 grade 1(B) or higher based on the pathological  
4 grading system for asbestosis described in the  
5 Special Issue of the Archives of Pathology and  
6 Laboratory Medicine, “Asbestos-Associated  
7 Diseases,” Vol. 106, No. 11, App. 3 (October 8,  
8 1982).

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9 — ~~( ) PATHOLOGICAL EVIDENCE OF ASBESTOSIS.~~

10 — The term “pathological evidence of asbestosis”  
11 means proof of asbestosis [of at least grade 1(B) or  
12 higher] based on the pathological grading system for  
13 asbestosis described in the Special Issue of the  
14 Archives of Pathology and Laboratory Medicine,  
15 “Asbestos-Associated Diseases”, Vol. 106, No. 11,  
16 App. 3 (October 8, 1982).

17 — ~~(13-)~~ PO2. — The term “PO2” means the  
18 partial pressure (tension) of oxygen, which  
19 measures the amount of dissolved oxygen in the

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1 blood. The oxygen saturation is the amount of

2 oxygen actually carried by the hemoglobin.

3 (14) Pulmonary Function Testing.—The term

4 “pulmonary function testing” means spirometry

5 testing that is in compliance with the quality criteria

6 established from time to time by the American

7 Thoracic Society and is performed on equipment

8 which is in compliance with the standards of the

9 American Thoracic Society for technical quality and

10 calibration.

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11 ~~——( ) PULMONARY FUNCTION TESTING.—The~~

12 ~~term “pulmonary function testing” means testing~~

13 ~~that is in compliance with the quality criteria~~

14 ~~established from time to time by the American~~

15 ~~Thoracic Society and is performed on equipment~~

16 ~~which is in compliance with the standards of the~~

17 ~~American Thoracic Society for technical quality and~~

18 ~~calibration.~~

19 ~~——(-16) SUBSTANTIAL OCCUPATIONAL~~

20 ~~EXPOSURE. — The term “substantial occupational~~

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exposure” means employment in an industry and an  
occupation where for a substantial portion of a  
normal work year for that occupation, the claimant

—

(A) handled raw asbestos fibers;

——(B) fabricated asbestos-containing

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products so that the claimant in the

fabrication process was exposed to raw

asbestos fibers;

——(C) altered, repaired, or otherwise

worked with an asbestos-containing product

such that the claimant was exposed on a

regular basis to asbestos fibers; or

——(D) worked in close proximity to other

workers engaged in the activities described

under subparagraph (A), (B), or (C) such that

the claimant was exposed on a regular basis

to asbestos fibers.

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AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To create a medical exceptions panel to review certain claims.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 On page 21, beginning after line 24, insert new section 114(h)
- 2 and redesignate existing section 114(h) as section 114(i), as
- 3 follows:
- 4 (h) Medical Advisory Committee. —
- 5 (A) The chief judge may appoint a Medical
- 6 Advisory Committee consisting of qualified physicians for

1 purposes of providing appropriate medical advice relating  
2 to the review of claims. Magistrates and claims examiners  
3 may refer questions concerning medical eligibility of  
4 claimants to the committee for its advice and  
5 recommendations.

6 (B) To be eligible to be appointed to the Medical  
7 Advisory Committee, a person must —

8 (i) be a physician licensed in any State;

9 (ii) be board-certified in pulmonary medicine,

10 occupational medicine, internal medicine, oncology

11 or pathology; and

12 (iii) be actively and primarily practicing medicine in a  
13 field directly related to the physician's board certification.]

14 On page 35, beginning after line 14, insert new section 124(c) as  
15 follows:

16 (c) EXCEPTIONAL MEDICAL CLAIMS. — A claimant who  
17 does not meet the medical criteria requirements under  
18 subsections (a) and (b) may apply for designation of his or her  
19 claim as an exceptional medical claim under this subsection. To  
20 submit an application for review of an exceptional medical

1 claim, the claimant must (i) state that the claim does not meet the  
2 medical criteria requirements in subsections (a) and (b), or (ii)  
3 seek designation as an exceptional medical claim within sixty  
4 (60) days after a determination that the claim is ineligible solely  
5 for failure to meet the medical criteria requirements under  
6 subsections (a) and (b).

7 (1) Any claimant applying for designation of his  
8 or her claim as an exceptional medical claim must support  
9 his or her application with a report from a physician  
10 meeting the requirements of section 122. In addition to  
11 the requirements of section 122, the report must include:  
12 (i) a complete review of the exposed person's medical  
13 history and current condition; (ii) such additional material  
14 by way of analysis and documentation as shall be  
15 prescribed by regulation; and (iii) a detailed explanation as  
16 to why the claim meets the standard for acceptance under  
17 paragraph (2).

18 (2) At regular intervals, the Asbestos Court shall  
19 refer the applications and supporting documentation to the  
20 Medical Advisory Committee established pursuant to

1 section 114(h) to review all applications for designation as  
2 an exceptional medical claim that were submitted during  
3 the prior relevant period. The standard to be applied for  
4 designation as an exceptional medical claim shall be that  
5 the claimant, for reasons beyond his or her control, cannot  
6 satisfy the requirements under subsections (a) and (b), but  
7 is able, through comparably reliable evidence that meets  
8 the standards under section 122, to show that the claimant  
9 has an asbestos-related condition that is substantially  
10 comparable to that of a medical condition that would  
11 satisfy the requirements of a category under subsection  
12 (b). The Medical Advisory Committee, if it deems  
13 necessary, may request additional, reasonable testing to  
14 support the claimant's application.

15 (3) A claimant may submit a CT Scan in addition  
16 to an x-ray.

17 (4) If the Medical Advisory Committee  
18 determines that the medical evidence is sufficient to show  
19 a comparable asbestos-related condition, it shall issue a  
20 certificate of medical eligibility which shall designate the

1 disease category under subsection (b) as to which the  
2 claimant may be eligible to seek compensation. Any  
3 claim as to which such certificate shall issue shall then be  
4 referred to a magistrate pursuant to section 114(b), who  
5 shall determine whether the claimant meets all of the other  
6 requirements for compensation under this Act.

7 (5) Any claimant whose application for  
8 designation as an exceptional medical claim is rejected  
9 may resubmit his or her application if new evidence  
10 becomes available, but no more frequently than once every  
11 two years. Upon resubmission of an application, the  
12 claimant shall identify any prior applications and state the  
13 new evidence that is the basis for the resubmission.

14 (6) The chief judge shall promulgate regulations  
15 consistent with the statute governing the procedures for  
16 seeking designation of a claim as an exceptional medical  
17 claim.



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To create a medical exceptions panel to review certain claims, including those arising out of Libby, Montana.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

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- 1 On page 21, beginning after line 24, insert new section 114(h)
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- 6 Advisory Committee consisting of qualified physicians for

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6 (B) To be eligible to be appointed to the Medical  
7 Advisory Committee, a person must —

8 (i) be a physician licensed in any State;

9 (ii) be board-certified in pulmonary medicine,

10 occupational medicine, internal medicine, oncology

11 or pathology; and

12 (iii) be actively and primarily practicing medicine in a  
13 field directly related to the physician's board certification.]

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1 claim, the claimant must (i) state that the claim does not meet the  
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7 (1) Any claimant applying for designation of his  
8 or her claim as an exceptional medical claim must support  
9 his or her application with a report from a physician  
10 meeting the requirements of section 122. In addition to  
11 the requirements of section 122, the report must include:  
12 (i) a complete review of the exposed person's medical  
13 history and current condition; (ii) such additional material  
14 by way of analysis and documentation as shall be  
15 prescribed by regulation; and (iii) a detailed explanation as  
16 to why the claim meets the standard for acceptance under  
17 paragraph (2).

18 (2) At regular intervals, the Asbestos Court shall  
19 refer the applications and supporting documentation to the  
20 Medical Advisory Committee established pursuant to

1 section 114(h) to review all applications for designation as  
2 an exceptional medical claim that were submitted during  
3 the prior relevant period. The standard to be applied for  
4 designation as an exceptional medical claim shall be that  
5 the claimant, for reasons beyond his or her control, cannot  
6 satisfy the requirements under subsections (a) and (b), but  
7 is able, through comparably reliable evidence that meets  
8 the standards under section 122, to show that the claimant  
9 has an asbestos-related condition that is substantially  
10 comparable to that of a medical condition that would  
11 satisfy the requirements of a category under subsection  
12 (b). The Medical Advisory Committee, if it deems  
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20 certificate of medical eligibility which shall designate the

1 disease category under subsection (b) as to which the  
2 claimant may be eligible to seek compensation. Any  
3 claim as to which such certificate shall issue shall then be  
4 referred to a magistrate pursuant to section 114(b), who  
5 shall determine whether the claimant meets all of the other  
6 requirements for compensation under this Act.

7 (5) Any claimant whose application for  
8 designation as an exceptional medical claim is rejected  
9 may resubmit his or her application if new evidence  
10 becomes available, but no more frequently than once every  
11 two years. Upon resubmission of an application, the  
12 claimant shall identify any prior applications and state the  
13 new evidence that is the basis for the resubmission.

14 (6) The chief judge shall promulgate regulations  
15 consistent with the statute governing the procedures for  
16 seeking designation of a claim as an exceptional medical  
17 claim.

18 (7) All claims filed by Libby, Montana claimants  
19 shall be designated as exceptional medical claims and  
20 referred to the Medical Advisory Committee for review.

1 In reviewing the medical evidence submitted by a Libby,  
2 Montana claimant in support of his or her claim, and prior  
3 to making a eligibility determination for a Libby, Montana  
4 claimant, the Medical Advisory Committee shall  
5 review the current medical and scientific literature relating  
6 to the study, diagnosis and treatment of asbestos-related  
7 diseases resulting from exposure to asbestos and other  
8 fibers found in and around Libby, Montana, including  
9 public health assessments prepared by the Agency for  
10 Toxic Substances and Disease Registry for the Libby  
11 Asbestos Site. The Medical Advisory Committee shall  
12 take into consideration the unique and serious nature of  
13 asbestos exposure in Libby, Montana, including the  
14 debilitating nature of pleural disease related to asbestos-  
15 exposure in Libby, when making a determination of  
16 eligibility and designating the disease category.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: Medical monitoring information.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1           On page 39, line 15, after “insurance for” insert “a
- 2   physical examination,”.
- 3           On page 39, line 20, delete “and”.
- 4           On page 39, line 22, delete the period at the end of the
- 5   sentence and insert in lieu thereof “ for claiming reimbursements
- 6   for medical monitoring under this section; and”

1           On page 39, after line 22, insert new section 132(c)(3) as

2   follows:

3           “(3) the procedures for notifying claimants who are  
4   eligible for medical monitoring and providing such claimants  
5   a list of approved medical care providers in their geographic  
6   area who are approved to provide reimbursable medical  
7   monitoring services.”



## **Medical Screening/Monitoring**

This amendment would set up an efficient and reliable screening program for people in high risk occupations to be sure that those who were injured are identified and paid, and then to provide regular monitoring of those who have less serious medical problems that cannot yet be compensated under the bill.

### **Sec XXX: Education, Consultation, Screening and Monitoring**

(a) General: - There is established within the Asbestos Trust Fund a program for the education, consultation, medical screening and medical monitoring of persons with exposure to asbestos. The program shall be funded by the Asbestos Trust Fund and administered by the Administrator.

(b) *Outreach and Education* Within 180 days after the implementation of this Act, the Administrator shall establish an outreach and education program designed to provide information about asbestos-related medical conditions to members of populations at risk of developing these conditions.

1. The information provided to these populations will include information about the signs and symptoms of asbestos-related medical conditions; the value of appropriate medical screening programs; and actions that the individuals at risk can take to reduce their future health risks related to asbestos.
2. The administrator is encouraged to contract with outside organizations to provide these educational programs. Preference shall be given to providers which are existing not-for-profit organizations with a history and experience of providing occupational health outreach and educational programs for asbestos-exposed workers.

(c) Coverage and Application: Each person who can demonstrate through work histories or other documentation an exposure to asbestos (as described below) his or hers voluntary discretion, is entitled to participate in the medical screening and medical monitoring program established by this Act.

(d ) *Medical Screening Program*: Within 180 days after the implementation of this act, the Administrator shall establish a medical screening program for persons with past exposure to asbestos who have not yet been diagnosed with an asbestos-related illness. For the purposes of this section medical screening program means an initial program consultation, medical examination and work history of persons previously exposed to asbestos who have not been diagnosed with an asbestos-related illness.

The Program shall establish:

1. Eligibility criteria for the medical screening program based on a past history of occupational exposure to asbestos. To the extent feasible (and in order to ease application to the program), such criteria shall

establish eligibility for screening based on a history of work in an asbestos-related occupation and/or industry during a specific time period and for a minimum duration. These industries and occupations shall include, but not be limited to, the occupations and industries identified as meeting the weighted exposure criteria for lung cancer, (asbestosis and pleural disease) specified in Disease Categories Level I, II, III, VII and VIII.

2. Protocols for medical screening, which shall include but not be limited to:
  - i. Administration of a health evaluation and work history questionnaire;
  - ii. Physical examination including blood pressure measurement, chest examination and examination for clubbing.
  - iii. AP and lateral chest x-ray;
  - iv. Spirometry performed according to ATS standards;
  - v. Educational sessions on asbestos exposures, asbestos-related diseases and asbestos disease compensation criteria.
3. The frequency with this medical screening shall be provided or available to eligible individuals, which initially shall not be less than every five years.
4. The qualifications of the medical and/or program providers administering these protocols.
5. A list of medical and/or program providers eligible to provide these protocols who meet minimal medical and program standards established by the Administrator. Preference shall be given to medical providers and program providers which are existing not-for-profit organization with a history and experience of providing or contracting for medical screening programs for persons previously exposed to asbestos; and with a demonstrated capacity for identifying, contacting, and evaluating populations of workers or others previously exposed to asbestos; and with experience in establishing networks of medical providers to conduct medical screening and medical monitoring examinations. To the extent possible, these screening programs should be coordinated with the outreach and education programs described above.

Section (d) *Medical Monitoring Program and Protocols*: Within 180 days after the implementation of this act, the Administrator shall promulgate procedures (regulations) establishing a medical monitoring program for persons exposed to asbestos who have been approved for Category I and II compensation.

In consultation with the Directors of The National Institute for Occupational Safety and Health (NIOSH) and the National Cancer Institute (NCI), the Administrator shall promulgate procedures/regulations establishing:

1. Specific medical tests to be provided to eligible individuals and the periodicity of those tests. Initially these tests shall be provided every two years and include the following:
  - i. Administration of a health evaluation and work history questionnaire;
  - ii. Physical examination including blood pressure measurement, chest examination and examination for clubbing.
  - iii. AP and lateral chest x-ray;
  - iv. Spirometry performed according to ATS standards;
  - v. Educational sessions on asbestos exposures, asbestos-related diseases and asbestos disease compensation criteria.
2. Qualifications for medical providers to provide those tests.
3. A list of medical and/or program providers eligible to provide these protocols who meet minimal medical and program standards established by the Administrator. Preference shall be given to medical providers and program providers as defined in this section. Persons exposed to asbestos who elect to participate in the program shall be provided with the list of approved providers in their geographic area at the time they become eligible for the program.
4. Administrative provisions for reimbursing the costs of these monitoring tests.

Section (e): The Administrator may enter into contracts with qualified program providers that would permit the program providers to undertake large-scale medical screening and medical monitoring programs by means of subcontracts a network of medical providers and other health providers.

Section (f): The Administrator shall review and as necessary and appropriate update these requirements and protocols at least every five years.

### **Structured Payments Clarification**

As we understand the desire of the bill's sponsors, awards may be paid out to successful claimants over a period of three years, in part to reduce the stress on the "front-end" of the fund. But as written, the bill requires payments to be made over at least three years, and they could be made over 5 or 10 or 25 years. This amendment would ensure that payments are made over a period not to exceed three years. (Presumably in later years, the Administrator could decide to make payments over two years or immediately, if the finances of the Fund made that possible. That would not be permissible under the current language.)

On page 40, line 4, strike "less" and insert "more".

## **DURBIN AMENDMENT TO S. 1125**

**Purpose: To amend the definition of “prior asbestos expenditure.”**

On page 46, lines 17-21, insert the underlined text:

(A) means the gross total amount paid by or on behalf of a person at any time before December 31, 2002, in settlement, judgment, defense, or indemnity costs related to all asbestos claims that ultimately resulted in an adverse judgment against that person or that were the subject of a settlement that required a payment to a plaintiff by or on behalf of that person;

EXPLANATION: This amendment would exclude from the calculation of “prior asbestos expenditures” those costs incurred in cases where the defendant mounted a successful defense.

Proposed changes to “Fairness in Asbestos Injury Resolution Act of 2003”; changes are highlighted in purple.

## SEC. 201. DEFINITIONS.

\* \* \* \* \*

(4) INDEMNITEE. — The term “indemnitee” means a person against whom any asbestos claim has been asserted before December 31, 2002, who has received from any other person, or on whose behalf a sum has been paid by such other person to any third person, in settlement, judgment, defense, or indemnity in connection with an alleged duty with respect to the defense or indemnification of such person concerning that asbestos claim, other than under a policy of insurance.

(5) INDEMNITOR. — The term “indemnitor” means a person who has paid under a written agreement at any time before December 31, 2002, a sum in settlement, judgment, defense, or indemnity to or on behalf of any person defending against an asbestos claim, in connection with an alleged duty with respect to the defense or indemnification of such person concerning that asbestos claim, except that payments by an insurer or reinsurer under a contract of insurance or reinsurance shall not make the insurer or reinsurer an indemnitor for purposes of this subtitle.

(6) PRIOR ASBESTOS EXPENDITURE. — The term “prior asbestos expenditures” —

(A) means the gross total amount paid by or on behalf of a person at any time before December 31, 2002, in settlement, judgment, defense, or indemnity costs related to all asbestos claims against that person;

(B) includes payments made by insurance carriers to or for the benefit of such person or on such person’s behalf with respect to such asbestos claims, except as provided in section 204(g);

(C) shall not include any payment made by a person in connection with or as a result of changes in insurance reserves as required by contract or any activities or disputes related to insurance coverage matters for asbestos-related liabilities; and

(D) shall not include any payment made by or on behalf of persons who are or were common carriers by railroad for asbestos claims brought under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Federal Employers’ Liability Act, including settlement, judgment, defense or indemnity costs associated with these claims.

\* \* \* \* \*



facie showing of physical impairment as a result of a medical condition to which exposure to asbestos was a substantial contributing factor.

(2) REQUIREMENTS OF PRIMA FACIE SHOWING- A prima facie showing under this subsection shall include all of the following minimum requirements:

(A) PERMANENT RESPIRATORY IMPAIRMENT RATING- A determination by a qualified physician, on the basis of a medical examination and pulmonary function testing, that the exposed person has a permanent respiratory impairment rating of at least Class 2 as defined by and evaluated under the AMA Guides to the Evaluation of Permanent Impairment.

(B) DIAGNOSIS- A diagnosis by a qualified physician of asbestosis or diffuse pleural thickening, based at a minimum on pathological evidence of asbestosis, radiological evidence of asbestosis, or radiological evidence of diffuse pleural thickening.

(C) SUBSTANTIAL CONTRIBUTING FACTOR- A determination by a qualified physician that asbestosis or diffuse pleural thickening (rather than solely chronic obstructive pulmonary disease) is a substantial contributing factor to the exposed person's physical impairment, based at a minimum on a determination that the exposed person has either--

(i) a ratio of FEV1 to FVC that is equal to or greater than the predicted lower limit of normal; or

(ii) a chest x-ray showing small, irregular opacities (s,t) graded by a certified B-reader at least 2/1 on the ILO scale.

## **SEC. 5. EXPOSURE CRITERIA REQUIREMENTS.**



(a) REQUIREMENT- To be eligible to receive an award under this title for an asbestos-related injury, the claim submitted by the asbestos claimant shall contain information to demonstrate that--

(1) the claimant meets the minimum exposure requirements under this subtitle; and

(2) such exposure to asbestos occurred within the United States, its territories, or possessions.

(b) BURDEN OF PROOF-

(1) IN GENERAL- An asbestos claimant has the burden of demonstrating meaningful and credible exposure to asbestos for purposes of this subtitle.

(2) EVIDENCE- The demonstration under paragraph (1) may be established by-

(A) an affidavit submitted by the claimant, a coworker of the claimant, or a family member, in the case of a deceased claimant;

(B) employment records;

(C) invoices;

(D) construction or other similar records; or

(E) other credible evidence.

(c) RULES-

(1) EXPOSURE INFORMATION- The Asbestos Court shall issue rules prescribing specific exposure information that shall be submitted to permit the Court to process an asbestos claim and prescribing a proof of claim form. Such rules may provide that a claims examiner or magistrate, as applicable, may require the submission of other or additional evidence of exposure when determined to be appropriate

and necessary.

(2) REBUTTABLE PRESUMPTIONS- The Asbestos Court may prescribe rules identifying specific industries, occupations within those industries, time periods, and employment periods for which significant occupational exposure may be a rebuttable presumption for asbestos claimants who provide meaningful and credible evidence that the claimant worked in that industry and occupation for the requisite period of time. The Administrator may provide evidence to rebut this presumption.

**(c) COMPLIANCE WITH TECHNICAL STANDARDS-**

(1) IN GENERAL- Evidence relating to physical impairment under this section, including pulmonary function testing and diffusing studies, shall comply with--

(A) the technical recommendations for examinations, testing procedures, quality assurance and quality control, and equipment of the AMA Guides to the Evaluation of Permanent Impairment; or

(B) if the AMA Guides to the Evaluation of Permanent Impairment are not applicable, other authoritative standards.

(2) ADJUSTMENTS- No adjustments with respect to pulmonary function testing shall be made on the basis of race.

(d) NO PRESUMPTION AT TRIAL- Presentation of prima facie evidence of asbestos-related impairment meeting the requirements of this section shall not result in any presumption at trial that the exposed person is impaired by an asbestos-related condition, and evidence that the exposed person made a prima facie showing of impairment shall not be admissible at trial.

## **SEC. 6. PROCEDURES; REMOVAL.**

(a) CONSOLIDATION- A court may consolidate for trial any number and type of asbestos claims with consent of all the parties. In the absence of such consent, the court may consolidate for trial only asbestos claims relating to the same exposed person and members of the household of the exposed person.

(b) VENUE-

(1) IN GENERAL- A civil action asserting an asbestos claim may only be brought in the State of the plaintiff's domicile or a State in which there occurred exposure to asbestos that is a substantial contributing factor to the physical impairment on which the claim is based.

(c) PRELIMINARY PROCEEDINGS- The plaintiff in any civil action involving an asbestos claim shall file with the complaint or other initial pleading a written report and supporting test results constituting prima facie evidence of the exposed person's asbestos-related impairment meeting the requirements of section 4(b). The defendant shall be afforded a reasonable opportunity to challenge the adequacy of the proffered prima facie evidence of asbestos-related impairment. The plaintiff's claim shall be dismissed without prejudice upon a finding of failure to make the required prima facie showing.

## **SEC. 7. FILING OF CLAIMS.**

(a) WHO MAY SUBMIT-

(1) GENERAL RULE- Any individual who has suffered from an eligible disease or condition that is believed to meet the requirements established (or the spouse, parent, child, or other relative of such individual in a representative capacity, or the executor of the estate of such individual) may file a claim with the court for an award with

respect to such injury.

(2) LIMITATION- An asbestos claim may not be filed by any person seeking contribution or indemnity.

(b) REQUIRED INFORMATION- To be valid, an asbestos claim filed under subsection

(a) shall be notarized and include--

(1) the name, social security number, gender, date of birth, and, if applicable, date of death of the claimant;

(2) information relating to the identity of dependents and beneficiaries of the claimant;

(3) a detailed description of the work history of the claimant, including social security records or a signed release permitting access to such records;

(4) a detailed description of the asbestos exposure of the claimant, including information on the identity of any product or manufacturer, site, or location of exposure, plant name, and duration and intensity of exposure;

(5) a detailed description of the tobacco product use history of the claimant, including frequency and duration;

(6) an identification and description of the asbestos-related diseases of the claimant, including a written report by the claimant's physician with medical diagnoses and test results necessary to make a determination of medical eligibility that complies with the applicable requirements of this subtitle.

(7) a description of any prior or pending civil action or other claim brought by the claimant for asbestos-related injury or any other pulmonary, parenchymal or pleural injury, including an identification of

any recovery of compensation or damages through settlement, judgment, or otherwise; and

(8) any other information that is required to be included under procedural rules issued by the court.

(d) REMOVAL-

(1) IN GENERAL- If a State court refuses or fails to apply this section, any party in a civil action for an asbestos claim may remove such action to a district court of the United States in accordance with chapter 89 of title 28, United States Code.

(2) JURISDICTION OVER REMOVED ACTIONS- The district courts of the United States shall have jurisdiction of all civil actions removed under this subsection, without regard to the amount in controversy and without regard to the citizenship or residence of the parties.

(3) REMOVAL BY ANY DEFENDANT- A civil action may be removed to the district court of the United States under this subsection by any defendant without the consent of all defendants.

(4) REMAND- The district court shall remand any civil action removed solely under this subsection, unless the court finds that--

(A) the State court failed to comply with procedures prescribed by law; or

(B) the failure to dismiss by the State court lacked substantial support in the record before the State court.

## **SEC. 8. DISMISSAL OF PENDING CLAIMS.**

(a) EFFECT ON PENDING CLAIMS- If an asbestos claimant has any timely filed claim for an asbestos-related injury that is pending in a Federal or State court or with a trust established under title 11, United States Code, on the date of enactment of this Act, such claimant shall file an asbestos claim under this section within 180 days or the pending suits shall be dismissed without prejudice.

## **SEC. 9. STATUTE OF LIMITATIONS; TWO-DISEASE RULE.**

(a) STATUTE OF LIMITATIONS- Notwithstanding any other provision of law, with respect to any nonmalignant asbestos claim not barred on the effective date of this Act, the limitations period shall not begin to run until the exposed person discovers, or through the exercise of reasonable diligence should have discovered, that the exposed person is physically impaired by an asbestos-related nonmalignant condition.

(b) TWO-DISEASE RULE- An asbestos claim arising out of a nonmalignant condition shall be a distinct cause of action from an asbestos claim relating to the same exposed person arising out of asbestos-related cancer. No damages shall be awarded for fear or risk of cancer in any civil action asserting only a nonmalignant asbestos claim.

(c) GENERAL RELEASES FROM LIABILITY PROHIBITED- No settlement of a nonmalignant asbestos claim concluded after the date of enactment of this Act shall require, as a condition of settlement, release of any future claim for asbestos-related cancer.

## **SEC. 10. PUNITIVE DAMAGES.**

## **SEC. 11. MISCELLANEOUS PROVISIONS.**

(a) CONSTRUCTION WITH OTHER LAWS- This Act shall not be construed to--

- (1) affect the scope or operation of any workers' compensation law or veterans' benefit program;
- (2) affect the exclusive remedy or subrogation provisions of any such law; or
- (3) authorize any lawsuit which is barred by any such provision of law.

(b) CONSTITUTIONAL AUTHORITY- The Constitutional authority for this Act is contained in Article I, section 8, clause 3 and Article III, section 1 of the Constitution of the United States.

## **SEC. 12. EFFECTIVE DATE.**

This Act shall take effect on the date of enactment of this Act and apply to any civil action asserting an asbestos claim in which trial has not commenced as of that date.

AMENDMENT NO. Calendar No.

Purpose: To provide for the fair and efficient judicial consideration of personal injury and wrongful death claims arising out of asbestos exposure, to ensure that individuals who suffer harm, now or in the future, from illnesses caused by exposure to asbestos receive compensation for their injuries, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Strike sections 101-403 and insert the following:

### **A BILL**

To provide for the fair and efficient judicial consideration of personal injury and wrongful death claims arising out of asbestos exposure, to ensure that individuals who suffer harm, now or in the future, from illnesses caused by exposure to asbestos receive compensation for their injuries, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE- This Act may be cited as the 'Asbestos Claims Criteria and Compensation Act of 2003'.

(b) TABLE OF CONTENTS- The table of contents is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definitions.



- Sec. 4. Physical impairment.
- Sec. 5. Procedures; removal.
- Sec. 6. Statute of limitations; two-disease rule.
- Sec. 7. Miscellaneous provisions.
- Sec. 8. Effective date.
- Sec. 9. Statute of limitations; two-disease rule.
- Sec.10. Punitive damages.
- Sec.11. Miscellaneous provisions.
- Sec.12. Effective date.

## **SEC. 2. FINDINGS AND PURPOSES.**

### **(a) FINDINGS- Congress finds that--**

- (1) asbestos is a mineral that was widely used before the 1980s for insulation, fireproofing, and other purposes;
- (2) millions of American workers and others were significantly exposed to asbestos, especially during and after World War II and before the advent of regulation by the Occupational Safety and Health Administration in the early 1970s;
- (3) exposure to asbestos has been associated with various types of cancer, including mesothelioma and lung cancer, and such nonmalignant conditions as asbestosis, pleural plaques, and diffuse pleural thickening;
- (4) the diseases caused by asbestos have latency periods of up to 40 years or more, but the most serious asbestos-related disease, mesothelioma, is fatal within 1 to 2 years, and other related cancers are often fatal;
- (5) although the use of asbestos has dramatically declined since 1980 and workplace exposures have been regulated since 1971 by the

Occupational Safety and Health Administration, past exposures will continue to result in significant death and disability from mesothelioma and other cancers well into the 21st century;

(6) exposure to asbestos has created a flood of litigation targeting approximately 8,400 defendant companies in Federal and State courts that the United States Supreme Court has characterized as 'an elephantine mass' of cases that 'defies customary judicial administration and calls for national legislation,' *Ortiz v. Fibreboard Corporation*, 119 S. Ct. 2295, 2302 (1999);

(7) the American Bar Association supports enactment of Federal legislation that would--

(A) allow persons alleging non-malignant asbestos-related disease claims to file a cause of action in Federal or State court only if those persons meet the medical criteria in the 'ABA Standard for Non-Malignant Asbestos-Related Disease Claims' dated February 2003 or an appropriate similar medical standard; and

(B) toll all applicable statutes of limitations until such time as the medical criteria in such standard are met;

(8) asbestos personal injury litigation can be unfair and inefficient, imposing a severe burden on litigants and taxpayers alike, in most cases involving defendant companies that were never involved in the production of asbestos;

(9) the extraordinary volume of nonmalignant asbestos cases continues to strain Federal and State courts, with over 200,000 cases pending and over 50,000 new cases filed each year;

(10) asbestos personal injury litigation has already contributed to the bankruptcy of more than 60 companies and the rate of asbestos-

driven bankruptcies is accelerating;

(11) the vast majority of asbestos claims are filed by individuals who--

- (A) have been exposed to asbestos;
- (B) may have some physical sign of exposure; and
- (C) suffer no present asbestos-related impairment;

(12) the cost of compensating exposed persons who are not sick--

- (A) jeopardizes the ability of defendants to compensate people with cancer and other serious asbestos-related diseases, now and in the future; and
- (B) strains the ability of courts to manage the deluge of cases involving nonimpaired plaintiffs;

(13) an estimated 50,000 to 60,000 workers have lost their jobs as a direct result of asbestos litigation and related bankruptcies of defendant companies and each displaced worker will, on average, lose between \$25,000 and \$50,000 in lost wages;

(14) employees of defendant companies declaring bankruptcy (who are often stockholders of those companies) will, on average, lose 25 percent of the value of their retirement investment under section 401(k) of the Internal Revenue Code of 1986 because of lost stock value;

(15) concerns about statutes of limitations can force claimants who have been exposed to asbestos but who have no current injury to bring premature lawsuits in order to protect against losing their rights to future compensation should those claimants become impaired;

(16) consolidations, joinder, and similar procedures, to which some courts have resorted in order to deal with the mass of asbestos cases, can undermine the appropriate functioning of the judicial process and encourage the filing of thousands of cases by exposed

persons who are not yet sick and who may never become sick;

(17) the availability of sympathetic forums in States with no connection to the plaintiff or to the exposures that form the basis of a lawsuit has encouraged the filing of thousands of cases on behalf of exposed persons who are not yet sick and may never become sick;

(18) asbestos litigation, if left unchecked by reasonable congressional intervention, will--

(A) continue to inhibit the economy and run counter to plans to stimulate economic growth and the creation of new jobs;

(B) threaten the savings, retirement benefits, and employment of defendants' current and retired employees;

(C) affect adversely the communities in which these defendants operate; and

(D) impair interstate commerce and national initiatives, including national security; and

(19) the public interest and the interest of interstate commerce requires deferring the claims of exposed persons who are not sick in order to--

(A) preserve, now and for the future, defendants' ability to compensate people who develop cancer and other serious asbestos-related injuries; and

(B) safeguard the jobs, benefits, and savings of American workers and the well-being of the national economy.

(b) PURPOSES- It is the purpose of this Act to--

(1) give priority to those asbestos claimants who can demonstrate actual physical harm or illness caused by asbestos;

(2) fully preserve the rights of claimants who were exposed to asbestos to pursue compensation should those claimants become sick

in the future;

(3) enhance the ability of the Federal and State judicial systems to supervise and control asbestos litigation and asbestos-related bankruptcy proceedings; and

(4) conserve the scarce resources of the defendants, and marshal assets in bankruptcy, to allow compensation of cancer victims and others who are physically harmed by exposure to asbestos while securing the right to similar compensation for those who may suffer physical harm in the future.

### **SEC. 3. DEFINITIONS.**

In this Act:

(1) AMA GUIDES TO THE EVALUATION OF PERMANENT IMPAIRMENT- The term 'AMA Guides to the Evaluation of Permanent Impairment' means the American Medical Association's Guides to the Evaluation of Permanent Impairment (Fifth Edition 2000).

(2) ASBESTOS- The term 'asbestos' includes all minerals defined as 'asbestos' under section 1910 of title 29 of the Code of Federal Regulations.

(3) ASBESTOS CLAIM- The term 'asbestos claim'--

(A) means any claim for damages or other relief presented in a civil action or bankruptcy proceeding, arising out of, based on, or related to the health effects of exposure to asbestos, including loss of consortium and any other derivative claim made by or on behalf of any exposed person or any representative, spouse, parent, child or other relative of any exposed person; and

(B) does not include claims for benefits under a workers' compensation law or veterans' benefits program, or claims

brought by any person as a subrogee by virtue of the payment of benefits under a workers' compensation law or punitive damages.

(4) ASBESTOSIS- The term 'asbestosis' means bilateral diffuse interstitial fibrosis of the lungs caused by inhalation of asbestos fibers.

(5) CERTIFIED B-READER- The term 'certified B-reader' means an individual qualified as a 'final' or 'B-reader' under section 37.51(b) of title 42 of the Code of Federal Regulations.

(6) CIVIL ACTION- The term 'civil action'--

(A) means all suits of a civil nature in Federal or State court, whether cognizable as cases at law or in equity or in admiralty; and

(B) does not include an action relating to any workers' compensation law, or a proceeding for benefits under any veterans' benefits program.

(7) EXPOSED PERSON- The term 'exposed person' means any person whose exposure to asbestos or to asbestos-containing products is the basis for an asbestos claim.

(8) FEV1- The term 'FEV1' means forced expiratory volume in the first second, which is the maximal volume of air expelled in 1 second during performance of simple spirometric tests.

(9) FVC- The term 'FVC' means forced vital capacity, which is the maximal volume of air expired with maximum effort from a position of full inspiration.

(10) ILO SCALE- The term 'ILO Scale' means the system for the classification of chest x-rays set forth in the International Labour Office's Guidelines for the Use of ILO International Classification of Radiographs of Pneumoconioses (1980) as amended by the

International Labour Office.

(11) NONMALIGNANT CONDITION- The term 'nonmalignant condition' means any condition that is caused or may be caused by asbestos other than a diagnosed cancer.

(12) PATHOLOGICAL EVIDENCE OF ASBESTOSIS- The term 'pathological evidence of asbestosis' means a statement by a Board-certified pathologist that--

(A) more than 1 representative section of lung tissue uninvolved with any other disease process demonstrates a pattern of peribronchiolar or parenchymal scarring in the presence of characteristic asbestos bodies; and

(B) there is no other more likely explanation for the presence of the fibrosis.

(13) PREDICTED LOWER LIMIT OF NORMAL- The term 'predicted lower limit of normal' for any test means the fifth percentile of healthy populations based on age, height, and gender, as referenced in the AMA Guides to the Evaluation of Permanent Impairment.

(14) RADIOLOGICAL EVIDENCE OF ASBESTOSIS- The term 'radiological evidence of asbestosis' means a chest x-ray showing small, irregular opacities (s,t) graded by a certified B-reader as at least 1/1 on the ILO scale.

(15) RADIOLOGICAL EVIDENCE OF DIFFUSE PLEURAL THICKENING- The term 'radiological evidence of diffuse pleural thickening' means a chest x-ray showing bilateral pleural thickening of at least B2 on the ILO scale and blunting of at least 1 costophrenic angle.

(16) STATE- The term 'State' means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern

Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the entities under this paragraph.

(17) VETERANS' BENEFITS PROGRAM- The term `veterans' benefits program' means any program for benefits in connection with military service administered by the Veterans' Administration under title 38, United States Code.

(18) WORKERS' COMPENSATION LAW- The term `workers' compensation law'--

(A) means a law respecting a program administered by a State or the United States to provide benefits, funded by a responsible employer or an insurance carrier of that employer, for occupational diseases or injuries or for disability or death caused by occupational diseases or injuries;

(B) includes the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) and chapter 81 of title 5, United States Code; and

(C) does not include the Federal Employer's Liability Act (45 U.S.C. 51 et seq.).

#### **SEC. 4. PHYSICAL IMPAIRMENT.**

(a) IMPAIRMENT ESSENTIAL ELEMENT OF CLAIM- Physical impairment of the exposed person, to which asbestos exposure was a substantial contributing factor, shall be an essential element of an asbestos claim. For purposes of this section, cancer shall be presumed to involve physical impairment.

(b) PRIMA FACIE EVIDENCE OF PHYSICAL IMPAIRMENT-

(1) IN GENERAL- No person shall bring or maintain a civil action alleging a nonmalignant asbestos claim in the absence of a prima



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. Hatch

Viz:

**Technical Amendment**

- 1 Page 3, beginning with line 13, strike; Section (2)(A) through (H). Replace  
2 with:  
3 “(2) Asbestos.—The term asbestos includes—  
4 (A) chrysotile;  
5 (B) amosite;  
6 (C) crocidite;  
7 (D) tremolite asbestos;  
8 (E) winchite asbestos;  
9 (F) richterite asbestos;

1 (G) anthophyllite asbestos;

2 (H) actinolite asbestos;”

3

4 Page 7, section 3(11), line 6; insert after the word “title” the following;

5 “, provided, however, that defendant participant does not include any  
6 person protected from any asbestos claims by an injunction entered in  
7 connection with a plan of reorganization under chapter 11 of title 11, United  
8 States Code, that has been confirmed by a duly entered order or judgment of  
9 a court that is no longer subject to appeal or judicial review unless such  
10 person can be assessed for contribution under subtitle A of title II for prior  
11 asbestos expenditures related to asbestos claims that are not covered by  
12 such injunction.”

13

14 Page 41, delete lines 3 through 7

15 Page 44 after line 8 insert the following:

16 (2) Class Action Trust: The term “class action trust” means a trust or  
17 similar entity established to hold assets for the payment of asbestos claims  
18 asserted against a debtor or participating defendant, pursuant to a settlement  
19 of class action claims under Rule 23 of the Federal Rules of Civil  
20 Procedure, which settlement has been approved by a final judgment of a  
21 United States District Court prior to the date of enactment of this Act.

22 Page 44 line 9 redesignate (2) to become (3)

23 Page 45 line 11 redesignate (3) to (4)

- 1 Page 45 line 17 redesignate (4) to (5)
- 2 Page 46 line 3 redesignate (5) to (6)
- 3 Page 46 line 15 redesignate (6) to 7)
- 4 Page 47 line 15 redesignate (7) to (8)
- 5 Page 47 line 21 redesignate (8) to (9)
- 6
- 7 Page 47, line 4 after “with” insert “or as a result of changes in insurance
- 8 reserves required by contract or”
- 9 Page 47, beginning at line 18, strike; “for any purpose, including
- 10 administering and paying asbestos claims.” Replace with, “in whole or in
- 11 part to provide compensation for asbestos claims.”
- 12
- 13 Page 55 at the end of line 17 after “person.” add
- 14 “If a debtor and affiliated group includes a person in respect of whose
- 15 liabilities for asbestos claims a class action trust has been established, there
- 16 shall be excluded from the 2002 revenues of such debtor and affiliated
- 17 group:
- 18 (i) all revenues of the person in respect of whose liabilities for
- 19 asbestos claims the class action trust was established, and
- 20 (ii) all revenues of the debtor and affiliated group attributable to the
- 21 historical business operations or assets of such person, regardless of
- 22 whether such business operations or assets were owned or conducted during

1 the year 2002 by such person or by any other person included within such  
2 debtor and affiliated group.

3

4 Page 58 after line 13 add

5 (5) Class Action Trust. The assets of any class action trust that has  
6 been established in respect of the liabilities for asbestos claims of  
7 any person included within a debtor and affiliated group that has  
8 been assigned to Tier I (exclusive of any assets needed to pay  
9 previously incurred expenses and asbestos claims reduced to a final  
10 order or judgment within the meaning of Section 403(d)(1) before  
11 the date of enactment of this Act) shall be transferred to the Fund  
12 not later than six months after the date of enactment of this Act.

13

14 Page 95, line 23, strike; "LIMITATIONS ON"

15

16 Page 96, line 2, after the word "year," insert; "unless otherwise provided."

17

18 Page 97, line 17, strike; "maximum," replace with the word "minimum."

19

20 Page 99, section 225, line 24; after the word "Act" insert ", provided,  
21 however, that additional contributing participant does not include any  
22 person protected from any asbestos claims by an injunction entered in

1 connection with a plan of reorganization under chapter 11 of title 11, United  
2 States Code, that has been confirmed by a duly entered order or judgment of  
3 a court that is no longer subject to any appeal or judicial review unless such  
4 person can be assessed for contribution under subtitle A of title II for prior  
5 asbestos expenditures related to asbestos claims that are not covered by  
6 such injunction.”

7

8 Page 109, beginning at line 22, strike; “as is required under section 202.”

9

10 Page 112, beginning at line 5, strike; “until the assignment required under  
11 paragraph (1) has been made.”

12

13 Page 113, line 11, strike; “assigned through Tiers II through VI”

14

15 Page 113, beginning at line 12, strike; “filed before the date of enactment of  
16 this Act”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To require review of Federal sentencing guidelines  
for environmental crimes and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of  
victims for bodily injury caused by asbestos exposure,  
and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. LEAHY

Viz:

1       On page 93, lines 22 and 23, strike “occurring after  
2   the date of enactment of this Act”.

3       On page 93, line 25, and page 94, line 1, strike “sec-  
4   tion 6(a) of”.

5       On page 94, line 2, strike “2605(a)” and insert  
6   “2601 et seq.”.

1       On page 94, line 3, insert “, disposal,” after “proc-  
2   essing”.

3       On page 94, lines 4 and 5, strike “may refer the mat-  
4   ter” and insert “shall refer the matter in writing within  
5   30 days after receiving that information”.

6       On page 94, lines 6 and 7, strike “United States At-  
7   torney” and insert “appropriate State authority with ju-  
8   risdiction to investigate asbestos matters”.

9       On page 94, line 7, strike “under” and all that fol-  
10   lows through line 9, and insert “, including those under  
11   section 17 of the Toxic Substances Control Act (15 U.S.C.  
12   2616).”.

13       On page 94, line 12, strike “occurring after the date  
14   of enactment of this Act”.

15       On page 94, lines 14 and 15, strike “section 112(d)  
16   of”.

17       On page 94, line 16, strike “7412(d)” and insert  
18   “7401 et seq.”.

1       On page 94, line 17, strike “may refer the matter”  
2   and insert “shall refer the matter in writing within 30  
3   days after receiving that information”.

4       On page 94, line 19, strike “United States Attorney”  
5   and insert “appropriate State authority with jurisdiction  
6   to investigate asbestos matters”.

7       On page 94, line 20, insert “, including those” after  
8   “penalties”.

9       On page 95, lines 4 and 5, strike “may refer the mat-  
10   ter” and insert “shall refer the matter in writing within  
11   30 days after receiving that information”.

12       On page 95, line 5, strike “United States Attorney”  
13   and all that follows through line 9, and insert “Assistant  
14   Secretary for the Occupational Safety and Health Com-  
15   mission and the appropriate State authority with jurisdic-  
16   tion to investigate asbestos matters for possible civil or  
17   criminal penalties, including those under section 17 of the  
18   Occupational Safety and Health Act of 1970 (29 U.S.C.  
19   666).”.



1       On page 95, between lines 9 and 10, insert the fol-  
2       lowing:

3               (4) ENHANCED PENALTIES.—If the criminal  
4       violations referred to in paragraphs (1), (2), and (3)  
5       result in conviction and involve occupational expo-  
6       sure to asbestos, or asbestos as a toxic substance or  
7       hazardous air pollutant—

8               (A) in the case of a convicted individual,  
9       that individual shall be subject to the greater  
10      of—

11              (i) the applicable fine established by  
12      the statute of conviction; or

13              (ii) not more than \$250,000, and im-  
14      prisonment of not more than 15 years, or  
15      both; and

16              (B) in the case of a convicted entity (other  
17      than an individual), that entity shall be subject  
18      to the greater of—

19              (i) the applicable fine established by  
20      the statute of conviction; or

21              (ii) a fine of not more than  
22      \$1,000,000.

23              (5) REVIEW OF FEDERAL SENTENCING GUIDE-  
24      LINES FOR ENVIRONMENTAL CRIMES RELATED TO  
25      ASBESTOS.—Under section 994 of title 28, United

1 States Code, and in accordance with this section, the  
2 United States Sentencing Commission shall review  
3 and amend, as appropriate, the United States Sen-  
4 tencing Guidelines and related policy statements to  
5 ensure that—

6 (A) appropriate changes are made within  
7 the guidelines to reflect any statutory amend-  
8 ments that have occurred since the time that  
9 the current guideline was promulgated;

10 (B) the base offense level, adjustments and  
11 specific offense characteristics contained in sec-  
12 tion 2Q1.2 of the United States Sentencing  
13 Guidelines (relating to mishandling of haz-  
14 ardous or toxic substances or pesticides; record  
15 keeping, tampering, and falsification; and un-  
16 lawfully transporting hazardous materials in  
17 commerce) are increased as appropriate to en-  
18 sure that future asbestos-related offenses reflect  
19 the seriousness of the offense, the harm to the  
20 community, the need for ongoing reform, and  
21 the highly regulated nature of asbestos;

22 (C) the base offense level, adjustments and  
23 specific offense characteristics are sufficient to  
24 deter and punish future activity and are ade-

1           quate in cases in which the relevant offense  
2           conduct—

3                   (i) involves asbestos as a hazardous or  
4                   toxic substance; and

5                   (ii) occurs after the date of enactment  
6                   of this Act;

7           (D) the adjustments and specific offense  
8           characteristics contained in section 2B1.1 of  
9           the United States Sentencing Guidelines related  
10          to fraud, deceit and false statements, ade-  
11          quately take into account that asbestos was in-  
12          volved in the offense, and the possibility of  
13          death or serious bodily harm as a result;

14          (E) the guidelines that apply to organiza-  
15          tions in chapter 8 of the United States Sen-  
16          tencing Guidelines, are sufficient to deter and  
17          punish organizational criminal misconduct that  
18          involves the use, handling, purchase, sale, dis-  
19          posal, or storage of asbestos; and

20          (F) the guidelines that apply to organiza-  
21          tions in chapter 8 of the United States Sen-  
22          tencing Guidelines, are sufficient to deter and  
23          punish organizational criminal misconduct that  
24          involves fraud, deceit, or false statements

1           against the Asbestos Insurers Commission or  
2           the Office of Asbestos Injury Claim Resolution.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To raise the compensation level for victims of mesothelioma.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. KOHL

Viz:

1       In section 131(b), amend the scheduled value for  
2 mesothelioma by striking “\$750,000” and inserting  
3 “\$1,500,000”.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for additional funding for the Asbestos  
Injury Claims Resolution Fund.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of  
victims for bodily injury caused by asbestos exposure,  
and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by MR. KOHL (for  
himself, Mr. LEAHY, and Mr. KENNEDY)

Viz:

1 In section 223, add at the end the following:

2 (f) CONTINGENT CALL FOR ADDITIONAL MANDA-  
3 TORY FUNDING.—

4 (1) IN GENERAL.—Notwithstanding sections  
5 202(a)(2) and 212(a)(3)(A), unless the Adminis-  
6 trator certifies under this subsection that there are  
7 adequate funds available to compensate past, pend-  
8 ing, and projected future claimants at the scheduled  
9 award values provided in section 131(b), the Admin-

1       istrator shall assess additional contributions from all  
2       participants during first 27 years of the Fund (in  
3       this section, the “mandatory funding period”), as  
4       provided in this subsection.

5           (2) ALLOCATION.— Any additional contribu-  
6       tions assessed under this subsection shall be allo-  
7       cated among each participant as provided under  
8       paragraphs (4) and (5).

9           (3) REDUCTION ADJUSTMENT CERTIFI-  
10       CATION.—

11           (A) IN GENERAL.—Before making any re-  
12       duction adjustment under section 204(a) or sec-  
13       tion 212(a)(3)(B), the Administrator shall cer-  
14       tify, after consultation with appropriate experts,  
15       that during the time period in which such re-  
16       duction adjustment would apply there will be  
17       adequate funds available to compensate past,  
18       pending, and projected future claimants at the  
19       scheduled award values provided in section  
20       131(b) of this Act.

21           (B) INITIAL NOTICE.—Before making any  
22       certification under subparagraph (A), the Ad-  
23       ministrator shall publish a notice in the Federal  
24       Register of the proposed certification, including  
25       a description and explanation of the Adminis-

1           trator's analysis supporting the certification of  
2           the Administrator.

3           (C) COMMENTS FROM PARTICIPANTS.—  
4           Not later than 60 days after the publication of  
5           the notice under subparagraph (B), a partici-  
6           pant may provide the Administrator with addi-  
7           tional information to support a determination  
8           that additional contributions from participants  
9           are not required.

10          (D) FINAL CERTIFICATION.—

11           (i) IN GENERAL.—The Administrator  
12           shall publish a notice in the Federal Reg-  
13           ister of the final certification after consid-  
14           eration of all comments submitted under  
15           subparagraph (C).

16           (ii) WRITTEN NOTICE.—Not later  
17           than 30 days of publishing a final certifi-  
18           cation under clause (i), the Administrator  
19           shall provide each participant with notice  
20           of that participant's final contribution as-  
21           sessment after application of any reduction  
22           adjustment under section 204(a) or section  
23           212(a)(3)(B), subject to paragraphs (4)  
24           and (5).

25          (4) DEFENDANT PARTICIPANTS.—



1           (A) IN GENERAL.—Any additional con-  
2           tributions from the defendant participants  
3           under paragraph (1) shall be allocated in ac-  
4           cordance with subparagraphs (B) through (H).

5           (B) YEARS 6 THROUGH 8.—If the Adminis-  
6           trator fails to certify that there are adequate  
7           funds during years 6 through 8 of the manda-  
8           tory funding period, the Administrator shall  
9           maintain after year 5 of the mandatory funding  
10          period the contribution levels assessed under  
11          section 203 and not make any reduction adjust-  
12          ments as provided in section 204(a) for years 6  
13          through 8.

14          (C) YEARS 9 THROUGH 11.—If the Admin-  
15          istrator fails to certify that there are adequate  
16          funds during years 9 through 11 of the manda-  
17          tory funding period, the Administrator shall  
18          maintain after year 8 of the mandatory funding  
19          period the contribution levels assessed under  
20          section 203 and not make any reduction adjust-  
21          ments as provided in section 204(a) for years 9  
22          through 11.

23          (D) YEARS 12 THROUGH 14.—If the Ad-  
24          ministrator fails to certify that there are ade-  
25          quate funds during years 12 through 14 of the

1 mandatory funding period, the Administrator  
2 shall maintain after year 11 of the mandatory  
3 funding period the contribution levels assessed  
4 under section 203 and not make reduction ad-  
5 justments as provided in section 204(a) for  
6 years 12 through 14.

7 (E) YEARS 15 THROUGH 17.—If the Ad-  
8 ministrator fails to certify that there are ade-  
9 quate funds available during years 15 through  
10 17 of the mandatory funding period, the Ad-  
11 ministrator shall maintain after year 14 of the  
12 mandatory funding period the contribution lev-  
13 els assessed under section 203 and not make  
14 any reduction adjustments as provided in sec-  
15 tion 204(a) for years 15 through 17.

16 (F) YEARS 18 THROUGH 20.—If the Ad-  
17 ministrator fails to certify that there are ade-  
18 quate funds available during years 18 through  
19 20 of the mandatory funding period, the Ad-  
20 ministrator shall maintain after year 17 of the  
21 mandatory funding period the contribution lev-  
22 els assessed under section 203 and not make  
23 any reduction adjustments as provided in sec-  
24 tion 204(a) for years 18 through 20.

1 (G) YEARS 21 THROUGH 26.—If the Ad-  
2 ministrator fails to certify that there are ade-  
3 quate funds available during years 21 through  
4 26 of the mandatory funding period, the Ad-  
5 ministrator shall maintain until year 26 of the  
6 mandatory funding period the contribution lev-  
7 els assessed under section 203 and not make  
8 any reduction adjustments as provided in sec-  
9 tion 204(a) for years 21 through 26.

10 (H) YEAR 27.—If the Administrator fails  
11 to certify that there are adequate funds avail-  
12 able during year 27 of the mandatory funding  
13 period, the Administrator shall maintain the  
14 contribution levels assessed under section 203  
15 and not make any reduction adjustments as  
16 provided in section 204(a) for year 27.

17 (I) DETERMINATION OF REDUCTION AD-  
18 JUSTMENTS.—In administering subparagraphs  
19 (C) through (H), if a reduction was not made  
20 in any preceding 3-year period and the Admin-  
21 istrator certifies there are adequate funds under  
22 paragraph (3), the amount of any reduction ad-  
23 justment under section 204(a) shall be deter-  
24 mined as though all preceding reductions had  
25 been made.

1           (J) LIMITATION OF REQUIRED CONTRIBU-  
2           TION.—Notwithstanding subparagraphs (B)  
3           through (H), if the Administrator certifies,  
4           after consultation with appropriate experts,  
5           there will be adequate funds available to com-  
6           pensate past, pending, and projected future  
7           claimants at the scheduled award values pro-  
8           vided in section 131(b) after applying a smaller  
9           reduction adjustment than otherwise required  
10          under this paragraph, during the time period in  
11          which such reduction adjustment would apply,  
12          the Administrator shall apply such smaller re-  
13          duction adjustment.

14          (K) NO ORPHAN SHARE.—The additional  
15          contributions collected by the Administrator  
16          under this subsection shall not be considered  
17          excess monies under subsection (e) to be placed  
18          in the orphan share reserve account and shall  
19          be credited to the Fund only for the payment  
20          of claims.

21          (5) INSURER PARTICIPANTS.—

22               (A) IN GENERAL.—The total amount of  
23               any contributions allocated by the Adminis-  
24               trator to the insurer participants shall equal the  
25               total amount of additional contributions allo-

1 cated to the defendant participants under para-  
2 graph (4) for any 3-year period.

3 (B) ALLOCATION.—Of the amount of addi-  
4 tional contributions required under subpara-  
5 graph (A), each insurer participant shall be al-  
6 located an additional contribution equal to the  
7 insurer participant's proportionate share of an-  
8 nual contributions to the Fund under section  
9 212.

10 (6) ENFORCEMENT.—The additional contribu-  
11 tions required under this subsection may be enforced  
12 in the same manner and to the same extent as the  
13 enforcement of a contribution under section 224.

14 On page 64, line 23, strike “The” and insert “Sub-  
15 ject to section 223(f), the”.

16 On page 79, line 20, after “time” insert “, subject  
17 to section 223(f).

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To amend the scheduled awards value for certain diseases.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. KENNEDY

Viz:

1        In section 131(b), amend the scheduled awards value  
2 for Lung Cancer I by striking “\$0 or \$50,000” and insert-  
3 ing “Individual determination.”

4        In section 131(b), amend the scheduled awards value  
5 for Lung Cancer II by striking “\$100,000 or \$400,000”  
6 and inserting “\$500,000 or \$1,500,000”.

1       In section 131(b), amend the scheduled awards value  
2 for Mesothelioma by striking “\$750,000” and inserting  
3 “\$1,500,000”.

4       In section 131(b)(2), strike paragraph (B) and insert  
5 the following:

6               (B) SCHEDULED VALUES.—In accordance  
7 with subsection (a), a claimant—

8                       (i) who is a nonsmoker shall receive—

9                               (I) an amount determined in ac-  
10 cordance with subparagraph (C) for  
11 Level VI; and

12                               (II) \$1,500,000 for Level VII;

13                       and

14                       (ii) who is not a nonsmoker shall  
15 receive—

16                               (I) an amount determined in ac-  
17 cordance with subparagraph (C) for  
18 Level VI; and

19                               (II) \$500,000 for Level VII.

20       In section 131(b), at the end add the following:

21               (C) INDIVIDUAL DETERMINATION FOR  
22 LEVEL IV.—The award value of claims for  
23 Level VI, Lung Cancer I, shall be determined

1           on an individual basis by the Asbestos Court,  
2           but in no case shall such award exceed the  
3           award values for Level VII, Lung Cancer II.



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To revise the purposes section.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.****S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. KENNEDY

Viz:

1       Strike section 2 and insert the following:

2   **SEC. 2. PURPOSES.**

3       The purposes of this Act are to—

4           (1) ensure fair and expeditious compensation to

5       those individuals who have been exposed to asbestos

6       and injured by such exposure;

7           (2) provide compensation to present and future

8       asbestos victims based on the severity of their inju-

9       ries, while establishing a system flexible enough to

10      accommodate individuals whose conditions worsen;

1           (3) create a national trust fund through which  
2           companies with asbestos liability may obtain greater  
3           financial predictability and stability while providing  
4           the necessary funding to expeditiously pay victims of  
5           asbestos exposure the full compensation to which  
6           they are entitled for their respective injuries under  
7           the terms of this Act; and

8           (4) relieve the Federal and State courts of the  
9           burden of asbestos litigation.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To establish a Medical Advisory Committee, and  
for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of  
victims for bodily injury caused by asbestos exposure,  
and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. KENNEDY

Viz:

1 In section 114, at the appropriate place insert the  
2 following:

3 (h) MEDICAL ADVISORY COMMITTEE.—

4 (1) IN GENERAL.—The chief judge may appoint  
5 a Medical Advisory Committee of the Asbestos Court  
6 consisting of qualified physicians for purposes of  
7 providing appropriate medical advice relating to the  
8 review of claims.

1           (2) QUALIFICATIONS.—To be eligible for ap-  
2           pointment to the Medical Advisory Committee under  
3           paragraph (1), a person shall—

4                   (A) be a physician licensed in any State;

5                   (B) be board-certified in pulmonary medi-  
6           cine, occupational medicine, internal medicine,  
7           oncology, or pathology; and

8                   (B) be actively and primarily practicing  
9           medicine in a field directly related to the board  
10          certification of the physician.

11          (3) DUTIES.—Magistrates and claims exam-  
12          iners may refer questions concerning the medical eli-  
13          gibility of claimants to the committee for its advice  
14          and recommendations.

15          In section 124, at the appropriate place insert the  
16          following:

17          (c) EXCEPTIONAL MEDICAL CLAIMS.—

18                  (1) IN GENERAL.—A claimant who does not  
19          meet the medical criteria requirements under sub-  
20          section (a) and (b) may apply for designation of the  
21          claim as an exceptional medical claim.

22                  (2) APPLICATION.—When submitting an appli-  
23          cation for review of an exceptional medical claim, the  
24          claimant shall—

1 (A) state that the claim does not meet the  
2 medical criteria requirements in subsection (a)  
3 and (b); or

4 (B) seek designation as an exceptional  
5 medical claim within 60 days after a determina-  
6 tion that the claim is ineligible solely for failure  
7 to meet the medical criteria requirements under  
8 subsections (a) and (b).

9 (3) REPORT OF PHYSICIAN.—

10 (A) IN GENERAL.—Any claimant applying  
11 for designation of a claim as an exceptional  
12 medical claim shall support an application filed  
13 under paragraph (1) with a report from a phy-  
14 sician meeting the requirements of section 122.

15 (B) CONTENTS.—A report filed under  
16 paragraph (A) shall include—

17 (i) a complete review of the claimant's  
18 medical history and current condition;

19 (ii) such additional material by way of  
20 analysis and documentation as shall be  
21 prescribed by rule of the Asbestos Court;  
22 and

23 (iii) a detailed explanation as to why  
24 the claim meets the requirements of para-  
25 graph (4)(B).

1 (4) REVIEW.—

2 (A) IN GENERAL.—The Asbestos Court  
3 shall refer all applications and supporting docu-  
4 mentation submitted under paragraph (2) to  
5 the Medical Advisory Committee for review for  
6 eligibility as an exceptional medical claim.

7 (B) STANDARD.—A claim shall be des-  
8 ignated as an exceptional medical claim if the  
9 claimant, for reasons beyond his or her con-  
10 trol, cannot satisfy the requirements under sub-  
11 sections (a) and (b), but is able, through com-  
12 parably reliable evidence that meets the stand-  
13 ards under section 122, to show that the claim-  
14 ant has an asbestos-related condition that is  
15 substantially comparable to that of a medical  
16 condition that would satisfy the requirements of  
17 a category under subsection (b).

18 (C) ADDITIONAL INFORMATION.—The  
19 Medical Advisory Committee may request addi-  
20 tional reasonable testing to support the claim-  
21 ant's application.

22 (D) CT SCAN.—A claimant may submit a  
23 CT Scan in addition to an x-ray.

24 (5) APPROVAL.—

1           (A) IN GENERAL.—If the Medical Advisory  
2           Committee determines that the medical evi-  
3           dence is sufficient to show a comparable asbes-  
4           tos-related condition, it shall issue a certificate  
5           of medical eligibly designating the category of  
6           asbestos-related injury under subsection (b) for  
7           which the claimant may be eligible to seek com-  
8           pensation.

9           (B) REFERRAL.—Upon the issuance of a  
10          certificate under paragraph (A), the Medical  
11          Advisory Committee shall submit the claim to a  
12          magistrate, who shall proceed to determine  
13          whether the claimant meets the requirements  
14          for compensation under this Act.

15          (6) RE-SUBMISSION.—Any claimant whose ap-  
16          plication for designation as an exceptional medical  
17          claim is rejected may resubmit an application if new  
18          evidence becomes available. The application shall  
19          identify any prior applications and state the new evi-  
20          dence that forms the basis of the re-submission.

21          (7) RULES.—The Chief Judge shall promulgate  
22          rules governing the procedures for seeking designa-  
23          tion of a claim as an exceptional medical claim.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To allow the Court to investigate evidence of smoking status as needed.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 On page 16, line 8, amend section 111(b)(7) by deleting the “and”
- 2 On page 16, after line 8, insert new paragraph (8) as follows:
- 3 “(8) any claimant who asserts that he or she is a nonsmoker or a former
- 4 smoker as defined by section 124 must provide sufficient evidence of nonsmoking,
- 5 including relevant medical records; and”
- 6 On page 16, line 9, delete “(8)” and replace in lieu thereof “(9)”



1       On page 20, after line 20, amend section 114(c) by adding new paragraph (3)  
2 as follows:

3           “(3) SMOKING ASSESSMENT. — To aid in the assessment of the  
4 accuracy of claimant representations as to their smoking status for purposes  
5 of determining eligibility and amount of award under sections 124 and 131,  
6 a claimant must provide consent for the Claims Examiner to obtain relevant  
7 historical records, including, but not limited to, records of past medical  
8 treatment and evaluation, applications for insurance and supporting  
9 materials, and employer medical examinations. The frequency of review of  
10 such historical records will be in the discretion of the Claims Examiner, but  
11 shall address at least 5% of the claimant nonsmokers. In addition, the  
12 asserted nonsmokers and former smokers consent to the performance of  
13 blood tests or any other appropriate medical test to confirm the validity of  
14 assertions. Any false information submitted pursuant to this subsection shall  
15 be subject to criminal prosecution or civil penalties as provided under  
16 section 401.”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To eliminate requirements that certain occupational exposure to asbestos occurred before a certain date, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mrs. FEINSTEIN

Viz:

1        On page 31, lines 10 and 11, strike “before December  
2 31, 1982”.

3        On page 31, line 20, strike “before December 31,  
4 1982”.

5        On page 32, line 13, strike “before December 31,  
6 1982”.

1       On page 33, line 10, strike “before December 31,  
2 1982”.

3       On page 34, line 2, strike “before December 31,  
4 1982”.

5       On page 34, lines 13 and 14, strike “before December  
6 31, 1982”.

7       On page 35, line 2, strike “before December 31,  
8 1982”.

9       On page 35, line 14, strike “before December 31,  
10 1982”.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To strike the product identification requirement.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 On page 15, on line 14, amend section 111(b)(4) by deleting “identity of any
- 2 product or manufacturer,”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To achieve the remedial objectives of fairness in asbestos claim resolution by codifying existing law that the successor in interest of any participant fulfill its legal obligations.

**IN THE SENATE OF THE UNITED STATE—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by MR. LEAHY

Viz:

- 1      INSERT on page 7 at line 10 as subparagraph 11(C) the following language:
- 2            (C)    any successor in interest of a participant.
- 3      INSERT on page 8 at line 3 as subparagraphs 14 and 15 the following language:
- 4            (14)   SUBSTANTIALLY CONTINUES - The term “substantially continues”
- 5      means that the business operations have not been significantly modified by the change in
- 6      ownership.
- 7            (15)   SUCCESSOR IN INTEREST - The term “successor in interest” means
- 8      any person that acquires assets, and substantially continues the business operations, of a
- 9      participant. The factors to be considered in determining whether a person is a successor
- 10     in interest include, but are not limited to: (i) retention of the same facilities or location,
- 11     (ii) retention of the same employees, (iii) maintaining the same jobs under the same
- 12     working conditions, (iv) retention of the same supervisory personnel, (v) continuity of
- 13     assets, (vi) production of the same product or offer of the same service, (vii) retention of
- 14     the same name, (viii) maintenance of the same customer base, (ix) identity of stocks,

- 1 stockholders, and directors between the asset seller and the purchaser, or (x) whether the
- 2 successor holds itself out as continuation of previous enterprise, but expressly does not
- 3 include whether the person actually knew of the liability of the participant under this Act.
  
- 4 RENUMBER the rest of the subparagraphs accordingly.

Summary of “Successor in Interest” Amendment to S. 1125 –

This amendment would include among the “participants” in the Asbestos Trust Fund any “Successor in interest” to a participant. As developed in the case law, a successor in interest – one who is obliged to take on the obligations of the predecessor corporation – is one that carries on substantially continues the same business, with substantially the same people involved, assets utilized, and products produced. The amendment attempts to insure that mandatory participants will not be able to evade their responsibilities to the Fund by simple changes in their corporate structures or operations.

Summary of Amendment to S 1125 [PDF: SHU03.214]

The Amendment requires the Administrator to refer any information he obtains about possible asbestos violations under OSHA, the Toxic Substances Control Act or the Clean Water Act to the appropriate law enforcement authorities. The Amendment provides a sentencing enhancement for such environmental/health violations that involve asbestos.

Based on the new Title 18 crimes for fraud and false statements (included in the agreed-upon amendments), and the enhanced statutory maximums, the Amendment instructs the U.S. Sentencing Commission to consider appropriate amendments to the Sentencing Guidelines suggesting upward enhancements for asbestos-related crimes.



## **Summary of Agreed Amendments to S.1125**

- X Sections 3(7) & 134 (Reduction in benefit payments for collateral sources): Strike Collateral Sources (Disability Insurance, Health Insurance, Medicare, Medicaid, and death benefit programs; keep as offsets payments from defendants, insurers and compensation trusts)**
- X Section 124 (Take Home Exposure): Includes Take Home/Community Exposure (Manville in-shoes filing)**
- X Section 122 (Diagnostic criteria Requirements): Strike independent physician verification on exposure, and add dead claimant exception for in-person exam.**
- X Section 131 (Amount): Index all awards for annual future inflation based on CPI**
- X Section 111 (Filing of Claims): Increase statute of limitations in which to file a claim from 2 to 4 years from the time claimant received a medical diagnosis of an eligible disease or should have known he would receive such a diagnosis. Deletes rule of construction paragraph of Administrator.**
- X Section 125 (Exposure Criteria Requirements): include U.S. citizens exposed to asbestos while working for U.S. companies overseas or while on U.S.-flagged ships.**
- X Section 204 (Assessment Administration): Add recoupment provision for any financial hardship or inequity adjustments in future years if company can afford it and limits term on inequity adjustment to 3 years.**
- X Requires Administrator to provide Congress with annual report of trust funds payments, contributions, etc.**
- X Section 401 (False information): Add crime and criminal penalties for defendant/insurer fraud and false statements**
- X Section 224 (Enforcement of Contributions): Permits Administrator cause of action against contributing penalties; adds new remedies (punitive damages, injunctive relief – similar to PROTECT Act) to Administrator for failures to pay Fund and penalties for willful failures to pay.**
- X Section 202 (Authority and Tiers/Treatment of Tier I Business entities in Bankruptcy): Replaces CEO Certification requirement that asbestos liability was not sole or precipitating cause of bankruptcy filing with bankruptcy court finding**

### **Sunset of Liability Protection**

This amendment would create a checkpoint relatively early on in the Fund's 27 year term where the Administrator has to certify that the Fund is operating as envisioned and claimants are being fully compensated. If the Fund isn't functioning properly either because of backlogs or inadequate funding, claimants are allowed to go back to the tort system.

On page 113 at the end of line 7 insert the following:

"The provisions of subsections (c) and (d) shall have no effect after January 1, 2010, unless the Administrator certifies prior to that date that at least 95 percent of all compensable claims filed on or before May 1, 2006 have been paid in full."

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To clarify that claimants exposed to asbestos by  
cohabitants will meet the exposure requirement.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 On p. 36, insert after line 14, new section 125(b)(3) (Burden of Proof) as
- 2 follows:
- 3 (3) TAKE-HOME EXPOSURE.— A claimant may alternatively satisfy the
- 4 exposure criteria requirements of this section by showing that the claimant's
- 5 exposure to asbestos was the result of living with a person who, if the claim had
- 6 been filed by such person, would have met the exposure criteria for a claimed

1   Disease Level and the claimant lived with such person for the time period  
2   necessary to satisfy the exposure requirement for the claimed Disease Level. To  
3   satisfy the exposure criteria under this subparagraph, a claimant shall present  
4   meaningful and credible evidence of circumstances of exposure demonstrating that  
5   the claimant has asbestos exposure comparable to those of the person who  
6   otherwise would have met the exposure criteria. Such claimants may apply for  
7   designation of his or her claim as an exceptional medical claim under section  
8   124(c).

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To ensure that victims of take-home asbestos exposure will receive fair and adequate compensation for their asbestos-related disease.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by MR. LEAHY

Viz:

- 1 On p. 36, insert after line 14, new section 125(b)(3) as follows:
- 2 (3) TAKE-HOME EXPOSURE.— A claimant may alternatively
- 3 satisfy the exposure criteria requirements of this section by showing that the
- 4 claimant's exposure to asbestos was the result of living with a person who, if
- 5 the claim had been filed by such person, would have met the exposure
- 6 criteria for any given Disease Level and the claimant lived with such person
- 7 for the time period necessary to satisfy the exposure requirement for the
- 8 claimed Disease Level.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To modify the “treating doctor” requirement.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 On page 25, line 6, amend section 122(b)(1)(A), by deleting “treated, or is
- 2 treating, the claimant” and replacing in lieu thereof “certifies that he or she is the
- 3 claimant’s doctor;”.

---

**From:** CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 2:33:40 AM  
**Subject:** : RE: Smithsonian

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Linda M. Gambatesa ( CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 06:33:40.00  
SUBJECT:: RE: Smithsonian  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Most definitely (. And I think we would want to know exactly which cities (once they have it figured out), have a special case built for it for some additional protection, etc. and it still makes me a bit nervous. It's interesting to note that when we first made the loan to them for the exhibit, the person to whom it was delivered by Mary Ann Hanusa made some comment that he didn't think it would be of too much interest (. Now they say it's a key component of the exhibit! Imagine that.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, June 18, 2003 11:26 PM  
To: Gambatesa, Linda M.  
Subject: Smithsonian

I have no legal objection to this proposal, but I have been struggling (and delaying) because of my grave concerns about the security of the bullhorn. This is an extraordinarily significant and valuable American artifact, and hauling it around the country from city to city seems destined to pose security problems. Do you agree?

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>; Andrew Stroot/WHO/EOP@EOP [ WHO ] <Andrew Stroot>; Emory Rounds/WHO/EOP@EOP [ WHO ] <Emory Rounds>; Jenny Kim/WHO/EOP@EOP [ WHO ] <Jenny Kim>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; Maria F. Vallecillo/WHO/EOP@EOP [ WHO ] <Maria F. Vallecillo>; Garry L. Phillips/WHO/EOP@EOP [ WHO ] <Garry L. Phillips>; Peder Anderson/WHO/EOP@EOP [ WHO ] <Peder Anderson>; Wade Plunkett/WHO/EOP@EOP [ WHO ] <Wade Plunkett>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Elizabeth Bingold/WHO/EOP@EOP [ WHO ] <Elizabeth Bingold>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>  
**CC:** Tim Flanigan/WHO/EOP@EOP [ WHO ] <Tim Flanigan>; Lee Rudofsky/WHO/EOP@EOP [ WHO ] <Lee Rudofsky>; Mara Zimmerman/WHO/EOP@EOP [ WHO ] <Mara Zimmerman>  
**Sent:** 6/19/2003 7:12:26 AM  
**Subject:** : Room 154's Copier

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 19-JUN-2003 11:12:26.00

SUBJECT:: Room 154's Copier

TO: Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Andrew Stroot ( CN=Andrew Stroot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Emory Rounds ( CN=Emory Rounds/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jenny Kim ( CN=Jenny Kim/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Maria F. Vallecillo ( CN=Maria F. Vallecillo/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Garry L. Phillips ( CN=Garry L. Phillips/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Peder Anderson ( CN=Peder Anderson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Wade Plunkett ( CN=Wade Plunkett/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

CC: Tim Flanigan ( CN=Tim Flanigan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

CC: Lee Rudofsky ( CN=Lee Rudofsky/OU=WHO/O=EOP@EOP [ WHO ] )

REV\_00123126



READ:UNKNOWN

CC:Mara Zimmerman ( CN=Mara Zimmerman/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

FYI- The copier in room 154 will continue to be out of service until next Tuesday at the earliest. We are currently waiting on a part from the manufacturer that is going to take a couple of days to get here. The copier in room 158 remains in service. Keep in mind that we also have the option of taking larger jobs down to the print shop. Thanks, and sorry for the inconvenience.

Jon

---

**From:** Robert McConnell <RMcConnell@hyi-usa.com>  
**To:** Ziad S. Ojakli/WHO/EOP@EOP [ WHO ] <Ziad S. Ojakli>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 3:49:52 AM  
**Subject:** : FW: Check out A liberal's condescension toward Hispanics slips out  
**Attachments:** P\_RSIBH003\_WHO.TXT\_1.htm

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Robert McConnell <RMcConnell@hyi-usa.com> ( Robert McConnell <RMcConnell@hyi-usa.com> [ UNKNOWN ] )  
CREATION DATE/TIME:19-JUN-2003 07:49:52.00  
SUBJECT:: FW: Check out A liberal's condescension toward Hispanics slips out  
TO:Ziad S. Ojakli ( CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Click here:  
<<http://www.indystar.com/print/articles/8/051481-7098-021.html>> A  
liberal's condescension toward Hispanics slips out  
- att1.htm  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_RSIBH003\_WHO.TXT\_1>

[Click here : A liberal's condescension toward Hispanics slips out](#)

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Alex.Azar@hhs.gov [ UNKNOWN ] <Alex.Azar@hhs.gov>  
**Sent:** 6/19/2003 4:02:54 AM  
**Subject:** : Re: PHS Commissioned Corps

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 19-JUN-2003 08:02:54.00  
SUBJECT:: Re: PHS Commissioned Corps  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Alex.Azar@hhs.gov ( Alex.Azar@hhs.gov [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Let me check with dod as I know they have longstaning policies against this (apart from stat/regs). Thanks. Memos will come around today.

.

----- Original Message -----  
From: <Alex.Azar@hhs.gov>  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 06/19/2003 07:31:03 AM  
Subject: Re: PHS Commissioned Corps

Thanks. With that understanding would it be ok if we circulate the email? Just want to be sure we don't have uniformed officers unwittingly violate the law by giving to Bush-Cheney 04 since they are military. Assume this would not be big news at DOD but I fear it's a thing that our people aren't as up to speed on.  
I thought that was not a bad story at all for you in the post today.

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** kmccullough@georgewbush.com@SMTP@Exchange [ UNKNOWN ]  
<kmccullough@georgewbush.com@SMTP@Exchange>; Susan B. Ralston/WHO/EOP@Exchange [ WHO ] <Susan B. Ralston>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 8:06:56 AM  
**Subject:** : RE: Phone Calls

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 19-JUN-2003 12:06:56.00

SUBJECT: RE: Phone Calls

TO: kmccullough@georgewbush.com@SMTP@Exchange ( kmccullough@georgewbush.com@SMTP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

TO: Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Phone calls from the plane

Here is a potential solution. We can have two air phones put on the plane that have a label that says "political phone." Staff can use those phones for any political calls. These phones do not go to the air force one operator. In fact, political staff can call up to these phones directly as well. The calls are about 3.99 per minute - with a minimum of 2-3 minutes. It's just like a phone on a commercial plane.

Then the bill will come to WHCA for these phones only. WHCA will get me the bills and I will give them to Susan. You get the bill monthly, after the fact. The bill would come in itemized, but wouldn't have the callers name identified. You could put a little card next to the phone that gave some sort of policy direction for usage. For example, "please note this is a political phone that costs 3.99 per minute. That's a lot of bumper stickers. Please use sparingly." Or, "this phone may only be used by("

Please let me know if you would like me to make this happen and put this process in place.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Friday, June 13, 2003 8:24 PM

To: kmccullough@georgewbush.com; Kavanaugh, Brett M.; Litkenhaus, Colleen

Subject: Re: Phone Calls

CL: How are those calls billed now?

.

----- Original Message -----

From: kmccullough@georgewbush.com

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

Colleen Litkenhaus/WHO/EOP@EOP

Cc:

Date: 06/13/2003 10:22:15 AM

Subject: Fw: Phone Calls

Could you two please let me know your thoughts on this question from Mary? I assume we could set some sort of billing procedure set up with WHCA. It also raises another question: if a snack or meal is served on board either plane when we have political travellers, will there be a

REV\_00123133

Bush-Cheney '04 account that is billed or how should we handle?

Thanks,  
Kelley

----- Original Message -----

From: Mary Cheney  
To: Kelley McCullough  
Sent: Friday, June 13, 2003 10:09 AM  
Subject: Phone Calls

Kelley -

What are the rules regarding campaign staff using the phones on AF1 or 2?  
I assume that if we can use them, we need some sort of billing card, but  
are we allowed to use them at all?

Mary

- att1.htm

---

**From:** CN=Tevi Troy/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 4:34:49 AM  
**Subject:** : 9:20 Call in 160

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tevi Troy ( CN=Tevi Troy/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 08:34:49.00  
SUBJECT:: 9:20 Call in 160  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,  
;  
We're all set for the call at 9:20.; I told Brian you would be speaking 3  
- 5 minutes.; Is that about right?  
;  
Is there any paper you will want us to distribute either before or after  
you speak on the call?  
;  
Thanks,  
;  
Tevi

---

**From:** Bumatay, Patrick J.  
**To:** <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<Nelson, Carolyn>  
**Sent:** 6/19/2003 9:03:00 AM  
**Subject:** Sec. Card

is OK with the political memos going out.



**From:** CN=Joseph W Hagin/OU=WHO/O=EOP@Exchange [ UNKNOWN ]  
**To:** Catherine J. Martin/OVP/EOP@Exchange [ OVP ] <Catherine J. Martin>;Andrea G. Ball/WHO/EOP@Exchange [ WHO ] <Andrea G. Ball>;mcheney@georgewbush.com@SMTP@Exchange [ UNKNOWN ] <mcheney@georgewbush.com@SMTP@Exchange>;Elisabeth Armstead/WHO/EOP@EOP [ WHO ] <Elisabeth Armstead>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>;Katherine M. Prendergast/WHO/EOP@Exchange [ WHO ] <Katherine M. Prendergast>;Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>;Israel Hernandez/WHO/EOP@Exchange [ WHO ] <Israel Hernandez>;kmccullough@georgewbush.com@SMTP@Exchange [ UNKNOWN ] <kmccullough@georgewbush.com@SMTP@Exchange>;Todd W. Beyer/WHO/EOP@EOP [ WHO ] <Todd W. Beyer>;Terra Gray/WHO/EOP@Exchange [ WHO ] <Terra Gray>;Gregory J. Jenkins/WHO/EOP@EOP [ WHO ] <Gregory J. Jenkins>;Stephanie E. Linder/WHO/EOP@EOP [ WHO ] <Stephanie E. Linder>;Courtney S. Elwood/OVP/EOP@Exchange [ OVP ] <Courtney S. Elwood>;Kathy J. Becker/WHO/EOP@EOP [ WHO ] <Kathy J. Becker>;Steven A. Atkiss/WHO/EOP@EOP [ WHO ] <Steven A. Atkiss>;ihernandez@georgewbush.com@SMTP@Exchange [ UNKNOWN ] <ihernandez@georgewbush.com@SMTP@Exchange>;sal@georgewbush.com@SMTP@Exchange [ UNKNOWN ] <sal@georgewbush.com@SMTP@Exchange>;Susan B. Ralston/WHO/EOP@Exchange [ WHO ] <Susan B. Ralston>  
**CC:** Allison L. Riepenhoff/WHO/EOP@Exchange [ WHO ] <Allison L. Riepenhoff>;kmehlman@georgewbush.com@SMTP@Exchange [ WHO ] <kmehlman@georgewbush.com@SMTP@Exchange>  
**Sent:** 6/19/2003 5:08:41 AM  
**Subject:** : RE: Campaign Travel for WH Staff and Advance

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Joseph W Hagin ( CN=Joseph W Hagin/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )

CREATION DATE/TIME:19-JUN-2003 09:08:41.00

SUBJECT:: RE: Campaign Travel for WH Staff and Advance

TO:Catherine J. Martin ( CN=Catherine J. Martin/OU=OVP/O=EOP@Exchange [ OVP ] )

READ:UNKNOWN

TO:Andrea G. Ball ( CN=Andrea G. Ball/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:mcheney@georgewbush.com@SMTP@Exchange ( mcheney@georgewbush.com@SMTP@Exchange [ UNKNOWN ] )

READ:UNKNOWN

TO:Elisabeth Armstead ( CN=Elisabeth Armstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Katherine M. Prendergast ( CN=Katherine M. Prendergast/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:kmccullough@georgewbush.com@SMTP@Exchange ( kmccullough@georgewbush.com@SMTP@Exchange [ UNKNOWN ] )

READ:UNKNOWN

TO:Todd W. Beyer ( CN=Todd W. Beyer/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Terra Gray ( CN=Terra Gray/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Gregory J. Jenkins ( CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Stephanie E. Linder ( CN=Stephanie E. Linder/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ] )  
READ:UNKNOWN  
TO:Kathy J. Becker ( CN=Kathy J. Becker/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Steven A. Atkiss ( CN=Steven A. Atkiss/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:ihernandez@georgewbush.com@SMTP@Exchange ( ihernandez@georgewbush.com@SMTP@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
TO:sal@georgewbush.com@SMTP@Exchange ( sal@georgewbush.com@SMTP@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Allison L. Riepenhoff ( CN=Allison L. Riepenhoff/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:kmehlman@georgewbush.com@SMTP@Exchange ( kmehlman@georgewbush.com@SMTP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Reference the meeting today regarding campaign travel, the White House participants will be Linda Gambatesa, Colleen Litkenhaus, Brett Kavanaugh,; Steve Atkiss, Susan Ralston and Israel Hernandez. All other staff and contractors;should disregard. Joe

-----Original Message-----

From: Ralston, Susan B.  
Sent: Wednesday, June 18, 2003 5:16 PM  
To: 'kmccullough@georgewbush.com'; 'sal@georgewbush.com'; Hernandez, Israel; 'ihernandez@georgewbush.com'; Litkenhaus, Colleen; Atkiss, Steven A.; Prendergast, Katherine M.; Becker, Kathy J.; Douglass, Kimberly A.; Elwood, Courtney S.; Kavanaugh, Brett M.; Linder, Stephanie E.; Armstead, Elisabeth; Jenkins, Gregory J.; Hagin, Joseph W; 'mcheney@georgewbush.com'; Gray, Terra ; Ball, Andrea G.; Beyer, Todd W.; Martin, Catherine J.  
Cc: 'kmehlman@georgewbush.com'; Riepenhoff, Allison L.  
Subject: RE: Campaign Travel for WH Staff and Advance

Due to a conflict on some schedules, we need to move this meeting to 4:30 PM tomorrow.; Same room.; Thank you.

-----Original Message-----

From: Ralston, Susan B.  
Sent: Wednesday, June 18, 2003 3:57 PM  
To: 'kmccullough@georgewbush.com'; 'sal@georgewbush.com'; Hernandez, Israel; 'ihernandez@georgewbush.com'; Litkenhaus, Colleen; Atkiss, Steven A.; Prendergast, Katherine M.; Becker, Kathy J.; Douglass, Kimberly A.; Elwood, Courtney S.; Kavanaugh, Brett M.; Linder, Stephanie E.; Armstead, Elisabeth; Jenkins, Gregory J.; Hagin, Joseph W; 'mcheney@georgewbush.com'; Gray, Terra ; Ball, Andrea G.; Beyer, Todd W.; Martin, Catherine J.  
Cc: 'kmehlman@georgewbush.com'; Riepenhoff, Allison L.  
Subject: Campaign Travel for WH Staff and Advance

You are invited to attend a meeting to discuss the procedures for campaign travel related to BC'04 events tomorrow, Thurs, 6/19 at 4:00 PM in 211 EEOB.; Please confirm your attendance.; If you cannot attend, please send a surrogate.; Also, if;I missed anyone on the invite list, please forward the invitation.; Thank you.

REV\_00123158

/  
Susan x 6-2323

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Alberto R. Gonzales/WHO  
/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>;David G. Leitch/WHO  
/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 6/19/2003 5:08:36 AM  
**Subject:** : from Bashman internet blog

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 09:08:36.00  
SUBJECT:: from Bashman internet blog  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

D.C. Circuit calculus: Today's edition of The Washington Post reports here that "President Bush plans to nominate White House lawyer Brett M. Kavanaugh, an author of independent counsel Kenneth W. Starr's report on President Bill Clinton, for a seat on the U.S. Court of Appeals for the District of Columbia Circuit, Republican sources said yesterday." As the article goes on to explain, "The D.C. Circuit court has openings on its 11th and 12th seats. Republicans blocked Clinton from filling at least one of them by arguing that additional judges were not needed." In fact, the D.C. Circuit currently has three vacancies and one pending nominee, Miguel A. Estrada.

The challenge facing the White House is that if it nominates someone to the D.C. Circuit whom the Democratic leadership views as more acceptable than Estrada, that nominee will be confirmed, and Estrada -- whose nomination occurred more than two years ago and is now the subject of a filibuster -- will be left behind, holding a nomination to a seat that in the recent past Republicans have said did not need to be filled. So, if the White House indeed does nominate individuals to the eleventh and twelfth seats on the D.C. Circuit, we are likely to receive answers to the trivia question "Which D.C. Circuit nominees does the White House believe the Democratic leadership will find even more unpalatable than Miguel A. Estrada?" Anything less would represent a clear sign from the White House that the Estrada filibuster battle cannot be won and is no longer worth fighting. posted at 7:21 AM by Howard Bashman

---

**From:** Kavanaugh, Brett M.  
**To:** <Troy, Tevi>  
**Sent:** 6/19/2003 9:11:19 AM  
**Subject:** Re: 9:20 Call in 160

correct and will be there; thanks. paper later this morning.

From: Tevi Troy/WHO/EOP@Exchange on 06/19/2003 08:33:37 AM

Record Type: Record

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

cc:

Subject: 9:20 Call in 160

Brett,

We're all set for the call at 9:20. I told Brian you would be speaking 3 - 5 minutes. Is that about right?

Is there any paper you will want us to distribute either before or after you speak on the call?

Thanks,

Tevi

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Tevi Troy/WHO/EOP@Exchange [ WHO ] <Tevi Troy>  
**Sent:** 6/19/2003 5:12:20 AM  
**Subject:** : Re: 9:20 Call in 160

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 19-JUN-2003 09:12:20.00  
SUBJECT: : Re: 9:20 Call in 160  
TO: Tevi Troy ( CN=Tevi Troy/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

correct and will be there; thanks. paper later this morning.

From: Tevi Troy/WHO/EOP@Exchange on 06/19/2003 08:33:37 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: 9:20 Call in 160

Brett,  
;  
We're all set for the call at 9:20.; I told Brian you would be speaking 3  
- 5 minutes.; Is that about right?  
;  
Is there any paper you will want us to distribute either before or after  
you speak on the call?  
;  
Thanks,  
;  
Tevi

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** higgins, stephen (judiciary) <stephen\_higgins@judiciary.senate.gov>  
**Sent:** 6/19/2003 5:13:03 AM  
**Subject:** : please come at 10:15 instead of 10:00

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:19-JUN-2003 09:13:03.00

SUBJECT:: please come at 10:15 instead of 10:00

TO:"higgins, stephen (judiciary)" <stephen\_higgins@judiciary.senate.gov> ( "higgins,  
stephen (judiciary)" <stephen\_higgins@judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

---

**From:** Kate Walters <kate@georgewbush.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 5:32:16 AM  
**Subject:** : Corporate plane for Rove  
**Attachments:** P\_CBNBH003\_WHO.TXT\_1.htm

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kate Walters <kate@georgewbush.com> ( Kate Walters <kate@georgewbush.com> [ UNKNOWN ] )

CREATION DATE/TIME:19-JUN-2003 09:32:16.00

SUBJECT:: Corporate plane for Rove

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

hi Brett- did you see the form that we sent over for approval of Karl riding on Warren Tichenor's plane? I faxed it over yesterday. It has already been "approved", but we need the signature in order to get the check cut. thanks

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_CBNBH003\_WHO.TXT\_1>



hi Brett- did you see the form that we sent over for approval of Karl riding on Warren Tichenor's plane? I faxed it over yesterday. It has already been "approved", but we need the signature in order to get the check cut. thanks

---

**From:** CN=Nanette Everson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 5:36:49 AM  
**Subject:** : Guidance on Political Activities

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 09:36:49.00  
SUBJECT:: Guidance on Political Activities  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I was the speaker last week at the Commerce Department Ethics retreat and I was asked several Hatch Act questions; I advised that you were the lead on Hatch Act questions. This appears to be a follow up on that.  
----- Forwarded by Nanette Everson/WHO/EOP on 06/19/2003 09:34 AM -----

bfrederi@doc.gov  
06/18/2003 02:47:02 PM  
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP  
cc: Brett M. Kavanaugh/WHO/EOP@EOP, TKassinger@doc.gov, dMaggi@doc.gov, aWarren1@doc.gov  
Subject: Guidance on Political Activities

Nanette, as I mentioned to you last week it would be helpful to get further guidance on a number of issues relating to employees engaging in political activities, as identified below. ¶We have had to face most of these issues during the past few years and any advice regarding them would be appreciated. ¶Specifically, we would appreciate answers or guidance regarding the following questions. ¶

-- ¶ ¶ ¶ ¶ What formula should be used when assessing costs for a Presidential campaign trip? ¶It is our understanding that although a "hypothetical trip" formula is usually used to calculate costs owed to the Government when an event ¶on a mixed official/political trip is for a Presidential campaign, this formula is not used when the campaign is not accepting Federal matching funds. ¶In such cases, the "hard line" formula is used. ¶It would be helpful to receive guidance with regard to trips involving events relating to the President's re-election campaign and what events are to be considered Presidential campaign trips. ¶ ¶ ¶ ¶  
-- ¶ ¶ ¶ ¶ When does a short "drop-by" by a Presidential appointee at an event sufficient participation to trigger political activity rules regarding travel reimbursement requirements and other rules applicable to engaging in political activities? ¶ -- ¶ ¶ ¶ ¶ ¶Are there any restrictions or guidance on the grant of leave without pay (LWOP) to employees (particularly noncareer employees) when the time will be used to participate in political events? ¶ ¶ ¶  
-- ¶ ¶ ¶ ¶ Will there be any rules regarding charging a campaign for travel costs for official events taking place in states holding a primary during the campaign season (or in key electoral states during the Presidential election campaign season)? ¶ ¶  
-- ¶ ¶ ¶ ¶ Is the White House establishing a general policy against the use of official vehicles for political events, even if paid for in advance? ¶ The White House memorandum specifically allows for the use of cars for political events only by the President and Vice President. ¶Commerce

policy allows the use of Government cars for political events by the Secretary (but not others). Should the White House policy be read as discouraging vehicle use even by the Secretary (except, of course, when use of an official vehicle for personal purposes is otherwise authorized, such as for security reasons)?

-- Are employees (particularly Presidential appointees) still required to obtain clearance from the White House before agreeing to participate in a political fund-raiser? If so, how and to whom do you want these clearance requests submitted? It seems to us that this should not be through a legal office but directly from the PAS (or the PAS's staff) to the White House office that is coordinating such events. We also question whether it would be appropriate to require clearance from anyone other than Presidential appointees, since such procedures might create an appearance of helping to coordinate political activities and might infringe on employees' individual rights.

-- Are Presidential appointees still barred from accepting offers of travel on corporate (and union) aircraft, even for political trips? Any guidance the White House could provide on privately-owned aircraft would be helpful.

Barbara

**From:** Kirk Blalock <kblalock@fierce-isakowitz.com>  
**To:** Kevin Warsh/OPD/EOP@EOP [ OPD ] <Kevin Warsh>; Wayne.Abernathy@do.treas.gov [ UNKNOWN ] <Wayne.Abernathy@do.treas.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Diana L. Schacht/OPD/EOP@EOP [ OPD ] <Diana L. Schacht>  
**CC:** Michael E. Meece/WHO/EOP@EOP [ WHO ] <Michael E. Meece>  
**Sent:** 6/19/2003 5:55:52 AM  
**Subject:** : Amendments to S.1125  
**Attachments:** P\_21PBH003\_WHO.TXT\_1.html; P\_21PBH003\_WHO.TXT\_2.doc;  
P\_21PBH003\_WHO.TXT\_3.doc; P\_21PBH003\_WHO.TXT\_4.pdf;  
P\_21PBH003\_WHO.TXT\_5.pdf; P\_21PBH003\_WHO.TXT\_6.pdf;  
P\_21PBH003\_WHO.TXT\_7.pdf; P\_21PBH003\_WHO.TXT\_8.pdf;  
P\_21PBH003\_WHO.TXT\_9.pdf; P\_21PBH003\_WHO.TXT\_10.doc;  
P\_21PBH003\_WHO.TXT\_11.doc; P\_21PBH003\_WHO.TXT\_12.doc;  
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P\_21PBH003\_WHO.TXT\_15.doc; P\_21PBH003\_WHO.TXT\_16.doc;  
P\_21PBH003\_WHO.TXT\_17.doc; P\_21PBH003\_WHO.TXT\_18.doc;  
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P\_21PBH003\_WHO.TXT\_22; P\_21PBH003\_WHO.TXT\_23; P\_21PBH003\_WHO.TXT\_24.doc;  
P\_21PBH003\_WHO.TXT\_25.doc; P\_21PBH003\_WHO.TXT\_26.doc;  
P\_21PBH003\_WHO.TXT\_27.doc; P\_21PBH003\_WHO.TXT\_28.doc;  
P\_21PBH003\_WHO.TXT\_29.doc; P\_21PBH003\_WHO.TXT\_30.doc;  
P\_21PBH003\_WHO.TXT\_31.doc; P\_21PBH003\_WHO.TXT\_32.doc;  
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P\_21PBH003\_WHO.TXT\_41.doc; P\_21PBH003\_WHO.TXT\_42.doc;  
P\_21PBH003\_WHO.TXT\_43.doc; P\_21PBH003\_WHO.TXT\_44.doc;  
P\_21PBH003\_WHO.TXT\_45.pdf; P\_21PBH003\_WHO.TXT\_46.pdf;  
P\_21PBH003\_WHO.TXT\_47.pdf; P\_21PBH003\_WHO.TXT\_48.pdf;  
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P\_21PBH003\_WHO.TXT\_51.doc; P\_21PBH003\_WHO.TXT\_52.pdf;  
P\_21PBH003\_WHO.TXT\_53.doc; P\_21PBH003\_WHO.TXT\_54.pdf;  
P\_21PBH003\_WHO.TXT\_55.doc; P\_21PBH003\_WHO.TXT\_56.doc;  
P\_21PBH003\_WHO.TXT\_57.doc; P\_21PBH003\_WHO.TXT\_58.doc;  
P\_21PBH003\_WHO.TXT\_59.doc; P\_21PBH003\_WHO.TXT\_60.pdf;  
P\_21PBH003\_WHO.TXT\_61.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kirk Blalock <kblalock@fierce-isakowitz.com> ( Kirk Blalock <kblalock@fierce-isakowitz.com> [ UNKNOWN ] )  
CREATION DATE/TIME:19-JUN-2003 09:55:52.00  
SUBJECT:: Amendments to S.1125  
TO:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Wayne.Abernathy@do.treas.gov ( Wayne.Abernathy@do.treas.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Michael E. Meece ( CN=Michael E. Meece/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Here are amendments that we have received through the night on the Hatch  
Asbestos Bill that begins markup today.

.. <<agreed.amendments.doc>> <<asbestos.ban.final.amendment.doc>>  
<<asbestos.surplus.monies.pdf>> <<asbestosban.pdf>> <<COE03\_459.pdf>>  
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<<Definitions and 8403 Amendment.doc>> <<DFban1.doc>> <<Dr. Evaluation1.doc>> <<Exemption.doc>> <<FELA.doc>> <<Hardship adjustment.doc>> <<hatch Murray Ban Amendment.doc>> <<In person exam exception.doc>> <<Independent Review1.doc>> <<IOM Study1.doc>> <<KylHatchLockbox.pdf>> <<KylHatchLockboxAlt.pdf>> <<KylSigExpoAm.pdf>> <<KylSigExpoAmAlt.pdf>> <<Latency1.doc>> <<Leahy Agreed No. 6.doc>> <<Leahy Agreed Am No. 1.doc>> <<Leahy Agreed No. 10.doc>> <<Leahy Agreed No. 11.doc>> <<Leahy Agreed No. 2.doc>> <<Leahy Agreed No. 3.doc>> <<Leahy Agreed No. 5.doc>> <<Leahy Agreed No. 7.doc>> <<Leahy Agreed No.4.doc>> <<libby amendment1.doc>> <<Medical criteria (B).DOC>> <<Medical Exceptions2.doc>> <<Medical Exceptions3.doc>> <<Medical Monitoring2.doc>> <<Medical Screening Amend.doc>> <<Payments Amend.doc>> <<Prior expenditure.doc>> <<Proposed changes to FAIR v.4, redlined.doc>> <<s 1125 substitute amendment.doc>> <<S. 1125 technical amendment.Hatch.6-19-03.doc>> <<SHU03\_214.pdf>> <<SHU03\_318.meso.01.pdf>> <<SHU03\_322.certification.pdf>> <<SHU03\_325.pdf>> <<SHU03\_326.pdf>> <<SHU03\_328.pdf>> <<Smoking Assessment2.doc>> <<strike1982.pdf>> <<StrikeProduct ID1.doc>> <<Successor in Interest.pdf>> <<Summary of Successor Amendment.doc>> <<summary shu03.214.doc>> <<Summaryof agreed amendments.wpd.doc>> <<Sunset Amend.doc>> <<TakeHome2.doc>> <<Take-home2.pdf>> <<Treating Doc2.doc>>  
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Here are amendments that we have received through the night on the Hatch Asbestos Bill that begins markup today.

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**PROPOSED AMENDMENT TO SEC. 401 False Information**

**Strike Section 401 in its entirety and insert the following (to be added as amendment to Title 18, Chapter 63, as Section 1348):**

**Section 1348. Fraud and false statements in connection with participation in Asbestos Injury Claims Resolution Fund.**

(a) FRAUD IN CONNECTION WITH PARTICIPATION IN ASBESTOS INJURY CLAIM RESOLUTION FUND.-- Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice to defraud the Asbestos Insurers Commission or the Office of Asbestos Injury Claim Resolution under Title II of the Fairness in Asbestos Injury Resolution Act of 2003 shall be fined under this title or imprisoned not more than 20 years, or both.

(b) FALSE STATEMENTS RELATING TO ASBESTOS INJURY CLAIM RESOLUTION FUND.B Whoever, in any matter involving the Asbestos Insurers Commission or the Office of Asbestos Injury Claim Resolution, knowingly and willfullyB

- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; or
- (2) makes any materially false, fictitious, or fraudulent statements or representations; or
- (3) or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry,

in connection with the assessment of contributions or the award of a claim under Title I or II of the Fairness in Asbestos Injury Resolution Act of 2003 shall be fined under this title or imprisoned not more than 10 years, or

both.

(c) **TECHNICAL AND CONFORMING AMENDMENT.** B The table of sections for chapter 63 of title 18, United States Code, is amended by adding at the end the following:

**A1348. Fraud and false statements in connection with participation in Asbestos Injury Claims Resolution Fund.**@

**PROPOSED AMENDMENT TO SEC. 224 Enforcement of Contributions:**

**STRIKE**, on page 99, lines 1 through 18, and insert the following:

(1) IN GENERAL.B In any case in which there has been a refusal or failure to pay any liability imposed by a final determination under section 202 or 212, the Administrator may bring a civil action in the Federal district court for the District of Columbia B

(A) to enforce the liability and any lien of the United States imposed under this section;

(B) to subject any property of the participant, including any property in which the participant has any right, title, or interest, to the payment of such liability;

(C) for temporary, preliminary, or permanent relief;

(2) **ADDITIONAL PENALTIES.**- In any action under subsection (2) in which the refusal or failure to pay was willful, the Administrator shall be able to seek recovery:

(A) for punitive damages;

(B) for the costs of the civil action and reasonable fees incurred for collection and for attorneys and expert witnesses; and

(C) in addition to any other penalty, collect a fine in an amount equal to the total amount of the liability that has not been collected.

(3) **DEFENSE LIMITATION.**B In any proceeding under this subsection, the participant shall be barred from bringing any challenge to the assessment if such challenge could have been made during the review period under section 202(b)(4) or 212(b)(4), or a judicial review proceeding under title III.

**(4) DEPOSIT OF FUNDS.**B Any funds collected under paragraph (c) shall be

B

**(i) deposited in the Fund; and**

**(ii) used only to pay B**

**(I) claims for awards for an eligible disease or condition  
determined under title I; or**

**(II) claims for reimbursement for medical monitoring  
determined under title I.**

**(5) NO EFFECT ON OTHER LIABILITIES.B The imposition of a fine  
under paragraph 2(c) shall have no effect on -**

**(i) the assessment of contributions under sections 202 or 212; or**

**(ii) any other provision of this Act.**

**Proposed Amendment regarding Bankruptcy Court**

**INSERT on page 49, strike lines 4 through 10 and insert the following language:**

**(C) the bankruptcy court presiding over the business entity=s case determines, after  
notice and a hearing upon motion filed by the entity within 30 days of the effective  
date of this Act, which motion shall be supported by (i) an affidavit or declaration of  
the Chief Executive Officer, Chief Financial Officer or Chief Legal Officer of the**

**business entity, and (ii) copies of the entity=s public statements and securities filings made in connection with the entity=s filing for chapter 11 protection, that asbestos liability was not the sole or precipitating cause of the entity=s chapter 11 filing.**

**Notice of such motion shall be as directed by the bankruptcy court and the hearing shall be limited to consideration of the question of whether or not asbestos liability was the sole or precipitating cause of the entity=s chapter 11 filing. The bankruptcy court shall hold a hearing and make its determination with respect to the motion within 60 days after the date the motion is filed. In making its determination, the bankruptcy court shall take into account the affidavits, public statements and securities filings, and other information, if any, submitted by the entity and all other facts and circumstances presented by an objecting party. Any review must be an expedited appeal and limited to whether the decision was against the weight of the evidence presented.**

## **Leahy-Hatch Agreements**

**June 18, 2003**

### **Suggested Revisions to Collateral Source Provisions -- Sections 3(7) and 134**

**On page 5, line 21 STRIKE all through page 6, line 8 and INSERT the following:**

**(7) Collateral Source Compensation. The term Acollateral source compensation @ means only the compensation that the claimant received or is entitled to receive from a defendant, insurer or compensation trust as a result of a judgment or settlement for the same asbestos-related injury that is the subject of the claim filing.@**

**On page 41, line 17 through 19, STRIKE Athat the claimant received, or is entitled to receive, for the asbestos-related injury that is the subject of the compensation@.**

### **Suggested Revisions to Exposure Criteria Requirements (Take Home Exposure) B** **Section 125**

**On page 36, after line 14, INSERT new Section 125(b)(3) as follows:**

**(3) TAKE-HOME EXPOSURE.** B A claimant may alternatively satisfy the exposure criteria requirements of this section by showing that the claimant=s exposure to asbestos was the result of living with a person who, if the claim had been filed by such person, would have met the exposure criteria for any given Disease Level and the claimant lived with such person for the time period necessary to satisfy the exposure requirement for the claimed Disease Level.

**Suggested amendment to Section 122: Diagnostic criteria requirements**

**STRIKE, on page 25, lines 14 - 15: A, or other factors determined appropriate by the Asbestos Court@**

**STRIKE, on page 25, lines 16-18**

**STRIKE, on page 25, line 19: strike “(4)” and insert A(3)@**

**INSERT, on page 25, before line 21:**

**(c) DECEASED CLAIMANTS. - In the case of a clamant who is deceased at the time an application is filed, the claim may be supported by either B**

**(1) evidence from a prior physical medical examination of the**



claimant by a physician that resulted in a diagnosis of an asbestos-related injury or permits such a diagnosis to be made by a physician examining those records; or

(2) pathological evidence of an asbestos-related injury.

STRIKE, on p. 25, line 21: A(c)@ and INSERT: A(d)@

STRIKE, on p. 26, line 14: A(d)@ and INSERT: A(e)@

STRIKE, on p. 26, line 20: A(e)@ and INSERT: A(f)@

**Suggested amendment to Section 131 to index scheduled awards for future inflation:**

INSERT on p. 39, line 6, before Sec. 132, the following language:

(4)(A) Beginning January 1, 2006, award amounts set forth in paragraph (1) shall be increased annually by an amount equal to such dollar amount multiplied by the cost-of-living adjustment, rounded to the nearest \$1,000 increment.

**(B) For purposes of subparagraph (A), the cost-of-living adjustment for any calendar year is the percentage (if any) by which the CPI for the preceding calendar year exceeds the CPI for calendar year 2004.**

**(C) For purposes of subparagraph (B), the CPI for any calendar year is the average of the Consumer Price Index as of the close of the 12-month period ending on August 31 of such calendar year.**

**(D) For purposes of subparagraph (C), the term >>Consumer Price Index== means the last Consumer Price Index published by the Department of Labor. The Consumer Price Index series to be used for award escalations shall include the Consumer Price Index for all-urban consumers, with an area coverage of the U.S. City Average, for all items, and based on the 1982-84 index base period.**

**Suggested amendment to Section 111(c) to revise the statute of limitations and omit rule of construction provision:**

**STRIKE, on page 16, line 15: A2" and INSERT A4@**

**STRIKE, on page 17, line 9: A2" and INSERT A4@**

**STRIKE, on page 18, lines 1 through 6 in its entirety.**

**Suggested amendment to Section 125 Exposure Criteria Requirement:**

**STRIKE, on page 35, lines 16 - 23 in its entirety and INSERT the following language:**

**(A) IN GENERAL.B To be eligible to receive an award under this title for an asbestos-related injury, the claim submitted by an asbestos claimant shall demonstrate that the claimant was exposed to asbestos -**

**(1) in a manner that meets the exposure requirements of sections 124 and 125;**

**(2) within the United States or its territories or possessions, or a United States citizen while an employee of an entity organized under any State or Federal law regardless of location, or a United States citizen while serving on any United States flagged or owned ship, provided the exposure results from such employment or service; and**

**(3) for at least 10 years before the initial diagnosis of any asbestos-related injury.**

**Suggested Amendment to Section 204(d)(1) and (2):**

**INSERT, on page 66, line 11, after A(C) RENEWAL@ the following language:**

**AAfter an initial hardship adjustment is granted by this section, a@**

**STRIKE, on page 66 line 11 before the word Adefendant@ the following: AA@**

**INSERT, on page 66, line 19 after the entire section A(D) LIMITATION.@ the following new section:**

**(E) REINSTATEMENT. Following the expiration of the hardship adjustment period provided for under this section and during the mandatory funding period, the Administrator shall annually determine whether there has been**

**a material change in the financial condition of the defendant such that the Administrator may, under terms and conditions established by the Administrator, and consistent with the policies and legislative intent underlying this Act, reinstate any part or all of the defendant=s contribution under the statutory allocation that was not paid during the hardship adjustment term.**

**STRIKE, on page 67, line 8 : Afor the life of the Fund@ and INSERT in its place:  
Afor a term of 3 years@.**

**INSERT, on page 67, line 9 before section A(C) LIMITATION@ the following new subsections:**

- (i) RENEWAL. - After an inequity adjustment is granted by this section, a defendant may renew every 3 years its inequity adjustment by demonstrating that it remains justified.**
- (ii) REINSTATEMENT.- Following the expiration of the inequity adjustment period provided for under this section and during the mandatory funding period, the Administrator shall annually determine whether there has been a material change in conditions which would support a finding that the amount of the defendant=s**

**contribution under the statutory allocation was not inequitable.**

**Based on this determination, the Administrator may, under terms and conditions established by the Administrator, and consistent with the policies and legislative intent underlying this Act, reinstate any part or all of the defendant=s contribution under the statutory allocation that was not paid during the inequity adjustment term.**

**Suggested Amendment to Title IV - Miscellaneous Provisions:**

**INSERT** as new Section in Title IV - Miscellaneous Provisions:

Sec. \_\_ Administrator=s Annual Report

(1) IN GENERAL. B The Administrator shall submit an annual report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on the operation of the Asbestos Injury Claims Resolution Fund within six (6) months after the close of each fiscal year.

(2) CONTENTS OF REPORT. - The annual report submitted under this subsection shall include:

- (A) a summary of the claims made during such fiscal year, including the number of claims made to the Fund and a description of the types of medical diagnoses and asbestos exposures underlying those claims, and the number of claims denied by the Fund and a description of the types of medical diagnoses and asbestos exposures underlying those claims;
- (B) a summary of the eligibility determinations made by the Asbestos Court under Section 113 of this Act;
- (C) a summary of the awards made under the Act including the amount of the awards;
- (D) the identity of all participants and a summary of the funding allocations of each participant including the amounts of all contributions;
- (E) a summary of all financial hardship or inequity adjustments applied for during the fiscal year, and a summary of the adjustments that were made during the fiscal year;
- (F) a summary of the investments made under Section 222(b) of this Act;
- (G) a summary of all referrals made to law enforcement authorities made under Section 222(c) of this Act and of any legal actions brought or penalties imposed under Section 224 of this Act;
- (H) an estimate of the number and types of claims, the amount of awards, and the participant contributions for the next fiscal year;
- (I) any recommendations from the Fund=s medical panel to improve the medical criteria requirements or diagnostic provisions of the Fund;
- (J) audits conducted under Section 115;
- (K) prosecutions under Section 1348; and
- (L) any recommendations to improve the operation of the Fund.

# S. 1125

## 2d DEGREE AMENDMENT TO THE HATCH ASBESTOS BAN AMENDMENT

Viz:

Strike sections (c)(3) and (c)(4) and replace with the following:

”(3) (a) GOVERNMENTAL USE- The Administrator shall provide an exemption from the requirements of subsection (a), without review or limit on duration, if such exemption for an asbestos containing product is-

(A) Sought by the Secretary of Defense and the Secretary certifies, and provides a copy of that certification to Congress, that-

(i) use of the asbestos containing product is necessary to the critical functions of the Department;



- (ii) no reasonable alternatives to the asbestos containing product exist for the intended purpose; and
- (iii) use of the asbestos containing product will not result in an unreasonable risk to health or the environment.

(B) Sought by the Administrator of the National Aeronautics and Space Administration and the Administrator of the National Aeronautics and Space Administration certifies, and provides a copy of that certification to Congress, that-

- (i) the asbestos containing product is necessary to the critical functions of the National Aeronautics and Space Administration;
- (ii) no reasonable alternatives to the asbestos containing product exist for the intended purpose; and
- (iii) the use of the asbestos containing product will

not result in an unreasonable risk to health or the environment.”

(b) ADMINISTRATIVE PROCEDURES ACT-

Any certification required under subparagraph (a) shall not be subject to the Administrative Procedures Act, 5 U.S.C. § 500 *et seq.*

(4) **Specific Exemptions**

(A) Asbestos diaphragms for use in the manufacture of chlor-alkali and the products and derivative therefrom;

(B) Roofing cements, coating and mastic utilizing asbestos that are totally encapsulated with asphalt, **subject to a determination by the Administrator of the Environmental Protection Agency in subsection (5).**

(5) **Environmental Protection Agency Review**

(A) **Review in 18 months** – Not later than 18 months after the enactment of this Act, the Administrator of the Environmental Protection Agency shall complete a review of the exemption for roofing cements, coating and mastic utilizing asbestos that are totally encapsulated with asphalt to determine whether:

(i) the exemption would result in an unreasonable risk of injury to public health or the environment; and

(ii) there are reasonable, commercial alternatives to the roofing cements, coatings and mastics utilizing asbestos that is totally encapsulated with asphalt.

**(B) Revocation of Exemption** - Upon completion of the review, the Administrator of the EPA shall have the authority to revoke the exemption for the products exempted in 4(b) if warranted.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To transfer any remaining monies within the Fund to the National Institutes of Health after the settlement of all foreseeable claims against the Fund.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. FEINSTEIN

Viz:

1       On page 100, between lines 11 and 12, insert the fol-  
2       lowing:

3       **SEC. 226. TRANSFER OF EXCESS FUNDS.**

4       The Administrator shall transfer any remaining mon-  
5       ies within the Fund to the National Institutes of Health  
6       for medical research into occupation-related diseases upon  
7       the later of—

8               (1) 50 years after the date of enactment of this

9       Act; or

- 1           (2) the Administrator determines that there are
- 2           no foreseeable future claims against the Fund.

1 (II) after a court in a proceeding  
2 brought under subparagraph (F) has  
3 entered a final judgment in favor of  
4 the Attorney General;  
5 the Attorney General shall recover the  
6 amount imposed (plus interest at currently  
7 prevailing rates calculated from the date  
8 that is 30 days after the date on which the  
9 Attorney General issues an order under  
10 subparagraph (B) or the date of the final  
11 judgment, as the case may be) in a civil  
12 action brought in any appropriate United  
13 States district court.

14 (ii) SCOPE OF REVIEW.—In a civil ac-  
15 tion under clause (i), the validity, amount,  
16 and appropriateness of a civil penalty shall  
17 not be subject to review.

18 (2) CONTINUING VIOLATION.—Each day on  
19 which a violation of a regulation under subsection  
20 (a) continues shall constitute a separate violation for  
21 the purpose of this subsection.

22 **SEC. 503. ENVIRONMENTAL CRIMES.**

23 Title 18, United States Code, is amended by inserting  
24 after chapter 33 the following:

1                   **“CHAPTER 34. ENVIRONMENT.**

2       **“§ 731. Manufacturing, processing, or distributing in**  
3                   **commerce asbestos-containing products**

4           “(a) IN GENERAL.—A person that knowingly or will-  
5 fully violates a regulation promulgated under section  
6 502(a) of the Fairness in Asbestos Injury Resolution Act  
7 of 2003, in addition to or in lieu of any civil penalty that  
8 may be imposed under section 502(e)(1) of that Act, shall  
9 be imprisoned not more than 1 year, fined not more than  
10 \$25,000, or both.

11          “(b) CONTINUING VIOLATION.—Each day on which  
12 a violation of a regulation described in subsection (a) con-  
13 tinues shall constitute a separate violation for the purpose  
14 of this section.”.

15       **SEC. 504. ASBESTOS-CAUSED DISEASES.**

16          Subpart 1 of part C of title IV of the Public Health  
17 Service Act (42 U.S.C. 285 et seq.) is amended by adding  
18 at the end the following:

19       **“SEC. 417D. RESEARCH ON ASBESTOS-CAUSED DISEASES.**

20          “(a) IN GENERAL.—The Secretary, acting through  
21 the Director of NIH and the Director of the Centers for  
22 Disease Control and Prevention, shall expand, intensify,  
23 and coordinate programs for the conduct and support of  
24 research on diseases caused by exposure to asbestos, par-  
25 ticularly mesothelioma, asbestosis, and pleural injuries.

1       “(b) ADMINISTRATION.—The Secretary shall carry  
2 out this section—

3               “(1) through the Director of NIH and the Di-  
4 rector of the CDC (Centers for Disease Control and  
5 Prevention); and

6               “(2) in collaboration with the Administrator of  
7 the Agency for Toxic Substances and Disease Reg-  
8 istry and the head of any other agency that the Sec-  
9 retary determines to be appropriate.

10       “(c) MESOTHELIOMA REGISTRY.—Not later than 1  
11 year after the date of enactment of this section, the Direc-  
12 tor of the Centers for Disease Control and Prevention, in  
13 cooperation with the Director of the National Institute for  
14 Occupational Safety and Health and the Administrator of  
15 the Agency for Toxic Substances and Disease Registry,  
16 shall establish a mechanism by which to obtain data from  
17 State cancer registries and other cancer registries, which  
18 shall form the basis for establishing a Mesothelioma Reg-  
19 istry.

20       “(d) AUTHORIZATION OF APPROPRIATIONS.—In ad-  
21 dition to amounts made available for the purposes de-  
22 scribed in subsection (a) under other law, there are au-  
23 thorized to be appropriated to carry out this section such  
24 sums as are necessary for fiscal year 2004 and each fiscal  
25 year thereafter.



1 **“SEC. 417E. MESOTHELIOMA RESEARCH AND TREATMENT**  
2 **CENTERS.**

3 “(a) IN GENERAL.—The Director of NIH shall pro-  
4 vide \$1,000,000 for each of fiscal years 2004 through  
5 2008 for each of up to 10 mesothelioma disease research  
6 and treatment centers.

7 “(b) REQUIREMENTS.—The Centers shall—

8 “(1) be chosen through competitive peer review;

9 “(2) be geographically distributed throughout  
10 the United States with special consideration given to  
11 areas of high incidence of mesothelioma disease;

12 “(3) be closely associated with Department of  
13 Veterans Affairs medical centers to provide research  
14 benefits and care to veterans, who have suffered ex-  
15 cessively from mesothelioma;

16 “(4) be engaged in research to provide mecha-  
17 nisms for detection and prevention of mesothelioma,  
18 particularly in the areas of pain management and  
19 cures;

20 “(5) be engaged in public education about  
21 mesothelioma and prevention, screening, and treat-  
22 ment;

23 “(6) be participants in the National Mesothe-  
24 lioma Registry; and

1           “(7) be coordinated in their research and treat-  
2           ment efforts with other Centers and institutions in-  
3           volved in exemplary mesothelioma research.

4           “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
5           is authorized to be appropriated to carry out this section  
6           \$10,000,000 for each of fiscal years 2004 through 2008.”.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To prohibit the commercial use of asbestos in the  
United States.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of  
victims for bodily injury caused by asbestos exposure,  
and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. FEINSTEIN

Viz:

1       At the end, add the following:

2       **TITLE V—COMMERCIAL USE OF**  
3       **ASBESTOS**

4       **SEC. 501. DEFINITIONS.**

5       In this title:

6           (1) ATTORNEY GENERAL.—The term “Attorney  
7       General” means the Attorney General, acting jointly  
8       with the Administrator of the Environmental Protec-  
9       tion Agency.

1           (2) ASBESTOS-CONTAINING PRODUCT.—The  
2           term “asbestos-containing product” means any prod-  
3           uct (including any part) to which asbestos is delib-  
4           erately or knowingly added or in which asbestos is  
5           deliberately or knowingly used in any concentration.

6           (3) CONTAMINANT-ASBESTOS PRODUCT.—The  
7           term “contaminant-asbestos product” means any  
8           product—

9                   (A) that contains asbestos as a contami-  
10                  nant of any mineral or other substance, in any  
11                  concentration; and

12                  (B) to which the asbestos is not delib-  
13                  erately or knowingly added or in which asbestos  
14                  is not deliberately or knowingly used in any  
15                  concentration.

16           (4) DISTRIBUTE IN COMMERCE.—

17                   (A) IN GENERAL.—The term “distribute in  
18                  commerce” has the meaning given the term in  
19                  section 3 of the Toxic Substances Control Act  
20                  (16 U.S.C. 2602).

21                   (B) EXCLUSIONS.—The term “distribute  
22                  in commerce” does not include—

23                           (i) an action taken with respect to an  
24                           asbestos-containing product in connection  
25                           with the end use of the asbestos-containing

1 product by a person that is an end user;  
2 or

3 (ii) distribution of an asbestos-con-  
4 taining product by a person solely for the  
5 purpose of disposal of the asbestos-con-  
6 taining product in compliance with applica-  
7 ble Federal, State, and local requirements.

8 (5) PERSON.—The term “person” means—

9 (A) any individual;

10 (B) any corporation, company, association,  
11 firm, partnership, joint venture, sole proprietor-  
12 ship, or other for-profit or nonprofit business  
13 entity (including any manufacturer, importer,  
14 distributor, or processor);

15 (C) any Federal, State, or local depart-  
16 ment, agency, or instrumentality; and

17 (D) any interstate body.

18 **SEC. 502. PROHIBITION ON ASBESTOS-CONTAINING PROD-**  
19 **UCTS.**

20 (a) IN GENERAL.—Subject to subsection (b), the At-  
21 torney General shall promulgate—

22 (1) not later than 1 year after the date of en-  
23 actment of this Act, proposed regulations that—

1 (A) prohibit persons from manufacturing,  
2 processing, or distributing in commerce asbes-  
3 tos-containing products; and

4 (B) provide for implementation of sub-  
5 sections (b) and (c); and

6 (2) not later than 2 years after the date of en-  
7 actment of this Act, final regulations that, effective  
8 60 days after the date of promulgation, prohibit per-  
9 sons from manufacturing, processing, or distributing  
10 in commerce asbestos-containing products.

11 (b) INAPPLICABILITY TO CONTAMINANT-ASBESTOS  
12 PRODUCTS.—The regulations under subsection (a) shall  
13 not apply to contaminant-asbestos products.

14 (c) EXEMPTIONS.—

15 (1) IN GENERAL.—The products and processes  
16 described in paragraph (2) shall be exempt from the  
17 regulations under subsection (a) unless the Attorney  
18 General determines that any such product should  
19 not be exempt, based on information that has be-  
20 come available since 1989 suggesting that an exemp-  
21 tion would result in an unreasonable risk of injury  
22 to public health or the environment.

23 (2) PRODUCTS AND PROCESSES.—The products  
24 and processes referred to in paragraph (1) are—

- 1 (A) asbestos diaphragms for regulated use  
2 in the manufacture of chloralkali;  
3 (B) acetylene cylinders;  
4 (C) arc chutes;  
5 (D) battery separators;  
6 (E) high-grade electrical paper;  
7 (F) missile liners;  
8 (G) packing reinforced plastic;  
9 (H) sealant tape;  
10 (I) specialty industrial gaskets; and  
11 (J) textiles.

12 (3) PETITIONS FOR EXEMPTION.—

13 (A) IN GENERAL.—Any person may peti-  
14 tion the Attorney General for, and the Attorney  
15 General may grant, an exemption from the re-  
16 quirements of subsection (a) if the Attorney  
17 General determines that—

18 (i) the exemption would not result in  
19 an unreasonable risk of injury to public  
20 health or the environment; and

21 (ii) the person has made good faith ef-  
22 forts to develop, but has been unable to de-  
23 velop, a substance, or identify a mineral,  
24 that—

1 (I) does not present an unreason-  
2 able risk of injury to public health or  
3 the environment; and

4 (II) may be substituted for an  
5 asbestos-containing product.

6 (B) TERMS AND CONDITIONS.—An exemp-  
7 tion granted under this paragraph shall be in  
8 effect for such period (not to exceed 1 year)  
9 and subject to such terms and conditions as the  
10 Attorney General may prescribe.

11 (d) DISPOSAL.—

12 (1) IN GENERAL.—Except as provided in para-  
13 graph (2), not later than 3 years after the date of  
14 enactment of this Act, each person that possesses an  
15 asbestos-containing product that is subject to the  
16 prohibition established under this section shall dis-  
17 pose of the asbestos-containing product, by a means  
18 that is in compliance with applicable Federal, State,  
19 and local requirements.

20 (2) EXEMPTION.—Nothing in paragraph (1)—

21 (A) applies to an asbestos-containing prod-  
22 uct that—

23 (i) is no longer in the stream of com-  
24 merce; or



1 (ii) is in the possession of an end  
2 user; or

3 (B) requires that an asbestos-containing  
4 product described in subparagraph (A) be re-  
5 moved or replaced.

6 (e) PENALTIES.—

7 (1) CIVIL PENALTIES.—

8 (A) IN GENERAL.—The Attorney General  
9 may impose on a person that violates a regula-  
10 tion under subsection (a) a civil penalty of not  
11 more than \$25,000 for each such violation.

12 (B) PROCEDURE.—

13 (i) IN GENERAL.—The Attorney Gen-  
14 eral shall impose a civil penalty under sub-  
15 paragraph (A) by an order made on the  
16 record after opportunity for a hearing in  
17 accordance with section 554 of title 5,  
18 United States Code.

19 (ii) NOTICE.—Before issuing an order  
20 under clause (i), the Attorney General  
21 shall—

22 (I) give the person on which a  
23 civil penalty is to be imposed written  
24 notice of the proposal to issue the  
25 order; and

1 (II) provide the person an oppor-  
2 tunity to request, not later than 15  
3 days after the date on which the no-  
4 tice is received by the person, a hear-  
5 ing on the order.

6 (C) AMOUNT.—In determining the amount  
7 of a civil penalty, the Attorney General shall  
8 take into account—

9 (i) the nature, circumstances, extent,  
10 and gravity of the violation; and

11 (ii) with respect to the violator—

12 (I) ability to pay;

13 (II) effect on ability to continue  
14 to do business;

15 (III) any history of prior such  
16 violations;

17 (IV) degree of culpability; and

18 (V) such other matters as justice  
19 may require.

20 (D) COMPROMISE, MODIFICATION, OR RE-  
21 MISSION.—The Administrator may compromise,  
22 modify, or remit, with or without conditions, a  
23 civil penalty imposed under this paragraph.

24 (E) DEDUCTION FROM AMOUNT OWED.—  
25 The amount of a civil penalty imposed on a per-

son under this paragraph may be deducted from any sums owed by the United States to the person.

(F) JUDICIAL REVIEW.—Not later than 30 days after the date on which the Attorney General issues an order imposing a civil penalty under subparagraph (B), a person that requested a hearing under subparagraph (B)(ii)(II) with respect to the civil penalty and that is aggrieved by an the order may file a petition for judicial review of the order in the United States Court of Appeals for the District of Columbia Circuit or for the United States court of appeals for any other circuit in which the person resides or transacts business.

(G) FAILURE TO PAY CIVIL PENALTY.—

(i) IN GENERAL.—If a person fails to pay a civil penalty imposed under this paragraph—

(I) after the order imposing the civil penalty has become final and if person does not file a petition for judicial review of the order under subparagraph (F); or

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for rules of construction relating to the liability of the United States Government, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. GRASSLEY

Viz:

1       At the end of the bill, add the following:

2       **SEC. 403. RULES OF CONSTRUCTION RELATING TO LIABIL-**  
3                   **ITY OF THE UNITED STATES GOVERNMENT.**

4       (a) CAUSES OF ACTIONS.—Except as otherwise spe-  
5       cifically provided in this Act, nothing in this Act may be  
6       construed as creating a cause of action against the United  
7       States Government, any entity established under this Act,  
8       or any officer or employee of the United States Govern-  
9       ment or such entity.

1       (b) FUNDING LIABILITY.—Nothing in this Act may  
2 be construed to—

3           (1) create any obligation of funding from the  
4 United States Government, other than the funding  
5 for personnel and support as provided under subtitle  
6 A of title I; or

7           (2) obligate the United States Government to  
8 pay any award or part of an award, if amounts in  
9 the Fund are inadequate.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for a limitation on attorney's fees for awards under this Act, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SESSIONS

Viz:

1       On page 41, add after line 23 the following:

2   **SEC. 135. LIMITATION ON ATTORNEY'S FEES.**

3       (a) IN GENERAL.—No more than an amount equal  
4 to 10 percent of any award as authorized by this Act may  
5 be paid to or received by any attorney for services ren-  
6 dered in connection with obtaining such award, any con-  
7 tract to the contrary notwithstanding.

8       (b) ENFORCEMENT.—Any person who violates sub-  
9 section (a) shall be guilty of a misdemeanor and shall be

1 subject to a fine in the amount provided in title 18, United  
2 States Code.

3 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
4 tion may be construed to authorize the payment of attor-  
5 ney's fees—

6 (1) from the Fund or a claimant; or

7 (2) in addition to any amount payable under  
8 the award schedule under this Act.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To require the Asbestos Court to provide notice to claimants on the availability of pro bono legal services, and any attorney's fee limitations, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S.1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SESSIONS

Viz:

1       On page 24, between lines 2 and 3, insert the fol-

2       lowing:

3               (3) NOTICE.—

4               (A) NOTICE BY COURT.—The Court shall

5               provide asbestos claimants with notice of, and

6               information relating to—

7                       (i) pro bono services for legal assist-

8                       ance available to those claimants; and



1                   (ii) any limitations on attorneys fees  
2                   for asbestos claims filed under this title.

3                   (B) NOTICE BY ATTORNEYS.—Before a  
4                   person becomes a client of an attorney with re-  
5                   spect to an asbestos claim, that attorney shall  
6                   provide notice to that person of pro bono serv-  
7                   ices for legal assistance available for that claim.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for additional contributions from participants.

IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. FEINSTEIN

Viz:

1       After section 225, insert the following:

2   **SEC. 226. ADDITIONAL CONTRIBUTIONS.**

3       (a) IN GENERAL.—In any year after year 27 of the  
4 Fund, if the Administrator, after consultation with appropriate experts, determines that additional contributions  
5 are necessary to ensure adequate funding for the payment  
6 of future claimants at the scheduled award values under  
7 section 131(b), the Administrator may require a participant  
8 to make additional contributions in an amount no  
9

1 greater than the participant was required to make in year  
2 26 of the Fund.

3 (b) REPORT.—If Administrator determines that addi-  
4 tional funds are required for the payment of future claim-  
5 ants at the scheduled awards value under section 131(b),  
6 the Administrator shall submit a report to Congress on  
7 the amount of additional funds that are necessary.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup>  
Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 Section 3(2), page 4, insert the following;
- 2 “(K) mixed dust, which is any occupational or pneumoconiosis-producing
- 3 dust of which any component is any of the minerals listed under
- 4 subparagraphs (A) through (I), or is derived, in whole or in part, from
- 5 asbestos-containing materials defined at subparagraph (J).”
- 6
- 7 Section 403, page 113, line 23, insert after the word “law” the phrase; “,
- 8 whether or not characterized as such by the plaintiff.”
- 9
- 10 Strike section 403(d)(2), replace with;

1 “(2) PREEMPTION.—Any action asserting an asbestos claim, whether or  
2 not characterized as such by the plaintiff, in court of any State, except  
3 actions for which an order or judgment has been duly entered by a court that  
4 is no longer subject to any appeal or judicial review before the date of  
5 enactment of this Act, is preempted by this Act.”

6

7 Strike section 403(d)(4)(D)(i), replace with;

8 “(i) determining whether the claim is an asbestos claim, and”

# S. 1125

## 2d DEGREE AMENDMENT TO THE HATCH ASBESTOS BAN AMENDMENT

Viz:

Strike Section (c)(3) and replace with the following:

”(3) GOVERNMENTAL USE- The Administrator shall provide an exemption from the requirements of subsection (a), without review or limit on duration, if such exemption for an asbestos containing product is-

(A) Sought by the Secretary of Defense and the Secretary certifies that –

(i) use of the asbestos containing product is necessary to the critical functions of the Department;

(ii) no reasonable alternatives to the asbestos containing product exist for the intended purpose;

and

(iii) use of the asbestos containing product will not result in an unreasonable risk to health or the environment.

(B) Sought by the Administrator of the National Aeronautics and Space Administration and the Administrator of the National Aeronautics and Space Administration certifies that-

(i) the asbestos containing product is necessary to the critical functions of the National Aeronautics and Space Administration;

(ii) no reasonable alternatives to the asbestos

containing product exist for the intended purpose;

and

(iii) the use of the asbestos containing product will

not result in an unreasonable risk to health or the

environment.”



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: This amendment requires that a physician “evaluate” rather than “independently verify” asbestos exposure.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1           On page 25, beginning on line 12, delete sections
- 2   122(b)(2) and 122(b)(3), and insert in lieu thereof:
- 3           “(2) includes a review by the physician of the
- 4           claimant’s work history and asbestos exposure pattern in
- 5           order to evaluate the duration, proximity, regularity and

1 intensity of the exposure, and smoking history, among  
2 other factors; and”

3 On page 25, line 19, re-designate existing paragraph  
4 122(b)(4) as paragraph 122(b)(3).

## **DURBIN AMENDMENT TO S. 1125**

**Purpose: To exempt from the Act asbestos claims currently pending in state or federal courts.**

On page 114, line 1, after the word “claim,” insert the following:

“filed after June 1, 2003.”

On page 114, line 6, after the period, insert the following new sentence:

“Nothing in this Act shall affect the jurisdiction of any federal or state court to hear, adjudicate, render judgment on or enforce any asbestos claim filed prior to June 1, 2003.”

On page 114, line 8, after the word “claim” insert the following:

“filed after June 1, 2003.”

On page 116 after line 2 insert the following new subsection:

(e): NON APPLICABILITY TO CLAIMS FILED BEFORE JUNE 1, 2003. The provisions of this section shall not apply to any asbestos claim in any state or federal court filed prior to June 1, 2003.

EXPLANATION: This amendment would exempt from coverage under the Act all asbestos claims that were filed in state or federal courts prior to June 1, 2003.

**DURBIN AMENDMENT TO S. 1125**

**Purpose: To restore the rights of railroad workers under the Federal Employers' Liability Act (FELA)**

On page 5, line 3, strike "or"

On page 5, line 6, strike "." and insert ", or claims brought pursuant to the Act of April 22, 1908 (45 U.S.C. 51 et seq.)."

On page 8, line 20, strike "does not include" and insert "includes"

On page 8, line 22, strike "or" and insert "and"

On page 47, at the end of line 2, add "and"

On page 47, line 6, strike "and"

On page 47, strike lines 7-14

On page 62, strike lines 24-25, and on page 63, strike lines 1-2

On page 64, strike lines 13-21

EXPLANATION: This amendment would allow railroad workers with asbestos claims to seek their legal claims under the Federal Employers' Liability Act (FELA).

## **DURBIN AMENDMENT TO S. 1125**

**Purpose: To increase the amount of financial hardship and inequity adjustments.**

On page 66, line 17, strike “3 percent” and insert “6 percent”.

On page 67, line 18, strike “2 percent” and insert “4 percent”.

Increase the contribution amounts of Tier II defendant participants as necessary to compensate for the increases in the financial hardship and inequity adjustments.

On page 66, lines 20-24, insert the underlined text:

(A) IN GENERAL- A defendant may qualify for an adjustment based on inequity by demonstrating that the amount of its contribution under the statutory allocation is exceptionally inequitable when measured against that percentage of the defendant’s prior asbestos expenditures that were incurred with respect to claims that neither resulted in an adverse judgment against the defendant nor were the subject of a settlement that required a payment to a plaintiff by or on behalf of that defendant; or the amount of the likely cost to the defendant of its future liability in the tort system in the absence of the Fund.

EXPLANATION: This amendment would double the current caps for the financial hardship and inequity adjustments while revising the definition of “inequity adjustments” to include costs incurred in cases where the defendant mounted a successful defense.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for penalties for the willful failure to pay liabilities imposed under the Fairness in Asbestos Injury Resolution Act of 2003, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

1 At the end, add the following:

2 **TITLE V- PROHIBITION OF ASBESTOS**

3 **CONTAINING PRODUCTS**

4 At the end of Chapter 39 of Title 18 of the United States Code,  
5 insert the following new Chapter:

6 **Chapter 39A – Ban of Asbestos Containing Products**

7 § 838. Ban of Asbestos Containing Products

8 (a) DEFINITIONS: For the purposes of this Chapter,

1 (1) ASBESTOS. - The term “Asbestos” includes –

2 (A) chrysotile;

3 (B) amosite;

4 (C) crocidolite;

5 (D) tremolite asbestos;

6 (E) winchite asbestos;

7 (F) richterite asbestos;

8 (G) anthophyllite asbestos;

9 (H) actinolite asbestos;

10 (I) any of the minerals listed under subparagraphs (A)  
11 through (H) that has been chemically treated or altered,  
12 and any asbestiform variety, type or component  
13 thereof.

14 (2) ASBESTOS CONTAINING PRODUCT.- The term “Asbestos  
15 Containing Product” means any product (including any part) to  
16 which asbestos is deliberately or knowingly added or used because  
17 the specific properties of asbestos are necessary for product use or  
18 function. Under no circumstances shall ‘asbestos containing  
19 product’ be construed to include products that contain *de minimus*  
20 levels of naturally occurring asbestos as defined by the  
21 Administrator not later than one year after the date of enactment of  
22 this Chapter.

1 (3) DISTRIBUTE IN COMMERCE.- The term “Distribute in  
2 Commerce”-

3 a. has the meaning given the term in 15 U.S.C. § 2602; and

4 b. shall not include –

5 i. an action taken with respect to an asbestos  
6 containing product in connection with the end use  
7 of the asbestos containing product by a person  
8 that is an end user, or an action taken by a person  
9 who purchases or receives a product, directly or  
10 indirectly from an end user; or

11 ii. distribution of an asbestos-containing product by  
12 a person solely for the purpose of disposal of the  
13 asbestos containing product in compliance with  
14 applicable Federal, State and local requirements.

15 (4) ADMINISTRATOR- The term “Administrator” shall mean the  
16 Administrator for the Environmental Protection Agency.

17 (b) IN GENERAL – Subject to subsection (c), the Administrator  
18 shall, after consultation with the Assistant Attorney General for  
19 the Environmental and Natural Resources Division of the United  
20 States Department of Justice, promulgate –

21 (1) not later than 1 year after the date of enactment of this  
22 subtitle, proposed regulations that –



1 (A) prohibit persons from manufacturing, processing,  
2 or distributing in commerce asbestos-containing  
3 products; and

4 (B) provide for implementation of subsections (c)  
5 and (d); and

6 (2) not later than 2 years after the date of enactment of this  
7 subtitle, final regulations that, effective 60 days after the  
8 date of promulgation, prohibit persons from  
9 manufacturing, processing, or distributing in commerce  
10 asbestos-containing products.

11 (c) EXEMPTIONS-

12 (1) IN GENERAL- Any person may petition the  
13 Administrator for, and the Administrator may grant an  
14 exemption from the requirements of subsection (b) if the  
15 Administrator determines that –

16 (A) the exemption would not result in an  
17 unreasonable risk of injury to public health or the  
18 environment; and

19 (B) the person has made good faith efforts to  
20 develop, but has been unable to develop, a  
21 substance, or identify a mineral that does not  
22 present an unreasonable risk of injury to public

1 health or the environment and may be substituted  
2 for an asbestos containing product.

3 (2) TERMS AND CONDITIONS- An exemption granted  
4 under this subsection shall be in effect for such period  
5 (not to exceed 5 years) and subject to such terms and  
6 conditions as the Administrator may prescribe.

7 (3) GOVERNMENTAL USE- The Administrator shall  
8 provide an exemption from the requirements of  
9 subsection (a), without review or limit on duration, if  
10 such exemption for an asbestos containing product is  
11 sought by the Secretary of Defense or the Administrator  
12 of the National Aeronautics and Space Administration.

13 (4) SPECIFIC EXEMPTIONS-

14 (A) Asbestos diaphragms for use in the manufacture or  
15 chlor-alkali and the products and derivative  
16 therefrom;

17 (B) Roofing cements, coatings and mastics utilizing  
18 asbestos that is totally encapsulated with asphalt.

19 (d) DISPOSAL-

20 (1) IN GENERAL- Except as provided in paragraph (2), not  
21 later than 3 years after the date of enactment of this  
22 subtitle, each person that possesses an asbestos  
23 containing product that is subject to the prohibition

1 established under this section shall dispose of the  
2 asbestos-containing product, by a means that is in  
3 compliance with applicable Federal, State, and local  
4 requirements.

5 (2) EXEMPTION- Nothing in paragraph (1) –

6 (A) applies to an asbestos containing product that –

7 (i) is no longer in the stream of  
8 commerce; or

9 (ii) is in the possession of an end user; or

10 (B) requires that an asbestos containing product  
11 described in subparagraph (A) be removed or  
12 replaced.

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AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide an exception to the in-person exam rule for deceased victims.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1       On p. 25, before line 21:
- 2       “(c) DECEASED CLAIMANTS.—In the case of a claimant who is deceased
- 3       at the time of an application is filed, the claim may be supported by either—
- 4       (1)evidence from a prior physical medical examination of the
- 5       claimant by a physician that resulted in a diagnosis of an asbestos
- 6       related injury or permits such a diagnosis to be made by a

1           physician examining those records; or

2           (2)pathological evidence of an asbestos-related injury.”

3           Strike “(c)” on line 21 on p. 25 and insert “(d)”.

4           Strike “(d)” on line 14 on p. 26 and insert “(e)”.

5           Strike “(e)” on line 20 on p. 26 and insert “(f)”.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: This amendment allows the Court to independently review medical evidence.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

1           On page 15, line 23, after “diagnoses” insert “, x-ray

2   films,”

3           On page 20, after line 20, insert new section 114(c)(3) as

4   follows:

5           “(3) INDEPENDENT REVIEWS OF MEDICAL EVIDENCE. —

1 – The Asbestos Court shall establish procedures for  
2 independently evaluating the medical evidence submitted in  
3 support of claims. At a minimum, the Court shall prescribe  
4 procedures for magistrates to randomly assign claims for  
5 confirmation by certified B readers of x-rays submitted in  
6 support of claims, the cost of which shall be borne by the Fund.  
7 If an independent B reader disagrees with the quality grading or  
8 ILO level assigned to an x-ray submitted in support of a claim,  
9 the procedures shall require a second independent B reading. If  
10 neither independent B reader agrees with the quality grading and  
11 the ILO level assigned to the film as part of the claim, the  
12 magistrate shall recommend denial of the claim pursuant to  
13 subsection (f).

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: This amendment directs the Institute of Occupational Medicine to study the connection between “other cancers” (not lung-related).

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 On page 37, after line 11, insert new section 126 as follows:
- 2 **SEC. 126. INSTITUTE OF MEDICINE STUDY.**
- 3 (a) Not later than two years after date of enactment, the
- 4 Institute of Medicine of the National Academy of Sciences shall
- 5 complete a study of the causal link between asbestos exposure
- 6 and other cancers, including, but not limited to, colorectal,



1 laryngeal, esophageal, pharyngeal, and stomach cancers, except  
2 for mesothelioma and lung cancers. The Institute of Medicine  
3 shall issue a report on its findings on causation, which shall be  
4 transmitted to the Congress, the Asbestos Court, and the Medical  
5 Advisory Committee. The Asbestos Court and the Medical  
6 Advisory Committee shall consider the results of the report for  
7 purposes of determining whether asbestos exposure is a  
8 substantial contributing factor under section 124(6)(F).

9 (b) If the Asbestos Court has evidence that there have been  
10 advancements in science that would require additional study, the  
11 Court may request that the Institute of Medicine conduct a  
12 subsequent study to determine if asbestos exposure is a cause of  
13 other cancers.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To create lockbox accounts to protect severe asbestos-related injury claimants.

**IN THE SENATE OF THE UNITED STATES – 108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S.1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. KYL  
(For himself and Mr. HATCH)

Viz:

In section 223, renumber subsection (e) as (f), and insert the following as a new subsection (e):

“(e) LOCKBOX FOR SEVERE ASBESTOS-RELATED INJURY  
CLAIMANTS –

(1) Within the Fund, the Administrator shall establish the following accounts:

(A) A Mesothelioma Account, which shall be used solely to make payments to claimants eligible for an award pursuant to the criteria of Level VIII.

(B) A Lung Cancer II Account, which shall be used solely to make payments to claimants eligible for an award pursuant to the criteria of Level VII.

(C) A Severe Asbestosis Account, which shall be used solely to make payments to claimants eligible for an award pursuant to the criteria of Level IV.

(2) The Administrator shall allocate to each of the above three accounts a portion of contributions to the Fund adequate to compensate all anticipated claimants for each account. Within sixty days of the enactment of this Act, and periodically during the life of the Fund, the Administrator shall determine an appropriate amount to allocate to each account after consulting appropriate epidemiological and statistical studies.”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To create lockbox accounts to protect severe asbestos-related injury claimants.

**IN THE SENATE OF THE UNITED STATES – 108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S.1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. KYL  
(For himself and Mr. HATCH)

Viz:

In section 223, renumber subsection (e) as (f), and insert the following as a new subsection (e):

“(e) LOCKBOX FOR SEVERE ASBESTOS-RELATED INJURY  
CLAIMANTS –

(1) Within the Fund, the Administrator shall establish the following accounts:

(A) A Mesothelioma Account, which shall be used solely to make payments to claimants eligible for an award pursuant to the criteria of Level IX.

(B) A Lung Cancer II Account, which shall be used solely to make payments to claimants eligible for an award pursuant to the criteria of Level VIII.

(C) A Severe Asbestosis II Account, which shall be used solely to make payments to claimants eligible for an award pursuant to the criteria of Level V.

(D) A Severe Asbestosis I Account, which shall be used solely to make payments to claimants eligible for an award pursuant to the criteria of Level IV.

(2) The Administrator shall allocate to each of the above four accounts a portion of contributions to the Fund adequate to compensate all anticipated claimants for each account. Within sixty days of the enactment of this Act, and periodically during the life of the Fund, the Administrator shall determine an appropriate amount to allocate to each account after consulting appropriate epidemiological and statistical studies.”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To require that asbestos exposure resulting from fabricating, altering, repairing, or otherwise working with asbestos products be significant in order to constitute “significant occupational exposure.”

**IN THE SENATE OF THE UNITED STATES – 108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S.1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. KYL

Viz:

In section 124, subsections (a)(8)(B) and (C), insert the words “significant amounts of” immediately before the words “raw asbestos fibers” and “asbestos fibers,” respectively, such that the two subsections read in their entirety:

“(B) fabricated asbestos-containing products so that the claimant in the fabrication process was exposed on a regular basis to significant amounts of raw asbestos fibers;

(C) altered, repaired, or otherwise worked with an asbestos-containing product such that the claimant was exposed on a regular basis to significant amounts of asbestos fibers; or”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To require that asbestos exposure resulting from fabricating, altering, repairing, or otherwise working with asbestos products be significant in order to constitute “substantial occupational exposure.”

**IN THE SENATE OF THE UNITED STATES – 108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S.1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. KYL

Viz:

In section 124, subsections (a)(16)(B) and (C), insert the words “significant amounts of” immediately before the words “raw asbestos fibers” and “asbestos fibers,” respectively, such that the two subsections read in their entirety:

“(B) fabricated asbestos-containing products so that the claimant in the fabrication process was exposed on a regular basis to significant amounts of raw asbestos fibers;

(C) altered, repaired, or otherwise worked with an asbestos-containing product such that the claimant was exposed on a regular basis to significant amounts of asbestos fibers; or”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To clarify the language with respect to latency periods.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

1           On page 27, beginning on line 5, delete section 123 in its  
2   entirety and replace in lieu thereof:

3           To be eligible for compensation under this Act, a  
4   claimant must establish that a minimum of 10 years has  
5   elapsed between the date of the claimant's first exposure  
6   to asbestos and the initial diagnosis.



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

1 On page 5, strike line 23 and all that follows through page 6, line 11, and  
2 insert the following:

3 (7) COLLATERAL SOURCE COMPENSATION.—The term  
4 “collateral source compensation” means the compensation that the  
5 claimant received or is entitled to receive from a defendant or its  
6 insurer, or compensation trust as a result of judgment or settlement  
7 for an asbestos related injury that is the subject of a claim filed  
8 under section 111.

9 On page 41, lines 17 through 19, strike; “that the claimant received, or is  
10 entitled to receive, for the asbestos-related injury that is the subject of the  
11 compensation.”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for penalties for the willful failure to pay liabilities imposed under the Fairness in Asbestos Injury Resolution Act of 2003, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1       On page 99, strike lines 1 through 18, and insert the following:
- 2       (1) IN GENERAL.—In any case in which there has been a refusal
- 3       or failure to pay any liability imposed by a final determination
- 4       under section 202 or 212, the Administrator may bring a civil
- 5       action in the Federal district court for the District of Columbia---
- 6       (A) to enforce the liability and any lien of the United States
- 7       imposed under this section;

1 (B) to subject any property of the participant, including any  
2 property in which the participant has any right, title, or  
3 interest, to the payment of such liability;

4 (C) for temporary, preliminary, or permanent relief;

5 (2) ADDITIONAL PENALTIES.—In any action under subsection

6 (1) in which the refusal or failure to pay was willful, the  
7 Administrator shall be able to seek recovery;

8 (A) for punitive damages;

9 (B) for the costs of any civil action under this subsection,  
10 including reasonable fees incurred for collection,  
11 expert witnesses, and attorney fees; and

12 (C) In addition to any other penalty, collect a fine in an  
13 amount equal to the total amount of the liability that  
14 has not been collected.

15 (3) DEFENSE LIMITATION.—In any proceeding under this  
16 subsection, the participant shall be barred from bringing any  
17 challenge to the assessment if such challenge could have been  
18 made during the review period under section 202(b)(4) or  
19 212(b)(4), or a judicial review proceeding under title III.

20 (4) DEPOSIT OF FUNDS.—Any funds collected under paragraph

21 (C) shall be—

22 (A) deposited in the Fund; and

23 (B) used only to pay—

1 (i) claims for awards for an eligible disease or  
2 condition determined under title I;

3 (ii) claims for reimbursement for medical  
4 monitoring determined under title I

5 (5) NO EFFECT ON OTHER LIABILITIES.—The imposition of a  
6 fine under paragraph 2(C) shall have no effect on—

7 (A) the assessment of contribution under sections 202 or  
8 212; or

9 (B) any other provision of this Act.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide appropriate congressional oversight over the  
administration of the Asbestos Injury Claims Resolution Fund.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1           Insert as new Section in Title IV – Miscellaneous
- 2   Provisions:
- 3   “Sec. \_\_\_\_       ADMINISTRATOR’S ANNUAL REPORT
- 4           “(1)           IN GENERAL.—The Administrator shall
- 5   submit an annual report to the Committee on the Judiciary of the
- 6   House of Representatives and the Committee on the Judiciary of

1 the Senate on the operation of the Asbestos Injury Claims  
2 Resolution Fund within six (6) months after the close of each  
3 fiscal year.

4 “(2) CONTENTS OF REPORT.—The annual  
5 report submitted under this section shall include:

6 “(A) a summary of the claims made during such  
7 fiscal year, including the number of claims made to  
8 the Fund and a description of the types of medical  
9 diagnoses and asbestos exposures underlying those  
10 claims, and the number of claims denied by the  
11 Fund and a description of the types of medical  
12 diagnoses and asbestos exposures underlying those  
13 claims;

14 “(B) a summary of the eligibility determinations  
15 made by the Asbestos Court under Section 113 of  
16 this Act;

17 “(C) a summary of the awards made under the Act  
18 including the amount of the awards;

- 1 “(D) the identity of all participants and a summary  
2 of the funding allocations of each participant  
3 including the amounts of all contributions;  
4 “(E) a summary of all financial hardship or inequity  
5 adjustments applied for during the fiscal year, and a  
6 summary of the adjustments that were made during  
7 the fiscal year;  
8 “(F) a summary of the investments made under  
9 Section 222(b) of this Act;  
10 “(G) a summary of all referrals made to law  
11 enforcement authorities made under Section 222(c)  
12 of this Act and of any legal actions brought or  
13 penalties imposed under Section 224 of this Act;  
14 “(H) an estimate of the number and types of claims,  
15 the amount of awards, and the participant  
16 contributions for the next fiscal year;  
17 “(I) any recommendations from the Fund’s medical  
18 panel to improve the medical criteria requirements  
19 or diagnostic provisions of the Fund;  
20 “(J) audits conducted under Section 115;

1           “(K) prosecutions under 18 U.S.C. §1348; and  
2           “(L) any recommendations to improve the  
3           operation of the Fund.”.



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of  
victims for bodily injury caused by asbestos exposure,  
and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1 Page 49, line 9 strike section (C) and replace with the following;
- 2 (C) The bankruptcy court presiding over the business
- 3 entity's case determines, after notice and a hearing upon
- 4 motion filed by the entity within 30 days of the effective
- 5 date of this Act, which motion shall be supported by:

- 1           (i)     an affidavit or declaration of the Chief Executive  
2                   Officer, Chief Financial Officer or Chief Legal  
3                   Officer of the business entity, and
- 4           (ii)  copies of the entity's public statements and  
5                   securities filings made in connection with the  
6                   entity's filing for chapter 11 protection that asbestos  
7                   liability was not the sole or precipitating cause of  
8                   the entity's chapter 11 filing. Notice of such motion  
9                   shall be as directed by the bankruptcy court and the  
10                  hearing shall be limited to consideration of the  
11                  question of whether or not asbestos liability was the  
12                  sole or precipitating cause of the entity's chapter 11  
13                  filing. The bankruptcy court shall hold a hearing  
14                  and make its determination with respect to the  
15                  motion within 60 days after the date the motion is  
16                  filed. In making its determination, the bankruptcy  
17                  court shall take into account the affidavits, public  
18                  statements and securities filings, and other  
19                  information, if any, submitted by the entity and all

1           other facts and circumstances presented by an  
2           objecting party.

3       (iii) JUDICIAL REVIEW.—Any review of this  
4           determination must be an expedited appeal and  
5           limited to whether the decision was against the  
6           weight of the evidence presented.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To ensure that contributions to the Fund are not adversely affected by any financial hardship adjustment or inequity adjustment in the event there is a material change in conditions of the defendant participant following the expiration of any adjustment period.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

1           On p. 66, line 11, insert after “(C) RENEWAL.” The following  
2 language: “After an initial hardship adjustment is granted by this section, a”

3           On p. 66 line 11 before the word “defendant” strike the following:  
4 “A”

5           On p. 66, line 19 after the entire section “(D) LIMITATION.” Insert  
6 the following new section:

7           (E) REINSTATEMENT. Following the expiration of the

1 hardship adjustment period provided for under this section and  
2 during the mandatory funding period, the Administrator shall  
3 annually determine whether there has been a material change in the  
4 financial condition of the defendant such that the Administrator  
5 may, consistent with the policies and legislative intent underlying  
6 this Act, reinstate under terms and conditions established by the  
7 administrator any part or all of the defendant's contribution under  
8 the statutory allocation that was not paid during the hardship  
9 adjustment term.

10 On p. 67, line 8, strike "for the life of the Fund" and insert in its place: "for  
11 a term of 3 years."

12 On p. 67, line 9 before section "(C) LIMITATION" insert the following:

- 13 (i) RENEWAL. – After an inequity adjustment is  
14 granted by this section, a defendant may renew every  
15 3 years its inequity adjustment by demonstrating that  
16 it remains justified.
- 17 (ii) REINSTATEMENT.- Following the expiration of  
18 the inequity adjustment period provided for under  
19 this section and during the mandatory funding period,  
20 the Administrator shall annually determine whether  
21 there has been a material change in conditions which  
22 would support a finding that the amount of the  
23 defendant's contribution under the statutory

1 allocation was not inequitable. Based on this  
2 determination, the Administrator may, consistent  
3 with the policies and legislative intent underlying this  
4 Act, reinstate under terms and conditions established  
5 by the administrator any part or all of the defendant's  
6 contribution under the statutory allocation that was  
7 not paid during the inequity adjustment term.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To amend title 18, United States Code to prohibit fraud upon the Asbestos Insurers Commission and the Office of Asbestos Injury Claims Resolution.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1           On page 105, strike lines 18 through 25, and insert
- 2   the following:
- 3           (a) IN GENERAL.—Chapter 63 of title 18, United
- 4   States Code, is amended by adding at the end the fol-
- 5   lowing:
- 6

1    **“§1348. Fraud and false statements in connection**

2                               **with participation in Asbestos Injury**

3                               **Claims Resolution Fund**

4               “(a) FRAUD RELATING TO ASBESTOS INJURY

5    CLAIMS RESOLUTION FUND.—Whoever knowingly and

6    willfully executes, or attempts to execute, a scheme or artif-

7    ice to defraud the Asbestos Insurers Commission or the

8    Office of Asbestos Injury Claims Resolution under title II of

9    the Fairness in Asbestos Injury Resolution Act of 2003 shall

10   be fined under this title or imprisoned not more than 20

11   years, or both.

12               “(b) FALSE STATEMENTS RELATING TO ASBESTOS

13   INJURY CLAIMS RESOLUTION FUND.—Whoever, in any

14   matter involving the Asbestos Insurers Commission or the

15   Office of Asbestos Injury Claim Resolution, knowingly and

16   willfully—

17               “(1) falsifies, conceals, or covers up by any

18       trick, scheme, or device a material fact; or

19               “(2) makes any materially false, fictitious, or

20       fraudulent statements or representations; or



1           “(3) makes or uses any false writing or docu-  
2           ment knowing the same to contain any materially  
3           false, fictitious, or fraudulent statement or entry,  
4           in connection with the award of a claim or the assessment  
5           of contributions under Title I or II of the Fairness in As-  
6           bestos Injury Resolution Act of 2003 shall be fined under  
7           this title or imprisoned not more than 10 years, or both.”.

8           (b) TECHNICAL AND CONFORMING AMENDMENT.—  
9           The table of sections for chapter 63 of title 18, United  
10          States Code, is amended by adding at the end the fol-  
11          lowing:

“1348. Fraud and false statements in connection with participation in Asbestos  
Injury Claims Resolution Fund.”.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To revise the 2 year length and rule of construction for the statute of limitations in S.1125.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_  
Viz:

- 1        On p. 16, line 15, strike “2” and insert “4”.
- 2        On p. 17, line 9, strike “2” and insert “4”.
- 3        On p. 18, strike lines 1 through 6.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To include compensation for United States citizens  
exposed to asbestos while working for United States companies  
overseas or while on United States flagged ships.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1           On p. 35, line 23 (Sec. 125(a)(2)), delete the “.” and add
- 2   “or while a United States citizen while an employee of an entity
- 3   organized under any State or Federal law regardless of location,
- 4   or while a United States citizen while serving on any United
- 5   States flagged or owned ship provided the exposure results from
- 6   such employment or service.”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1 AMENDMENT.—To Section 131(4) of S. 1125 to index scheduled awards  
2 for future inflation;  
3 (4)(A) Beginning January 1, 2006, award amounts set forth in paragraph  
4 (1) shall be increased annually by an amount equal to such dollar  
5 amount multiplied by the cost-of-living adjustment, rounded to the  
6 nearest \$1,000 increment.  
7 (B) For purposes of subparagraph (A), the cost of living adjustment for any  
8 calendar year is the percentage (if any) by which the CPI for the  
9 succeeding calendar year exceeds the CPI for the calendar year  
10 2004.

1 (C) For purposes of subparagraph (B), the CPI for any calendar year is the  
2 average of the Consumer Price Index as of the close of the 12-month  
3 period ending on August 31 of such calendar year.

4 (D) For the purposes of subparagraph (C), the term “Consumer Price  
5 Index” means the Consumer Price Index published by the  
6 Department of Labor. The Consumer Price Index series to be used  
7 for award escalations shall include the Consumer Price Index used  
8 for all-urban consumers, with an area coverage of the U.S. City  
9 Average, for all items, and based on the 1982-84 index base period.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To create an exposure exception for claimants from Libby, Montana.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

1   **SEC. 125. EXPOSURE CRITERIA REQUIREMENTS.**

2           On page 37, line 12, add:

3                   (d) WAIVER FOR WORKERS AND RESIDENTS

4           OF LIBBY,

1 MONTANA. Because of the unique nature of the asbestos  
2 exposure related to the vermiculite mining and milling  
3 operations in Libby, Montana, the Asbestos Court shall  
4 waive the exposure requirements under this subtitle for  
5 individuals who (a) worked at the vermiculite mining and  
6 milling facility in Libby, Montana; or (b) lived or worked  
7 in within a 20-mile radius of Libby, Montana, for at least  
8 12 consecutive months prior to December 31, 2003.  
9 Claimants under this section must provide meaningful and  
10 credible evidence to establish eligibility for the waiver of  
11 the otherwise applicable exposure criteria under this  
12 subtitle, and shall provide such supporting documentation  
13 as the Asbestos Court shall require.

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**For Settlement Purposes Only**

opacities of shape/size either ss, st, or tt

and present in both lower lung zones;

(ii) bilateral pleural plaques based on a

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Certified B-reader x-ray reading of

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ILO grade B2 or higher; or

(iii) bilateral pleural thickening based

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on a Certified B-reader x-ray reading of

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ILO grade B2 or higher and showing

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blunting of at least one costophrenic

angle; and

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(B) pulmonary function testing that shows —

(i) TLC less than 80 percent of

predicted; or

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(ii) FVC less than the lower limit of

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normal, plus a FEV1/FVC ratio of not

less than 65 percent; and

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(C) meaningful and credible evidence of 5 or

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more weighted years of substantial

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occupational exposure calculated pursuant to

section 125(b).

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(4) For Nonmalignant Level IV, the claimant shall  
provide—  
(A) a diagnosis that meets the requirements of  
section 122 of one of the following—  
(i) asbestosis based on a Certified B-  
reader x-ray reading of ILO grade 1/21  
or greater and showing small irregular  
opacities of shape/size either ss, st, or tt  
and present in both lower lung zones;  
(ii) bilateral pleural plaques based on a  
Certified B-reader x-ray reading of  
ILO grade B2 or higher; or  
(iii) bilateral pleural thickening based  
on a Certified B-reader x-ray reading  
of ILO grade B2 or higher and showing  
blunting of at least one costophrenic  
angle; and

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Nonmalignant Disease

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(B) pulmonary function testing that shows —  
(i) TLC less than 60 percent of  
predicted, but greater than or

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equal to 50 percent of predicted;

or

(ii) FVC less than 60 percent of

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predicted, but greater than or equal to

50 percent of predicted, plus a

FEV1/FVC ratio not less than 65

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percent; and

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(C) meaningful and credible evidence of 5 or

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more weighted years of substantial

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occupational exposure calculated pursuant to

section 125(b).

(5) For Nonmalignant Level V, the claimant shall

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Nonmalignant Disease

provide —

(A) a diagnosis that meets the requirements of

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section 122 of one of the following —

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(i) asbestosis based on a Certified B-

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reader x-ray reading, of ILO grade 1/1

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or greater and showing small irregular

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opacities of shape/size either ss, st, or tt

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and present in both lower lung zones;

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(B) pulmonary function testing that shows —

(i) TLC less than 50 percent of

predicted; or

(ii) FVC less than 50 percent of

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predicted, plus a FEV1/FVC ratio not

less than 65 percent; or

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(iii) DLCO less than 40 percent of

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predicted, plus a FEV1/FVC ratio not

less than 65%; or

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(iv) PO2 less than 55 mm/Hg, plus a

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FEV1/FVC ratio not less than 65%;

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and

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(C) meaningful and credible evidence of 5 or  
more weighted years of substantial  
occupational exposure calculated pursuant to  
section 125(b).

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(6) For Level VI: Other Cancer, the claimant shall  
provide—

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(A) pathological evidence of a primary,  
laryngeal, esophageal, pharyngeal, or  
stomach cancer;

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(B) a diagnosis that meets the requirements of  
section 122 of one of the following —

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(1) asbestosis based on a Certified B-  
reader x-ray reading of ILO grade 1/0  
or greater and showing small irregular  
opacities of shape/size either ss, st, or tt  
and present in both lower lung zones;  
(2) bilateral pleural plaques based on a  
Certified B-reader x-ray reading of  
ILO grade B2 or higher; or

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. [(C) . All claims filed under this paragraph shall be referred to the Medical Advisory Committee for a determination on amount of award. ¶

. (1) In making a determination under subparagraph (C), the Medical Advisory Committee shall consider the intensity and duration of exposure, smoking history, and the quality of evidence relating to exposure and smoking.¶

. (2) Former smokers and nonsmokers bear the burden of producing meaningful and credible evidence of their smoking history as part of their claim submission.¶

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(3) bilateral pleural thickening based  
on a Certified B-reader x-ray reading  
of ILO grade B2 or higher and showing  
blunting of at least one costophrenic  
angle; and  
(C) pulmonary function testing that shows

(1) TLC less than 80 percent of  
predicted; or  
(2) FVC less than the lower limit of  
normal, plus a FEV1/FVC ratio of not  
less than 65 percent; and  
(D) meaningful and credible evidence of 20  
or more weighted years of moderate, heavy or  
very heavy occupational exposure calculated  
pursuant to section 125(b); and  
(E) an opinion from an appropriately board-  
certified physician with a physician/patient  
relationship to the claimant that asbestos

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1 exposure was a substantial contributing factor

2 in causing the other cancer in question.

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3 (F) All claims filed under this paragraph shall

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4 be referred to the Medical Advisory

5 Committee for a determination that it is more

6 probable than not that asbestos exposure was

7 a substantial contributing factor in causing the

8 other cancer in question.

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9 (7) For Level VII: Lung Cancer One, the claimant

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10 shall provide —

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11 (A) pathological evidence of a primary lung

12 cancer;

13 (B) meaningful and credible evidence of 20

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14 or more weighted years of moderate, heavy or

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15 very heavy occupational exposure calculated

16 pursuant to section 125(c); and

17 (C) an opinion from an appropriately board-

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18 certified physician with a physician/patient

19 relationship to the claimant that asbestos

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1 exposure was a substantial contributing factor

2 in causing the relevant lung cancer,

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3 (D) All claims filed under this paragraph shall

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4 be referred to the Medical Advisory

5 Committee for a determination on amount of

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6 award.

7 (1) In making its determination under

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8 subparagraph (D), the Medical

9 Advisory Committee shall consider the

10 intensity and duration of exposure,

11 smoking history, and the quality of

12 evidence relating to exposure and

13 smoking.

14 (2) Former smokers and nonsmokers

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15 bear the burden of producing

16 meaningful and credible evidence of

17 their smoking history as part of their

18 claim submission.

19 (3) Meaningful and credible evidence

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20 of smoking history.

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(8) For Level VIII: Lung Cancer Two, the claimant  
shall provide —  
(A) pathological evidence of a primary lung  
cancer;  
(B) a diagnosis that meets the requirements of  
section 122 of asbestosis based on —  
(i) a Certified B-reader x-ray reading  
of ILO grade 1/1, or greater and  
showing small irregular opacities of  
shape/size either ss, st, or tt and present  
in both lower lung zones; or  
(ii) pathological evidence of asbestosis;  
(C) meaningful and credible evidence of 12  
or more weighted years of moderate, heavy or  
very heavy occupational exposure calculated  
pursuant to section 125(c); and  
(D) an opinion from an appropriately board-  
certified physician with a physician/patient  
relationship to the claimant that asbestos

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**Deleted:** (3) Meaningful and credible evidence of their smoking history includes [language to be determined].

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1 exposure was a substantial contributing factor

2 in causing the relevant lung cancer,

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3 (E) A claimant filing a claim under this

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4 paragraph may request that his or her claims

5 be referred to the Medical Advisory

6 Committee for a determination on amount of

7 the award.

8 (1) In making a determination under

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9 subparagraph (E), the Medical

10 Advisory Committee shall consider the

11 intensity and duration of exposure,

12 smoking history, and the quality of

13 evidence relating to exposure and

14 smoking.

15 (2) The Medical Advisory Committee

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16 also shall determine whether the

17 claimant is a smoker, a former smoker

18 or a nonsmoker as defined in

19 subsection (a) for purposes of assessing

20 the scheduled value under section 131.

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AMENDMENT NO. Calendar No.

Purpose: This amendment replaces the current section 124 on medical criteria. It adds a level for severe asbestosis, and utilizes the weighted exposure framework, which recognizes the heavier exposure in earlier years. It also creates three categories for the lung cancer claimants – smoker, former smoker and non-smoker.

IN THE SENATE OF THE UNITED STATES—108<sup>TH</sup> Cong., 1<sup>st</sup> Sess.

S. 1125

Referred to the Committee on Judiciary

And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Hatch

Viz:

Delete Section 124, and replace with the following:

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DRAFT LANGUAGE¶  
NEW SECTION 124

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(3) Former smokers and nonsmokers

bear the burden of producing

meaningful and credible evidence of

their smoking history as part of their

claim submission.

(4) Meaningful and credible evidence

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of smoking history.

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(9) For Level IX: Mesothelioma, the claimant shall

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provide—

(A) a diagnosis that meets the requirements of

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section 122 of mesothelioma based on

pathology; and

(B) meaningful and credible evidence of

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identifiable exposure to asbestos fibers

resulting from one of the following:

(i) occupational exposure to

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asbestos fibers;

(ii) exposure to asbestos fibers

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brought into the home of the claimant

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by a worker occupationally exposed to  
asbestos fibers; or  
(iii) exposure to asbestos fibers  
resulting from living or working in the  
proximate vicinity of a factory,  
shipyard, building demolition site, or  
other operation that regularly released  
asbestos fibers into the air due to  
operations involving asbestos at that  
site.”

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-----Section Break (Next Page)-----  
PROPOSED MEDICAL CRITERIA - DRAFT¶  
NIHOM STUDY¶  
On page 37, after line 11, insert new section 126 as follows:¶  
. [SEC. 126. NATIONAL INSTITUTE OF HEALTH MEDICINE STUDY.¶  
. (a) Not later than two years after date of enactment, the National Institute of Health (“NIH”)Institute of Medicine of the National Academy of Sciences shall complete a study of the causal link between asbestos exposure and other cancers, including, but not limited to, colorectal, laryngeal, esophageal, pharyngeal, and stomach cancers, except for mesothelioma and lung cancers. The Institute of Medicine and shall issue a report on its findings on causation, which shall be transmitted to the Congress, the Asbestos Court, and the Medical Advisory Committee. The Asbestos Court and the Medical Advisory Committee shall consider the results of the report for purposes of determining whether asbestos exposure is a substantial contributing factor under section 124(6)(F). For the purpose of carrying out this section, there are authorized to be appropriated \_\_\_\_\_ for fiscal year \_\_\_\_, and such sums as may be necessary for each of the fiscal years \_\_\_\_¶  
. (b) If the Asbestos Court has evidence that there have been advancements in science that would require additional study, the Court may request that the Institute of Medicine conduct a subsequent study to determine if asbestos exposure is a cause of other cancers.]¶  
[Note: We are still considering language defining the conduct of the study based on the VA’s Agent Orange study.]¶  
¶  
-----Section Break (Next Page)-----  
PROPOSED MEDICAL CRITERIA - DRAFT¶  
AMENDMENTS TO EXPOSURE CRITERIA¶  
¶  
[We are awaiting language from Democratic Staff related to exposures on U.S. flagships.] ¶  
¶  
[Although we have provided language for how the time-weighting for historical exposures might work, we are still awaiting language from Labor.]¶  
¶  
On page 35, after line 23, insert new subsection (b) as follows:¶  
¶  
. (b) SUBSTANTIAL OCCUPATIONAL EXPOSURE. —  
For purposes of section 124, years of substantial occupational exposure shall be calculated as[ ... [10]

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PROPOSED MEDICAL CRITERIA – DRAFT  
LANGUAGE

NEW SECTION 124

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1 PROPOSED MEDICAL CRITERIA -

2 DRAFT

3 NIHIOM STUDY

4 On page 37, after line 11, insert new  
5 section 126 as follows:

6 [SEC. 126. NATIONAL  
7 INSTITUTE OF HEALTH  
8 MEDICINE STUDY.

9 (a) Not later than two years after  
10 date of enactment, the National  
11 Institute of Health (“NIH”)Institute of  
12 Medicine of the National Academy of  
13 Sciences shall complete a study of the  
14 causal link between asbestos exposure  
15 and other cancers, including, but not  
16 limited to, colorectal, laryngeal,  
17 esophageal, pharyngeal, and stomach  
18 cancers, except for mesothelioma and  
19 lung cancers. The Institute of  
20 Medicine and shall issue a report on its

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1 findings on causation, which shall be  
2 transmitted to the Congress, the  
3 Asbestos Court, and the Medical  
4 Advisory Committee. The Asbestos  
5 Court and the Medical Advisory  
6 Committee shall consider the results of  
7 the report for purposes of determining  
8 whether asbestos exposure is a  
9 substantial contributing factor under  
10 section 124(6)(F). For the purpose of  
11 carrying out this section, there are  
12 authorized to be appropriated \_\_\_\_\_  
13 for fiscal year \_\_\_\_, and such sums as  
14 may be necessary for each of the fiscal  
15 years \_\_\_\_.

16 (b) If the Asbestos Court has  
17 evidence that there have been  
18 advancements in science that would  
19 require additional study, the Court may  
20 request that the Institute of Medicine



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1                               conduct a subsequent study to  
2                               determine if asbestos exposure is a  
3                               cause of other cancers.]  
4                               [Note: We are still considering  
5                               language defining the conduct of the  
6                               study based on the VA's Agent Orange  
7                               study.]

8

9

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PROPOSED MEDICAL CRITERIA - DRAFT  
AMENDMENTS TO EXPOSURE CRITERIA

[We are awaiting language from Democratic Staff related to exposures on U.S. flagships.]

[Although we have provided language for how the time-weighting for historical exposures might work, we are still awaiting language from Labor.]

On page 35, after line 23, insert new subsection (b) as follows:

(b) SUBSTANTIAL OCCUPATIONAL EXPOSURE. —  
For purposes of section 124, years of substantial occupational exposure shall be calculated as follows:  
Each year or years of exposure that occurred prior to 1976 shall be counted fully; each year from 1976 to 1986 shall be counted as one-half; and each year after 1986 shall be counted as one-fourth.

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On page 36, after line 14, amend section 125, by  
inserting new subsection (c), as follows:

(cb) WEIGHTED OCCUPATIONAL YEARS OF  
EXPOSURE. — The period of occupational exposure for  
purposes of paragraphs (6), (7), and (8) of Weighted  
years of substantial occupational exposure and moderate,  
heavy and very heavy occupational exposure under  
subsection 124(b) shall be calculated as follows:

(1) MODERATE EXPOSURE. — Subject to  
paragraph (4), each year that a claimant's primary  
occupation, during a substantial portion of a normal work  
year for that occupation, involved working in areas  
immediate to where asbestos-containing products were  
being installed, repaired, or removed under  
circumstances that involved regular airborne emissions of  
asbestos fibers, shall count as one year of significant  
occupational exposure; (2) HEAVY EXPOSURE. —  
Subject to paragraph (4), Each year prior to 1976 that a  
claimant's primary occupation, during a substantial

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portion of a normal work year for that occupation, involved the direct installation, repair, or removal of asbestos-containing products such that the person was exposed on a regular basis to asbestos fibers, shall count as two years of significant occupational exposure;

(3) VERY HEAVY EXPOSURE. — Each year [prior to 1976] that a claimant's primary occupation, during a substantial portion of a normal work year for that occupation, was in the following industries, (a) primary asbestos manufacturing, (b) World War II shipyard during World War II, or (c) asbestos insulation trades, such that the person was exposed on a regular basis to asbestos fibers, shall count as 4 years of significant occupational exposure;

(4) DATES OF EXPOSURE. — Each year or years of exposure calculated under paragraphs (1), (2), and (3) that occurred prior to 1976 shall be counted fully; each year from 1976 to 1986 shall be counted as one-half; and each year after 1986 shall be counted as one-tenth.

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1 **“SEC. 124. MEDICAL CRITERIA REQUIREMENTS.**

2 (a) DEFINITIONS. — In this section, the following

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3 definitions shall apply:

4 (1) Bilateral Asbestos-related non-malignant  
5 disease. — The term “bilateral nonmalignant disease”  
6 means a diagnosis of bilateral asbestos-related disease  
7 based on—

8 (A) an x-ray reading of 1/0 or higher on the  
9 ILO scale; or

10 (B) an x-ray showing bilateral pleural plaques  
11 or pleural thickening, bilateral interstitial fibrosis, or  
12 bilateral interstitial markings.

13 (2) Bilateral Pleural Disease of B2.—The term  
14 “bilateral pleural disease of B2” means a chest wall pleural  
15 thickening or plaque with a maximum width of at least 5  
16 millimeters and a total length of at least ¼ of the  
17 projection of the lateral chest wall.

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18 (3) CERTIFIED B-READER. — The term “Certified B-  
19 reader” means an individual who has successfully  
20 completed the x-ray interpretation course sponsored

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(5) Individuals who do not meet formula [whose exposures] post 1976 and/or post 1986 exceeded the OSHA standard may submit evidence, documentation, work history or other information to substantiate non-compliance with the OSHA standard (e.g. lack of engineering or work practice controls, protective equipment) such that exposures would be equivalent to exposures prior to 1976 or 1986 or to documented exposures in similar jobs or occupations where control measures had not been implemented. These claims will be evaluated on an individual basis.

On page 35, line 24, delete “(b)” and replace in lieu thereof “(dc)”

On page 36, line 15, delete “(c)” and replace in lieu thereof “(ed)”

[On page 37, line 1, amend section 125(c)(2) by adding “(A)” before “The Asbestos Court”.]

[On page 37, lines 4-5, amend section 125(c)(2) by deleting “significant” and replacing with “substantial”.]

***For Settlement Purposes Only***

[On page 37, after line 11, insert new subparagraph

125(c)(2)(B) as follows:

“(B) When prescribing rules under subparagraph (A), the Asbestos Court shall consider to the extent relevant the structure established by the procedures of the Manville Personal Injury Settlement Trust in effect for claims filed on January 1, 2003, to categorize industries and occupations to which the rebuttable assumption will apply. Any rebuttable presumptions shall be consistent with the weighted years provision in section 125(b).”]

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1 by the National Institute of Occupational Safety and  
2 Health (NIOSH) and whose NIOSH certification is  
3 up to date.

4 ~~(4)~~ CT SCAN. — The term “CT Scan” means an  
5 image produced by computed tomography.

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6 ~~(5)~~ DLCO. — The term “DLCO” means the single-  
7 breath diffusing capacity of the lung (carbon  
8 monoxide) technique used to measure of the volume  
9 of carbon monoxide transferred from the alveoli to  
10 blood in the pulmonary capillaries for each unit of  
11 driving pressure of the carbon monoxide.

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12 (6) FEV1.—The term “FEV1” means a forced  
13 expiratory volume (1 second), which is the maximal  
14 volume of air expelled in 1 second during  
15 performance of the spirometric test for forced vital  
16 capacity.

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forced expiratory volume (1 second), which is the  
maximal volume of air expelled in 1 second during  
performance of the spirometric test for forced vital  
capacity.¶

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17 ~~(7)~~ FORMER SMOKER. — The term “former smoker”  
18 means that the claimant had not smoked for at least  
19 15 years prior to diagnosis of the claimed disease.

**Deleted:** ( ) FVC. — The term “FVC” means  
forced vital capacity, which is the maximal volume  
of air expired with a maximally forced effort from a  
position of maximal inspiration.¶

. ( ) ILO GRADE. — The term “ILO grade” means  
the radiological ratings for the presence of lung or  
pleural changes as determined from a chest x-ray, all  
as established from time to time by the International  
Labor Organization.

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1 (8) FVC.—The term “FVC” means forced vital  
2 capacity, which is the maximal volume of air  
3 expired with a maximally forced effort from a  
4 position of maximal inspiration.

5 (9) ILO Grade.—The term “ILO Grade” means the  
6 radiological ratings for the presence of lung or  
7 pleural changes as determined from a chest x-ray,  
8 all as established from time to time by the  
9 International Labor Organization.

10 (10) LOWER LIMIT OF NORMAL. — The term “lower  
11 limit of normal” for any test means the fifth  
12 percentile of healthy populations based on age,  
13 height, and gender, as referenced in the American  
14 Medical Association’s Guides to the Evaluation of  
15 Permanent Impairment (Fifth Edition 2000).

16 (11) NONSMOKER. — The term “nonsmoker” means  
17 that the claimant never smoked.

18 (12) PATHOLOGICAL EVIDENCE OF ASBESTOS. – The  
19 term “pathological evidence of asbestos” means  
20 proof of asbestosis of at least grade 1(B) or higher

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**Deleted:** (13) PATHOLOGICAL EVIDENCE OF ASBESTOS.—

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1 based on the pathological grading system for  
2 asbestosis described in the Special Issue of the  
3 Archives of Pathology and Laboratory Medicine,  
4 “Asbestos-Associated Diseases,” Vol. 106, No. 11,  
5 App., 3 (October 8, 1982).

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6 (13) PO2. — The term “PO2” means the partial  
7 pressure (tension) of oxygen, which measures the  
8 amount of dissolved oxygen in the blood. The  
9 oxygen saturation is the amount of oxygen actually  
10 carried by the hemoglobin.

11 (14) Pulmonary Function Testing.—The term  
12 “pulmonary function testing” means spirometry  
13 testing that is in compliance with the quality criteria  
14 established from time to time by the American  
15 Thoracic Society and is performed on equipment  
16 which is in compliance with the standards of the  
17 American Thoracic Society for technical quality and  
18 calibration.

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**Deleted:** ( ) PULMONARY FUNCTION TESTING. — The term “pulmonary function testing” means testing that is in compliance with the quality criteria established from time to time by the American Thoracic Society and is performed on equipment which is in compliance with the standards of the American Thoracic Society for technical quality and calibration.¶

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19 (16) SUBSTANTIAL OCCUPATIONAL EXPOSURE. —  
20 The term “substantial occupational exposure” means

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1 employment in an industry and an occupation where  
2 for a substantial portion of a normal work year for  
3 that occupation, the claimant —

4 (A) handled raw asbestos fibers;

5 (B) fabricated asbestos-containing products

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6 so that the claimant in the fabrication process

7 was exposed to raw asbestos fibers;

8 (C) altered, repaired, or otherwise worked

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9 with an asbestos-containing product such that

10 the claimant was exposed on a regular basis

11 to asbestos fibers; or

12 (D) worked in close proximity to other

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13 workers engaged in the activities described

14 under subparagraph (A), (B), or (C) such that

15 the claimant was exposed on a regular basis

16 to asbestos fibers.

17 (18) WEIGHTED YEARS. — The term “weighted

18 years” means exposure for a period of years

19 calculated pursuant to the exposure weighting

20 formula in section 125(b).

**Deleted:** Years of substantial occupational exposure as required under this section shall be calculated pursuant to section 125(b).¶  
. ( ) TLC. — The term “TLC” means total lung capacity, which is the volume of air in the lung after maximal inspiration.¶

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(b) REQUIREMENTS. — To be eligible for an award or  
medical monitoring reimbursement under this title, a  
claimant must meet the medical criteria requirements for 1  
of the following classes:

(1) For Nonmalignant Level I, the claimant shall  
provide —

(A) a diagnosis that meets the requirements of  
section 122 of one of the following —

(i) interstitial fibrosis based on a  
Certified B-reader x-ray reading of  
ILO grade 1/0 or greater and showing  
small irregular opacities of shape/size  
either ss, st, or tt and present in both  
lower lung zones;

(ii) bilateral pleural plaques based on a  
reading of an x-ray by a Certified B-  
reader; or

(iii) bilateral pleural thickening based  
on a reading of an x-ray by a Certified

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Nonmalignant Disease (Unimpaired)

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of small irregular opacities was not discussed at the  
6/13/03 meeting. Labor has proposed this  
requirement in our earlier discussions.]

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1 B-reader showing blunting of at least  
2 one costophrenic angle; and  
3 (B) meaningful and credible evidence of 5 or  
4 more weighted years of substantial  
5 occupational exposure calculated pursuant to  
6 section 125(b).

7 (2) For Nonmalignant Level II, the claimant shall  
8 provide—  
9 (A) a diagnosis that meets the requirements of  
10 section 122 of one of the following—  
11 (i) asbestosis based on a Certified B-  
12 reader x-ray reading, of ILO grade 1/1  
13 or greater and showing small irregular  
14 opacities of shape/size either ss, st, or tt  
15 and present in both lower lung zones;  
16 (ii) bilateral pleural plaques based on a  
17 Certified B-reader x-ray reading, of  
18 ILO grade B2 or higher; or  
19 (iii) bilateral pleural thickening based  
20 on a Certified B-reader x-ray reading,

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of ILO grade B2 or higher and showing

blunting of at least one costophrenic

angle; and

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(B) pulmonary function testing that shows—

(i) FVC less than the lower limit of

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normal, and

(ii) a FEV1/FVC ratio less than 65

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percent; and

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(C) meaningful and credible evidence of 5 or

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more weighted years of substantial

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occupational exposure calculated pursuant to

section 125(b).

(3) For Nonmalignant Level III, the claimant shall

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provide—

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(A) a diagnosis that meets the requirements of

**Deleted:** Class III: Mildly Impaired Nonmalignant Disease

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section 122 of one of the following—

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(i) asbestosis based on a Certified B-

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reader x-ray reading of ILO grade 1/0

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or greater and showing small irregular

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AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To create a medical exceptions panel to review certain claims.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 On page 21, beginning after line 24, insert new section 114(h)
- 2 and redesignate existing section 114(h) as section 114(i), as
- 3 follows:
- 4 (h) Medical Advisory Committee. —
- 5 (A) The chief judge may appoint a Medical
- 6 Advisory Committee consisting of qualified physicians for

1 purposes of providing appropriate medical advice relating  
2 to the review of claims. Magistrates and claims examiners  
3 may refer questions concerning medical eligibility of  
4 claimants to the committee for its advice and  
5 recommendations.

6 (B) To be eligible to be appointed to the Medical  
7 Advisory Committee, a person must —

8 (i) be a physician licensed in any State;

9 (ii) be board-certified in pulmonary medicine,

10 occupational medicine, internal medicine, oncology

11 or pathology; and

12 (iii) be actively and primarily practicing medicine in a  
13 field directly related to the physician's board certification.]

14 On page 35, beginning after line 14, insert new section 124(c) as  
15 follows:

16 (c) EXCEPTIONAL MEDICAL CLAIMS. — A claimant who  
17 does not meet the medical criteria requirements under  
18 subsections (a) and (b) may apply for designation of his or her  
19 claim as an exceptional medical claim under this subsection. To  
20 submit an application for review of an exceptional medical



1 claim, the claimant must (i) state that the claim does not meet the  
2 medical criteria requirements in subsections (a) and (b), or (ii)  
3 seek designation as an exceptional medical claim within sixty  
4 (60) days after a determination that the claim is ineligible solely  
5 for failure to meet the medical criteria requirements under  
6 subsections (a) and (b).

7 (1) Any claimant applying for designation of his  
8 or her claim as an exceptional medical claim must support  
9 his or her application with a report from a physician  
10 meeting the requirements of section 122. In addition to  
11 the requirements of section 122, the report must include:  
12 (i) a complete review of the exposed person's medical  
13 history and current condition; (ii) such additional material  
14 by way of analysis and documentation as shall be  
15 prescribed by regulation; and (iii) a detailed explanation as  
16 to why the claim meets the standard for acceptance under  
17 paragraph (2).

18 (2) At regular intervals, the Asbestos Court shall  
19 refer the applications and supporting documentation to the  
20 Medical Advisory Committee established pursuant to

1 section 114(h) to review all applications for designation as  
2 an exceptional medical claim that were submitted during  
3 the prior relevant period. The standard to be applied for  
4 designation as an exceptional medical claim shall be that  
5 the claimant, for reasons beyond his or her control, cannot  
6 satisfy the requirements under subsections (a) and (b), but  
7 is able, through comparably reliable evidence that meets  
8 the standards under section 122, to show that the claimant  
9 has an asbestos-related condition that is substantially  
10 comparable to that of a medical condition that would  
11 satisfy the requirements of a category under subsection  
12 (b). The Medical Advisory Committee, if it deems  
13 necessary, may request additional, reasonable testing to  
14 support the claimant's application.

15 (3) A claimant may submit a CT Scan in addition  
16 to an x-ray.

17 (4) If the Medical Advisory Committee  
18 determines that the medical evidence is sufficient to show  
19 a comparable asbestos-related condition, it shall issue a  
20 certificate of medical eligibility which shall designate the

1 disease category under subsection (b) as to which the  
2 claimant may be eligible to seek compensation. Any  
3 claim as to which such certificate shall issue shall then be  
4 referred to a magistrate pursuant to section 114(b), who  
5 shall determine whether the claimant meets all of the other  
6 requirements for compensation under this Act.

7 (5) Any claimant whose application for  
8 designation as an exceptional medical claim is rejected  
9 may resubmit his or her application if new evidence  
10 becomes available, but no more frequently than once every  
11 two years. Upon resubmission of an application, the  
12 claimant shall identify any prior applications and state the  
13 new evidence that is the basis for the resubmission.

14 (6) The chief judge shall promulgate regulations  
15 consistent with the statute governing the procedures for  
16 seeking designation of a claim as an exceptional medical  
17 claim.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To create a medical exceptions panel to review certain claims, including those arising out of Libby, Montana.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 On page 21, beginning after line 24, insert new section 114(h)
- 2 and redesignate existing section 114(h) as section 114(i), as
- 3 follows:
- 4 (h) Medical Advisory Committee. —
- 5 (A) The chief judge may appoint a Medical
- 6 Advisory Committee consisting of qualified physicians for

1 purposes of providing appropriate medical advice relating  
2 to the review of claims. Magistrates and claims examiners  
3 may refer questions concerning medical eligibility of  
4 claimants to the committee for its advice and  
5 recommendations.

6 (B) To be eligible to be appointed to the Medical  
7 Advisory Committee, a person must —

8 (i) be a physician licensed in any State;

9 (ii) be board-certified in pulmonary medicine,

10 occupational medicine, internal medicine, oncology

11 or pathology; and

12 (iii) be actively and primarily practicing medicine in a  
13 field directly related to the physician's board certification.]

14 On page 35, beginning after line 14, insert new section 124(c) as  
15 follows:

16 (c) EXCEPTIONAL MEDICAL CLAIMS. — A claimant who  
17 does not meet the medical criteria requirements under  
18 subsections (a) and (b) may apply for designation of his or her  
19 claim as an exceptional medical claim under this subsection. To  
20 submit an application for review of an exceptional medical

1 claim, the claimant must (i) state that the claim does not meet the  
2 medical criteria requirements in subsections (a) and (b), or (ii)  
3 seek designation as an exceptional medical claim within sixty  
4 (60) days after a determination that the claim is ineligible solely  
5 for failure to meet the medical criteria requirements under  
6 subsections (a) and (b).

7 (1) Any claimant applying for designation of his  
8 or her claim as an exceptional medical claim must support  
9 his or her application with a report from a physician  
10 meeting the requirements of section 122. In addition to  
11 the requirements of section 122, the report must include:  
12 (i) a complete review of the exposed person's medical  
13 history and current condition; (ii) such additional material  
14 by way of analysis and documentation as shall be  
15 prescribed by regulation; and (iii) a detailed explanation as  
16 to why the claim meets the standard for acceptance under  
17 paragraph (2).

18 (2) At regular intervals, the Asbestos Court shall  
19 refer the applications and supporting documentation to the  
20 Medical Advisory Committee established pursuant to

1 section 114(h) to review all applications for designation as  
2 an exceptional medical claim that were submitted during  
3 the prior relevant period. The standard to be applied for  
4 designation as an exceptional medical claim shall be that  
5 the claimant, for reasons beyond his or her control, cannot  
6 satisfy the requirements under subsections (a) and (b), but  
7 is able, through comparably reliable evidence that meets  
8 the standards under section 122, to show that the claimant  
9 has an asbestos-related condition that is substantially  
10 comparable to that of a medical condition that would  
11 satisfy the requirements of a category under subsection  
12 (b). The Medical Advisory Committee, if it deems  
13 necessary, may request additional, reasonable testing to  
14 support the claimant's application.

15 (3) A claimant may submit a CT Scan in addition  
16 to an x-ray.

17 (4) If the Medical Advisory Committee  
18 determines that the medical evidence is sufficient to show  
19 a comparable asbestos-related condition, it shall issue a  
20 certificate of medical eligibility which shall designate the

1 disease category under subsection (b) as to which the  
2 claimant may be eligible to seek compensation. Any  
3 claim as to which such certificate shall issue shall then be  
4 referred to a magistrate pursuant to section 114(b), who  
5 shall determine whether the claimant meets all of the other  
6 requirements for compensation under this Act.

7 (5) Any claimant whose application for  
8 designation as an exceptional medical claim is rejected  
9 may resubmit his or her application if new evidence  
10 becomes available, but no more frequently than once every  
11 two years. Upon resubmission of an application, the  
12 claimant shall identify any prior applications and state the  
13 new evidence that is the basis for the resubmission.

14 (6) The chief judge shall promulgate regulations  
15 consistent with the statute governing the procedures for  
16 seeking designation of a claim as an exceptional medical  
17 claim.

18 (7) All claims filed by Libby, Montana claimants  
19 shall be designated as exceptional medical claims and  
20 referred to the Medical Advisory Committee for review.



1 In reviewing the medical evidence submitted by a Libby,  
2 Montana claimant in support of his or her claim, and prior  
3 to making a eligibility determination for a Libby, Montana  
4 claimant, the Medical Advisory Committee shall  
5 review the current medical and scientific literature relating  
6 to the study, diagnosis and treatment of asbestos-related  
7 diseases resulting from exposure to asbestos and other  
8 fibers found in and around Libby, Montana, including  
9 public health assessments prepared by the Agency for  
10 Toxic Substances and Disease Registry for the Libby  
11 Asbestos Site. The Medical Advisory Committee shall  
12 take into consideration the unique and serious nature of  
13 asbestos exposure in Libby, Montana, including the  
14 debilitating nature of pleural disease related to asbestos-  
15 exposure in Libby, when making a determination of  
16 eligibility and designating the disease category.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: Medical monitoring information.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1           On page 39, line 15, after “insurance for” insert “a
- 2   physical examination,”.
- 3           On page 39, line 20, delete “and”.
- 4           On page 39, line 22, delete the period at the end of the
- 5   sentence and insert in lieu thereof “ for claiming reimbursements
- 6   for medical monitoring under this section; and”

1           On page 39, after line 22, insert new section 132(c)(3) as

2   follows:

3           “(3) the procedures for notifying claimants who are  
4   eligible for medical monitoring and providing such claimants  
5   a list of approved medical care providers in their geographic  
6   area who are approved to provide reimbursable medical  
7   monitoring services.”

## **Medical Screening/Monitoring**

This amendment would set up an efficient and reliable screening program for people in high risk occupations to be sure that those who were injured are identified and paid, and then to provide regular monitoring of those who have less serious medical problems that cannot yet be compensated under the bill.

### **Sec XXX: Education, Consultation, Screening and Monitoring**

(a) General: - There is established within the Asbestos Trust Fund a program for the education, consultation, medical screening and medical monitoring of persons with exposure to asbestos. The program shall be funded by the Asbestos Trust Fund and administered by the Administrator.

(b) *Outreach and Education* Within 180 days after the implementation of this Act, the Administrator shall establish an outreach and education program designed to provide information about asbestos-related medical conditions to members of populations at risk of developing these conditions.

1. The information provided to these populations will include information about the signs and symptoms of asbestos-related medical conditions; the value of appropriate medical screening programs; and actions that the individuals at risk can take to reduce their future health risks related to asbestos.
2. The administrator is encouraged to contract with outside organizations to provide these educational programs. Preference shall be given to providers which are existing not-for-profit organizations with a history and experience of providing occupational health outreach and educational programs for asbestos-exposed workers.

(c) Coverage and Application: Each person who can demonstrate through work histories or other documentation an exposure to asbestos (as described below) his or hers voluntary discretion, is entitled to participate in the medical screening and medical monitoring program established by this Act.

(d ) *Medical Screening Program*: Within 180 days after the implementation of this act, the Administrator shall establish a medical screening program for persons with past exposure to asbestos who have not yet been diagnosed with an asbestos-related illness. For the purposes of this section medical screening program means an initial program consultation, medical examination and work history of persons previously exposed to asbestos who have not been diagnosed with an asbestos-related illness.

The Program shall establish:

1. Eligibility criteria for the medical screening program based on a past history of occupational exposure to asbestos. To the extent feasible (and in order to ease application to the program), such criteria shall

establish eligibility for screening based on a history of work in an asbestos-related occupation and/or industry during a specific time period and for a minimum duration. These industries and occupations shall include, but not be limited to, the occupations and industries identified as meeting the weighted exposure criteria for lung cancer, (asbestosis and pleural disease) specified in Disease Categories Level I, II, III, VII and VIII.

2. Protocols for medical screening, which shall include but not be limited to:
  - i. Administration of a health evaluation and work history questionnaire;
  - ii. Physical examination including blood pressure measurement, chest examination and examination for clubbing.
  - iii. AP and lateral chest x-ray;
  - iv. Spirometry performed according to ATS standards;
  - v. Educational sessions on asbestos exposures, asbestos-related diseases and asbestos disease compensation criteria.
3. The frequency with this medical screening shall be provided or available to eligible individuals, which initially shall not be less than every five years.
4. The qualifications of the medical and/or program providers administering these protocols.
5. A list of medical and/or program providers eligible to provide these protocols who meet minimal medical and program standards established by the Administrator. Preference shall be given to medical providers and program providers which are existing not-for-profit organization with a history and experience of providing or contracting for medical screening programs for persons previously exposed to asbestos; and with a demonstrated capacity for identifying, contacting, and evaluating populations of workers or others previously exposed to asbestos; and with experience in establishing networks of medical providers to conduct medical screening and medical monitoring examinations. To the extent possible, these screening programs should be coordinated with the outreach and education programs described above.

Section (d) *Medical Monitoring Program and Protocols*: Within 180 days after the implementation of this act, the Administrator shall promulgate procedures (regulations) establishing a medical monitoring program for persons exposed to asbestos who have been approved for Category I and II compensation.

In consultation with the Directors of The National Institute for Occupational Safety and Health (NIOSH) and the National Cancer Institute (NCI), the Administrator shall promulgate procedures/regulations establishing:

1. Specific medical tests to be provided to eligible individuals and the periodicity of those tests. Initially these tests shall be provided every two years and include the following:
  - i. Administration of a health evaluation and work history questionnaire;
  - ii. Physical examination including blood pressure measurement, chest examination and examination for clubbing.
  - iii. AP and lateral chest x-ray;
  - iv. Spirometry performed according to ATS standards;
  - v. Educational sessions on asbestos exposures, asbestos-related diseases and asbestos disease compensation criteria.
2. Qualifications for medical providers to provide those tests.
3. A list of medical and/or program providers eligible to provide these protocols who meet minimal medical and program standards established by the Administrator. Preference shall be given to medical providers and program providers as defined in this section. Persons exposed to asbestos who elect to participate in the program shall be provided with the list of approved providers in their geographic area at the time they become eligible for the program.
4. Administrative provisions for reimbursing the costs of these monitoring tests.

Section (e): The Administrator may enter into contracts with qualified program providers that would permit the program providers to undertake large-scale medical screening and medical monitoring programs by means of subcontracts a network of medical providers and other health providers.

Section (f): The Administrator shall review and as necessary and appropriate update these requirements and protocols at least every five years.

### **Structured Payments Clarification**

As we understand the desire of the bill's sponsors, awards may be paid out to successful claimants over a period of three years, in part to reduce the stress on the "front-end" of the fund. But as written, the bill requires payments to be made over at least three years, and they could be made over 5 or 10 or 25 years. This amendment would ensure that payments are made over a period not to exceed three years. (Presumably in later years, the Administrator could decide to make payments over two years or immediately, if the finances of the Fund made that possible. That would not be permissible under the current language.)

On page 40, line 4, strike "less" and insert "more".

## **DURBIN AMENDMENT TO S. 1125**

**Purpose: To amend the definition of “prior asbestos expenditure.”**

On page 46, lines 17-21, insert the underlined text:

(A) means the gross total amount paid by or on behalf of a person at any time before December 31, 2002, in settlement, judgment, defense, or indemnity costs related to all asbestos claims that ultimately resulted in an adverse judgment against that person or that were the subject of a settlement that required a payment to a plaintiff by or on behalf of that person;”

EXPLANATION: This amendment would exclude from the calculation of “prior asbestos expenditures” those costs incurred in cases where the defendant mounted a successful defense.



Proposed changes to “Fairness in Asbestos Injury Resolution Act of 2003”; changes are highlighted in purple.

## SEC. 201. DEFINITIONS.

\* \* \* \* \*

(4) INDEMNITEE. — The term “indemnitee” means a person against whom any asbestos claim has been asserted before December 31, 2002, who has received from any other person, or on whose behalf a sum has been paid by such other person to any third person, in settlement, judgment, defense, or indemnity in connection with an alleged duty with respect to the defense or indemnification of such person concerning that asbestos claim, other than under a policy of insurance.

(5) INDEMNITOR. — The term “indemnitor” means a person who has paid under a written agreement at any time before December 31, 2002, a sum in settlement, judgment, defense, or indemnity to or on behalf of any person defending against an asbestos claim, in connection with an alleged duty with respect to the defense or indemnification of such person concerning that asbestos claim, except that payments by an insurer or reinsurer under a contract of insurance or reinsurance shall not make the insurer or reinsurer an indemnitor for purposes of this subtitle.

(6) PRIOR ASBESTOS EXPENDITURE. — The term “prior asbestos expenditures” —

(A) means the gross total amount paid by or on behalf of a person at any time before December 31, 2002, in settlement, judgment, defense, or indemnity costs related to all asbestos claims against that person;

(B) includes payments made by insurance carriers to or for the benefit of such person or on such person’s behalf with respect to such asbestos claims, except as provided in section 204(g);

(C) shall not include any payment made by a person in connection with or as a result of changes in insurance reserves as required by contract or any activities or disputes related to insurance coverage matters for asbestos-related liabilities; and

(D) shall not include any payment made by or on behalf of persons who are or were common carriers by railroad for asbestos claims brought under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Federal Employers’ Liability Act, including settlement, judgment, defense or indemnity costs associated with these claims.

\* \* \* \* \*



facie showing of physical impairment as a result of a medical condition to which exposure to asbestos was a substantial contributing factor.

(2) REQUIREMENTS OF PRIMA FACIE SHOWING- A prima facie showing under this subsection shall include all of the following minimum requirements:

(A) PERMANENT RESPIRATORY IMPAIRMENT RATING- A determination by a qualified physician, on the basis of a medical examination and pulmonary function testing, that the exposed person has a permanent respiratory impairment rating of at least Class 2 as defined by and evaluated under the AMA Guides to the Evaluation of Permanent Impairment.

(B) DIAGNOSIS- A diagnosis by a qualified physician of asbestosis or diffuse pleural thickening, based at a minimum on pathological evidence of asbestosis, radiological evidence of asbestosis, or radiological evidence of diffuse pleural thickening.

(C) SUBSTANTIAL CONTRIBUTING FACTOR- A determination by a qualified physician that asbestosis or diffuse pleural thickening (rather than solely chronic obstructive pulmonary disease) is a substantial contributing factor to the exposed person's physical impairment, based at a minimum on a determination that the exposed person has either--

(i) a ratio of FEV1 to FVC that is equal to or greater than the predicted lower limit of normal; or

(ii) a chest x-ray showing small, irregular opacities (s,t) graded by a certified B-reader at least 2/1 on the ILO scale.

## **SEC. 5. EXPOSURE CRITERIA REQUIREMENTS.**

(a) REQUIREMENT- To be eligible to receive an award under this title for an asbestos-related injury, the claim submitted by the asbestos claimant shall contain information to demonstrate that--

(1) the claimant meets the minimum exposure requirements under this subtitle; and

(2) such exposure to asbestos occurred within the United States, its territories, or possessions.

(b) BURDEN OF PROOF-

(1) IN GENERAL- An asbestos claimant has the burden of demonstrating meaningful and credible exposure to asbestos for purposes of this subtitle.

(2) EVIDENCE- The demonstration under paragraph (1) may be established by-

(A) an affidavit submitted by the claimant, a coworker of the claimant, or a family member, in the case of a deceased claimant;

(B) employment records;

(C) invoices;

(D) construction or other similar records; or

(E) other credible evidence.

(c) RULES-

(1) EXPOSURE INFORMATION- The Asbestos Court shall issue rules prescribing specific exposure information that shall be submitted to permit the Court to process an asbestos claim and prescribing a proof of claim form. Such rules may provide that a claims examiner or magistrate, as applicable, may require the submission of other or additional evidence of exposure when determined to be appropriate

and necessary.

(2) REBUTTABLE PRESUMPTIONS- The Asbestos Court may prescribe rules identifying specific industries, occupations within those industries, time periods, and employment periods for which significant occupational exposure may be a rebuttable presumption for asbestos claimants who provide meaningful and credible evidence that the claimant worked in that industry and occupation for the requisite period of time. The Administrator may provide evidence to rebut this presumption.

**(c) COMPLIANCE WITH TECHNICAL STANDARDS-**

(1) IN GENERAL- Evidence relating to physical impairment under this section, including pulmonary function testing and diffusing studies, shall comply with--

(A) the technical recommendations for examinations, testing procedures, quality assurance and quality control, and equipment of the AMA Guides to the Evaluation of Permanent Impairment; or

(B) if the AMA Guides to the Evaluation of Permanent Impairment are not applicable, other authoritative standards.

(2) ADJUSTMENTS- No adjustments with respect to pulmonary function testing shall be made on the basis of race.

(d) NO PRESUMPTION AT TRIAL- Presentation of prima facie evidence of asbestos-related impairment meeting the requirements of this section shall not result in any presumption at trial that the exposed person is impaired by an asbestos-related condition, and evidence that the exposed person made a prima facie showing of impairment shall not be admissible at trial.

## **SEC. 6. PROCEDURES; REMOVAL.**

(a) CONSOLIDATION- A court may consolidate for trial any number and type of asbestos claims with consent of all the parties. In the absence of such consent, the court may consolidate for trial only asbestos claims relating to the same exposed person and members of the household of the exposed person.

(b) VENUE-

(1) IN GENERAL- A civil action asserting an asbestos claim may only be brought in the State of the plaintiff's domicile or a State in which there occurred exposure to asbestos that is a substantial contributing factor to the physical impairment on which the claim is based.

(c) PRELIMINARY PROCEEDINGS- The plaintiff in any civil action involving an asbestos claim shall file with the complaint or other initial pleading a written report and supporting test results constituting prima facie evidence of the exposed person's asbestos-related impairment meeting the requirements of section 4(b). The defendant shall be afforded a reasonable opportunity to challenge the adequacy of the proffered prima facie evidence of asbestos-related impairment. The plaintiff's claim shall be dismissed without prejudice upon a finding of failure to make the required prima facie showing.

## **SEC. 7. FILING OF CLAIMS.**

(a) WHO MAY SUBMIT-

(1) GENERAL RULE- Any individual who has suffered from an eligible disease or condition that is believed to meet the requirements established (or the spouse, parent, child, or other relative of such individual in a representative capacity, or the executor of the estate of such individual) may file a claim with the court for an award with

respect to such injury.

(2) LIMITATION- An asbestos claim may not be filed by any person seeking contribution or indemnity.

(b) REQUIRED INFORMATION- To be valid, an asbestos claim filed under subsection

(a) shall be notarized and include--

(1) the name, social security number, gender, date of birth, and, if applicable, date of death of the claimant;

(2) information relating to the identity of dependents and beneficiaries of the claimant;

(3) a detailed description of the work history of the claimant, including social security records or a signed release permitting access to such records;

(4) a detailed description of the asbestos exposure of the claimant, including information on the identity of any product or manufacturer, site, or location of exposure, plant name, and duration and intensity of exposure;

(5) a detailed description of the tobacco product use history of the claimant, including frequency and duration;

(6) an identification and description of the asbestos-related diseases of the claimant, including a written report by the claimant's physician with medical diagnoses and test results necessary to make a determination of medical eligibility that complies with the applicable requirements of this subtitle.

(7) a description of any prior or pending civil action or other claim brought by the claimant for asbestos-related injury or any other pulmonary, parenchymal or pleural injury, including an identification of

any recovery of compensation or damages through settlement, judgment, or otherwise; and

(8) any other information that is required to be included under procedural rules issued by the court.

(d) REMOVAL-

(1) IN GENERAL- If a State court refuses or fails to apply this section, any party in a civil action for an asbestos claim may remove such action to a district court of the United States in accordance with chapter 89 of title 28, United States Code.

(2) JURISDICTION OVER REMOVED ACTIONS- The district courts of the United States shall have jurisdiction of all civil actions removed under this subsection, without regard to the amount in controversy and without regard to the citizenship or residence of the parties.

(3) REMOVAL BY ANY DEFENDANT- A civil action may be removed to the district court of the United States under this subsection by any defendant without the consent of all defendants.

(4) REMAND- The district court shall remand any civil action removed solely under this subsection, unless the court finds that--

(A) the State court failed to comply with procedures prescribed by law; or

(B) the failure to dismiss by the State court lacked substantial support in the record before the State court.



## **SEC. 8. DISMISSAL OF PENDING CLAIMS.**

(a) EFFECT ON PENDING CLAIMS- If an asbestos claimant has any timely filed claim for an asbestos-related injury that is pending in a Federal or State court or with a trust established under title 11, United States Code, on the date of enactment of this Act, such claimant shall file an asbestos claim under this section within 180 days or the pending suits shall be dismissed without prejudice.

## **SEC. 9. STATUTE OF LIMITATIONS; TWO-DISEASE RULE.**

(a) STATUTE OF LIMITATIONS- Notwithstanding any other provision of law, with respect to any nonmalignant asbestos claim not barred on the effective date of this Act, the limitations period shall not begin to run until the exposed person discovers, or through the exercise of reasonable diligence should have discovered, that the exposed person is physically impaired by an asbestos-related nonmalignant condition.

(b) TWO-DISEASE RULE- An asbestos claim arising out of a nonmalignant condition shall be a distinct cause of action from an asbestos claim relating to the same exposed person arising out of asbestos-related cancer. No damages shall be awarded for fear or risk of cancer in any civil action asserting only a nonmalignant asbestos claim.

(c) GENERAL RELEASES FROM LIABILITY PROHIBITED- No settlement of a nonmalignant asbestos claim concluded after the date of enactment of this Act shall require, as a condition of settlement, release of any future claim for asbestos-related cancer.

## **SEC. 10. PUNITIVE DAMAGES.**

## **SEC. 11. MISCELLANEOUS PROVISIONS.**

(a) CONSTRUCTION WITH OTHER LAWS- This Act shall not be construed to--

- (1) affect the scope or operation of any workers' compensation law or veterans' benefit program;
- (2) affect the exclusive remedy or subrogation provisions of any such law; or
- (3) authorize any lawsuit which is barred by any such provision of law.

(b) CONSTITUTIONAL AUTHORITY- The Constitutional authority for this Act is contained in Article I, section 8, clause 3 and Article III, section 1 of the Constitution of the United States.

## **SEC. 12. EFFECTIVE DATE.**

This Act shall take effect on the date of enactment of this Act and apply to any civil action asserting an asbestos claim in which trial has not commenced as of that date.

AMENDMENT NO. Calendar No.

Purpose: To provide for the fair and efficient judicial consideration of personal injury and wrongful death claims arising out of asbestos exposure, to ensure that individuals who suffer harm, now or in the future, from illnesses caused by exposure to asbestos receive compensation for their injuries, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Strike sections 101-403 and insert the following:

### **A BILL**

To provide for the fair and efficient judicial consideration of personal injury and wrongful death claims arising out of asbestos exposure, to ensure that individuals who suffer harm, now or in the future, from illnesses caused by exposure to asbestos receive compensation for their injuries, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE- This Act may be cited as the 'Asbestos Claims Criteria and Compensation Act of 2003'.

(b) TABLE OF CONTENTS- The table of contents is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definitions.

- Sec. 4. Physical impairment.
- Sec. 5. Procedures; removal.
- Sec. 6. Statute of limitations; two-disease rule.
- Sec. 7. Miscellaneous provisions.
- Sec. 8. Effective date.
- Sec. 9. Statute of limitations; two-disease rule.
- Sec.10. Punitive damages.
- Sec.11. Miscellaneous provisions.
- Sec.12. Effective date.

## **SEC. 2. FINDINGS AND PURPOSES.**

### **(a) FINDINGS- Congress finds that--**

- (1) asbestos is a mineral that was widely used before the 1980s for insulation, fireproofing, and other purposes;
- (2) millions of American workers and others were significantly exposed to asbestos, especially during and after World War II and before the advent of regulation by the Occupational Safety and Health Administration in the early 1970s;
- (3) exposure to asbestos has been associated with various types of cancer, including mesothelioma and lung cancer, and such nonmalignant conditions as asbestosis, pleural plaques, and diffuse pleural thickening;
- (4) the diseases caused by asbestos have latency periods of up to 40 years or more, but the most serious asbestos-related disease, mesothelioma, is fatal within 1 to 2 years, and other related cancers are often fatal;
- (5) although the use of asbestos has dramatically declined since 1980 and workplace exposures have been regulated since 1971 by the

Occupational Safety and Health Administration, past exposures will continue to result in significant death and disability from mesothelioma and other cancers well into the 21st century;

(6) exposure to asbestos has created a flood of litigation targeting approximately 8,400 defendant companies in Federal and State courts that the United States Supreme Court has characterized as 'an elephantine mass' of cases that 'defies customary judicial administration and calls for national legislation,' *Ortiz v. Fibreboard Corporation*, 119 S. Ct. 2295, 2302 (1999);

(7) the American Bar Association supports enactment of Federal legislation that would--

(A) allow persons alleging non-malignant asbestos-related disease claims to file a cause of action in Federal or State court only if those persons meet the medical criteria in the 'ABA Standard for Non-Malignant Asbestos-Related Disease Claims' dated February 2003 or an appropriate similar medical standard; and

(B) toll all applicable statutes of limitations until such time as the medical criteria in such standard are met;

(8) asbestos personal injury litigation can be unfair and inefficient, imposing a severe burden on litigants and taxpayers alike, in most cases involving defendant companies that were never involved in the production of asbestos;

(9) the extraordinary volume of nonmalignant asbestos cases continues to strain Federal and State courts, with over 200,000 cases pending and over 50,000 new cases filed each year;

(10) asbestos personal injury litigation has already contributed to the bankruptcy of more than 60 companies and the rate of asbestos-

driven bankruptcies is accelerating;

(11) the vast majority of asbestos claims are filed by individuals who--

- (A) have been exposed to asbestos;
- (B) may have some physical sign of exposure; and
- (C) suffer no present asbestos-related impairment;

(12) the cost of compensating exposed persons who are not sick--

- (A) jeopardizes the ability of defendants to compensate people with cancer and other serious asbestos-related diseases, now and in the future; and
- (B) strains the ability of courts to manage the deluge of cases involving nonimpaired plaintiffs;

(13) an estimated 50,000 to 60,000 workers have lost their jobs as a direct result of asbestos litigation and related bankruptcies of defendant companies and each displaced worker will, on average, lose between \$25,000 and \$50,000 in lost wages;

(14) employees of defendant companies declaring bankruptcy (who are often stockholders of those companies) will, on average, lose 25 percent of the value of their retirement investment under section 401(k) of the Internal Revenue Code of 1986 because of lost stock value;

(15) concerns about statutes of limitations can force claimants who have been exposed to asbestos but who have no current injury to bring premature lawsuits in order to protect against losing their rights to future compensation should those claimants become impaired;

(16) consolidations, joinder, and similar procedures, to which some courts have resorted in order to deal with the mass of asbestos cases, can undermine the appropriate functioning of the judicial process and encourage the filing of thousands of cases by exposed

persons who are not yet sick and who may never become sick;

(17) the availability of sympathetic forums in States with no connection to the plaintiff or to the exposures that form the basis of a lawsuit has encouraged the filing of thousands of cases on behalf of exposed persons who are not yet sick and may never become sick;

(18) asbestos litigation, if left unchecked by reasonable congressional intervention, will--

(A) continue to inhibit the economy and run counter to plans to stimulate economic growth and the creation of new jobs;

(B) threaten the savings, retirement benefits, and employment of defendants' current and retired employees;

(C) affect adversely the communities in which these defendants operate; and

(D) impair interstate commerce and national initiatives, including national security; and

(19) the public interest and the interest of interstate commerce requires deferring the claims of exposed persons who are not sick in order to--

(A) preserve, now and for the future, defendants' ability to compensate people who develop cancer and other serious asbestos-related injuries; and

(B) safeguard the jobs, benefits, and savings of American workers and the well-being of the national economy.

(b) PURPOSES- It is the purpose of this Act to--

(1) give priority to those asbestos claimants who can demonstrate actual physical harm or illness caused by asbestos;

(2) fully preserve the rights of claimants who were exposed to asbestos to pursue compensation should those claimants become sick

in the future;

(3) enhance the ability of the Federal and State judicial systems to supervise and control asbestos litigation and asbestos-related bankruptcy proceedings; and

(4) conserve the scarce resources of the defendants, and marshal assets in bankruptcy, to allow compensation of cancer victims and others who are physically harmed by exposure to asbestos while securing the right to similar compensation for those who may suffer physical harm in the future.

### **SEC. 3. DEFINITIONS.**

In this Act:

(1) AMA GUIDES TO THE EVALUATION OF PERMANENT IMPAIRMENT- The term 'AMA Guides to the Evaluation of Permanent Impairment' means the American Medical Association's Guides to the Evaluation of Permanent Impairment (Fifth Edition 2000).

(2) ASBESTOS- The term 'asbestos' includes all minerals defined as 'asbestos' under section 1910 of title 29 of the Code of Federal Regulations.

(3) ASBESTOS CLAIM- The term 'asbestos claim'--

(A) means any claim for damages or other relief presented in a civil action or bankruptcy proceeding, arising out of, based on, or related to the health effects of exposure to asbestos, including loss of consortium and any other derivative claim made by or on behalf of any exposed person or any representative, spouse, parent, child or other relative of any exposed person; and

(B) does not include claims for benefits under a workers' compensation law or veterans' benefits program, or claims



brought by any person as a subrogee by virtue of the payment of benefits under a workers' compensation law or punitive damages.

(4) ASBESTOSIS- The term 'asbestosis' means bilateral diffuse interstitial fibrosis of the lungs caused by inhalation of asbestos fibers.

(5) CERTIFIED B-READER- The term 'certified B-reader' means an individual qualified as a 'final' or 'B-reader' under section 37.51(b) of title 42 of the Code of Federal Regulations.

(6) CIVIL ACTION- The term 'civil action'--

(A) means all suits of a civil nature in Federal or State court, whether cognizable as cases at law or in equity or in admiralty; and

(B) does not include an action relating to any workers' compensation law, or a proceeding for benefits under any veterans' benefits program.

(7) EXPOSED PERSON- The term 'exposed person' means any person whose exposure to asbestos or to asbestos-containing products is the basis for an asbestos claim.

(8) FEV1- The term 'FEV1' means forced expiratory volume in the first second, which is the maximal volume of air expelled in 1 second during performance of simple spirometric tests.

(9) FVC- The term 'FVC' means forced vital capacity, which is the maximal volume of air expired with maximum effort from a position of full inspiration.

(10) ILO SCALE- The term 'ILO Scale' means the system for the classification of chest x-rays set forth in the International Labour Office's Guidelines for the Use of ILO International Classification of Radiographs of Pneumoconioses (1980) as amended by the

International Labour Office.

(11) NONMALIGNANT CONDITION- The term 'nonmalignant condition' means any condition that is caused or may be caused by asbestos other than a diagnosed cancer.

(12) PATHOLOGICAL EVIDENCE OF ASBESTOSIS- The term 'pathological evidence of asbestosis' means a statement by a Board-certified pathologist that--

(A) more than 1 representative section of lung tissue uninvolved with any other disease process demonstrates a pattern of peribronchiolar or parenchymal scarring in the presence of characteristic asbestos bodies; and

(B) there is no other more likely explanation for the presence of the fibrosis.

(13) PREDICTED LOWER LIMIT OF NORMAL- The term 'predicted lower limit of normal' for any test means the fifth percentile of healthy populations based on age, height, and gender, as referenced in the AMA Guides to the Evaluation of Permanent Impairment.

(14) RADIOLOGICAL EVIDENCE OF ASBESTOSIS- The term 'radiological evidence of asbestosis' means a chest x-ray showing small, irregular opacities (s,t) graded by a certified B-reader as at least 1/1 on the ILO scale.

(15) RADIOLOGICAL EVIDENCE OF DIFFUSE PLEURAL THICKENING- The term 'radiological evidence of diffuse pleural thickening' means a chest x-ray showing bilateral pleural thickening of at least B2 on the ILO scale and blunting of at least 1 costophrenic angle.

(16) STATE- The term 'State' means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern

Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the entities under this paragraph.

(17) VETERANS' BENEFITS PROGRAM- The term `veterans' benefits program' means any program for benefits in connection with military service administered by the Veterans' Administration under title 38, United States Code.

(18) WORKERS' COMPENSATION LAW- The term `workers' compensation law'--

(A) means a law respecting a program administered by a State or the United States to provide benefits, funded by a responsible employer or an insurance carrier of that employer, for occupational diseases or injuries or for disability or death caused by occupational diseases or injuries;

(B) includes the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) and chapter 81 of title 5, United States Code; and

(C) does not include the Federal Employer's Liability Act (45 U.S.C. 51 et seq.).

#### **SEC. 4. PHYSICAL IMPAIRMENT.**

(a) IMPAIRMENT ESSENTIAL ELEMENT OF CLAIM- Physical impairment of the exposed person, to which asbestos exposure was a substantial contributing factor, shall be an essential element of an asbestos claim. For purposes of this section, cancer shall be presumed to involve physical impairment.

(b) PRIMA FACIE EVIDENCE OF PHYSICAL IMPAIRMENT-

(1) IN GENERAL- No person shall bring or maintain a civil action alleging a nonmalignant asbestos claim in the absence of a prima

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. Hatch

Viz:

**Technical Amendment**

- 1 Page 3, beginning with line 13, strike; Section (2)(A) through (H). Replace  
2 with:  
3 “(2) Asbestos.—The term asbestos includes—  
4 (A) chrysotile;  
5 (B) amosite;  
6 (C) crocidite;  
7 (D) tremolite asbestos;  
8 (E) winchite asbestos;  
9 (F) richterite asbestos;

1 (G) anthophyllite asbestos;

2 (H) actinolite asbestos;”

3

4 Page 7, section 3(11), line 6; insert after the word “title” the following;

5 “, provided, however, that defendant participant does not include any  
6 person protected from any asbestos claims by an injunction entered in  
7 connection with a plan of reorganization under chapter 11 of title 11, United  
8 States Code, that has been confirmed by a duly entered order or judgment of  
9 a court that is no longer subject to appeal or judicial review unless such  
10 person can be assessed for contribution under subtitle A of title II for prior  
11 asbestos expenditures related to asbestos claims that are not covered by  
12 such injunction.”

13

14 Page 41, delete lines 3 through 7

15 Page 44 after line 8 insert the following:

16 (2) Class Action Trust: The term “class action trust” means a trust or  
17 similar entity established to hold assets for the payment of asbestos claims  
18 asserted against a debtor or participating defendant, pursuant to a settlement  
19 of class action claims under Rule 23 of the Federal Rules of Civil  
20 Procedure, which settlement has been approved by a final judgment of a  
21 United States District Court prior to the date of enactment of this Act.

22 Page 44 line 9 redesignate (2) to become (3)

23 Page 45 line 11 redesignate (3) to (4)

- 1 Page 45 line 17 redesignate (4) to (5)
- 2 Page 46 line 3 redesignate (5) to (6)
- 3 Page 46 line 15 redesignate (6) to 7)
- 4 Page 47 line 15 redesignate (7) to (8)
- 5 Page 47 line 21 redesignate (8) to (9)
- 6
- 7 Page 47, line 4 after “with” insert “or as a result of changes in insurance
- 8 reserves required by contract or”
- 9 Page 47, beginning at line 18, strike; “for any purpose, including
- 10 administering and paying asbestos claims.” Replace with, “in whole or in
- 11 part to provide compensation for asbestos claims.”
- 12
- 13 Page 55 at the end of line 17 after “person.” add
- 14 “If a debtor and affiliated group includes a person in respect of whose
- 15 liabilities for asbestos claims a class action trust has been established, there
- 16 shall be excluded from the 2002 revenues of such debtor and affiliated
- 17 group:
- 18 (i) all revenues of the person in respect of whose liabilities for
- 19 asbestos claims the class action trust was established, and
- 20 (ii) all revenues of the debtor and affiliated group attributable to the
- 21 historical business operations or assets of such person, regardless of
- 22 whether such business operations or assets were owned or conducted during

1 the year 2002 by such person or by any other person included within such  
2 debtor and affiliated group.

3

4 Page 58 after line 13 add

5 (5) Class Action Trust. The assets of any class action trust that has  
6 been established in respect of the liabilities for asbestos claims of  
7 any person included within a debtor and affiliated group that has  
8 been assigned to Tier I (exclusive of any assets needed to pay  
9 previously incurred expenses and asbestos claims reduced to a final  
10 order or judgment within the meaning of Section 403(d)(1) before  
11 the date of enactment of this Act) shall be transferred to the Fund  
12 not later than six months after the date of enactment of this Act.

13

14 Page 95, line 23, strike; "LIMITATIONS ON"

15

16 Page 96, line 2, after the word "year," insert; "unless otherwise provided."

17

18 Page 97, line 17, strike; "maximum," replace with the word "minimum."

19

20 Page 99, section 225, line 24; after the word "Act" insert ", provided,  
21 however, that additional contributing participant does not include any  
22 person protected from any asbestos claims by an injunction entered in

1 connection with a plan of reorganization under chapter 11 of title 11, United  
2 States Code, that has been confirmed by a duly entered order or judgment of  
3 a court that is no longer subject to any appeal or judicial review unless such  
4 person can be assessed for contribution under subtitle A of title II for prior  
5 asbestos expenditures related to asbestos claims that are not covered by  
6 such injunction.”

7

8 Page 109, beginning at line 22, strike; “as is required under section 202.”

9

10 Page 112, beginning at line 5, strike; “until the assignment required under  
11 paragraph (1) has been made.”

12

13 Page 113, line 11, strike; “assigned through Tiers II through VI”

14

15 Page 113, beginning at line 12, strike; “filed before the date of enactment of  
16 this Act”



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To require review of Federal sentencing guidelines  
for environmental crimes and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of  
victims for bodily injury caused by asbestos exposure,  
and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. LEAHY

Viz:

1       On page 93, lines 22 and 23, strike “occurring after  
2   the date of enactment of this Act”.

3       On page 93, line 25, and page 94, line 1, strike “sec-  
4   tion 6(a) of”.

5       On page 94, line 2, strike “2605(a)” and insert  
6   “2601 et seq.”.

1       On page 94, line 3, insert “, disposal,” after “proc-  
2   essing”.

3       On page 94, lines 4 and 5, strike “may refer the mat-  
4   ter” and insert “shall refer the matter in writing within  
5   30 days after receiving that information”.

6       On page 94, lines 6 and 7, strike “United States At-  
7   torney” and insert “appropriate State authority with ju-  
8   risdiction to investigate asbestos matters”.

9       On page 94, line 7, strike “under” and all that fol-  
10   lows through line 9, and insert “, including those under  
11   section 17 of the Toxic Substances Control Act (15 U.S.C.  
12   2616).”.

13       On page 94, line 12, strike “occurring after the date  
14   of enactment of this Act”.

15       On page 94, lines 14 and 15, strike “section 112(d)  
16   of”.

17       On page 94, line 16, strike “7412(d)” and insert  
18   “7401 et seq.”.

1       On page 94, line 17, strike “may refer the matter”  
2 and insert “shall refer the matter in writing within 30  
3 days after receiving that information”.

4       On page 94, line 19, strike “United States Attorney”  
5 and insert “appropriate State authority with jurisdiction  
6 to investigate asbestos matters”.

7       On page 94, line 20, insert “, including those” after  
8 “penalties”.

9       On page 95, lines 4 and 5, strike “may refer the mat-  
10 ter” and insert “shall refer the matter in writing within  
11 30 days after receiving that information”.

12       On page 95, line 5, strike “United States Attorney”  
13 and all that follows through line 9, and insert “Assistant  
14 Secretary for the Occupational Safety and Health Com-  
15 mission and the appropriate State authority with jurisdic-  
16 tion to investigate asbestos matters for possible civil or  
17 criminal penalties, including those under section 17 of the  
18 Occupational Safety and Health Act of 1970 (29 U.S.C.  
19 666).”.

1       On page 95, between lines 9 and 10, insert the fol-  
2       lowing:

3               (4) ENHANCED PENALTIES.—If the criminal  
4       violations referred to in paragraphs (1), (2), and (3)  
5       result in conviction and involve occupational expo-  
6       sure to asbestos, or asbestos as a toxic substance or  
7       hazardous air pollutant—

8               (A) in the case of a convicted individual,  
9       that individual shall be subject to the greater  
10      of—

11              (i) the applicable fine established by  
12      the statute of conviction; or

13              (ii) not more than \$250,000, and im-  
14      prisonment of not more than 15 years, or  
15      both; and

16              (B) in the case of a convicted entity (other  
17      than an individual), that entity shall be subject  
18      to the greater of—

19              (i) the applicable fine established by  
20      the statute of conviction; or

21              (ii) a fine of not more than  
22      \$1,000,000.

23              (5) REVIEW OF FEDERAL SENTENCING GUIDE-  
24      LINES FOR ENVIRONMENTAL CRIMES RELATED TO  
25      ASBESTOS.—Under section 994 of title 28, United

1 States Code, and in accordance with this section, the  
2 United States Sentencing Commission shall review  
3 and amend, as appropriate, the United States Sen-  
4 tencing Guidelines and related policy statements to  
5 ensure that—

6 (A) appropriate changes are made within  
7 the guidelines to reflect any statutory amend-  
8 ments that have occurred since the time that  
9 the current guideline was promulgated;

10 (B) the base offense level, adjustments and  
11 specific offense characteristics contained in sec-  
12 tion 2Q1.2 of the United States Sentencing  
13 Guidelines (relating to mishandling of haz-  
14 ardous or toxic substances or pesticides; record  
15 keeping, tampering, and falsification; and un-  
16 lawfully transporting hazardous materials in  
17 commerce) are increased as appropriate to en-  
18 sure that future asbestos-related offenses reflect  
19 the seriousness of the offense, the harm to the  
20 community, the need for ongoing reform, and  
21 the highly regulated nature of asbestos;

22 (C) the base offense level, adjustments and  
23 specific offense characteristics are sufficient to  
24 deter and punish future activity and are ade-

1           quate in cases in which the relevant offense  
2           conduct—

3                   (i) involves asbestos as a hazardous or  
4                   toxic substance; and

5                   (ii) occurs after the date of enactment  
6                   of this Act;

7           (D) the adjustments and specific offense  
8           characteristics contained in section 2B1.1 of  
9           the United States Sentencing Guidelines related  
10          to fraud, deceit and false statements, ade-  
11          quately take into account that asbestos was in-  
12          volved in the offense, and the possibility of  
13          death or serious bodily harm as a result;

14          (E) the guidelines that apply to organiza-  
15          tions in chapter 8 of the United States Sen-  
16          tencing Guidelines, are sufficient to deter and  
17          punish organizational criminal misconduct that  
18          involves the use, handling, purchase, sale, dis-  
19          posal, or storage of asbestos; and

20          (F) the guidelines that apply to organiza-  
21          tions in chapter 8 of the United States Sen-  
22          tencing Guidelines, are sufficient to deter and  
23          punish organizational criminal misconduct that  
24          involves fraud, deceit, or false statements

1           against the Asbestos Insurers Commission or  
2           the Office of Asbestos Injury Claim Resolution.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To raise the compensation level for victims of mesothelioma.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. KOHL

Viz:

1       In section 131(b), amend the scheduled value for  
2 mesothelioma by striking “\$750,000” and inserting  
3 “\$1,500,000”.



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for additional funding for the Asbestos  
Injury Claims Resolution Fund.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of  
victims for bodily injury caused by asbestos exposure,  
and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by MR. KOHL (for  
himself, Mr. LEAHY, and Mr. KENNEDY)

Viz:

1 In section 223, add at the end the following:

2 (f) CONTINGENT CALL FOR ADDITIONAL MANDA-  
3 TORY FUNDING.—

4 (1) IN GENERAL.—Notwithstanding sections  
5 202(a)(2) and 212(a)(3)(A), unless the Adminis-  
6 trator certifies under this subsection that there are  
7 adequate funds available to compensate past, pend-  
8 ing, and projected future claimants at the scheduled  
9 award values provided in section 131(b), the Admin-

1       istrator shall assess additional contributions from all  
2       participants during first 27 years of the Fund (in  
3       this section, the “mandatory funding period”), as  
4       provided in this subsection.

5           (2) ALLOCATION.— Any additional contribu-  
6       tions assessed under this subsection shall be allo-  
7       cated among each participant as provided under  
8       paragraphs (4) and (5).

9           (3) REDUCTION ADJUSTMENT CERTIFI-  
10       CATION.—

11           (A) IN GENERAL.—Before making any re-  
12       duction adjustment under section 204(a) or sec-  
13       tion 212(a)(3)(B), the Administrator shall cer-  
14       tify, after consultation with appropriate experts,  
15       that during the time period in which such re-  
16       duction adjustment would apply there will be  
17       adequate funds available to compensate past,  
18       pending, and projected future claimants at the  
19       scheduled award values provided in section  
20       131(b) of this Act.

21           (B) INITIAL NOTICE.—Before making any  
22       certification under subparagraph (A), the Ad-  
23       ministrator shall publish a notice in the Federal  
24       Register of the proposed certification, including  
25       a description and explanation of the Adminis-

1           trator's analysis supporting the certification of  
2           the Administrator.

3           (C) COMMENTS FROM PARTICIPANTS.—

4           Not later than 60 days after the publication of  
5           the notice under subparagraph (B), a partici-  
6           pant may provide the Administrator with addi-  
7           tional information to support a determination  
8           that additional contributions from participants  
9           are not required.

10          (D) FINAL CERTIFICATION.—

11           (i) IN GENERAL.—The Administrator  
12           shall publish a notice in the Federal Reg-  
13           ister of the final certification after consid-  
14           eration of all comments submitted under  
15           subparagraph (C).

16           (ii) WRITTEN NOTICE.—Not later  
17           than 30 days of publishing a final certifi-  
18           cation under clause (i), the Administrator  
19           shall provide each participant with notice  
20           of that participant's final contribution as-  
21           sessment after application of any reduction  
22           adjustment under section 204(a) or section  
23           212(a)(3)(B), subject to paragraphs (4)  
24           and (5).

25          (4) DEFENDANT PARTICIPANTS.—

1           (A) IN GENERAL.—Any additional con-  
2           tributions from the defendant participants  
3           under paragraph (1) shall be allocated in ac-  
4           cordance with subparagraphs (B) through (H).

5           (B) YEARS 6 THROUGH 8.—If the Adminis-  
6           trator fails to certify that there are adequate  
7           funds during years 6 through 8 of the manda-  
8           tory funding period, the Administrator shall  
9           maintain after year 5 of the mandatory funding  
10          period the contribution levels assessed under  
11          section 203 and not make any reduction adjust-  
12          ments as provided in section 204(a) for years 6  
13          through 8.

14          (C) YEARS 9 THROUGH 11.—If the Admin-  
15          istrator fails to certify that there are adequate  
16          funds during years 9 through 11 of the manda-  
17          tory funding period, the Administrator shall  
18          maintain after year 8 of the mandatory funding  
19          period the contribution levels assessed under  
20          section 203 and not make any reduction adjust-  
21          ments as provided in section 204(a) for years 9  
22          through 11.

23          (D) YEARS 12 THROUGH 14.—If the Ad-  
24          ministrator fails to certify that there are ade-  
25          quate funds during years 12 through 14 of the

1 mandatory funding period, the Administrator  
2 shall maintain after year 11 of the mandatory  
3 funding period the contribution levels assessed  
4 under section 203 and not make reduction ad-  
5 justments as provided in section 204(a) for  
6 years 12 through 14.

7 (E) YEARS 15 THROUGH 17.—If the Ad-  
8 ministrator fails to certify that there are ade-  
9 quate funds available during years 15 through  
10 17 of the mandatory funding period, the Ad-  
11 ministrator shall maintain after year 14 of the  
12 mandatory funding period the contribution lev-  
13 els assessed under section 203 and not make  
14 any reduction adjustments as provided in sec-  
15 tion 204(a) for years 15 through 17.

16 (F) YEARS 18 THROUGH 20.—If the Ad-  
17 ministrator fails to certify that there are ade-  
18 quate funds available during years 18 through  
19 20 of the mandatory funding period, the Ad-  
20 ministrator shall maintain after year 17 of the  
21 mandatory funding period the contribution lev-  
22 els assessed under section 203 and not make  
23 any reduction adjustments as provided in sec-  
24 tion 204(a) for years 18 through 20.

1           (G) YEARS 21 THROUGH 26.—If the Ad-  
2           ministrators fail to certify that there are ade-  
3           quate funds available during years 21 through  
4           26 of the mandatory funding period, the Ad-  
5           ministrators shall maintain until year 26 of the  
6           mandatory funding period the contribution lev-  
7           els assessed under section 203 and not make  
8           any reduction adjustments as provided in sec-  
9           tion 204(a) for years 21 through 26.

10          (H) YEAR 27.—If the Administrator fails  
11          to certify that there are adequate funds avail-  
12          able during year 27 of the mandatory funding  
13          period, the Administrator shall maintain the  
14          contribution levels assessed under section 203  
15          and not make any reduction adjustments as  
16          provided in section 204(a) for year 27.

17          (I) DETERMINATION OF REDUCTION AD-  
18          JUSTMENTS.—In administering subparagraphs  
19          (C) through (H), if a reduction was not made  
20          in any preceding 3-year period and the Admin-  
21          istrator certifies there are adequate funds under  
22          paragraph (3), the amount of any reduction ad-  
23          justment under section 204(a) shall be deter-  
24          mined as though all preceding reductions had  
25          been made.

1           (J) LIMITATION OF REQUIRED CONTRIBU-  
2           TION.—Notwithstanding subparagraphs (B)  
3           through (H), if the Administrator certifies,  
4           after consultation with appropriate experts,  
5           there will be adequate funds available to com-  
6           pensate past, pending, and projected future  
7           claimants at the scheduled award values pro-  
8           vided in section 131(b) after applying a smaller  
9           reduction adjustment than otherwise required  
10          under this paragraph, during the time period in  
11          which such reduction adjustment would apply,  
12          the Administrator shall apply such smaller re-  
13          duction adjustment.

14          (K) NO ORPHAN SHARE.—The additional  
15          contributions collected by the Administrator  
16          under this subsection shall not be considered  
17          excess monies under subsection (e) to be placed  
18          in the orphan share reserve account and shall  
19          be credited to the Fund only for the payment  
20          of claims.

21          (5) INSURER PARTICIPANTS.—

22               (A) IN GENERAL.—The total amount of  
23               any contributions allocated by the Adminis-  
24               trator to the insurer participants shall equal the  
25               total amount of additional contributions allo-

1 cated to the defendant participants under para-  
2 graph (4) for any 3-year period.

3 (B) ALLOCATION.—Of the amount of addi-  
4 tional contributions required under subpara-  
5 graph (A), each insurer participant shall be al-  
6 located an additional contribution equal to the  
7 insurer participant's proportionate share of an-  
8 nual contributions to the Fund under section  
9 212.

10 (6) ENFORCEMENT.—The additional contribu-  
11 tions required under this subsection may be enforced  
12 in the same manner and to the same extent as the  
13 enforcement of a contribution under section 224.

14 On page 64, line 23, strike “The” and insert “Sub-  
15 ject to section 223(f), the”.

16 On page 79, line 20, after “time” insert “, subject  
17 to section 223(f).



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To amend the scheduled awards value for certain diseases.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. KENNEDY

Viz:

1        In section 131(b), amend the scheduled awards value  
2 for Lung Cancer I by striking “\$0 or \$50,000” and insert-  
3 ing “Individual determination.”

4        In section 131(b), amend the scheduled awards value  
5 for Lung Cancer II by striking “\$100,000 or \$400,000”  
6 and inserting “\$500,000 or \$1,500,000”.

1 In section 131(b), amend the scheduled awards value  
2 for Mesothelioma by striking “\$750,000” and inserting  
3 “\$1,500,000”.

4 In section 131(b)(2), strike paragraph (B) and insert  
5 the following:

6 (B) SCHEDULED VALUES.—In accordance  
7 with subsection (a), a claimant—

8 (i) who is a nonsmoker shall receive—

9 (I) an amount determined in ac-  
10 cordance with subparagraph (C) for  
11 Level VI; and

12 (II) \$1,500,000 for Level VII;

13 and

14 (ii) who is not a nonsmoker shall  
15 receive—

16 (I) an amount determined in ac-  
17 cordance with subparagraph (C) for  
18 Level VI; and

19 (II) \$500,000 for Level VII.

20 In section 131(b), at the end add the following:

21 (C) INDIVIDUAL DETERMINATION FOR  
22 LEVEL IV.—The award value of claims for  
23 Level VI, Lung Cancer I, shall be determined

1           on an individual basis by the Asbestos Court,  
2           but in no case shall such award exceed the  
3           award values for Level VII, Lung Cancer II.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To revise the purposes section.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.****S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. KENNEDY

Viz:

1       Strike section 2 and insert the following:

2   **SEC. 2. PURPOSES.**

3       The purposes of this Act are to—

4           (1) ensure fair and expeditious compensation to

5       those individuals who have been exposed to asbestos

6       and injured by such exposure;

7           (2) provide compensation to present and future

8       asbestos victims based on the severity of their inju-

9       ries, while establishing a system flexible enough to

10      accommodate individuals whose conditions worsen;

1           (3) create a national trust fund through which  
2           companies with asbestos liability may obtain greater  
3           financial predictability and stability while providing  
4           the necessary funding to expeditiously pay victims of  
5           asbestos exposure the full compensation to which  
6           they are entitled for their respective injuries under  
7           the terms of this Act; and

8           (4) relieve the Federal and State courts of the  
9           burden of asbestos litigation.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To establish a Medical Advisory Committee, and  
for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of  
victims for bodily injury caused by asbestos exposure,  
and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. KENNEDY

Viz:

1 In section 114, at the appropriate place insert the  
2 following:

3 (h) MEDICAL ADVISORY COMMITTEE.—

4 (1) IN GENERAL.—The chief judge may appoint  
5 a Medical Advisory Committee of the Asbestos Court  
6 consisting of qualified physicians for purposes of  
7 providing appropriate medical advice relating to the  
8 review of claims.

1           (2) QUALIFICATIONS.—To be eligible for ap-  
2           pointment to the Medical Advisory Committee under  
3           paragraph (1), a person shall—

4                   (A) be a physician licensed in any State;

5                   (B) be board-certified in pulmonary medi-  
6           cine, occupational medicine, internal medicine,  
7           oncology, or pathology; and

8                   (B) be actively and primarily practicing  
9           medicine in a field directly related to the board  
10          certification of the physician.

11          (3) DUTIES.—Magistrates and claims exam-  
12          iners may refer questions concerning the medical eli-  
13          gibility of claimants to the committee for its advice  
14          and recommendations.

15          In section 124, at the appropriate place insert the  
16          following:

17          (c) EXCEPTIONAL MEDICAL CLAIMS.—

18                  (1) IN GENERAL.—A claimant who does not  
19          meet the medical criteria requirements under sub-  
20          section (a) and (b) may apply for designation of the  
21          claim as an exceptional medical claim.

22                  (2) APPLICATION.—When submitting an appli-  
23          cation for review of an exceptional medical claim, the  
24          claimant shall—

1 (A) state that the claim does not meet the  
2 medical criteria requirements in subsection (a)  
3 and (b); or

4 (B) seek designation as an exceptional  
5 medical claim within 60 days after a determina-  
6 tion that the claim is ineligible solely for failure  
7 to meet the medical criteria requirements under  
8 subsections (a) and (b).

9 (3) REPORT OF PHYSICIAN.—

10 (A) IN GENERAL.—Any claimant applying  
11 for designation of a claim as an exceptional  
12 medical claim shall support an application filed  
13 under paragraph (1) with a report from a phy-  
14 sician meeting the requirements of section 122.

15 (B) CONTENTS.—A report filed under  
16 paragraph (A) shall include—

17 (i) a complete review of the claimant's  
18 medical history and current condition;

19 (ii) such additional material by way of  
20 analysis and documentation as shall be  
21 prescribed by rule of the Asbestos Court;  
22 and

23 (iii) a detailed explanation as to why  
24 the claim meets the requirements of para-  
25 graph (4)(B).



1 (4) REVIEW.—

2 (A) IN GENERAL.—The Asbestos Court  
3 shall refer all applications and supporting docu-  
4 mentation submitted under paragraph (2) to  
5 the Medical Advisory Committee for review for  
6 eligibility as an exceptional medical claim.

7 (B) STANDARD.—A claim shall be des-  
8 ignated as an exceptional medical claim if the  
9 claimant, for reasons beyond his or her con-  
10 trol, cannot satisfy the requirements under sub-  
11 sections (a) and (b), but is able, through com-  
12 parably reliable evidence that meets the stand-  
13 ards under section 122, to show that the claim-  
14 ant has an asbestos-related condition that is  
15 substantially comparable to that of a medical  
16 condition that would satisfy the requirements of  
17 a category under subsection (b).

18 (C) ADDITIONAL INFORMATION.—The  
19 Medical Advisory Committee may request addi-  
20 tional reasonable testing to support the claim-  
21 ant's application.

22 (D) CT SCAN.—A claimant may submit a  
23 CT Scan in addition to an x-ray.

24 (5) APPROVAL.—

1           (A) IN GENERAL.—If the Medical Advisory  
2           Committee determines that the medical evi-  
3           dence is sufficient to show a comparable asbes-  
4           tos-related condition, it shall issue a certificate  
5           of medical eligibly designating the category of  
6           asbestos-related injury under subsection (b) for  
7           which the claimant may be eligible to seek com-  
8           pensation.

9           (B) REFERRAL.—Upon the issuance of a  
10          certificate under paragraph (A), the Medical  
11          Advisory Committee shall submit the claim to a  
12          magistrate, who shall proceed to determine  
13          whether the claimant meets the requirements  
14          for compensation under this Act.

15          (6) RE-SUBMISSION.—Any claimant whose ap-  
16          plication for designation as an exceptional medical  
17          claim is rejected may resubmit an application if new  
18          evidence becomes available. The application shall  
19          identify any prior applications and state the new evi-  
20          dence that forms the basis of the re-submission.

21          (7) RULES.—The Chief Judge shall promulgate  
22          rules governing the procedures for seeking designa-  
23          tion of a claim as an exceptional medical claim.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To allow the Court to investigate evidence of smoking status as needed.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 On page 16, line 8, amend section 111(b)(7) by deleting the “and”
- 2 On page 16, after line 8, insert new paragraph (8) as follows:
- 3 “(8) any claimant who asserts that he or she is a nonsmoker or a former
- 4 smoker as defined by section 124 must provide sufficient evidence of nonsmoking,
- 5 including relevant medical records; and”
- 6 On page 16, line 9, delete “(8)” and replace in lieu thereof “(9)”

On page 20, after line 20, amend section 114(c) by adding new paragraph (3) as follows:

“(3) SMOKING ASSESSMENT. — To aid in the assessment of the accuracy of claimant representations as to their smoking status for purposes of determining eligibility and amount of award under sections 124 and 131, a claimant must provide consent for the Claims Examiner to obtain relevant historical records, including, but not limited to, records of past medical treatment and evaluation, applications for insurance and supporting materials, and employer medical examinations. The frequency of review of such historical records will be in the discretion of the Claims Examiner, but shall address at least 5% of the claimant nonsmokers. In addition, the asserted nonsmokers and former smokers consent to the performance of blood tests or any other appropriate medical test to confirm the validity of assertions. Any false information submitted pursuant to this subsection shall be subject to criminal prosecution or civil penalties as provided under section 401.”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To eliminate requirements that certain occupational exposure to asbestos occurred before a certain date, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mrs. FEINSTEIN

Viz:

1        On page 31, lines 10 and 11, strike “before December  
2   31, 1982”.

3        On page 31, line 20, strike “before December 31,  
4   1982”.

5        On page 32, line 13, strike “before December 31,  
6   1982”.

1       On page 33, line 10, strike “before December 31,  
2 1982”.

3       On page 34, line 2, strike “before December 31,  
4 1982”.

5       On page 34, lines 13 and 14, strike “before December  
6 31, 1982”.

7       On page 35, line 2, strike “before December 31,  
8 1982”.

9       On page 35, line 14, strike “before December 31,  
10 1982”.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To strike the product identification requirement.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 On page 15, on line 14, amend section 111(b)(4) by deleting “identity of any
- 2 product or manufacturer,”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To achieve the remedial objectives of fairness in asbestos claim resolution by codifying existing law that the successor in interest of any participant fulfill its legal obligations.

**IN THE SENATE OF THE UNITED STATE—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by MR. LEAHY

Viz:

- 1     INSERT on page 7 at line 10 as subparagraph 11(C) the following language:
- 2             (C)     any successor in interest of a participant.
- 3     INSERT on page 8 at line 3 as subparagraphs 14 and 15 the following language:
- 4             (14)    SUBSTANTIALLY CONTINUES - The term “substantially continues”
- 5     means that the business operations have not been significantly modified by the change in
- 6     ownership.
- 7             (15)    SUCCESSOR IN INTEREST - The term “successor in interest” means
- 8     any person that acquires assets, and substantially continues the business operations, of a
- 9     participant. The factors to be considered in determining whether a person is a successor
- 10    in interest include, but are not limited to: (i) retention of the same facilities or location,
- 11    (ii) retention of the same employees, (iii) maintaining the same jobs under the same
- 12    working conditions, (iv) retention of the same supervisory personnel, (v) continuity of
- 13    assets, (vi) production of the same product or offer of the same service, (vii) retention of
- 14    the same name, (viii) maintenance of the same customer base, (ix) identity of stocks,



- 1 stockholders, and directors between the asset seller and the purchaser, or (x) whether the
- 2 successor holds itself out as continuation of previous enterprise, but expressly does not
- 3 include whether the person actually knew of the liability of the participant under this Act.
  
- 4 RENUMBER the rest of the subparagraphs accordingly.

Summary of “Successor in Interest” Amendment to S. 1125 –

This amendment would include among the “participants” in the Asbestos Trust Fund any “Successor in interest” to a participant. As developed in the case law, a successor in interest – one who is obliged to take on the obligations of the predecessor corporation – is one that carries on substantially continues the same business, with substantially the same people involved, assets utilized, and products produced. The amendment attempts to insure that mandatory participants will not be able to evade their responsibilities to the Fund by simple changes in their corporate structures or operations.

Summary of Amendment to S 1125 [PDF: SHU03.214]

The Amendment requires the Administrator to refer any information he obtains about possible asbestos violations under OSHA, the Toxic Substances Control Act or the Clean Water Act to the appropriate law enforcement authorities. The Amendment provides a sentencing enhancement for such environmental/health violations that involve asbestos.

Based on the new Title 18 crimes for fraud and false statements (included in the agreed-upon amendments), and the enhanced statutory maximums, the Amendment instructs the U.S. Sentencing Commission to consider appropriate amendments to the Sentencing Guidelines suggesting upward enhancements for asbestos-related crimes.

## **Summary of Agreed Amendments to S.1125**

- X Sections 3(7) & 134 (Reduction in benefit payments for collateral sources): Strike Collateral Sources (Disability Insurance, Health Insurance, Medicare, Medicaid, and death benefit programs; keep as offsets payments from defendants, insurers and compensation trusts)**
- X Section 124 (Take Home Exposure): Includes Take Home/Community Exposure (Manville in-shoes filing)**
- X Section 122 (Diagnostic criteria Requirements): Strike independent physician verification on exposure, and add dead claimant exception for in-person exam.**
- X Section 131 (Amount): Index all awards for annual future inflation based on CPI**
- X Section 111 (Filing of Claims): Increase statute of limitations in which to file a claim from 2 to 4 years from the time claimant received a medical diagnosis of an eligible disease or should have known he would receive such a diagnosis. Deletes rule of construction paragraph of Administrator.**
- X Section 125 (Exposure Criteria Requirements): include U.S. citizens exposed to asbestos while working for U.S. companies overseas or while on U.S.-flagged ships.**
- X Section 204 (Assessment Administration): Add recoupment provision for any financial hardship or inequity adjustments in future years if company can afford it and limits term on inequity adjustment to 3 years.**
- X Requires Administrator to provide Congress with annual report of trust funds payments, contributions, etc.**
- X Section 401 (False information): Add crime and criminal penalties for defendant/insurer fraud and false statements**
- X Section 224 (Enforcement of Contributions): Permits Administrator cause of action against contributing penalties; adds new remedies (punitive damages, injunctive relief – similar to PROTECT Act) to Administrator for failures to pay Fund and penalties for willful failures to pay.**
- X Section 202 (Authority and Tiers/Treatment of Tier I Business entities in Bankruptcy): Replaces CEO Certification requirement that asbestos liability was not sole or precipitating cause of bankruptcy filing with bankruptcy court finding**

### **Sunset of Liability Protection**

This amendment would create a checkpoint relatively early on in the Fund's 27 year term where the Administrator has to certify that the Fund is operating as envisioned and claimants are being fully compensated. If the Fund isn't functioning properly either because of backlogs or inadequate funding, claimants are allowed to go back to the tort system.

On page 113 at the end of line 7 insert the following:

"The provisions of subsections (c) and (d) shall have no effect after January 1, 2010, unless the Administrator certifies prior to that date that at least 95 percent of all compensable claims filed on or before May 1, 2006 have been paid in full."

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To clarify that claimants exposed to asbestos by  
cohabitants will meet the exposure requirement.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1        On p. 36, insert after line 14, new section 125(b)(3) (Burden of Proof) as
- 2 follows:
- 3    (3) TAKE-HOME EXPOSURE.— A claimant may alternatively satisfy the
- 4 exposure criteria requirements of this section by showing that the claimant's
- 5 exposure to asbestos was the result of living with a person who, if the claim had
- 6 been filed by such person, would have met the exposure criteria for a claimed

1   Disease Level and the claimant lived with such person for the time period  
2   necessary to satisfy the exposure requirement for the claimed Disease Level. To  
3   satisfy the exposure criteria under this subparagraph, a claimant shall present  
4   meaningful and credible evidence of circumstances of exposure demonstrating that  
5   the claimant has asbestos exposure comparable to those of the person who  
6   otherwise would have met the exposure criteria. Such claimants may apply for  
7   designation of his or her claim as an exceptional medical claim under section  
8   124(c).

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To ensure that victims of take-home asbestos exposure will receive fair and adequate compensation for their asbestos-related disease.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by MR. LEAHY

Viz:

- 1 On p. 36, insert after line 14, new section 125(b)(3) as follows:
- 2 (3) TAKE-HOME EXPOSURE.— A claimant may alternatively
- 3 satisfy the exposure criteria requirements of this section by showing that the
- 4 claimant's exposure to asbestos was the result of living with a person who, if
- 5 the claim had been filed by such person, would have met the exposure
- 6 criteria for any given Disease Level and the claimant lived with such person
- 7 for the time period necessary to satisfy the exposure requirement for the
- 8 claimed Disease Level.



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To modify the “treating doctor” requirement.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1        On page 25, line 6, amend section 122(b)(1)(A), by deleting “treated, or is
- 2        treating, the claimant” and replacing in lieu thereof “certifies that he or she is the
- 3        claimant’s doctor;”.

**From:** Kirk Blalock <kblalock@fierce-isakowitz.com>  
**To:** Kevin Warsh/OPD/EOP@EOP [ OPD ] <Kevin Warsh>; Wayne.Abernathy@do.treas.gov [ UNKNOWN ] <Wayne.Abernathy@do.treas.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Diana L. Schacht/OPD/EOP@EOP [ OPD ] <Diana L. Schacht>  
**CC:** Michael E. Meece/WHO/EOP@EOP [ WHO ] <Michael E. Meece>  
**Sent:** 6/19/2003 5:55:52 AM  
**Subject:** : Amendments to S.1125  
**Attachments:** P\_21PBH003\_OPD.TXT\_1.html; P\_21PBH003\_OPD.TXT\_2.doc;  
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P\_21PBH003\_OPD.TXT\_6.pdf; P\_21PBH003\_OPD.TXT\_7.pdf; P\_21PBH003\_OPD.TXT\_8.pdf;  
P\_21PBH003\_OPD.TXT\_9.pdf; P\_21PBH003\_OPD.TXT\_10.doc;  
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P\_21PBH003\_OPD.TXT\_61.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kirk Blalock <kblalock@fierce-isakowitz.com> ( Kirk Blalock <kblalock@fierce-isakowitz.com> [ UNKNOWN ] )  
CREATION DATE/TIME:19-JUN-2003 09:55:52.00  
SUBJECT:: Amendments to S.1125  
TO:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Wayne.Abernathy@do.treas.gov ( Wayne.Abernathy@do.treas.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Michael E. Meece ( CN=Michael E. Meece/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Here are amendments that we have received through the night on the Hatch  
Asbestos Bill that begins markup today.

.. <<agreed.amendments.doc>> <<asbestos.ban.final.amendment.doc>>  
<<asbestos.surplus.monies.pdf>> <<asbestosban.pdf>> <<COE03\_459.pdf>>  
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<<Definitions and 8403 Amendment.doc>> <<DFban1.doc>> <<Dr.

REV\_00123384

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<<KylSigExpoAmAlt.pdf>> <<Latency1.doc>> <<Leahy Agreed No. 6.doc>>  
<<Leahy Agreed Am No. 1.doc>> <<Leahy Agreed No. 10.doc>> <<Leahy Agreed  
No. 11.doc>> <<Leahy Agreed No. 2.doc>> <<Leahy Agreed No. 3.doc>>  
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<<Medical Exceptions2.doc>> <<Medical Exceptions3.doc>> <<Medical  
Monitoring2.doc>> <<Medical Screening Amend.doc>> <<Payments Amend.doc>>  
<<Prior expenditure.doc>> <<Proposed changes to FAIR v.4, redlined.doc>>  
<<s 1125 substitute amendment.doc>> <<S. 1125 technical  
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asbestos.surplus.monies.pdf - asbestosban.pdf - COE03\_459.pdf - COE03\_494.pdf -  
COE03\_495.pdf - contingentcall.year28.pdf - Definitions and 8403 Amendment.doc - DFban1.doc  
- Dr. Evaluation1.doc - Exemption.doc - FELA.doc - Hardship adjustment.doc - hatch Murray  
Ban Amendment.doc - In person exam exception.doc - Independent Review1.doc - IOM Study1.doc  
- KylHatchLockbox.pdf - KylHatchLockboxAlt.pdf - KylSigExpoAm.pdf - KylSigExpoAmAlt.pdf -  
Latency1.doc - Leahy Agreed No. 6.doc - Leahy Agreed Am No. 1.doc - Leahy Agreed No. 10.doc  
- Leahy Agreed No. 11.doc - Leahy Agreed No. 2.doc - Leahy Agreed No. 3.doc - Leahy Agreed  
No. 5.doc - Leahy Agreed No. 7.doc - Leahy Agreed No.4.doc - libby amendment1.doc - Medical  
criteria (B).DOC - Medical Exceptions2.doc - Medical Exceptions3.doc - Medical  
Monitoring2.doc - Medical Screening Amend.doc - Payments Amend.doc - Prior expenditure.doc  
- Proposed changes to FAIR v.4, redlined.doc - s 1125 substitute amendment.doc - S. 1125  
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Here are amendments that we have received through the night on the Hatch Asbestos Bill that begins markup today.

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<<asbestosban.pdf>> << COE03\_459.pdf>> <<COE03\_494.pdf>> << COE03\_495.pdf>> <<contingentcall.year28.pdf>> <<  
Definitions and 403 Amendment.doc>> <<DFban1.doc>> << Dr. Evaluation1.doc>> <<Exemption.doc>> << FELA.doc>>  
<<Hardship adjustment.doc>> <<hatch Murray Ban Amendment.doc>> <<In person exam exception.doc>> << Independent  
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**PROPOSED AMENDMENT TO SEC. 401 False Information**

**Strike Section 401 in its entirety and insert the following (to be added as amendment to Title 18, Chapter 63, as Section 1348):**

**Section 1348. Fraud and false statements in connection with participation in Asbestos Injury Claims Resolution Fund.**

(a) FRAUD IN CONNECTION WITH PARTICIPATION IN ASBESTOS INJURY CLAIM RESOLUTION FUND.-- Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice to defraud the Asbestos Insurers Commission or the Office of Asbestos Injury Claim Resolution under Title II of the Fairness in Asbestos Injury Resolution Act of 2003 shall be fined under this title or imprisoned not more than 20 years, or both.

(b) FALSE STATEMENTS RELATING TO ASBESTOS INJURY CLAIM RESOLUTION FUND.B Whoever, in any matter involving the Asbestos Insurers Commission or the Office of Asbestos Injury Claim Resolution, knowingly and willfullyB

- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; or
- (2) makes any materially false, fictitious, or fraudulent statements or representations; or
- (3) or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry,

in connection with the assessment of contributions or the award of a claim under Title I or II of the Fairness in Asbestos Injury Resolution Act of 2003 shall be fined under this title or imprisoned not more than 10 years, or



both.

(c) **TECHNICAL AND CONFORMING AMENDMENT.** B The table of sections for chapter 63 of title 18, United States Code, is amended by adding at the end the following:

**A1348. Fraud and false statements in connection with participation in Asbestos Injury Claims Resolution Fund.**@

**PROPOSED AMENDMENT TO SEC. 224 Enforcement of Contributions:**

**STRIKE**, on page 99, lines 1 through 18, and insert the following:

(1) IN GENERAL.B In any case in which there has been a refusal or failure to pay any liability imposed by a final determination under section 202 or 212, the Administrator may bring a civil action in the Federal district court for the District of Columbia B

(A) to enforce the liability and any lien of the United States imposed under this section;

(B) to subject any property of the participant, including any property in which the participant has any right, title, or interest, to the payment of such liability;

(C) for temporary, preliminary, or permanent relief;

(2) ADDITIONAL PENALTIES.- In any action under subsection (2) in which the refusal or failure to pay was willful, the Administrator shall be able to seek recovery:

(A) for punitive damages;

(B) for the costs of the civil action and reasonable fees incurred for collection and for attorneys and expert witnesses; and

(C) in addition to any other penalty, collect a fine in an amount equal to the total amount of the liability that has not been collected.

(3) DEFENSE LIMITATION.B In any proceeding under this subsection, the participant shall be barred from bringing any challenge to the assessment if such challenge could have been made during the review period under section 202(b)(4) or 212(b)(4), or a judicial review proceeding under title III.

**(4) DEPOSIT OF FUNDS.B Any funds collected under paragraph (c) shall be**

**B**

**(i) deposited in the Fund; and**

**(ii) used only to pay B**

**(I) claims for awards for an eligible disease or condition  
determined under title I; or**

**(II) claims for reimbursement for medical monitoring  
determined under title I.**

**(5) NO EFFECT ON OTHER LIABILITIES.B The imposition of a fine  
under paragraph 2(c) shall have no effect on -**

**(i) the assessment of contributions under sections 202 or 212; or**

**(ii) any other provision of this Act.**

**Proposed Amendment regarding Bankruptcy Court**

**INSERT on page 49, strike lines 4 through 10 and insert the following language:**

**(C) the bankruptcy court presiding over the business entity=s case determines, after  
notice and a hearing upon motion filed by the entity within 30 days of the effective  
date of this Act, which motion shall be supported by (i) an affidavit or declaration of  
the Chief Executive Officer, Chief Financial Officer or Chief Legal Officer of the**

**business entity, and (ii) copies of the entity=s public statements and securities filings made in connection with the entity=s filing for chapter 11 protection, that asbestos liability was not the sole or precipitating cause of the entity=s chapter 11 filing.**

**Notice of such motion shall be as directed by the bankruptcy court and the hearing shall be limited to consideration of the question of whether or not asbestos liability was the sole or precipitating cause of the entity=s chapter 11 filing. The bankruptcy court shall hold a hearing and make its determination with respect to the motion within 60 days after the date the motion is filed. In making its determination, the bankruptcy court shall take into account the affidavits, public statements and securities filings, and other information, if any, submitted by the entity and all other facts and circumstances presented by an objecting party. Any review must be an expedited appeal and limited to whether the decision was against the weight of the evidence presented.**

## **Leahy-Hatch Agreements**

**June 18, 2003**

### **Suggested Revisions to Collateral Source Provisions -- Sections 3(7) and 134**

**On page 5, line 21 STRIKE all through page 6, line 8 and INSERT the following:**

**(7) Collateral Source Compensation. The term Acollateral source compensation @ means only the compensation that the claimant received or is entitled to receive from a defendant, insurer or compensation trust as a result of a judgment or settlement for the same asbestos-related injury that is the subject of the claim filing.@**

**On page 41, line 17 through 19, STRIKE Athat the claimant received, or is entitled to receive, for the asbestos-related injury that is the subject of the compensation@.**

### **Suggested Revisions to Exposure Criteria Requirements (Take Home Exposure) B** **Section 125**

**On page 36, after line 14, INSERT new Section 125(b)(3) as follows:**

**(3) TAKE-HOME EXPOSURE.** A claimant may alternatively satisfy the exposure criteria requirements of this section by showing that the claimant's exposure to asbestos was the result of living with a person who, if the claim had been filed by such person, would have met the exposure criteria for any given Disease Level and the claimant lived with such person for the time period necessary to satisfy the exposure requirement for the claimed Disease Level.

**Suggested amendment to Section 122: Diagnostic criteria requirements**

**STRIKE, on page 25, lines 14 - 15: A, or other factors determined appropriate by the Asbestos Court@**

**STRIKE, on page 25, lines 16-18**

**STRIKE, on page 25, line 19: strike "(4)" and insert A(3)@**

**INSERT, on page 25, before line 21:**

**(c) DECEASED CLAIMANTS. - In the case of a claimant who is deceased at the time an application is filed, the claim may be supported by either B**

**(1) evidence from a prior physical medical examination of the**

claimant by a physician that resulted in a diagnosis of an asbestos-related injury or permits such a diagnosis to be made by a physician examining those records; or

(2) pathological evidence of an asbestos-related injury.

STRIKE, on p. 25, line 21: A(c)@ and INSERT: A(d)@

STRIKE, on p. 26, line 14: A(d)@ and INSERT: A(e)@

STRIKE, on p. 26, line 20: A(e)@ and INSERT: A(f)@

**Suggested amendment to Section 131 to index scheduled awards for future inflation:**

INSERT on p. 39, line 6, before Sec. 132, the following language:

(4)(A) Beginning January 1, 2006, award amounts set forth in paragraph (1) shall be increased annually by an amount equal to such dollar amount multiplied by the cost-of-living adjustment, rounded to the nearest \$1,000 increment.

**(B) For purposes of subparagraph (A), the cost-of-living adjustment for any calendar year is the percentage (if any) by which the CPI for the preceding calendar year exceeds the CPI for calendar year 2004.**

**(C) For purposes of subparagraph (B), the CPI for any calendar year is the average of the Consumer Price Index as of the close of the 12-month period ending on August 31 of such calendar year.**

**(D) For purposes of subparagraph (C), the term >>Consumer Price Index== means the last Consumer Price Index published by the Department of Labor. The Consumer Price Index series to be used for award escalations shall include the Consumer Price Index for all-urban consumers, with an area coverage of the U.S. City Average, for all items, and based on the 1982-84 index base period.**



**Suggested amendment to Section 111(c) to revise the statute of limitations and omit rule of construction provision:**

**STRIKE, on page 16, line 15: A2" and INSERT A4@**

**STRIKE, on page 17, line 9: A2" and INSERT A4@**

**STRIKE, on page 18, lines 1 through 6 in its entirety.**

**Suggested amendment to Section 125 Exposure Criteria Requirement:**

**STRIKE, on page 35, lines 16 - 23 in its entirety and INSERT the following language:**

**(A) IN GENERAL.B To be eligible to receive an award under this title for an asbestos-related injury, the claim submitted by an asbestos claimant shall demonstrate that the claimant was exposed to asbestos -**

**(1) in a manner that meets the exposure requirements of sections 124 and 125;**

**(2) within the United States or its territories or possessions, or a United States citizen while an employee of an entity organized under any State or Federal law regardless of location, or a United States citizen while serving on any United States flagged or owned ship, provided the exposure results from such employment or service; and**

**(3) for at least 10 years before the initial diagnosis of any asbestos-related injury.**

**Suggested Amendment to Section 204(d)(1) and (2):**

**INSERT, on page 66, line 11, after A(C) RENEWAL@ the following language:**

**AAfter an initial hardship adjustment is granted by this section, a@**

**STRIKE, on page 66 line 11 before the word Adefendant@ the following: AA@**

**INSERT, on page 66, line 19 after the entire section A(D) LIMITATION.@ the following new section:**

**(E) REINSTATEMENT. Following the expiration of the hardship adjustment period provided for under this section and during the mandatory funding period, the Administrator shall annually determine whether there has been**

**a material change in the financial condition of the defendant such that the Administrator may, under terms and conditions established by the Administrator, and consistent with the policies and legislative intent underlying this Act, reinstate any part or all of the defendant=s contribution under the statutory allocation that was not paid during the hardship adjustment term.**

**STRIKE, on page 67, line 8 : Afor the life of the Fund@ and INSERT in its place:  
Afor a term of 3 years@.**

**INSERT, on page 67, line 9 before section A(C) LIMITATION@ the following new subsections:**

- (i) RENEWAL. - After an inequity adjustment is granted by this section, a defendant may renew every 3 years its inequity adjustment by demonstrating that it remains justified.**
- (ii) REINSTATEMENT.- Following the expiration of the inequity adjustment period provided for under this section and during the mandatory funding period, the Administrator shall annually determine whether there has been a material change in conditions which would support a finding that the amount of the defendant=s**

**contribution under the statutory allocation was not inequitable.**

**Based on this determination, the Administrator may, under terms and conditions established by the Administrator, and consistent with the policies and legislative intent underlying this Act, reinstate any part or all of the defendant=s contribution under the statutory allocation that was not paid during the inequity adjustment term.**

**Suggested Amendment to Title IV - Miscellaneous Provisions:**

**INSERT** as new Section in Title IV - Miscellaneous Provisions:

Sec. \_\_ Administrator=s Annual Report

(1) IN GENERAL. B The Administrator shall submit an annual report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on the operation of the Asbestos Injury Claims Resolution Fund within six (6) months after the close of each fiscal year.

(2) CONTENTS OF REPORT. - The annual report submitted under this subsection shall include:

- (A) a summary of the claims made during such fiscal year, including the number of claims made to the Fund and a description of the types of medical diagnoses and asbestos exposures underlying those claims, and the number of claims denied by the Fund and a description of the types of medical diagnoses and asbestos exposures underlying those claims;
- (B) a summary of the eligibility determinations made by the Asbestos Court under Section 113 of this Act;
- (C) a summary of the awards made under the Act including the amount of the awards;
- (D) the identity of all participants and a summary of the funding allocations of each participant including the amounts of all contributions;
- (E) a summary of all financial hardship or inequity adjustments applied for during the fiscal year, and a summary of the adjustments that were made during the fiscal year;
- (F) a summary of the investments made under Section 222(b) of this Act;
- (G) a summary of all referrals made to law enforcement authorities made under Section 222(c) of this Act and of any legal actions brought or penalties imposed under Section 224 of this Act;
- (H) an estimate of the number and types of claims, the amount of awards, and the participant contributions for the next fiscal year;
- (I) any recommendations from the Fund=s medical panel to improve the medical criteria requirements or diagnostic provisions of the Fund;
- (J) audits conducted under Section 115;
- (K) prosecutions under Section 1348; and
- (L) any recommendations to improve the operation of the Fund.

# S. 1125

## 2d DEGREE AMENDMENT TO THE HATCH ASBESTOS BAN AMENDMENT

Viz:

Strike sections (c)(3) and (c)(4) and replace with the following:

”(3) (a) GOVERNMENTAL USE- The Administrator shall provide an exemption from the requirements of subsection (a), without review or limit on duration, if such exemption for an asbestos containing product is-

(A) Sought by the Secretary of Defense and the Secretary certifies, and provides a copy of that certification to Congress, that-

(i) use of the asbestos containing product is necessary to the critical functions of the Department;

- (ii) no reasonable alternatives to the asbestos containing product exist for the intended purpose; and
- (iii) use of the asbestos containing product will not result in an unreasonable risk to health or the environment.

(B) Sought by the Administrator of the National Aeronautics and Space Administration and the Administrator of the National Aeronautics and Space Administration certifies, and provides a copy of that certification to Congress, that-

- (i) the asbestos containing product is necessary to the critical functions of the National Aeronautics and Space Administration;
- (ii) no reasonable alternatives to the asbestos containing product exist for the intended purpose; and
- (iii) the use of the asbestos containing product will

not result in an unreasonable risk to health or the environment.”

(b) ADMINISTRATIVE PROCEDURES ACT-

Any certification required under subparagraph (a) shall not be subject to the Administrative Procedures Act, 5 U.S.C. § 500 *et seq.*

(4) **Specific Exemptions**

(A) Asbestos diaphragms for use in the manufacture of chlor-alkali and the products and derivative therefrom;

(B) Roofing cements, coating and mastic utilizing asbestos that are totally encapsulated with asphalt, **subject to a determination by the Administrator of the Environmental Protection Agency in subsection (5).**

(5) **Environmental Protection Agency Review**

(A) **Review in 18 months** – Not later than 18 months after the enactment of this Act, the Administrator of the Environmental Protection Agency shall complete a review of the exemption for roofing cements, coating and mastic utilizing asbestos that are totally encapsulated with asphalt to determine whether:

(i) the exemption would result in an unreasonable risk of injury to public health or the environment; and



(ii) there are reasonable, commercial alternatives to the roofing cements, coatings and mastics utilizing asbestos that is totally encapsulated with asphalt.

**(B) Revocation of Exemption** - Upon completion of the review, the Administrator of the EPA shall have the authority to revoke the exemption for the products exempted in 4(b) if warranted.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To transfer any remaining monies within the Fund to the National Institutes of Health after the settlement of all foreseeable claims against the Fund.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. FEINSTEIN

Viz:

1       On page 100, between lines 11 and 12, insert the fol-  
2       lowing:

3       **SEC. 226. TRANSFER OF EXCESS FUNDS.**

4       The Administrator shall transfer any remaining mon-  
5       ies within the Fund to the National Institutes of Health  
6       for medical research into occupation-related diseases upon  
7       the later of—

8               (1) 50 years after the date of enactment of this

9       Act; or

- 1           (2) the Administrator determines that there are
- 2           no foreseeable future claims against the Fund.

1 (II) after a court in a proceeding  
2 brought under subparagraph (F) has  
3 entered a final judgment in favor of  
4 the Attorney General;  
5 the Attorney General shall recover the  
6 amount imposed (plus interest at currently  
7 prevailing rates calculated from the date  
8 that is 30 days after the date on which the  
9 Attorney General issues an order under  
10 subparagraph (B) or the date of the final  
11 judgment, as the case may be) in a civil  
12 action brought in any appropriate United  
13 States district court.

14 (ii) SCOPE OF REVIEW.—In a civil ac-  
15 tion under clause (i), the validity, amount,  
16 and appropriateness of a civil penalty shall  
17 not be subject to review.

18 (2) CONTINUING VIOLATION.—Each day on  
19 which a violation of a regulation under subsection  
20 (a) continues shall constitute a separate violation for  
21 the purpose of this subsection.

22 **SEC. 503. ENVIRONMENTAL CRIMES.**

23 Title 18, United States Code, is amended by inserting  
24 after chapter 33 the following:

1                   **“CHAPTER 34. ENVIRONMENT.**

2       **“§ 731. Manufacturing, processing, or distributing in**  
3                   **commerce asbestos-containing products**

4           “(a) IN GENERAL.—A person that knowingly or will-  
5 fully violates a regulation promulgated under section  
6 502(a) of the Fairness in Asbestos Injury Resolution Act  
7 of 2003, in addition to or in lieu of any civil penalty that  
8 may be imposed under section 502(e)(1) of that Act, shall  
9 be imprisoned not more than 1 year, fined not more than  
10 \$25,000, or both.

11          “(b) CONTINUING VIOLATION.—Each day on which  
12 a violation of a regulation described in subsection (a) con-  
13 tinues shall constitute a separate violation for the purpose  
14 of this section.”.

15       **SEC. 504. ASBESTOS-CAUSED DISEASES.**

16          Subpart 1 of part C of title IV of the Public Health  
17 Service Act (42 U.S.C. 285 et seq.) is amended by adding  
18 at the end the following:

19       **“SEC. 417D. RESEARCH ON ASBESTOS-CAUSED DISEASES.**

20          “(a) IN GENERAL.—The Secretary, acting through  
21 the Director of NIH and the Director of the Centers for  
22 Disease Control and Prevention, shall expand, intensify,  
23 and coordinate programs for the conduct and support of  
24 research on diseases caused by exposure to asbestos, par-  
25 ticularly mesothelioma, asbestosis, and pleural injuries.

1       “(b) ADMINISTRATION.—The Secretary shall carry  
2 out this section—

3               “(1) through the Director of NIH and the Di-  
4 rector of the CDC (Centers for Disease Control and  
5 Prevention); and

6               “(2) in collaboration with the Administrator of  
7 the Agency for Toxic Substances and Disease Reg-  
8 istry and the head of any other agency that the Sec-  
9 retary determines to be appropriate.

10       “(c) MESOTHELIOMA REGISTRY.—Not later than 1  
11 year after the date of enactment of this section, the Direc-  
12 tor of the Centers for Disease Control and Prevention, in  
13 cooperation with the Director of the National Institute for  
14 Occupational Safety and Health and the Administrator of  
15 the Agency for Toxic Substances and Disease Registry,  
16 shall establish a mechanism by which to obtain data from  
17 State cancer registries and other cancer registries, which  
18 shall form the basis for establishing a Mesothelioma Reg-  
19 istry.

20       “(d) AUTHORIZATION OF APPROPRIATIONS.—In ad-  
21 dition to amounts made available for the purposes de-  
22 scribed in subsection (a) under other law, there are au-  
23 thorized to be appropriated to carry out this section such  
24 sums as are necessary for fiscal year 2004 and each fiscal  
25 year thereafter.

1 **“SEC. 417E. MESOTHELIOMA RESEARCH AND TREATMENT**  
2 **CENTERS.**

3 “(a) IN GENERAL.—The Director of NIH shall pro-  
4 vide \$1,000,000 for each of fiscal years 2004 through  
5 2008 for each of up to 10 mesothelioma disease research  
6 and treatment centers.

7 “(b) REQUIREMENTS.—The Centers shall—

8 “(1) be chosen through competitive peer review;

9 “(2) be geographically distributed throughout  
10 the United States with special consideration given to  
11 areas of high incidence of mesothelioma disease;

12 “(3) be closely associated with Department of  
13 Veterans Affairs medical centers to provide research  
14 benefits and care to veterans, who have suffered ex-  
15 cessively from mesothelioma;

16 “(4) be engaged in research to provide mecha-  
17 nisms for detection and prevention of mesothelioma,  
18 particularly in the areas of pain management and  
19 cures;

20 “(5) be engaged in public education about  
21 mesothelioma and prevention, screening, and treat-  
22 ment;

23 “(6) be participants in the National Mesothe-  
24 lioma Registry; and

1           “(7) be coordinated in their research and treat-  
2           ment efforts with other Centers and institutions in-  
3           volved in exemplary mesothelioma research.

4           “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
5           is authorized to be appropriated to carry out this section  
6           \$10,000,000 for each of fiscal years 2004 through 2008.”.



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To prohibit the commercial use of asbestos in the  
United States.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of  
victims for bodily injury caused by asbestos exposure,  
and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. FEINSTEIN

Viz:

1 At the end, add the following:

2 **TITLE V—COMMERCIAL USE OF**  
3 **ASBESTOS**

4 **SEC. 501. DEFINITIONS.**

5 In this title:

6 (1) ATTORNEY GENERAL.—The term “Attorney  
7 General” means the Attorney General, acting jointly  
8 with the Administrator of the Environmental Protec-  
9 tion Agency.

1           (2) ASBESTOS-CONTAINING PRODUCT.—The  
2           term “asbestos-containing product” means any prod-  
3           uct (including any part) to which asbestos is delib-  
4           erately or knowingly added or in which asbestos is  
5           deliberately or knowingly used in any concentration.

6           (3) CONTAMINANT-ASBESTOS PRODUCT.—The  
7           term “contaminant-asbestos product” means any  
8           product—

9                   (A) that contains asbestos as a contami-  
10                  nant of any mineral or other substance, in any  
11                  concentration; and

12                  (B) to which the asbestos is not delib-  
13                  erately or knowingly added or in which asbestos  
14                  is not deliberately or knowingly used in any  
15                  concentration.

16           (4) DISTRIBUTE IN COMMERCE.—

17                   (A) IN GENERAL.—The term “distribute in  
18                  commerce” has the meaning given the term in  
19                  section 3 of the Toxic Substances Control Act  
20                  (16 U.S.C. 2602).

21                   (B) EXCLUSIONS.—The term “distribute  
22                  in commerce” does not include—

23                           (i) an action taken with respect to an  
24                           asbestos-containing product in connection  
25                           with the end use of the asbestos-containing

1 product by a person that is an end user;  
2 or

3 (ii) distribution of an asbestos-con-  
4 taining product by a person solely for the  
5 purpose of disposal of the asbestos-con-  
6 taining product in compliance with applica-  
7 ble Federal, State, and local requirements.

8 (5) PERSON.—The term “person” means—

9 (A) any individual;

10 (B) any corporation, company, association,  
11 firm, partnership, joint venture, sole proprietor-  
12 ship, or other for-profit or nonprofit business  
13 entity (including any manufacturer, importer,  
14 distributor, or processor);

15 (C) any Federal, State, or local depart-  
16 ment, agency, or instrumentality; and

17 (D) any interstate body.

18 **SEC. 502. PROHIBITION ON ASBESTOS-CONTAINING PROD-**  
19 **UCTS.**

20 (a) IN GENERAL.—Subject to subsection (b), the At-  
21 torney General shall promulgate—

22 (1) not later than 1 year after the date of en-  
23 actment of this Act, proposed regulations that—

1 (A) prohibit persons from manufacturing,  
2 processing, or distributing in commerce asbes-  
3 tos-containing products; and

4 (B) provide for implementation of sub-  
5 sections (b) and (c); and

6 (2) not later than 2 years after the date of en-  
7 actment of this Act, final regulations that, effective  
8 60 days after the date of promulgation, prohibit per-  
9 sons from manufacturing, processing, or distributing  
10 in commerce asbestos-containing products.

11 (b) INAPPLICABILITY TO CONTAMINANT-ASBESTOS  
12 PRODUCTS.—The regulations under subsection (a) shall  
13 not apply to contaminant-asbestos products.

14 (c) EXEMPTIONS.—

15 (1) IN GENERAL.—The products and processes  
16 described in paragraph (2) shall be exempt from the  
17 regulations under subsection (a) unless the Attorney  
18 General determines that any such product should  
19 not be exempt, based on information that has be-  
20 come available since 1989 suggesting that an exemp-  
21 tion would result in an unreasonable risk of injury  
22 to public health or the environment.

23 (2) PRODUCTS AND PROCESSES.—The products  
24 and processes referred to in paragraph (1) are—

- 1 (A) asbestos diaphragms for regulated use  
2 in the manufacture of chloralkali;  
3 (B) acetylene cylinders;  
4 (C) arc chutes;  
5 (D) battery separators;  
6 (E) high-grade electrical paper;  
7 (F) missile liners;  
8 (G) packing reinforced plastic;  
9 (H) sealant tape;  
10 (I) specialty industrial gaskets; and  
11 (J) textiles.

12 (3) PETITIONS FOR EXEMPTION.—

13 (A) IN GENERAL.—Any person may peti-  
14 tion the Attorney General for, and the Attorney  
15 General may grant, an exemption from the re-  
16 quirements of subsection (a) if the Attorney  
17 General determines that—

18 (i) the exemption would not result in  
19 an unreasonable risk of injury to public  
20 health or the environment; and

21 (ii) the person has made good faith ef-  
22 forts to develop, but has been unable to de-  
23 velop, a substance, or identify a mineral,  
24 that—

1 (I) does not present an unreason-  
2 able risk of injury to public health or  
3 the environment; and

4 (II) may be substituted for an  
5 asbestos-containing product.

6 (B) TERMS AND CONDITIONS.—An exemp-  
7 tion granted under this paragraph shall be in  
8 effect for such period (not to exceed 1 year)  
9 and subject to such terms and conditions as the  
10 Attorney General may prescribe.

11 (d) DISPOSAL.—

12 (1) IN GENERAL.—Except as provided in para-  
13 graph (2), not later than 3 years after the date of  
14 enactment of this Act, each person that possesses an  
15 asbestos-containing product that is subject to the  
16 prohibition established under this section shall dis-  
17 pose of the asbestos-containing product, by a means  
18 that is in compliance with applicable Federal, State,  
19 and local requirements.

20 (2) EXEMPTION.—Nothing in paragraph (1)—

21 (A) applies to an asbestos-containing prod-  
22 uct that—

23 (i) is no longer in the stream of com-  
24 merce; or

1 (ii) is in the possession of an end  
2 user; or

3 (B) requires that an asbestos-containing  
4 product described in subparagraph (A) be re-  
5 moved or replaced.

6 (e) PENALTIES.—

7 (1) CIVIL PENALTIES.—

8 (A) IN GENERAL.—The Attorney General  
9 may impose on a person that violates a regula-  
10 tion under subsection (a) a civil penalty of not  
11 more than \$25,000 for each such violation.

12 (B) PROCEDURE.—

13 (i) IN GENERAL.—The Attorney Gen-  
14 eral shall impose a civil penalty under sub-  
15 paragraph (A) by an order made on the  
16 record after opportunity for a hearing in  
17 accordance with section 554 of title 5,  
18 United States Code.

19 (ii) NOTICE.—Before issuing an order  
20 under clause (i), the Attorney General  
21 shall—

22 (I) give the person on which a  
23 civil penalty is to be imposed written  
24 notice of the proposal to issue the  
25 order; and

1 (II) provide the person an oppor-  
2 tunity to request, not later than 15  
3 days after the date on which the no-  
4 tice is received by the person, a hear-  
5 ing on the order.

6 (C) AMOUNT.—In determining the amount  
7 of a civil penalty, the Attorney General shall  
8 take into account—

9 (i) the nature, circumstances, extent,  
10 and gravity of the violation; and

11 (ii) with respect to the violator—

12 (I) ability to pay;

13 (II) effect on ability to continue  
14 to do business;

15 (III) any history of prior such  
16 violations;

17 (IV) degree of culpability; and

18 (V) such other matters as justice  
19 may require.

20 (D) COMPROMISE, MODIFICATION, OR RE-  
21 MISSION.—The Administrator may compromise,  
22 modify, or remit, with or without conditions, a  
23 civil penalty imposed under this paragraph.

24 (E) DEDUCTION FROM AMOUNT OWED.—  
25 The amount of a civil penalty imposed on a per-



son under this paragraph may be deducted from any sums owed by the United States to the person.

(F) JUDICIAL REVIEW.—Not later than 30 days after the date on which the Attorney General issues an order imposing a civil penalty under subparagraph (B), a person that requested a hearing under subparagraph (B)(ii)(II) with respect to the civil penalty and that is aggrieved by an the order may file a petition for judicial review of the order in the United States Court of Appeals for the District of Columbia Circuit or for the United States court of appeals for any other circuit in which the person resides or transacts business.

(G) FAILURE TO PAY CIVIL PENALTY.—

(i) IN GENERAL.—If a person fails to pay a civil penalty imposed under this paragraph—

(I) after the order imposing the civil penalty has become final and if person does not file a petition for judicial review of the order under subparagraph (F); or

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for rules of construction relating to the liability of the United States Government, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. GRASSLEY

Viz:

1       At the end of the bill, add the following:

2       **SEC. 403. RULES OF CONSTRUCTION RELATING TO LIABIL-**  
3                   **ITY OF THE UNITED STATES GOVERNMENT.**

4       (a) CAUSES OF ACTIONS.—Except as otherwise spe-  
5       cifically provided in this Act, nothing in this Act may be  
6       construed as creating a cause of action against the United  
7       States Government, any entity established under this Act,  
8       or any officer or employee of the United States Govern-  
9       ment or such entity.

1       (b) FUNDING LIABILITY.—Nothing in this Act may  
2 be construed to—

3           (1) create any obligation of funding from the  
4 United States Government, other than the funding  
5 for personnel and support as provided under subtitle  
6 A of title I; or

7           (2) obligate the United States Government to  
8 pay any award or part of an award, if amounts in  
9 the Fund are inadequate.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for a limitation on attorney's fees for awards under this Act, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SESSIONS

Viz:

1       On page 41, add after line 23 the following:

2   **SEC. 135. LIMITATION ON ATTORNEYS' FEES.**

3       (a) IN GENERAL.—No more than an amount equal  
4 to 10 percent of any award as authorized by this Act may  
5 be paid to or received by any attorney for services ren-  
6 dered in connection with obtaining such award, any con-  
7 tract to the contrary notwithstanding.

8       (b) ENFORCEMENT.—Any person who violates sub-  
9 section (a) shall be guilty of a misdemeanor and shall be

1 subject to a fine in the amount provided in title 18, United  
2 States Code.

3 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
4 tion may be construed to authorize the payment of attor-  
5 ney's fees—

6 (1) from the Fund or a claimant; or

7 (2) in addition to any amount payable under  
8 the award schedule under this Act.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To require the Asbestos Court to provide notice to claimants on the availability of pro bono legal services, and any attorney's fee limitations, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SESSIONS

Viz:

1       On page 24, between lines 2 and 3, insert the fol-

2       lowing:

3               (3) NOTICE.—

4               (A) NOTICE BY COURT.—The Court shall

5               provide asbestos claimants with notice of, and

6               information relating to—

7                       (i) pro bono services for legal assist-

8                       ance available to those claimants; and

1                   (ii) any limitations on attorneys fees  
2                   for asbestos claims filed under this title.

3                   (B) NOTICE BY ATTORNEYS.—Before a  
4                   person becomes a client of an attorney with re-  
5                   spect to an asbestos claim, that attorney shall  
6                   provide notice to that person of pro bono serv-  
7                   ices for legal assistance available for that claim.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for additional contributions from participants.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. FEINSTEIN

Viz:

1       After section 225, insert the following:

2   **SEC. 226. ADDITIONAL CONTRIBUTIONS.**

3       (a) IN GENERAL.—In any year after year 27 of the  
4 Fund, if the Administrator, after consultation with appropriate experts, determines that additional contributions  
5 are necessary to ensure adequate funding for the payment  
6 of future claimants at the scheduled award values under  
7 section 131(b), the Administrator may require a participant  
8 to make additional contributions in an amount no  
9



1 greater than the participant was required to make in year  
2 26 of the Fund.

3 (b) REPORT.—If Administrator determines that addi-  
4 tional funds are required for the payment of future claim-  
5 ants at the scheduled awards value under section 131(b),  
6 the Administrator shall submit a report to Congress on  
7 the amount of additional funds that are necessary.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup>  
Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 Section 3(2), page 4, insert the following;
- 2 “(K) mixed dust, which is any occupational or pneumoconiosis-producing
- 3 dust of which any component is any of the minerals listed under
- 4 subparagraphs (A) through (I), or is derived, in whole or in part, from
- 5 asbestos-containing materials defined at subparagraph (J).”
- 6
- 7 Section 403, page 113, line 23, insert after the word “law” the phrase; “,
- 8 whether or not characterized as such by the plaintiff.”
- 9
- 10 Strike section 403(d)(2), replace with;

1 “(2) PREEMPTION.—Any action asserting an asbestos claim, whether or  
2 not characterized as such by the plaintiff, in court of any State, except  
3 actions for which an order or judgment has been duly entered by a court that  
4 is no longer subject to any appeal or judicial review before the date of  
5 enactment of this Act, is preempted by this Act.”

6

7 Strike section 403(d)(4)(D)(i), replace with;

8 “(i) determining whether the claim is an asbestos claim, and”

# S. 1125

## 2d DEGREE AMENDMENT TO THE HATCH ASBESTOS BAN AMENDMENT

Viz:

Strike Section (c)(3) and replace with the following:

”(3) GOVERNMENTAL USE- The Administrator shall provide an exemption from the requirements of subsection (a), without review or limit on duration, if such exemption for an asbestos containing product is-

(A) Sought by the Secretary of Defense and the Secretary certifies that –

(i) use of the asbestos containing product is necessary to the critical functions of the Department;

(ii) no reasonable alternatives to the asbestos containing product exist for the intended purpose;

and

(iii) use of the asbestos containing product will not result in an unreasonable risk to health or the environment.

(B) Sought by the Administrator of the National Aeronautics and Space Administration and the Administrator of the National Aeronautics and Space Administration certifies that-

(i) the asbestos containing product is necessary to the critical functions of the National Aeronautics and Space Administration;

(ii) no reasonable alternatives to the asbestos

containing product exist for the intended purpose;

and

(iii) the use of the asbestos containing product will

not result in an unreasonable risk to health or the

environment.”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: This amendment requires that a physician “evaluate” rather than “independently verify” asbestos exposure.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1           On page 25, beginning on line 12, delete sections
- 2   122(b)(2) and 122(b)(3), and insert in lieu thereof:
- 3           “(2) includes a review by the physician of the
- 4           claimant’s work history and asbestos exposure pattern in
- 5           order to evaluate the duration, proximity, regularity and

1 intensity of the exposure, and smoking history, among  
2 other factors; and”

3 On page 25, line 19, re-designate existing paragraph  
4 122(b)(4) as paragraph 122(b)(3).



**DURBIN AMENDMENT TO S. 1125**

**Purpose: To exempt from the Act asbestos claims currently pending in state or federal courts.**

On page 114, line 1, after the word “claim,” insert the following:

“filed after June 1, 2003.”

On page 114, line 6, after the period, insert the following new sentence:

“Nothing in this Act shall affect the jurisdiction of any federal or state court to hear, adjudicate, render judgment on or enforce any asbestos claim filed prior to June 1, 2003.”

On page 114, line 8, after the word “claim” insert the following:

“filed after June 1, 2003.”

On page 116 after line 2 insert the following new subsection:

(e): NON APPLICABILITY TO CLAIMS FILED BEFORE JUNE 1, 2003. The provisions of this section shall not apply to any asbestos claim in any state or federal court filed prior to June 1, 2003.

EXPLANATION: This amendment would exempt from coverage under the Act all asbestos claims that were filed in state or federal courts prior to June 1, 2003.

## **DURBIN AMENDMENT TO S. 1125**

**Purpose: To restore the rights of railroad workers under the Federal Employers' Liability Act (FELA)**

On page 5, line 3, strike "or"

On page 5, line 6, strike "." and insert ", or claims brought pursuant to the Act of April 22, 1908 (45 U.S.C. 51 et seq.)."

On page 8, line 20, strike "does not include" and insert "includes"

On page 8, line 22, strike "or" and insert "and"

On page 47, at the end of line 2, add "and"

On page 47, line 6, strike "and"

On page 47, strike lines 7-14

On page 62, strike lines 24-25, and on page 63, strike lines 1-2

On page 64, strike lines 13-21

EXPLANATION: This amendment would allow railroad workers with asbestos claims to seek their legal claims under the Federal Employers' Liability Act (FELA).

## **DURBIN AMENDMENT TO S. 1125**

**Purpose: To increase the amount of financial hardship and inequity adjustments.**

On page 66, line 17, strike “3 percent” and insert “6 percent”.

On page 67, line 18, strike “2 percent” and insert “4 percent”.

Increase the contribution amounts of Tier II defendant participants as necessary to compensate for the increases in the financial hardship and inequity adjustments.

On page 66, lines 20-24, insert the underlined text:

(A) IN GENERAL- A defendant may qualify for an adjustment based on inequity by demonstrating that the amount of its contribution under the statutory allocation is exceptionally inequitable when measured against that percentage of the defendant’s prior asbestos expenditures that were incurred with respect to claims that neither resulted in an adverse judgment against the defendant nor were the subject of a settlement that required a payment to a plaintiff by or on behalf of that defendant; or the amount of the likely cost to the defendant of its future liability in the tort system in the absence of the Fund.

EXPLANATION: This amendment would double the current caps for the financial hardship and inequity adjustments while revising the definition of “inequity adjustments” to include costs incurred in cases where the defendant mounted a successful defense.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for penalties for the willful failure to pay liabilities imposed under the Fairness in Asbestos Injury Resolution Act of 2003, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

1 At the end, add the following:

2 **TITLE V- PROHIBITION OF ASBESTOS**

3 **CONTAINING PRODUCTS**

4 At the end of Chapter 39 of Title 18 of the United States Code,  
5 insert the following new Chapter:

6 **Chapter 39A – Ban of Asbestos Containing Products**

7 § 838. Ban of Asbestos Containing Products

8 (a) DEFINITIONS: For the purposes of this Chapter,

1 (1) ASBESTOS. - The term “Asbestos” includes –

2 (A) chrysotile;

3 (B) amosite;

4 (C) crocidolite;

5 (D) tremolite asbestos;

6 (E) winchite asbestos;

7 (F) richterite asbestos;

8 (G) anthophyllite asbestos;

9 (H) actinolite asbestos;

10 (I) any of the minerals listed under subparagraphs (A)  
11 through (H) that has been chemically treated or altered,  
12 and any asbestiform variety, type or component  
13 thereof.

14 (2) ASBESTOS CONTAINING PRODUCT.- The term “Asbestos  
15 Containing Product” means any product (including any part) to  
16 which asbestos is deliberately or knowingly added or used because  
17 the specific properties of asbestos are necessary for product use or  
18 function. Under no circumstances shall ‘asbestos containing  
19 product’ be construed to include products that contain *de minimus*  
20 levels of naturally occurring asbestos as defined by the  
21 Administrator not later than one year after the date of enactment of  
22 this Chapter.

1 (3) DISTRIBUTE IN COMMERCE.- The term “Distribute in  
2 Commerce”-

3 a. has the meaning given the term in 15 U.S.C. § 2602; and

4 b. shall not include –

5 i. an action taken with respect to an asbestos  
6 containing product in connection with the end use  
7 of the asbestos containing product by a person  
8 that is an end user, or an action taken by a person  
9 who purchases or receives a product, directly or  
10 indirectly from an end user; or

11 ii. distribution of an asbestos-containing product by  
12 a person solely for the purpose of disposal of the  
13 asbestos containing product in compliance with  
14 applicable Federal, State and local requirements.

15 (4) ADMINISTRATOR- The term “Administrator” shall mean the  
16 Administrator for the Environmental Protection Agency.

17 (b) IN GENERAL – Subject to subsection (c), the Administrator  
18 shall, after consultation with the Assistant Attorney General for  
19 the Environmental and Natural Resources Division of the United  
20 States Department of Justice, promulgate –

21 (1) not later than 1 year after the date of enactment of this  
22 subtitle, proposed regulations that –

1 (A) prohibit persons from manufacturing, processing,  
2 or distributing in commerce asbestos-containing  
3 products; and

4 (B) provide for implementation of subsections (c)  
5 and (d); and

6 (2) not later than 2 years after the date of enactment of this  
7 subtitle, final regulations that, effective 60 days after the  
8 date of promulgation, prohibit persons from  
9 manufacturing, processing, or distributing in commerce  
10 asbestos-containing products.

11 (c) EXEMPTIONS-

12 (1) IN GENERAL- Any person may petition the  
13 Administrator for, and the Administrator may grant an  
14 exemption from the requirements of subsection (b) if the  
15 Administrator determines that –

16 (A) the exemption would not result in an  
17 unreasonable risk of injury to public health or the  
18 environment; and

19 (B) the person has made good faith efforts to  
20 develop, but has been unable to develop, a  
21 substance, or identify a mineral that does not  
22 present an unreasonable risk of injury to public

1 health or the environment and may be substituted  
2 for an asbestos containing product.

3 (2) TERMS AND CONDITIONS- An exemption granted  
4 under this subsection shall be in effect for such period  
5 (not to exceed 5 years) and subject to such terms and  
6 conditions as the Administrator may prescribe.

7 (3) GOVERNMENTAL USE- The Administrator shall  
8 provide an exemption from the requirements of  
9 subsection (a), without review or limit on duration, if  
10 such exemption for an asbestos containing product is  
11 sought by the Secretary of Defense or the Administrator  
12 of the National Aeronautics and Space Administration.

13 (4) SPECIFIC EXEMPTIONS-

14 (A) Asbestos diaphragms for use in the manufacture or  
15 chlor-alkali and the products and derivative  
16 therefrom;

17 (B) Roofing cements, coatings and mastics utilizing  
18 asbestos that is totally encapsulated with asphalt.

19 (d) DISPOSAL-

20 (1) IN GENERAL- Except as provided in paragraph (2), not  
21 later than 3 years after the date of enactment of this  
22 subtitle, each person that possesses an asbestos  
23 containing product that is subject to the prohibition



1 established under this section shall dispose of the  
2 asbestos-containing product, by a means that is in  
3 compliance with applicable Federal, State, and local  
4 requirements.

5 (2) EXEMPTION- Nothing in paragraph (1) –

6 (A) applies to an asbestos containing product that –

7 (i) is no longer in the stream of  
8 commerce; or

9 (ii) is in the possession of an end user; or

10 (B) requires that an asbestos containing product  
11 described in subparagraph (A) be removed or  
12 replaced.

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AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide an exception to the in-person exam rule for deceased victims.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 On p. 25, before line 21:
- 2 “(c) DECEASED CLAIMANTS.—In the case of a claimant who is deceased
- 3 at the time of an application is filed, the claim may be supported by either—
- 4 (1)evidence from a prior physical medical examination of the
- 5 claimant by a physician that resulted in a diagnosis of an asbestos
- 6 related injury or permits such a diagnosis to be made by a

1           physician examining those records; or

2           (2)pathological evidence of an asbestos-related injury.”

3           Strike “(c)” on line 21 on p. 25 and insert “(d)”.

4           Strike “(d)” on line 14 on p. 26 and insert “(e)”.

5           Strike “(e)” on line 20 on p. 26 and insert “(f)”.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: This amendment allows the Court to independently review medical evidence.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

1           On page 15, line 23, after “diagnoses” insert “, x-ray  
2 films,”

3           On page 20, after line 20, insert new section 114(c)(3) as  
4 follows:

5           “(3) INDEPENDENT REVIEWS OF MEDICAL EVIDENCE. —

1 – The Asbestos Court shall establish procedures for  
2 independently evaluating the medical evidence submitted in  
3 support of claims. At a minimum, the Court shall prescribe  
4 procedures for magistrates to randomly assign claims for  
5 confirmation by certified B readers of x-rays submitted in  
6 support of claims, the cost of which shall be borne by the Fund.  
7 If an independent B reader disagrees with the quality grading or  
8 ILO level assigned to an x-ray submitted in support of a claim,  
9 the procedures shall require a second independent B reading. If  
10 neither independent B reader agrees with the quality grading and  
11 the ILO level assigned to the film as part of the claim, the  
12 magistrate shall recommend denial of the claim pursuant to  
13 subsection (f).

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: This amendment directs the Institute of Occupational Medicine to study the connection between “other cancers” (not lung-related).

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 On page 37, after line 11, insert new section 126 as follows:
- 2 **SEC. 126. INSTITUTE OF MEDICINE STUDY.**
- 3 (a) Not later than two years after date of enactment, the
- 4 Institute of Medicine of the National Academy of Sciences shall
- 5 complete a study of the causal link between asbestos exposure
- 6 and other cancers, including, but not limited to, colorectal,

1 laryngeal, esophageal, pharyngeal, and stomach cancers, except  
2 for mesothelioma and lung cancers. The Institute of Medicine  
3 shall issue a report on its findings on causation, which shall be  
4 transmitted to the Congress, the Asbestos Court, and the Medical  
5 Advisory Committee. The Asbestos Court and the Medical  
6 Advisory Committee shall consider the results of the report for  
7 purposes of determining whether asbestos exposure is a  
8 substantial contributing factor under section 124(6)(F).

9 (b) If the Asbestos Court has evidence that there have been  
10 advancements in science that would require additional study, the  
11 Court may request that the Institute of Medicine conduct a  
12 subsequent study to determine if asbestos exposure is a cause of  
13 other cancers.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To create lockbox accounts to protect severe asbestos-related injury claimants.

**IN THE SENATE OF THE UNITED STATES – 108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S.1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. KYL  
(For himself and Mr. HATCH)

Viz:

In section 223, renumber subsection (e) as (f), and insert the following as a new subsection (e):

“(e) LOCKBOX FOR SEVERE ASBESTOS-RELATED INJURY  
CLAIMANTS –

(1) Within the Fund, the Administrator shall establish the following accounts:

(A) A Mesothelioma Account, which shall be used solely to make payments to claimants eligible for an award pursuant to the criteria of Level VIII.



(B) A Lung Cancer II Account, which shall be used solely to make payments to claimants eligible for an award pursuant to the criteria of Level VII.

(C) A Severe Asbestosis Account, which shall be used solely to make payments to claimants eligible for an award pursuant to the criteria of Level IV.

(2) The Administrator shall allocate to each of the above three accounts a portion of contributions to the Fund adequate to compensate all anticipated claimants for each account. Within sixty days of the enactment of this Act, and periodically during the life of the Fund, the Administrator shall determine an appropriate amount to allocate to each account after consulting appropriate epidemiological and statistical studies.”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To create lockbox accounts to protect severe asbestos-related injury claimants.

**IN THE SENATE OF THE UNITED STATES – 108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S.1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. KYL  
(For himself and Mr. HATCH)

Viz:

In section 223, renumber subsection (e) as (f), and insert the following as a new subsection (e):

“(e) LOCKBOX FOR SEVERE ASBESTOS-RELATED INJURY  
CLAIMANTS –

(1) Within the Fund, the Administrator shall establish the following accounts:

(A) A Mesothelioma Account, which shall be used solely to make payments to claimants eligible for an award pursuant to the criteria of Level IX.

(B) A Lung Cancer II Account, which shall be used solely to make payments to claimants eligible for an award pursuant to the criteria of Level VIII.

(C) A Severe Asbestosis II Account, which shall be used solely to make payments to claimants eligible for an award pursuant to the criteria of Level V.

(D) A Severe Asbestosis I Account, which shall be used solely to make payments to claimants eligible for an award pursuant to the criteria of Level IV.

(2) The Administrator shall allocate to each of the above four accounts a portion of contributions to the Fund adequate to compensate all anticipated claimants for each account. Within sixty days of the enactment of this Act, and periodically during the life of the Fund, the Administrator shall determine an appropriate amount to allocate to each account after consulting appropriate epidemiological and statistical studies.”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To require that asbestos exposure resulting from fabricating, altering, repairing, or otherwise working with asbestos products be significant in order to constitute “significant occupational exposure.”

**IN THE SENATE OF THE UNITED STATES – 108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S.1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. KYL

Viz:

In section 124, subsections (a)(8)(B) and (C), insert the words “significant amounts of” immediately before the words “raw asbestos fibers” and “asbestos fibers,” respectively, such that the two subsections read in their entirety:

“(B) fabricated asbestos-containing products so that the claimant in the fabrication process was exposed on a regular basis to significant amounts of raw asbestos fibers;

(C) altered, repaired, or otherwise worked with an asbestos-containing product such that the claimant was exposed on a regular basis to significant amounts of asbestos fibers; or”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To require that asbestos exposure resulting from fabricating, altering, repairing, or otherwise working with asbestos products be significant in order to constitute “substantial occupational exposure.”

**IN THE SENATE OF THE UNITED STATES – 108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S.1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. KYL

Viz:

In section 124, subsections (a)(16)(B) and (C), insert the words “significant amounts of” immediately before the words “raw asbestos fibers” and “asbestos fibers,” respectively, such that the two subsections read in their entirety:

“(B) fabricated asbestos-containing products so that the claimant in the fabrication process was exposed on a regular basis to significant amounts of raw asbestos fibers;

(C) altered, repaired, or otherwise worked with an asbestos-containing product such that the claimant was exposed on a regular basis to significant amounts of asbestos fibers; or”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To clarify the language with respect to latency periods.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

1           On page 27, beginning on line 5, delete section 123 in its  
2   entirety and replace in lieu thereof:

3           To be eligible for compensation under this Act, a  
4   claimant must establish that a minimum of 10 years has  
5   elapsed between the date of the claimant's first exposure  
6   to asbestos and the initial diagnosis.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

1 On page 5, strike line 23 and all that follows through page 6, line 11, and  
2 insert the following:

3 (7) COLLATERAL SOURCE COMPENSATION.—The term  
4 “collateral source compensation” means the compensation that the  
5 claimant received or is entitled to receive from a defendant or its  
6 insurer, or compensation trust as a result of judgment or settlement  
7 for an asbestos related injury that is the subject of a claim filed  
8 under section 111.

9 On page 41, lines 17 through 19, strike; “that the claimant received, or is  
10 entitled to receive, for the asbestos-related injury that is the subject of the  
11 compensation.”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for penalties for the willful failure to pay liabilities imposed under the Fairness in Asbestos Injury Resolution Act of 2003, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1           On page 99, strike lines 1 through 18, and insert the following:
- 2           (1) IN GENERAL.—In any case in which there has been a refusal
- 3               or failure to pay any liability imposed by a final determination
- 4               under section 202 or 212, the Administrator may bring a civil
- 5               action in the Federal district court for the District of Columbia---
- 6               (A) to enforce the liability and any lien of the United States
- 7               imposed under this section;



1 (B) to subject any property of the participant, including any  
2 property in which the participant has any right, title, or  
3 interest, to the payment of such liability;

4 (C) for temporary, preliminary, or permanent relief;

5 (2) ADDITIONAL PENALTIES.—In any action under subsection

6 (1) in which the refusal or failure to pay was willful, the  
7 Administrator shall be able to seek recovery;

8 (A) for punitive damages;

9 (B) for the costs of any civil action under this subsection,  
10 including reasonable fees incurred for collection,  
11 expert witnesses, and attorney fees; and

12 (C) In addition to any other penalty, collect a fine in an  
13 amount equal to the total amount of the liability that  
14 has not been collected.

15 (3) DEFENSE LIMITATION.—In any proceeding under this  
16 subsection, the participant shall be barred from bringing any  
17 challenge to the assessment if such challenge could have been  
18 made during the review period under section 202(b)(4) or  
19 212(b)(4), or a judicial review proceeding under title III.

20 (4) DEPOSIT OF FUNDS.—Any funds collected under paragraph

21 (C) shall be—

22 (A) deposited in the Fund; and

23 (B) used only to pay—

1 (i) claims for awards for an eligible disease or  
2 condition determined under title I;

3 (ii) claims for reimbursement for medical  
4 monitoring determined under title I

5 (5) NO EFFECT ON OTHER LIABILITIES.—The imposition of a  
6 fine under paragraph 2(C) shall have no effect on—

7 (A) the assessment of contribution under sections 202 or  
8 212; or

9 (B) any other provision of this Act.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide appropriate congressional oversight over the  
administration of the Asbestos Injury Claims Resolution Fund.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1           Insert as new Section in Title IV – Miscellaneous
- 2   Provisions:
- 3   “Sec. \_\_\_\_     ADMINISTRATOR’S ANNUAL REPORT
- 4           “(1)           IN GENERAL.—The Administrator shall
- 5   submit an annual report to the Committee on the Judiciary of the
- 6   House of Representatives and the Committee on the Judiciary of

1 the Senate on the operation of the Asbestos Injury Claims  
2 Resolution Fund within six (6) months after the close of each  
3 fiscal year.

4 “(2) CONTENTS OF REPORT.—The annual  
5 report submitted under this section shall include:

6 “(A) a summary of the claims made during such  
7 fiscal year, including the number of claims made to  
8 the Fund and a description of the types of medical  
9 diagnoses and asbestos exposures underlying those  
10 claims, and the number of claims denied by the  
11 Fund and a description of the types of medical  
12 diagnoses and asbestos exposures underlying those  
13 claims;

14 “(B) a summary of the eligibility determinations  
15 made by the Asbestos Court under Section 113 of  
16 this Act;

17 “(C) a summary of the awards made under the Act  
18 including the amount of the awards;

- 1 “(D) the identity of all participants and a summary  
2 of the funding allocations of each participant  
3 including the amounts of all contributions;  
4 “(E) a summary of all financial hardship or inequity  
5 adjustments applied for during the fiscal year, and a  
6 summary of the adjustments that were made during  
7 the fiscal year;  
8 “(F) a summary of the investments made under  
9 Section 222(b) of this Act;  
10 “(G) a summary of all referrals made to law  
11 enforcement authorities made under Section 222(c)  
12 of this Act and of any legal actions brought or  
13 penalties imposed under Section 224 of this Act;  
14 “(H) an estimate of the number and types of claims,  
15 the amount of awards, and the participant  
16 contributions for the next fiscal year;  
17 “(I) any recommendations from the Fund’s medical  
18 panel to improve the medical criteria requirements  
19 or diagnostic provisions of the Fund;  
20 “(J) audits conducted under Section 115;

- 1           “(K) prosecutions under 18 U.S.C. §1348; and
- 2           “(L) any recommendations to improve the
- 3           operation of the Fund.”.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of  
victims for bodily injury caused by asbestos exposure,  
and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1 Page 49, line 9 strike section (C) and replace with the following;
- 2 (C) The bankruptcy court presiding over the business
- 3 entity's case determines, after notice and a hearing upon
- 4 motion filed by the entity within 30 days of the effective
- 5 date of this Act, which motion shall be supported by:

- 1           (i)     an affidavit or declaration of the Chief Executive  
2                   Officer, Chief Financial Officer or Chief Legal  
3                   Officer of the business entity, and
- 4           (ii)  copies of the entity's public statements and  
5                   securities filings made in connection with the  
6                   entity's filing for chapter 11 protection that asbestos  
7                   liability was not the sole or precipitating cause of  
8                   the entity's chapter 11 filing. Notice of such motion  
9                   shall be as directed by the bankruptcy court and the  
10                  hearing shall be limited to consideration of the  
11                  question of whether or not asbestos liability was the  
12                  sole or precipitating cause of the entity's chapter 11  
13                  filing. The bankruptcy court shall hold a hearing  
14                  and make its determination with respect to the  
15                  motion within 60 days after the date the motion is  
16                  filed. In making its determination, the bankruptcy  
17                  court shall take into account the affidavits, public  
18                  statements and securities filings, and other  
19                  information, if any, submitted by the entity and all



1           other facts and circumstances presented by an  
2           objecting party.

3           (iii) JUDICIAL REVIEW.—Any review of this  
4           determination must be an expedited appeal and  
5           limited to whether the decision was against the  
6           weight of the evidence presented.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To ensure that contributions to the Fund are not adversely affected by any financial hardship adjustment or inequity adjustment in the event there is a material change in conditions of the defendant participant following the expiration of any adjustment period.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

1           On p. 66, line 11, insert after “(C) RENEWAL.” The following  
2 language: “After an initial hardship adjustment is granted by this section, a”

3           On p. 66 line 11 before the word “defendant” strike the following:  
4 “A”

5           On p. 66, line 19 after the entire section “(D) LIMITATION.” Insert  
6 the following new section:

7           (E) REINSTATEMENT. Following the expiration of the

1 hardship adjustment period provided for under this section and  
2 during the mandatory funding period, the Administrator shall  
3 annually determine whether there has been a material change in the  
4 financial condition of the defendant such that the Administrator  
5 may, consistent with the policies and legislative intent underlying  
6 this Act, reinstate under terms and conditions established by the  
7 administrator any part or all of the defendant's contribution under  
8 the statutory allocation that was not paid during the hardship  
9 adjustment term.

10 On p. 67, line 8, strike "for the life of the Fund" and insert in its place: "for  
11 a term of 3 years."

12 On p. 67, line 9 before section "(C) LIMITATION" insert the following:

- 13 (i) RENEWAL. – After an inequity adjustment is  
14 granted by this section, a defendant may renew every  
15 3 years its inequity adjustment by demonstrating that  
16 it remains justified.
- 17 (ii) REINSTATEMENT.- Following the expiration of  
18 the inequity adjustment period provided for under  
19 this section and during the mandatory funding period,  
20 the Administrator shall annually determine whether  
21 there has been a material change in conditions which  
22 would support a finding that the amount of the  
23 defendant's contribution under the statutory

1 allocation was not inequitable. Based on this  
2 determination, the Administrator may, consistent  
3 with the policies and legislative intent underlying this  
4 Act, reinstate under terms and conditions established  
5 by the administrator any part or all of the defendant's  
6 contribution under the statutory allocation that was  
7 not paid during the inequity adjustment term.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To amend title 18, United States Code to prohibit fraud upon the Asbestos Insurers Commission and the Office of Asbestos Injury Claims Resolution.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1           On page 105, strike lines 18 through 25, and insert
- 2   the following:
- 3           (a) IN GENERAL.—Chapter 63 of title 18, United
- 4   States Code, is amended by adding at the end the fol-
- 5   lowing:
- 6

1    **“§1348. Fraud and false statements in connection**  
2                           **with participation in Asbestos Injury**  
3                           **Claims Resolution Fund**

4           “(a) FRAUD RELATING TO ASBESTOS INJURY  
5    CLAIMS RESOLUTION FUND.—Whoever knowingly and  
6    willfully executes, or attempts to execute, a scheme or artif-  
7    ice to defraud the Asbestos Insurers Commission or the  
8    Office of Asbestos Injury Claims Resolution under title II of  
9    the Fairness in Asbestos Injury Resolution Act of 2003 shall  
10   be fined under this title or imprisoned not more than 20  
11   years, or both.

12           “(b) FALSE STATEMENTS RELATING TO ASBESTOS  
13    INJURY CLAIMS RESOLUTION FUND.—Whoever, in any  
14    matter involving the Asbestos Insurers Commission or the  
15    Office of Asbestos Injury Claim Resolution, knowingly and  
16    willfully—

17                   “(1) falsifies, conceals, or covers up by any  
18                   trick, scheme, or device a material fact; or

19                   “(2) makes any materially false, fictitious, or  
20                   fraudulent statements or representations; or

1           “(3) makes or uses any false writing or docu-  
2           ment knowing the same to contain any materially  
3           false, fictitious, or fraudulent statement or entry,  
4           in connection with the award of a claim or the assessment  
5           of contributions under Title I or II of the Fairness in As-  
6           bestos Injury Resolution Act of 2003 shall be fined under  
7           this title or imprisoned not more than 10 years, or both.”.

8           (b) TECHNICAL AND CONFORMING AMENDMENT.—  
9           The table of sections for chapter 63 of title 18, United  
10          States Code, is amended by adding at the end the fol-  
11          lowing:

“1348. Fraud and false statements in connection with participation in Asbestos  
Injury Claims Resolution Fund.”.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To revise the 2 year length and rule of construction for the statute of limitations in S.1125.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_  
Viz:

- 1        On p. 16, line 15, strike “2” and insert “4”.
- 2        On p. 17, line 9, strike “2” and insert “4”.
- 3        On p. 18, strike lines 1 through 6.



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To include compensation for United States citizens  
exposed to asbestos while working for United States companies  
overseas or while on United States flagged ships.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1           On p. 35, line 23 (Sec. 125(a)(2)), delete the “.” and add
- 2   “or while a United States citizen while an employee of an entity
- 3   organized under any State or Federal law regardless of location,
- 4   or while a United States citizen while serving on any United
- 5   States flagged or owned ship provided the exposure results from
- 6   such employment or service.”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1 AMENDMENT.—To Section 131(4) of S. 1125 to index scheduled awards  
2 for future inflation;  
3 (4)(A) Beginning January 1, 2006, award amounts set forth in paragraph  
4 (1) shall be increased annually by an amount equal to such dollar  
5 amount multiplied by the cost-of-living adjustment, rounded to the  
6 nearest \$1,000 increment.  
7 (B) For purposes of subparagraph (A), the cost of living adjustment for any  
8 calendar year is the percentage (if any) by which the CPI for the  
9 succeeding calendar year exceeds the CPI for the calendar year  
10 2004.

1 (C) For purposes of subparagraph (B), the CPI for any calendar year is the  
2 average of the Consumer Price Index as of the close of the 12-month  
3 period ending on August 31 of such calendar year.

4 (D) For the purposes of subparagraph (C), the term “Consumer Price  
5 Index” means the Consumer Price Index published by the  
6 Department of Labor. The Consumer Price Index series to be used  
7 for award escalations shall include the Consumer Price Index used  
8 for all-urban consumers, with an area coverage of the U.S. City  
9 Average, for all items, and based on the 1982-84 index base period.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To create an exposure exception for claimants from Libby, Montana.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

1   **SEC. 125. EXPOSURE CRITERIA REQUIREMENTS.**

2           On page 37, line 12, add:

3                   (d) WAIVER FOR WORKERS AND RESIDENTS

4           OF LIBBY,

1 MONTANA. Because of the unique nature of the asbestos  
2 exposure related to the vermiculite mining and milling  
3 operations in Libby, Montana, the Asbestos Court shall  
4 waive the exposure requirements under this subtitle for  
5 individuals who (a) worked at the vermiculite mining and  
6 milling facility in Libby, Montana; or (b) lived or worked  
7 in within a 20-mile radius of Libby, Montana, for at least  
8 12 consecutive months prior to December 31, 2003.  
9 Claimants under this section must provide meaningful and  
10 credible evidence to establish eligibility for the waiver of  
11 the otherwise applicable exposure criteria under this  
12 subtitle, and shall provide such supporting documentation  
13 as the Asbestos Court shall require.

*For Settlement Purposes Only*

~~Years of substantial occupational exposure as~~  
~~required under this section shall be calculated~~  
~~pursuant to section 125(b).~~

~~——( ) TLC. — The term “TLC” means total lung~~  
~~capacity, which is the volume of air in the lung after~~  
~~maximal inspiration.~~

~~——(18) WEIGHTED YEARS. — The term~~  
~~“weighted years” means exposure for a period of~~  
~~years calculated pursuant to the exposure weighting~~  
~~formula in section 125(b).~~

~~——(b) REQUIREMENTS. — To be eligible for an award~~  
~~or medical monitoring reimbursement under this title, a~~  
~~claimant must meet the medical criteria requirements for 1~~  
~~of the following classes:~~

~~(1) For Class I, Bilateral Asbestos-Related~~  
~~Nonmalignant Disease (Unimpaired) For Nonmalignant~~  
~~Level I, the claimant shall provide —~~

~~——(A) a diagnosis that meets the~~  
~~requirements of section 122 of one of the~~  
~~following —~~

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——(i) interstitial fibrosis based on a

Certified B-reader x-ray reading (with  
independent review) of ILO grade 1/0  
or greater and showing small irregular  
opacities of shape/size either ss, st, or tt  
and present in both lower lung zones;

~~[The issue of the inclusion of a  
showing of small irregular opacities  
was not discussed at the 6/13/03  
meeting. Labor has proposed this  
requirement in our earlier discussions.]~~

——(ii) bilateral pleural plaques  
based on a reading of an x-ray by a  
Certified B-reader (with independent  
review); or

——(iii) bilateral pleural thickening  
based on a reading of an x-ray by a  
Certified B-reader [showing blunting of  
at least one costophrenic angle] (with  
independent review); and

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——(B) meaningful and credible evidence

of 5 years or more {weighted years} of

substantial occupational exposure calculated

pursuant to section 125(b).

~~[Although we have provided language for how the~~

~~time weighting for historical exposures might work,~~

~~we are still awaiting language from Labor.]~~

——(2) For ~~Class II: Mixed~~

~~Diseases~~Nonmalignant Level II, the claimant shall

provide—

——(A) a diagnosis that meets the

requirements of section 122 of one of the

following—

——(i) asbestosis based on a

Certified B-reader x-ray reading ~~(with~~

~~independent review)~~ of ILO grade 1/1

or greater and showing small irregular

opacities of shape/size either ss, st, or tt

and present in both lower lung zones;

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1                   ——(ii) bilateral pleural plaques  
2                   based on a Certified B-reader x-ray  
3                   reading (with independent review) of  
4                   ILO grade B2 or higher; or  
5                   ——(iii) bilateral pleural thickening  
6                   based on a Certified B-reader x-ray  
7                   reading (with independent review) of  
8                   ILO grade B2 or higher [and showing  
9                   blunting of at least one costophrenic  
10                  angle]; and

11                  (B) pulmonary function testing that shows—

12                  ——(i) FVC less than the lower limit  
13                  of normal, and  
14                  ——(ii) a FEV1/FVC ratio less than  
15                  [lower limit of normal] [65 percent];  
16                  and

17                  ——(C) meaningful and credible evidence  
18                  of 5 years or more weighted years of  
19                  substantial occupational exposure calculated  
20                  pursuant to section 125(b).

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~~[Subject to a collar on claims for this Class.]~~

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——(3) For Class III: Mildly Impaired

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~~Nonmalignant Disease~~ Nonmalignant Level III, the

claimant shall provide——

——(A) a diagnosis that meets the

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requirements of section 122 of one of the

following——

——(i) asbestosis based on a

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Certified B-reader x-ray reading ~~(with~~

~~independent review)~~ of ILO grade 1/0

or greater and showing small irregular

opacities of shape/size either ss, st, or tt

and present in both lower lung zones;

——(ii) bilateral pleural plaques

based on a Certified B-reader x-ray

reading ~~(with independent review)~~ of

ILO grade B2 or higher; or

——(iii) bilateral pleural thickening

based on a Certified B-reader x-ray

reading ~~(with independent review)~~ of

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ILO grade B2 or higher {and showing  
blunting of at least one costophrenic  
angle}; and

(B) pulmonary function testing that shows —

(i) TLC less than 80 percent of  
predicted, but greater than or equal to 60  
percent of predicted; or

——(ii) FVC less than the lower limit

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of normal, plus a FEV1/FVC ratio of  
not less than {lower limit of normal}

{65 percent}; and

——(C) meaningful and credible evidence

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of 5 years or more weighted years of  
substantial occupational exposure calculated  
pursuant to section 125(b).

(4) For Level IV: Moderately Impaired

~~Nonmalignant Disease~~ Nonmalignant Level IV, the

claimant shall provide—

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——(A) a diagnosis that meets the requirements of section 122 of one of the following—

——(i) asbestosis based on a Certified B-reader x-ray reading (with independent review) of ILO grade 1/2+<sup>1+</sup> or greater and showing small irregular opacities of shape/size either ss, st, or tt and present in both lower lung zones;

——(ii) bilateral pleural plaques based on a Certified B-reader x-ray reading (with independent review) of ILO grade B2 or higher; or

——(iii) bilateral pleural thickening based on a Certified B-reader x-ray reading (with independent review) of ILO grade B2 or higher [and showing blunting of at least one costophrenic angle]; and

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(B) pulmonary function testing that shows —

——(i) TLC less than 60

percent of predicted, but greater

than or equal to 50 percent of

predicted; or

——(ii) FVC less than 60 percent of

predicted, but greater than or equal to

50 percent of predicted, plus a

FEV1/FVC ratio not less than ~~lower~~

~~limit of normal~~ [65 percent]; and

——(C) meaningful and credible evidence

of 5 years or more weighted years of

substantial occupational exposure calculated

pursuant to section 125(b).

(5) For ~~Level V: Severely Impaired Nonmalignant~~

~~Disease~~ Nonmalignant Level V, the claimant shall provide

—

——(A) a diagnosis that meets the

requirements of section 122 of one of the

following —

*For Settlement Purposes Only*

——(i) asbestosis based on a

Certified B-reader x-ray reading (with  
independent review) of ILO grade

~~1/21+e-01/1f~~ or greater and showing

small irregular opacities of shape/size

either ss, st, or tt and present in both

lower lung zones;

——(ii) bilateral pleural plaques

based on a Certified B-reader x-ray

reading (with independent review) of

ILO grade B2 or higher; or

——(iii) bilateral pleural thickening

based on a Certified B-reader x-ray

reading (with independent review) of

ILO grade B2 or higher [and showing

blunting of at least one costophrenic

angle]; and

(B) pulmonary function testing that shows —

(i) TLC less than 50 percent of

predicted; or

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——(ii) FVC less than 50 percent of

predicted, plus a FEV1/FVC ratio not

less than ~~[lower limit of normal]~~ [65

percent]; or

——(iii) DLCO less than 40 percent

of predicted, plus a FEV1/FVC ratio

not less than ~~[lower limit of~~

~~normal~~ 65%]; or

——(iv) PO2 less than 55 mm/Hg,

plus a FEV1/FVC ratio not less than

~~[65% lower limit of normal]~~; and

——(C) meaningful and credible evidence

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of 5 years or more weighted years of

substantial occupational exposure calculated

pursuant to section 125(b).

{(6) For Level VI: Other Cancer, the claimant shall  
provide—

——(A) pathological evidence of a primary

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~~colorectal~~, laryngeal, esophageal, pharyngeal,

or stomach cancer;

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AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

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**Purpose:** PROPOSED MEDICAL CRITERIA—DRAFT LANGUAGE  
NEW SECTION 124This amendment replaces the current section 124 on  
medical criteria. It adds a level for severe asbestosis, and utilizes the  
weighted exposure framework, which recognizes the heavier exposure in  
earlier years. It also creates three categories for the lung cancer claimants –  
smoker, former smoker and non-smoker.

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IN THE SENATE OF THE UNITED STATES—108<sup>TH</sup> Cong., 1<sup>st</sup> Sess.

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S. 1125

Referred to the Committee on

Judiciary

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1                   ——(B) a diagnosis that meets the  
2                   requirements of section 122 of one of the  
3                   following —

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4                   ——(1) asbestosis based on a  
5                   Certified B-reader x-ray reading (with  
6                   independent review) of ILO grade 1/0  
7                   or greater and showing small irregular  
8                   opacities of shape/size either ss, st, or tt  
9                   and present in both lower lung zones;

10                  ——(2) bilateral pleural plaques  
11                  based on a Certified B-reader x-ray  
12                  reading (with independent review) of  
13                  ILO grade B2 or higher; or

14                  ——(3) bilateral pleural thickening  
15                  based on a Certified B-reader x-ray  
16                  reading (with independent review) of  
17                  ILO grade B2 or higher [and showing  
18                  blunting of at least one costophrenic  
19                  angle]; and

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(C) pulmonary function testing that shows

(1) TLC less than 80 percent of  
predicted; or

——(2) FVC less than the lower limit

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of normal, plus a FEV1/FVC ratio of

not less than [lower limit of normal]

[65 percent]; and]

OR

~~——[(C) All claims filed under this~~

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~~paragraph shall be referred to the Medical~~

~~Advisory Committee for a determination on~~

~~amount of award.~~

~~——(1) In making a determination under~~

~~subparagraph (C), the Medical Advisory~~

~~Committee shall consider the intensity and~~

~~duration of exposure, smoking history, and~~

~~the quality of evidence relating to exposure~~

~~and smoking.~~

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~~\_\_\_\_\_ (2) Former smokers and nonsmokers~~  
~~bear the burden of producing meaningful and~~  
~~credible evidence of their smoking history as~~  
~~part of their claim submission.~~

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~~\_\_\_\_\_ (3) Meaningful and credible~~  
~~evidence of their smoking history includes~~  
~~[language to be determined]; and]~~

~~\_\_\_\_\_ (DD) meaningful and credible evidence~~  
~~of 20 years or more weighted years of~~  
~~moderate, heavy or very heavy occupational~~  
~~exposure calculated pursuant to section~~  
~~125(eb); and~~

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~~\_\_\_\_\_ [(EE) an opinion from an appropriately~~  
~~board-certified physician with a~~  
~~physician/patient relationship to the claimant~~  
~~that asbestos exposure was a substantial~~  
~~contributing factor in causing the other cancer~~  
~~in question.]~~

~~\_\_\_\_\_ (F[(F) All claims filed under this~~  
~~paragraph shall be referred to the Medical~~

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Advisory Committee for a determination that  
it is more probable than not that asbestos  
exposure was a substantial contributing factor  
in causing the other cancer in question.}

———[(7) For Level VII: Lung Cancer One, the  
claimant shall provide —

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(A) pathological evidence of a primary lung  
cancer;

———(B) meaningful and credible evidence  
of 20 years or more weighted years of  
moderate, heavy or very heavy occupational  
exposure calculated pursuant to section  
125(c); and

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———[(C) an opinion from an appropriately  
board-certified physician with a  
physician/patient relationship to the claimant  
that asbestos exposure was a substantial  
contributing factor in causing the relevant  
lung cancer.}

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——(D) All claims filed under this paragraph shall be referred to the Medical Advisory Committee for a determination on eligibility and amount of award.

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——(1) In making its determination under subparagraph (D), the Medical Advisory Committee shall consider the intensity and duration of exposure, smoking history, and the quality of evidence relating to exposure and smoking.

———{(2) Former smokers and nonsmokers bear the burden of producing meaningful and credible evidence of their smoking history as part of their claim submission.

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(3) Meaningful and credible evidence of smoking history.}

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\_\_\_\_(3) Meaningful and credible evidence  
of their smoking history includes [language to  
be determined].]

[Subject to a collar on the number of claims for this  
Class.]

\_\_\_\_(8) For Level VIII: Lung Cancer Two, the  
claimant shall provide —

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(A) pathological evidence of a primary lung  
cancer;

\_\_\_\_(B) a diagnosis that meets the  
requirements of section 122 of asbestosis  
based on —

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\_\_\_\_(i) a Certified B-reader x-ray  
reading (with independent review) of  
ILO grade [1/1] or greater and showing  
small irregular opacities of shape/size  
either ss, st, or tt and present in both  
lower lung zones; or  
(ii) pathological evidence of asbestosis;

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———(C) meaningful and credible evidence

of 152 years or more weighted years of

moderate, heavy or very heavy occupational

exposure calculated pursuant to section

125(c); and

———(D) an opinion from an appropriately

board-certified physician with a

physician/patient relationship to the claimant

that asbestos exposure was a substantial

contributing factor in causing the relevant

lung cancer.]

———(E) A claimant filing a claim under this

paragraph may request that his or her claims

be referred to the Medical Advisory

Committee for a determination on amount of

the award.

———(1) In making a determination

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under subparagraph (E), the Medical

Advisory Committee shall consider the

intensity and duration of exposure,

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smoking history, and the quality of  
evidence relating to exposure and  
smoking.

———[(2) The Medical Advisory  
Committee also shall determine  
whether the claimant is a smoker, a  
former smoker or a nonsmoker as  
defined in subsection (a) for purposes  
of assessing the scheduled value under  
section 131.

———(3) Former smokers and  
nonsmokers bear the burden of  
producing meaningful and credible  
evidence of their smoking history as  
part of their claim submission.

(4) Meaningful and credible evidence  
of smoking history.]

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———~~(34) Meaningful and credible evidence  
of their smoking history includes [language to  
be determined].~~

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(9) For Level IX: Mesothelioma, the claimant shall

provide—

——(A) a diagnosis that meets the

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requirements of section 122 of mesothelioma

based on pathology; and

~~[This exposure requirement is our suggested language based on a definition for idiopathic mesothelioma cases previously provided to us by Labor.]~~

——(B) meaningful and credible evidence of ~~specific~~, identifiable exposure to asbestos fibers resulting from one of the following:

——(i) occupational exposure to asbestos fibers;

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——(ii) exposure to asbestos fibers brought ~~into~~ into the home of the claimant ~~on the shoes, clothing, skin, or hair of~~ by a worker occupationally exposed to asbestos fibers; or

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\_\_\_\_\_ (iii) exposure to asbestos  
fibers resulting from living or working  
in the proximate vicinity of a factory,  
shipyard, building demolition site, or  
other operation that regularly released  
asbestos fibers into the air due to  
operations involving asbestos at that  
site.”

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AMENDMENT intended to be proposed by

Hatch

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PROPOSED MEDICAL CRITERIA—DRAFT  
LANGUAGE

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NEW SECTION 124

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1 ~~PROPOSED MEDICAL CRITERIA—~~

2 ~~DRAFT~~

3 ~~NIH/OM STUDY~~

4 On page 37, after line 11, insert new  
5 section 126 as follows:

6 ~~—— [SEC. 126. NATIONAL~~

7 ~~INSTITUTE OF HEALTH~~

8 ~~MEDICINE STUDY.~~

9 ~~—— (a) Not later than two years after~~

10 ~~date of enactment, the National~~

11 ~~Institute of Health (“NIH”) Institute of~~

12 ~~Medicine of the National Academy of~~

13 ~~Sciences shall complete a study of the~~

14 ~~causal link between asbestos exposure~~

15 ~~and other cancers, including, but not~~

16 ~~limited to, colorectal, laryngeal,~~

17 ~~esophageal, pharyngeal, and stomach~~

18 ~~cancers, except for mesothelioma and~~

19 ~~lung cancers. The Institute of~~

20 ~~Medicine and shall issue a report on its~~

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findings on causation, which shall be  
transmitted to the Congress, the  
Asbestos Court, and the Medical  
Advisory Committee. The Asbestos  
Court and the Medical Advisory  
Committee shall consider the results of  
the report for purposes of determining  
whether asbestos exposure is a  
substantial contributing factor under  
section 124(6)(F). For the purpose of  
carrying out this section, there are  
authorized to be appropriated \_\_\_\_\_  
for fiscal year \_\_\_\_\_, and such sums as  
may be necessary for each of the fiscal  
years \_\_\_\_\_.

\_\_\_\_\_ (b) If the Asbestos Court has  
evidence that there have been  
advancements in science that would  
require additional study, the Court may  
request that the Institute of Medicine

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1 conduct a subsequent study to  
2 determine if asbestos exposure is a  
3 cause of other cancers.]  
4 [Note: We are still considering  
5 language defining the conduct of the  
6 study based on the VA's Agent Orange  
7 study.]  
8

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~~PROPOSED MEDICAL CRITERIA—~~

~~DRAFT~~

~~AMENDMENTS TO EXPOSURE~~

~~CRITERIA~~

~~[We are awaiting language from  
Democratic Staff related to exposures  
on U.S. flagships.]~~

~~[Although we have provided language  
for how the time weighting for  
historical exposures might work, we  
are still awaiting language from Labor.]~~

~~On page 35, after line 23, insert new  
subsection (b) as follows:~~

~~—— (b) SUBSTANTIAL OCCUPATIONAL  
EXPOSURE.—— For purposes of section~~

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1 124, years of substantial occupational  
2 exposure shall be calculated as follows:  
3 ——— Each year or years of exposure  
4 that occurred prior to 1976 shall be  
5 counted fully; each year from 1976 to  
6 1986 shall be counted as one half; and  
7 each year after 1986 shall be counted  
8 as one fourth.

9 On page 36, after line 14, amend  
10 section 125, by inserting new  
11 subsection (c), as follows:

12  
13 ——— (cb) WEIGHTED  
14 OCCUPATIONAL YEARS OF EXPOSURE.  
15 — The period of occupational exposure  
16 for purposes of paragraphs (6), (7), and  
17 (8) of Weighted years of substantial  
18 occupational exposure and moderate,  
19 heavy and very heavy occupational



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exposure under subsection 124(b) shall

be calculated as follows:

—— (1) — MODERATE EXPOSURE. ——

Subject to paragraph (4), each year that a claimant's primary occupation, during a substantial portion of a normal work year for that occupation, involved working in areas immediate to where asbestos-containing products were being installed, repaired, or removed under circumstances that involved regular airborne emissions of asbestos fibers, shall count as one year of significant occupational exposure;

—— (2) — HEAVY EXPOSURE. ——

Subject to paragraph (4), Each year  
prior to 1976 that a claimant's primary occupation, during a substantial portion of a normal work year for that occupation, involved the direct

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1 ~~installation, repair, or removal of~~

2 ~~asbestos-containing products such that~~

3 ~~the person was exposed on a regular~~

4 ~~basis to asbestos fibers, shall count as~~

5 ~~two years of significant occupational~~

6 ~~exposure;~~

7 ~~—— (3) — VERY HEAVY EXPOSURE. —~~

8 ~~—Each year [prior to 1976] that a~~

9 ~~claimant's primary occupation, during~~

10 ~~a substantial portion of a normal work~~

11 ~~year for that occupation, was in the~~

12 ~~following industries, (a) primary~~

13 ~~asbestos manufacturing, (b) World War~~

14 ~~II shipyard during World War II, or (c)~~

15 ~~asbestos insulation trades, such that the~~

16 ~~person was exposed on a regular basis~~

17 ~~to asbestos fibers, shall count as 4 years~~

18 ~~of significant occupational exposure;~~

19 ~~—— (4) — DATES OF EXPOSURE. —~~

20 ~~Each year or years of exposure~~

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1 calculated under paragraphs (1), (2),  
2 and (3) that occurred prior to 1976  
3 shall be counted fully; each year from  
4 1976 to 1986 shall be counted as one-  
5 half; and each year after 1986 shall be  
6 counted as one-tenth.

7 ~~\_\_\_\_\_ (5) Individuals who do not meet~~  
8 ~~formula [whose exposures] post 1976~~  
9 ~~and/or post 1986 exceeded the OSHA~~  
10 ~~standard may submit evidence,~~  
11 ~~documentation, work history or other~~  
12 ~~information to substantiate non-~~  
13 ~~compliance with the OSHA standard~~  
14 ~~(e.g. lack of engineering or work~~  
15 ~~practice controls, protective equipment)~~  
16 ~~such that exposures would be~~  
17 ~~equivalent to exposures prior to 1976~~  
18 ~~or 1986 or to documented exposures in~~  
19 ~~similar jobs or occupations where~~  
20 ~~control measures had not been~~

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implemented. These claims will be  
evaluated on an individual basis.

On page 35, line 24, delete “(b)” and  
replace in lieu thereof “(d)”

On page 36, line 15, delete “(c)” and  
replace in lieu thereof “(e)”

[On page 37, line 1, amend section  
125(c)(2) by adding “(A)” before “The  
Asbestos Court”.]

[On page 37, lines 4-5, amend section  
125(c)(2) by deleting “significant” and  
replacing with “substantial”.]

[On page 37, after line 11, insert new  
subparagraph 125(c)(2)(B) as follows:

—— “(B) When prescribing rules  
under subparagraph (A), the Asbestos  
Court shall consider to the extent  
relevant the structure established by the  
procedures of the Manville Personal

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Injury Settlement Trust in effect for  
claims filed on January 1, 2003, to  
categorize industries and occupations  
to which the rebuttable assumption will  
apply. Any rebuttable presumptions  
shall be consistent with the weighted  
years provision in section 125(b).”]

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Delete Section 124, and replace with the following:

**“SEC. 124. MEDICAL CRITERIA REQUIREMENTS.**

——(a) DEFINITIONS. — In this section, the following definitions shall apply:

—— (1) Bilateral Asbestos-related non-malignant disease. — The term “bilateral nonmalignant disease” means a diagnosis of bilateral asbestos-related disease based on—

—— (A) an x-ray reading of 1/0 or higher on the ILO scale; or

—— (B) an x-ray showing bilateral pleural plaques or pleural thickening, bilateral interstitial fibrosis, or bilateral interstitial markings.

—— (2) Bilateral Pleural Disease of B2.—The term “bilateral pleural disease of B2” means a chest wall pleural thickening or plaque with a maximum width of at least 5 millimeters and a total length of at least ¼ of the projection of the lateral chest wall.

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~~[Note: We are awaiting language from Labor  
regarding revised definitions.]~~

——(3) CERTIFIED B-READER. — The term  
“Certified B-reader” means an individual who has  
successfully completed the x-ray interpretation  
course sponsored by the National Institute of  
Occupational Safety and Health (NIOSH) and  
whose NIOSH certification is up to date.

——(4) CT SCAN. — The term “CT Scan” means  
an image produced by computed tomography.

——(5) DLCO. — The term “DLCO” means the  
single-breath diffusing capacity of the lung (carbon  
monoxide) technique used to measure of the volume  
of carbon monoxide transferred from the alveoli to  
blood in the pulmonary capillaries for each unit of  
driving pressure of the carbon monoxide.

(6) FEV1.—The term “FEV1” means a forced  
expiratory volume (1 second), which is the maximal  
volume of air expelled in 1 second during

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performance of the spirometric test for forced vital  
capacity.

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~~— ( ) FEV1. — The term “FEV1” means forced  
expiratory volume (1 second), which is the maximal  
volume of air expelled in 1 second during  
performance of the spirometric test for forced vital  
capacity.~~

~~— [(7-) FORMER SMOKER. — The term “former  
smoker” means that the claimant had not smoked  
for at least 15 years prior to diagnosis of the  
claimed disease.]~~

~~( ) FVC. — The term “FVC” means forced  
vital capacity, which is the maximal volume of air  
expired with a maximally forced effort from a  
position of maximal inspiration.~~

~~— ( ) ILO GRADE. — The term “ILO grade”  
means the radiological ratings for the presence of  
lung or pleural changes as determined from a chest  
x-ray, all as established from time to time by the  
International Labor Organization.~~

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(8) FVC.—The term “FVC” means forced vital capacity, which is the maximal volume of air expired with a maximally forced effort from a position of maximal inspiration.

(9) ILO Grade.—The term “ILO Grade” means the radiological ratings for the presence of lung or pleural changes as determined from a chest x-ray, all as established from time to time by the International Labor Organization.

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——(10-) LOWER LIMIT OF NORMAL. — The term “lower limit of normal” for any test means the fifth percentile of healthy populations based on age, height, and gender, as referenced in the American Medical Association’s Guides to the Evaluation of Permanent Impairment (Fifth Edition 2000).

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——(11) NONSMOKER. — The term “nonsmoker” means that the claimant never smoked.

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~~(13) PATHOLOGICAL EVIDENCE OF~~

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~~ASBESTOS.~~ (12) PATHOLOGICAL EVIDENCE OF

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1 ASBESTOS. — The term “pathological evidence of  
2 asbestos” means proof of asbestosis ~~af~~ of at least  
3 grade 1(B) or higher based on the pathological  
4 grading system for asbestosis described in the  
5 Special Issue of the Archives of Pathology and  
6 Laboratory Medicine, “Asbestos-Associated  
7 Diseases,” Vol. 106, No. 11, App. 3 (October 8,  
8 1982).

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9 — ~~( ) PATHOLOGICAL EVIDENCE OF ASBESTOSIS.~~

10 — The term “pathological evidence of asbestosis”  
11 means proof of asbestosis [of at least grade 1(B) or  
12 higher] based on the pathological grading system for  
13 asbestosis described in the Special Issue of the  
14 Archives of Pathology and Laboratory Medicine,  
15 “Asbestos-Associated Diseases”, Vol. 106, No. 11,  
16 App. 3 (October 8, 1982).

17 — ~~(13-)~~ PO2. — The term “PO2” means the  
18 partial pressure (tension) of oxygen, which  
19 measures the amount of dissolved oxygen in the

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1 blood. The oxygen saturation is the amount of

2 oxygen actually carried by the hemoglobin.

3 (14) Pulmonary Function Testing.—The term

4 “pulmonary function testing” means spirometry

5 testing that is in compliance with the quality criteria

6 established from time to time by the American

7 Thoracic Society and is performed on equipment

8 which is in compliance with the standards of the

9 American Thoracic Society for technical quality and

10 calibration.

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11 ~~——( ) PULMONARY FUNCTION TESTING.—The~~

12 ~~term “pulmonary function testing” means testing~~

13 ~~that is in compliance with the quality criteria~~

14 ~~established from time to time by the American~~

15 ~~Thoracic Society and is performed on equipment~~

16 ~~which is in compliance with the standards of the~~

17 ~~American Thoracic Society for technical quality and~~

18 ~~calibration.~~

19 ~~——(-16) SUBSTANTIAL OCCUPATIONAL~~

20 ~~EXPOSURE. — The term “substantial occupational~~

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exposure” means employment in an industry and an  
occupation where for a substantial portion of a  
normal work year for that occupation, the claimant

—

(A) handled raw asbestos fibers;

——(B) fabricated asbestos-containing

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products so that the claimant in the  
fabrication process was exposed to raw  
asbestos fibers;

——(C) altered, repaired, or otherwise

worked with an asbestos-containing product  
such that the claimant was exposed on a  
regular basis to asbestos fibers; or

——(D) worked in close proximity to other  
workers engaged in the activities described  
under subparagraph (A), (B), or (C) such that  
the claimant was exposed on a regular basis  
to asbestos fibers.

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AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To create a medical exceptions panel to review certain claims.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 On page 21, beginning after line 24, insert new section 114(h)
- 2 and redesignate existing section 114(h) as section 114(i), as
- 3 follows:
- 4 (h) Medical Advisory Committee. —
- 5 (A) The chief judge may appoint a Medical
- 6 Advisory Committee consisting of qualified physicians for

1 purposes of providing appropriate medical advice relating  
2 to the review of claims. Magistrates and claims examiners  
3 may refer questions concerning medical eligibility of  
4 claimants to the committee for its advice and  
5 recommendations.

6 (B) To be eligible to be appointed to the Medical  
7 Advisory Committee, a person must —

8 (i) be a physician licensed in any State;

9 (ii) be board-certified in pulmonary medicine,

10 occupational medicine, internal medicine, oncology

11 or pathology; and

12 (iii) be actively and primarily practicing medicine in a  
13 field directly related to the physician's board certification.]

14 On page 35, beginning after line 14, insert new section 124(c) as  
15 follows:

16 (c) EXCEPTIONAL MEDICAL CLAIMS. — A claimant who  
17 does not meet the medical criteria requirements under  
18 subsections (a) and (b) may apply for designation of his or her  
19 claim as an exceptional medical claim under this subsection. To  
20 submit an application for review of an exceptional medical

1 claim, the claimant must (i) state that the claim does not meet the  
2 medical criteria requirements in subsections (a) and (b), or (ii)  
3 seek designation as an exceptional medical claim within sixty  
4 (60) days after a determination that the claim is ineligible solely  
5 for failure to meet the medical criteria requirements under  
6 subsections (a) and (b).

7 (1) Any claimant applying for designation of his  
8 or her claim as an exceptional medical claim must support  
9 his or her application with a report from a physician  
10 meeting the requirements of section 122. In addition to  
11 the requirements of section 122, the report must include:  
12 (i) a complete review of the exposed person's medical  
13 history and current condition; (ii) such additional material  
14 by way of analysis and documentation as shall be  
15 prescribed by regulation; and (iii) a detailed explanation as  
16 to why the claim meets the standard for acceptance under  
17 paragraph (2).

18 (2) At regular intervals, the Asbestos Court shall  
19 refer the applications and supporting documentation to the  
20 Medical Advisory Committee established pursuant to

1 section 114(h) to review all applications for designation as  
2 an exceptional medical claim that were submitted during  
3 the prior relevant period. The standard to be applied for  
4 designation as an exceptional medical claim shall be that  
5 the claimant, for reasons beyond his or her control, cannot  
6 satisfy the requirements under subsections (a) and (b), but  
7 is able, through comparably reliable evidence that meets  
8 the standards under section 122, to show that the claimant  
9 has an asbestos-related condition that is substantially  
10 comparable to that of a medical condition that would  
11 satisfy the requirements of a category under subsection  
12 (b). The Medical Advisory Committee, if it deems  
13 necessary, may request additional, reasonable testing to  
14 support the claimant's application.

15 (3) A claimant may submit a CT Scan in addition  
16 to an x-ray.

17 (4) If the Medical Advisory Committee  
18 determines that the medical evidence is sufficient to show  
19 a comparable asbestos-related condition, it shall issue a  
20 certificate of medical eligibility which shall designate the



1 disease category under subsection (b) as to which the  
2 claimant may be eligible to seek compensation. Any  
3 claim as to which such certificate shall issue shall then be  
4 referred to a magistrate pursuant to section 114(b), who  
5 shall determine whether the claimant meets all of the other  
6 requirements for compensation under this Act.

7 (5) Any claimant whose application for  
8 designation as an exceptional medical claim is rejected  
9 may resubmit his or her application if new evidence  
10 becomes available, but no more frequently than once every  
11 two years. Upon resubmission of an application, the  
12 claimant shall identify any prior applications and state the  
13 new evidence that is the basis for the resubmission.

14 (6) The chief judge shall promulgate regulations  
15 consistent with the statute governing the procedures for  
16 seeking designation of a claim as an exceptional medical  
17 claim.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To create a medical exceptions panel to review certain claims, including those arising out of Libby, Montana.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 On page 21, beginning after line 24, insert new section 114(h)
- 2 and redesignate existing section 114(h) as section 114(i), as
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- 4 (h) Medical Advisory Committee. —
- 5 (A) The chief judge may appoint a Medical
- 6 Advisory Committee consisting of qualified physicians for

1 purposes of providing appropriate medical advice relating  
2 to the review of claims. Magistrates and claims examiners  
3 may refer questions concerning medical eligibility of  
4 claimants to the committee for its advice and  
5 recommendations.

6 (B) To be eligible to be appointed to the Medical  
7 Advisory Committee, a person must —

8 (i) be a physician licensed in any State;

9 (ii) be board-certified in pulmonary medicine,

10 occupational medicine, internal medicine, oncology

11 or pathology; and

12 (iii) be actively and primarily practicing medicine in a  
13 field directly related to the physician's board certification.]

14 On page 35, beginning after line 14, insert new section 124(c) as  
15 follows:

16 (c) EXCEPTIONAL MEDICAL CLAIMS. — A claimant who  
17 does not meet the medical criteria requirements under  
18 subsections (a) and (b) may apply for designation of his or her  
19 claim as an exceptional medical claim under this subsection. To  
20 submit an application for review of an exceptional medical

1 claim, the claimant must (i) state that the claim does not meet the  
2 medical criteria requirements in subsections (a) and (b), or (ii)  
3 seek designation as an exceptional medical claim within sixty  
4 (60) days after a determination that the claim is ineligible solely  
5 for failure to meet the medical criteria requirements under  
6 subsections (a) and (b).

7 (1) Any claimant applying for designation of his  
8 or her claim as an exceptional medical claim must support  
9 his or her application with a report from a physician  
10 meeting the requirements of section 122. In addition to  
11 the requirements of section 122, the report must include:  
12 (i) a complete review of the exposed person's medical  
13 history and current condition; (ii) such additional material  
14 by way of analysis and documentation as shall be  
15 prescribed by regulation; and (iii) a detailed explanation as  
16 to why the claim meets the standard for acceptance under  
17 paragraph (2).

18 (2) At regular intervals, the Asbestos Court shall  
19 refer the applications and supporting documentation to the  
20 Medical Advisory Committee established pursuant to

1 section 114(h) to review all applications for designation as  
2 an exceptional medical claim that were submitted during  
3 the prior relevant period. The standard to be applied for  
4 designation as an exceptional medical claim shall be that  
5 the claimant, for reasons beyond his or her control, cannot  
6 satisfy the requirements under subsections (a) and (b), but  
7 is able, through comparably reliable evidence that meets  
8 the standards under section 122, to show that the claimant  
9 has an asbestos-related condition that is substantially  
10 comparable to that of a medical condition that would  
11 satisfy the requirements of a category under subsection  
12 (b). The Medical Advisory Committee, if it deems  
13 necessary, may request additional, reasonable testing to  
14 support the claimant's application.

15 (3) A claimant may submit a CT Scan in addition  
16 to an x-ray.

17 (4) If the Medical Advisory Committee  
18 determines that the medical evidence is sufficient to show  
19 a comparable asbestos-related condition, it shall issue a  
20 certificate of medical eligibility which shall designate the

1 disease category under subsection (b) as to which the  
2 claimant may be eligible to seek compensation. Any  
3 claim as to which such certificate shall issue shall then be  
4 referred to a magistrate pursuant to section 114(b), who  
5 shall determine whether the claimant meets all of the other  
6 requirements for compensation under this Act.

7 (5) Any claimant whose application for  
8 designation as an exceptional medical claim is rejected  
9 may resubmit his or her application if new evidence  
10 becomes available, but no more frequently than once every  
11 two years. Upon resubmission of an application, the  
12 claimant shall identify any prior applications and state the  
13 new evidence that is the basis for the resubmission.

14 (6) The chief judge shall promulgate regulations  
15 consistent with the statute governing the procedures for  
16 seeking designation of a claim as an exceptional medical  
17 claim.

18 (7) All claims filed by Libby, Montana claimants  
19 shall be designated as exceptional medical claims and  
20 referred to the Medical Advisory Committee for review.

1 In reviewing the medical evidence submitted by a Libby,  
2 Montana claimant in support of his or her claim, and prior  
3 to making a eligibility determination for a Libby, Montana  
4 claimant, the Medical Advisory Committee shall  
5 review the current medical and scientific literature relating  
6 to the study, diagnosis and treatment of asbestos-related  
7 diseases resulting from exposure to asbestos and other  
8 fibers found in and around Libby, Montana, including  
9 public health assessments prepared by the Agency for  
10 Toxic Substances and Disease Registry for the Libby  
11 Asbestos Site. The Medical Advisory Committee shall  
12 take into consideration the unique and serious nature of  
13 asbestos exposure in Libby, Montana, including the  
14 debilitating nature of pleural disease related to asbestos-  
15 exposure in Libby, when making a determination of  
16 eligibility and designating the disease category.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: Medical monitoring information.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1           On page 39, line 15, after “insurance for” insert “a
- 2   physical examination,”.
- 3           On page 39, line 20, delete “and”.
- 4           On page 39, line 22, delete the period at the end of the
- 5   sentence and insert in lieu thereof “ for claiming reimbursements
- 6   for medical monitoring under this section; and”



1           On page 39, after line 22, insert new section 132(c)(3) as

2   follows:

3           “(3) the procedures for notifying claimants who are  
4   eligible for medical monitoring and providing such claimants  
5   a list of approved medical care providers in their geographic  
6   area who are approved to provide reimbursable medical  
7   monitoring services.”

## **Medical Screening/Monitoring**

This amendment would set up an efficient and reliable screening program for people in high risk occupations to be sure that those who were injured are identified and paid, and then to provide regular monitoring of those who have less serious medical problems that cannot yet be compensated under the bill.

### **Sec XXX: Education, Consultation, Screening and Monitoring**

(a) General: - There is established within the Asbestos Trust Fund a program for the education, consultation, medical screening and medical monitoring of persons with exposure to asbestos. The program shall be funded by the Asbestos Trust Fund and administered by the Administrator.

(b) *Outreach and Education* Within 180 days after the implementation of this Act, the Administrator shall establish an outreach and education program designed to provide information about asbestos-related medical conditions to members of populations at risk of developing these conditions.

1. The information provided to these populations will include information about the signs and symptoms of asbestos-related medical conditions; the value of appropriate medical screening programs; and actions that the individuals at risk can take to reduce their future health risks related to asbestos.
2. The administrator is encouraged to contract with outside organizations to provide these educational programs. Preference shall be given to providers which are existing not-for-profit organizations with a history and experience of providing occupational health outreach and educational programs for asbestos-exposed workers.

(c) Coverage and Application: Each person who can demonstrate through work histories or other documentation an exposure to asbestos (as described below) his or hers voluntary discretion, is entitled to participate in the medical screening and medical monitoring program established by this Act.

(d ) *Medical Screening Program*: Within 180 days after the implementation of this act, the Administrator shall establish a medical screening program for persons with past exposure to asbestos who have not yet been diagnosed with an asbestos-related illness. For the purposes of this section medical screening program means an initial program consultation, medical examination and work history of persons previously exposed to asbestos who have not been diagnosed with an asbestos-related illness.

The Program shall establish:

1. Eligibility criteria for the medical screening program based on a past history of occupational exposure to asbestos. To the extent feasible (and in order to ease application to the program), such criteria shall

establish eligibility for screening based on a history of work in an asbestos-related occupation and/or industry during a specific time period and for a minimum duration. These industries and occupations shall include, but not be limited to, the occupations and industries identified as meeting the weighted exposure criteria for lung cancer, (asbestosis and pleural disease) specified in Disease Categories Level I, II, III, VII and VIII.

2. Protocols for medical screening, which shall include but not be limited to:
  - i. Administration of a health evaluation and work history questionnaire;
  - ii. Physical examination including blood pressure measurement, chest examination and examination for clubbing.
  - iii. AP and lateral chest x-ray;
  - iv. Spirometry performed according to ATS standards;
  - v. Educational sessions on asbestos exposures, asbestos-related diseases and asbestos disease compensation criteria.
3. The frequency with this medical screening shall be provided or available to eligible individuals, which initially shall not be less than every five years.
4. The qualifications of the medical and/or program providers administering these protocols.
5. A list of medical and/or program providers eligible to provide these protocols who meet minimal medical and program standards established by the Administrator. Preference shall be given to medical providers and program providers which are existing not-for-profit organization with a history and experience of providing or contracting for medical screening programs for persons previously exposed to asbestos; and with a demonstrated capacity for identifying, contacting, and evaluating populations of workers or others previously exposed to asbestos; and with experience in establishing networks of medical providers to conduct medical screening and medical monitoring examinations. To the extent possible, these screening programs should be coordinated with the outreach and education programs described above.

Section (d) *Medical Monitoring Program and Protocols*: Within 180 days after the implementation of this act, the Administrator shall promulgate procedures (regulations) establishing a medical monitoring program for persons exposed to asbestos who have been approved for Category I and II compensation.

In consultation with the Directors of The National Institute for Occupational Safety and Health (NIOSH) and the National Cancer Institute (NCI), the Administrator shall promulgate procedures/regulations establishing:

1. Specific medical tests to be provided to eligible individuals and the periodicity of those tests. Initially these tests shall be provided every two years and include the following:
  - i. Administration of a health evaluation and work history questionnaire;
  - ii. Physical examination including blood pressure measurement, chest examination and examination for clubbing.
  - iii. AP and lateral chest x-ray;
  - iv. Spirometry performed according to ATS standards;
  - v. Educational sessions on asbestos exposures, asbestos-related diseases and asbestos disease compensation criteria.
2. Qualifications for medical providers to provide those tests.
3. A list of medical and/or program providers eligible to provide these protocols who meet minimal medical and program standards established by the Administrator. Preference shall be given to medical providers and program providers as defined in this section. Persons exposed to asbestos who elect to participate in the program shall be provided with the list of approved providers in their geographic area at the time they become eligible for the program.
4. Administrative provisions for reimbursing the costs of these monitoring tests.

Section (e): The Administrator may enter into contracts with qualified program providers that would permit the program providers to undertake large-scale medical screening and medical monitoring programs by means of subcontracts a network of medical providers and other health providers.

Section (f): The Administrator shall review and as necessary and appropriate update these requirements and protocols at least every five years.

### **Structured Payments Clarification**

As we understand the desire of the bill's sponsors, awards may be paid out to successful claimants over a period of three years, in part to reduce the stress on the "front-end" of the fund. But as written, the bill requires payments to be made over at least three years, and they could be made over 5 or 10 or 25 years. This amendment would ensure that payments are made over a period not to exceed three years. (Presumably in later years, the Administrator could decide to make payments over two years or immediately, if the finances of the Fund made that possible. That would not be permissible under the current language.)

On page 40, line 4, strike "less" and insert "more".

## **DURBIN AMENDMENT TO S. 1125**

**Purpose: To amend the definition of “prior asbestos expenditure.”**

On page 46, lines 17-21, insert the underlined text:

(A) means the gross total amount paid by or on behalf of a person at any time before December 31, 2002, in settlement, judgment, defense, or indemnity costs related to all asbestos claims that ultimately resulted in an adverse judgment against that person or that were the subject of a settlement that required a payment to a plaintiff by or on behalf of that person;”

EXPLANATION: This amendment would exclude from the calculation of “prior asbestos expenditures” those costs incurred in cases where the defendant mounted a successful defense.

Proposed changes to “Fairness in Asbestos Injury Resolution Act of 2003”; changes are highlighted in purple.

## SEC. 201. DEFINITIONS.

\* \* \* \* \*

(4) INDEMNITEE. — The term “indemnitee” means a person against whom any asbestos claim has been asserted before December 31, 2002, who has received from any other person, or on whose behalf a sum has been paid by such other person to any third person, in settlement, judgment, defense, or indemnity in connection with an alleged duty with respect to the defense or indemnification of such person concerning that asbestos claim, other than under a policy of insurance.

(5) INDEMNITOR. — The term “indemnitor” means a person who has paid under a written agreement at any time before December 31, 2002, a sum in settlement, judgment, defense, or indemnity to or on behalf of any person defending against an asbestos claim, in connection with an alleged duty with respect to the defense or indemnification of such person concerning that asbestos claim, except that payments by an insurer or reinsurer under a contract of insurance or reinsurance shall not make the insurer or reinsurer an indemnitor for purposes of this subtitle.

(6) PRIOR ASBESTOS EXPENDITURE. — The term “prior asbestos expenditures” —

(A) means the gross total amount paid by or on behalf of a person at any time before December 31, 2002, in settlement, judgment, defense, or indemnity costs related to all asbestos claims against that person;

(B) includes payments made by insurance carriers to or for the benefit of such person or on such person’s behalf with respect to such asbestos claims, except as provided in section 204(g);

(C) shall not include any payment made by a person in connection with or as a result of changes in insurance reserves as required by contract or any activities or disputes related to insurance coverage matters for asbestos-related liabilities; and

(D) shall not include any payment made by or on behalf of persons who are or were common carriers by railroad for asbestos claims brought under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Federal Employers’ Liability Act, including settlement, judgment, defense or indemnity costs associated with these claims.

\* \* \* \* \*





facie showing of physical impairment as a result of a medical condition to which exposure to asbestos was a substantial contributing factor.

(2) REQUIREMENTS OF PRIMA FACIE SHOWING- A prima facie showing under this subsection shall include all of the following minimum requirements:

(A) PERMANENT RESPIRATORY IMPAIRMENT RATING- A determination by a qualified physician, on the basis of a medical examination and pulmonary function testing, that the exposed person has a permanent respiratory impairment rating of at least Class 2 as defined by and evaluated under the AMA Guides to the Evaluation of Permanent Impairment.

(B) DIAGNOSIS- A diagnosis by a qualified physician of asbestosis or diffuse pleural thickening, based at a minimum on pathological evidence of asbestosis, radiological evidence of asbestosis, or radiological evidence of diffuse pleural thickening.

(C) SUBSTANTIAL CONTRIBUTING FACTOR- A determination by a qualified physician that asbestosis or diffuse pleural thickening (rather than solely chronic obstructive pulmonary disease) is a substantial contributing factor to the exposed person's physical impairment, based at a minimum on a determination that the exposed person has either--

(i) a ratio of FEV1 to FVC that is equal to or greater than the predicted lower limit of normal; or

(ii) a chest x-ray showing small, irregular opacities (s,t) graded by a certified B-reader at least 2/1 on the ILO scale.

## **SEC. 5. EXPOSURE CRITERIA REQUIREMENTS.**

(a) REQUIREMENT- To be eligible to receive an award under this title for an asbestos-related injury, the claim submitted by the asbestos claimant shall contain information to demonstrate that--

(1) the claimant meets the minimum exposure requirements under this subtitle; and

(2) such exposure to asbestos occurred within the United States, its territories, or possessions.

(b) BURDEN OF PROOF-

(1) IN GENERAL- An asbestos claimant has the burden of demonstrating meaningful and credible exposure to asbestos for purposes of this subtitle.

(2) EVIDENCE- The demonstration under paragraph (1) may be established by-

(A) an affidavit submitted by the claimant, a coworker of the claimant, or a family member, in the case of a deceased claimant;

(B) employment records;

(C) invoices;

(D) construction or other similar records; or

(E) other credible evidence.

(c) RULES-

(1) EXPOSURE INFORMATION- The Asbestos Court shall issue rules prescribing specific exposure information that shall be submitted to permit the Court to process an asbestos claim and prescribing a proof of claim form. Such rules may provide that a claims examiner or magistrate, as applicable, may require the submission of other or additional evidence of exposure when determined to be appropriate

and necessary.

(2) REBUTTABLE PRESUMPTIONS- The Asbestos Court may prescribe rules identifying specific industries, occupations within those industries, time periods, and employment periods for which significant occupational exposure may be a rebuttable presumption for asbestos claimants who provide meaningful and credible evidence that the claimant worked in that industry and occupation for the requisite period of time. The Administrator may provide evidence to rebut this presumption.

**(c) COMPLIANCE WITH TECHNICAL STANDARDS-**

(1) IN GENERAL- Evidence relating to physical impairment under this section, including pulmonary function testing and diffusing studies, shall comply with--

(A) the technical recommendations for examinations, testing procedures, quality assurance and quality control, and equipment of the AMA Guides to the Evaluation of Permanent Impairment; or

(B) if the AMA Guides to the Evaluation of Permanent Impairment are not applicable, other authoritative standards.

(2) ADJUSTMENTS- No adjustments with respect to pulmonary function testing shall be made on the basis of race.

(d) NO PRESUMPTION AT TRIAL- Presentation of prima facie evidence of asbestos-related impairment meeting the requirements of this section shall not result in any presumption at trial that the exposed person is impaired by an asbestos-related condition, and evidence that the exposed person made a prima facie showing of impairment shall not be admissible at trial.

## **SEC. 6. PROCEDURES; REMOVAL.**

(a) CONSOLIDATION- A court may consolidate for trial any number and type of asbestos claims with consent of all the parties. In the absence of such consent, the court may consolidate for trial only asbestos claims relating to the same exposed person and members of the household of the exposed person.

(b) VENUE-

(1) IN GENERAL- A civil action asserting an asbestos claim may only be brought in the State of the plaintiff's domicile or a State in which there occurred exposure to asbestos that is a substantial contributing factor to the physical impairment on which the claim is based.

(c) PRELIMINARY PROCEEDINGS- The plaintiff in any civil action involving an asbestos claim shall file with the complaint or other initial pleading a written report and supporting test results constituting prima facie evidence of the exposed person's asbestos-related impairment meeting the requirements of section 4(b). The defendant shall be afforded a reasonable opportunity to challenge the adequacy of the proffered prima facie evidence of asbestos-related impairment. The plaintiff's claim shall be dismissed without prejudice upon a finding of failure to make the required prima facie showing.

## **SEC. 7. FILING OF CLAIMS.**

(a) WHO MAY SUBMIT-

(1) GENERAL RULE- Any individual who has suffered from an eligible disease or condition that is believed to meet the requirements established (or the spouse, parent, child, or other relative of such individual in a representative capacity, or the executor of the estate of such individual) may file a claim with the court for an award with

respect to such injury.

(2) LIMITATION- An asbestos claim may not be filed by any person seeking contribution or indemnity.

(b) REQUIRED INFORMATION- To be valid, an asbestos claim filed under subsection

(a) shall be notarized and include--

(1) the name, social security number, gender, date of birth, and, if applicable, date of death of the claimant;

(2) information relating to the identity of dependents and beneficiaries of the claimant;

(3) a detailed description of the work history of the claimant, including social security records or a signed release permitting access to such records;

(4) a detailed description of the asbestos exposure of the claimant, including information on the identity of any product or manufacturer, site, or location of exposure, plant name, and duration and intensity of exposure;

(5) a detailed description of the tobacco product use history of the claimant, including frequency and duration;

(6) an identification and description of the asbestos-related diseases of the claimant, including a written report by the claimant's physician with medical diagnoses and test results necessary to make a determination of medical eligibility that complies with the applicable requirements of this subtitle.

(7) a description of any prior or pending civil action or other claim brought by the claimant for asbestos-related injury or any other pulmonary, parenchymal or pleural injury, including an identification of

any recovery of compensation or damages through settlement, judgment, or otherwise; and

(8) any other information that is required to be included under procedural rules issued by the court.

(d) REMOVAL-

(1) IN GENERAL- If a State court refuses or fails to apply this section, any party in a civil action for an asbestos claim may remove such action to a district court of the United States in accordance with chapter 89 of title 28, United States Code.

(2) JURISDICTION OVER REMOVED ACTIONS- The district courts of the United States shall have jurisdiction of all civil actions removed under this subsection, without regard to the amount in controversy and without regard to the citizenship or residence of the parties.

(3) REMOVAL BY ANY DEFENDANT- A civil action may be removed to the district court of the United States under this subsection by any defendant without the consent of all defendants.

(4) REMAND- The district court shall remand any civil action removed solely under this subsection, unless the court finds that--

(A) the State court failed to comply with procedures prescribed by law; or

(B) the failure to dismiss by the State court lacked substantial support in the record before the State court.

## **SEC. 8. DISMISSAL OF PENDING CLAIMS.**

(a) EFFECT ON PENDING CLAIMS- If an asbestos claimant has any timely filed claim for an asbestos-related injury that is pending in a Federal or State court or with a trust established under title 11, United States Code, on the date of enactment of this Act, such claimant shall file an asbestos claim under this section within 180 days or the pending suits shall be dismissed without prejudice.

## **SEC. 9. STATUTE OF LIMITATIONS; TWO-DISEASE RULE.**

(a) STATUTE OF LIMITATIONS- Notwithstanding any other provision of law, with respect to any nonmalignant asbestos claim not barred on the effective date of this Act, the limitations period shall not begin to run until the exposed person discovers, or through the exercise of reasonable diligence should have discovered, that the exposed person is physically impaired by an asbestos-related nonmalignant condition.

(b) TWO-DISEASE RULE- An asbestos claim arising out of a nonmalignant condition shall be a distinct cause of action from an asbestos claim relating to the same exposed person arising out of asbestos-related cancer. No damages shall be awarded for fear or risk of cancer in any civil action asserting only a nonmalignant asbestos claim.

(c) GENERAL RELEASES FROM LIABILITY PROHIBITED- No settlement of a nonmalignant asbestos claim concluded after the date of enactment of this Act shall require, as a condition of settlement, release of any future claim for asbestos-related cancer.

## **SEC. 10. PUNITIVE DAMAGES.**

## **SEC. 11. MISCELLANEOUS PROVISIONS.**

(a) CONSTRUCTION WITH OTHER LAWS- This Act shall not be construed to--

- (1) affect the scope or operation of any workers' compensation law or veterans' benefit program;
- (2) affect the exclusive remedy or subrogation provisions of any such law; or
- (3) authorize any lawsuit which is barred by any such provision of law.

(b) CONSTITUTIONAL AUTHORITY- The Constitutional authority for this Act is contained in Article I, section 8, clause 3 and Article III, section 1 of the Constitution of the United States.

## **SEC. 12. EFFECTIVE DATE.**

This Act shall take effect on the date of enactment of this Act and apply to any civil action asserting an asbestos claim in which trial has not commenced as of that date.



AMENDMENT NO. Calendar No.

Purpose: To provide for the fair and efficient judicial consideration of personal injury and wrongful death claims arising out of asbestos exposure, to ensure that individuals who suffer harm, now or in the future, from illnesses caused by exposure to asbestos receive compensation for their injuries, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Strike sections 101-403 and insert the following:

### **A BILL**

To provide for the fair and efficient judicial consideration of personal injury and wrongful death claims arising out of asbestos exposure, to ensure that individuals who suffer harm, now or in the future, from illnesses caused by exposure to asbestos receive compensation for their injuries, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE- This Act may be cited as the 'Asbestos Claims Criteria and Compensation Act of 2003'.

(b) TABLE OF CONTENTS- The table of contents is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definitions.

- Sec. 4. Physical impairment.
- Sec. 5. Procedures; removal.
- Sec. 6. Statute of limitations; two-disease rule.
- Sec. 7. Miscellaneous provisions.
- Sec. 8. Effective date.
- Sec. 9. Statute of limitations; two-disease rule.
- Sec.10. Punitive damages.
- Sec.11. Miscellaneous provisions.
- Sec.12. Effective date.

## **SEC. 2. FINDINGS AND PURPOSES.**

### **(a) FINDINGS- Congress finds that--**

- (1) asbestos is a mineral that was widely used before the 1980s for insulation, fireproofing, and other purposes;
- (2) millions of American workers and others were significantly exposed to asbestos, especially during and after World War II and before the advent of regulation by the Occupational Safety and Health Administration in the early 1970s;
- (3) exposure to asbestos has been associated with various types of cancer, including mesothelioma and lung cancer, and such nonmalignant conditions as asbestosis, pleural plaques, and diffuse pleural thickening;
- (4) the diseases caused by asbestos have latency periods of up to 40 years or more, but the most serious asbestos-related disease, mesothelioma, is fatal within 1 to 2 years, and other related cancers are often fatal;
- (5) although the use of asbestos has dramatically declined since 1980 and workplace exposures have been regulated since 1971 by the

Occupational Safety and Health Administration, past exposures will continue to result in significant death and disability from mesothelioma and other cancers well into the 21st century;

(6) exposure to asbestos has created a flood of litigation targeting approximately 8,400 defendant companies in Federal and State courts that the United States Supreme Court has characterized as 'an elephantine mass' of cases that 'defies customary judicial administration and calls for national legislation,' *Ortiz v. Fibreboard Corporation*, 119 S. Ct. 2295, 2302 (1999);

(7) the American Bar Association supports enactment of Federal legislation that would--

(A) allow persons alleging non-malignant asbestos-related disease claims to file a cause of action in Federal or State court only if those persons meet the medical criteria in the 'ABA Standard for Non-Malignant Asbestos-Related Disease Claims' dated February 2003 or an appropriate similar medical standard; and

(B) toll all applicable statutes of limitations until such time as the medical criteria in such standard are met;

(8) asbestos personal injury litigation can be unfair and inefficient, imposing a severe burden on litigants and taxpayers alike, in most cases involving defendant companies that were never involved in the production of asbestos;

(9) the extraordinary volume of nonmalignant asbestos cases continues to strain Federal and State courts, with over 200,000 cases pending and over 50,000 new cases filed each year;

(10) asbestos personal injury litigation has already contributed to the bankruptcy of more than 60 companies and the rate of asbestos-

driven bankruptcies is accelerating;

(11) the vast majority of asbestos claims are filed by individuals who--

- (A) have been exposed to asbestos;
- (B) may have some physical sign of exposure; and
- (C) suffer no present asbestos-related impairment;

(12) the cost of compensating exposed persons who are not sick--

- (A) jeopardizes the ability of defendants to compensate people with cancer and other serious asbestos-related diseases, now and in the future; and
- (B) strains the ability of courts to manage the deluge of cases involving nonimpaired plaintiffs;

(13) an estimated 50,000 to 60,000 workers have lost their jobs as a direct result of asbestos litigation and related bankruptcies of defendant companies and each displaced worker will, on average, lose between \$25,000 and \$50,000 in lost wages;

(14) employees of defendant companies declaring bankruptcy (who are often stockholders of those companies) will, on average, lose 25 percent of the value of their retirement investment under section 401(k) of the Internal Revenue Code of 1986 because of lost stock value;

(15) concerns about statutes of limitations can force claimants who have been exposed to asbestos but who have no current injury to bring premature lawsuits in order to protect against losing their rights to future compensation should those claimants become impaired;

(16) consolidations, joinder, and similar procedures, to which some courts have resorted in order to deal with the mass of asbestos cases, can undermine the appropriate functioning of the judicial process and encourage the filing of thousands of cases by exposed

persons who are not yet sick and who may never become sick;

(17) the availability of sympathetic forums in States with no connection to the plaintiff or to the exposures that form the basis of a lawsuit has encouraged the filing of thousands of cases on behalf of exposed persons who are not yet sick and may never become sick;

(18) asbestos litigation, if left unchecked by reasonable congressional intervention, will--

(A) continue to inhibit the economy and run counter to plans to stimulate economic growth and the creation of new jobs;

(B) threaten the savings, retirement benefits, and employment of defendants' current and retired employees;

(C) affect adversely the communities in which these defendants operate; and

(D) impair interstate commerce and national initiatives, including national security; and

(19) the public interest and the interest of interstate commerce requires deferring the claims of exposed persons who are not sick in order to--

(A) preserve, now and for the future, defendants' ability to compensate people who develop cancer and other serious asbestos-related injuries; and

(B) safeguard the jobs, benefits, and savings of American workers and the well-being of the national economy.

(b) PURPOSES- It is the purpose of this Act to--

(1) give priority to those asbestos claimants who can demonstrate actual physical harm or illness caused by asbestos;

(2) fully preserve the rights of claimants who were exposed to asbestos to pursue compensation should those claimants become sick

in the future;

(3) enhance the ability of the Federal and State judicial systems to supervise and control asbestos litigation and asbestos-related bankruptcy proceedings; and

(4) conserve the scarce resources of the defendants, and marshal assets in bankruptcy, to allow compensation of cancer victims and others who are physically harmed by exposure to asbestos while securing the right to similar compensation for those who may suffer physical harm in the future.

### **SEC. 3. DEFINITIONS.**

In this Act:

(1) AMA GUIDES TO THE EVALUATION OF PERMANENT IMPAIRMENT- The term 'AMA Guides to the Evaluation of Permanent Impairment' means the American Medical Association's Guides to the Evaluation of Permanent Impairment (Fifth Edition 2000).

(2) ASBESTOS- The term 'asbestos' includes all minerals defined as 'asbestos' under section 1910 of title 29 of the Code of Federal Regulations.

(3) ASBESTOS CLAIM- The term 'asbestos claim'--

(A) means any claim for damages or other relief presented in a civil action or bankruptcy proceeding, arising out of, based on, or related to the health effects of exposure to asbestos, including loss of consortium and any other derivative claim made by or on behalf of any exposed person or any representative, spouse, parent, child or other relative of any exposed person; and

(B) does not include claims for benefits under a workers' compensation law or veterans' benefits program, or claims

brought by any person as a subrogee by virtue of the payment of benefits under a workers' compensation law or punitive damages.

(4) ASBESTOSIS- The term 'asbestosis' means bilateral diffuse interstitial fibrosis of the lungs caused by inhalation of asbestos fibers.

(5) CERTIFIED B-READER- The term 'certified B-reader' means an individual qualified as a 'final' or 'B-reader' under section 37.51(b) of title 42 of the Code of Federal Regulations.

(6) CIVIL ACTION- The term 'civil action'--

(A) means all suits of a civil nature in Federal or State court, whether cognizable as cases at law or in equity or in admiralty; and

(B) does not include an action relating to any workers' compensation law, or a proceeding for benefits under any veterans' benefits program.

(7) EXPOSED PERSON- The term 'exposed person' means any person whose exposure to asbestos or to asbestos-containing products is the basis for an asbestos claim.

(8) FEV1- The term 'FEV1' means forced expiratory volume in the first second, which is the maximal volume of air expelled in 1 second during performance of simple spirometric tests.

(9) FVC- The term 'FVC' means forced vital capacity, which is the maximal volume of air expired with maximum effort from a position of full inspiration.

(10) ILO SCALE- The term 'ILO Scale' means the system for the classification of chest x-rays set forth in the International Labour Office's Guidelines for the Use of ILO International Classification of Radiographs of Pneumoconioses (1980) as amended by the

International Labour Office.

(11) NONMALIGNANT CONDITION- The term 'nonmalignant condition' means any condition that is caused or may be caused by asbestos other than a diagnosed cancer.

(12) PATHOLOGICAL EVIDENCE OF ASBESTOSIS- The term 'pathological evidence of asbestosis' means a statement by a Board-certified pathologist that--

(A) more than 1 representative section of lung tissue uninvolved with any other disease process demonstrates a pattern of peribronchiolar or parenchymal scarring in the presence of characteristic asbestos bodies; and

(B) there is no other more likely explanation for the presence of the fibrosis.

(13) PREDICTED LOWER LIMIT OF NORMAL- The term 'predicted lower limit of normal' for any test means the fifth percentile of healthy populations based on age, height, and gender, as referenced in the AMA Guides to the Evaluation of Permanent Impairment.

(14) RADIOLOGICAL EVIDENCE OF ASBESTOSIS- The term 'radiological evidence of asbestosis' means a chest x-ray showing small, irregular opacities (s,t) graded by a certified B-reader as at least 1/1 on the ILO scale.

(15) RADIOLOGICAL EVIDENCE OF DIFFUSE PLEURAL THICKENING- The term 'radiological evidence of diffuse pleural thickening' means a chest x-ray showing bilateral pleural thickening of at least B2 on the ILO scale and blunting of at least 1 costophrenic angle.

(16) STATE- The term 'State' means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern



Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the entities under this paragraph.

(17) VETERANS' BENEFITS PROGRAM- The term `veterans' benefits program' means any program for benefits in connection with military service administered by the Veterans' Administration under title 38, United States Code.

(18) WORKERS' COMPENSATION LAW- The term `workers' compensation law'--

(A) means a law respecting a program administered by a State or the United States to provide benefits, funded by a responsible employer or an insurance carrier of that employer, for occupational diseases or injuries or for disability or death caused by occupational diseases or injuries;

(B) includes the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) and chapter 81 of title 5, United States Code; and

(C) does not include the Federal Employer's Liability Act (45 U.S.C. 51 et seq.).

#### **SEC. 4. PHYSICAL IMPAIRMENT.**

(a) IMPAIRMENT ESSENTIAL ELEMENT OF CLAIM- Physical impairment of the exposed person, to which asbestos exposure was a substantial contributing factor, shall be an essential element of an asbestos claim. For purposes of this section, cancer shall be presumed to involve physical impairment.

(b) PRIMA FACIE EVIDENCE OF PHYSICAL IMPAIRMENT-

(1) IN GENERAL- No person shall bring or maintain a civil action alleging a nonmalignant asbestos claim in the absence of a prima

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. Hatch

Viz:

**Technical Amendment**

- 1 Page 3, beginning with line 13, strike; Section (2)(A) through (H). Replace  
2 with:  
3 “(2) Asbestos.—The term asbestos includes—  
4 (A) chrysotile;  
5 (B) amosite;  
6 (C) crocidite;  
7 (D) tremolite asbestos;  
8 (E) winchite asbestos;  
9 (F) richterite asbestos;

1 (G) anthophyllite asbestos;

2 (H) actinolite asbestos;”

3

4 Page 7, section 3(11), line 6; insert after the word “title” the following;

5 “, provided, however, that defendant participant does not include any  
6 person protected from any asbestos claims by an injunction entered in  
7 connection with a plan of reorganization under chapter 11 of title 11, United  
8 States Code, that has been confirmed by a duly entered order or judgment of  
9 a court that is no longer subject to appeal or judicial review unless such  
10 person can be assessed for contribution under subtitle A of title II for prior  
11 asbestos expenditures related to asbestos claims that are not covered by  
12 such injunction.”

13

14 Page 41, delete lines 3 through 7

15 Page 44 after line 8 insert the following:

16 (2) Class Action Trust: The term “class action trust” means a trust or  
17 similar entity established to hold assets for the payment of asbestos claims  
18 asserted against a debtor or participating defendant, pursuant to a settlement  
19 of class action claims under Rule 23 of the Federal Rules of Civil  
20 Procedure, which settlement has been approved by a final judgment of a  
21 United States District Court prior to the date of enactment of this Act.

22 Page 44 line 9 redesignate (2) to become (3)

23 Page 45 line 11 redesignate (3) to (4)

- 1 Page 45 line 17 redesignate (4) to (5)
- 2 Page 46 line 3 redesignate (5) to (6)
- 3 Page 46 line 15 redesignate (6) to 7)
- 4 Page 47 line 15 redesignate (7) to (8)
- 5 Page 47 line 21 redesignate (8) to (9)
- 6
- 7 Page 47, line 4 after “with” insert “or as a result of changes in insurance
- 8 reserves required by contract or”
- 9 Page 47, beginning at line 18, strike; “for any purpose, including
- 10 administering and paying asbestos claims.” Replace with, “in whole or in
- 11 part to provide compensation for asbestos claims.”
- 12
- 13 Page 55 at the end of line 17 after “person.” add
- 14 “If a debtor and affiliated group includes a person in respect of whose
- 15 liabilities for asbestos claims a class action trust has been established, there
- 16 shall be excluded from the 2002 revenues of such debtor and affiliated
- 17 group:
- 18 (i) all revenues of the person in respect of whose liabilities for
- 19 asbestos claims the class action trust was established, and
- 20 (ii) all revenues of the debtor and affiliated group attributable to the
- 21 historical business operations or assets of such person, regardless of
- 22 whether such business operations or assets were owned or conducted during

1 the year 2002 by such person or by any other person included within such  
2 debtor and affiliated group.

3

4 Page 58 after line 13 add

5 (5) Class Action Trust. The assets of any class action trust that has  
6 been established in respect of the liabilities for asbestos claims of  
7 any person included within a debtor and affiliated group that has  
8 been assigned to Tier I (exclusive of any assets needed to pay  
9 previously incurred expenses and asbestos claims reduced to a final  
10 order or judgment within the meaning of Section 403(d)(1) before  
11 the date of enactment of this Act) shall be transferred to the Fund  
12 not later than six months after the date of enactment of this Act.

13

14 Page 95, line 23, strike; "LIMITATIONS ON"

15

16 Page 96, line 2, after the word "year," insert; "unless otherwise provided."

17

18 Page 97, line 17, strike; "maximum," replace with the word "minimum."

19

20 Page 99, section 225, line 24; after the word "Act" insert ", provided,  
21 however, that additional contributing participant does not include any  
22 person protected from any asbestos claims by an injunction entered in

1 connection with a plan of reorganization under chapter 11 of title 11, United  
2 States Code, that has been confirmed by a duly entered order or judgment of  
3 a court that is no longer subject to any appeal or judicial review unless such  
4 person can be assessed for contribution under subtitle A of title II for prior  
5 asbestos expenditures related to asbestos claims that are not covered by  
6 such injunction.”

7

8 Page 109, beginning at line 22, strike; “as is required under section 202.”

9

10 Page 112, beginning at line 5, strike; “until the assignment required under  
11 paragraph (1) has been made.”

12

13 Page 113, line 11, strike; “assigned through Tiers II through VI”

14

15 Page 113, beginning at line 12, strike; “filed before the date of enactment of  
16 this Act”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To require review of Federal sentencing guidelines  
for environmental crimes and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of  
victims for bodily injury caused by asbestos exposure,  
and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. LEAHY

Viz:

1       On page 93, lines 22 and 23, strike “occurring after  
2   the date of enactment of this Act”.

3       On page 93, line 25, and page 94, line 1, strike “sec-  
4   tion 6(a) of”.

5       On page 94, line 2, strike “2605(a)” and insert  
6   “2601 et seq.”.

1       On page 94, line 3, insert “, disposal,” after “proc-  
2   essing”.

3       On page 94, lines 4 and 5, strike “may refer the mat-  
4   ter” and insert “shall refer the matter in writing within  
5   30 days after receiving that information”.

6       On page 94, lines 6 and 7, strike “United States At-  
7   torney” and insert “appropriate State authority with ju-  
8   risdiction to investigate asbestos matters”.

9       On page 94, line 7, strike “under” and all that fol-  
10   lows through line 9, and insert “, including those under  
11   section 17 of the Toxic Substances Control Act (15 U.S.C.  
12   2616).”.

13       On page 94, line 12, strike “occurring after the date  
14   of enactment of this Act”.

15       On page 94, lines 14 and 15, strike “section 112(d)  
16   of”.

17       On page 94, line 16, strike “7412(d)” and insert  
18   “7401 et seq.”.



1       On page 94, line 17, strike “may refer the matter”  
2   and insert “shall refer the matter in writing within 30  
3   days after receiving that information”.

4       On page 94, line 19, strike “United States Attorney”  
5   and insert “appropriate State authority with jurisdiction  
6   to investigate asbestos matters”.

7       On page 94, line 20, insert “, including those” after  
8   “penalties”.

9       On page 95, lines 4 and 5, strike “may refer the mat-  
10   ter” and insert “shall refer the matter in writing within  
11   30 days after receiving that information”.

12       On page 95, line 5, strike “United States Attorney”  
13   and all that follows through line 9, and insert “Assistant  
14   Secretary for the Occupational Safety and Health Com-  
15   mission and the appropriate State authority with jurisdic-  
16   tion to investigate asbestos matters for possible civil or  
17   criminal penalties, including those under section 17 of the  
18   Occupational Safety and Health Act of 1970 (29 U.S.C.  
19   666).”.

1       On page 95, between lines 9 and 10, insert the fol-  
2       lowing:

3               (4) ENHANCED PENALTIES.—If the criminal  
4       violations referred to in paragraphs (1), (2), and (3)  
5       result in conviction and involve occupational expo-  
6       sure to asbestos, or asbestos as a toxic substance or  
7       hazardous air pollutant—

8               (A) in the case of a convicted individual,  
9       that individual shall be subject to the greater  
10      of—

11              (i) the applicable fine established by  
12      the statute of conviction; or

13              (ii) not more than \$250,000, and im-  
14      prisonment of not more than 15 years, or  
15      both; and

16              (B) in the case of a convicted entity (other  
17      than an individual), that entity shall be subject  
18      to the greater of—

19              (i) the applicable fine established by  
20      the statute of conviction; or

21              (ii) a fine of not more than  
22      \$1,000,000.

23              (5) REVIEW OF FEDERAL SENTENCING GUIDE-  
24      LINES FOR ENVIRONMENTAL CRIMES RELATED TO  
25      ASBESTOS.—Under section 994 of title 28, United

1 States Code, and in accordance with this section, the  
2 United States Sentencing Commission shall review  
3 and amend, as appropriate, the United States Sen-  
4 tencing Guidelines and related policy statements to  
5 ensure that—

6 (A) appropriate changes are made within  
7 the guidelines to reflect any statutory amend-  
8 ments that have occurred since the time that  
9 the current guideline was promulgated;

10 (B) the base offense level, adjustments and  
11 specific offense characteristics contained in sec-  
12 tion 2Q1.2 of the United States Sentencing  
13 Guidelines (relating to mishandling of haz-  
14 ardous or toxic substances or pesticides; record  
15 keeping, tampering, and falsification; and un-  
16 lawfully transporting hazardous materials in  
17 commerce) are increased as appropriate to en-  
18 sure that future asbestos-related offenses reflect  
19 the seriousness of the offense, the harm to the  
20 community, the need for ongoing reform, and  
21 the highly regulated nature of asbestos;

22 (C) the base offense level, adjustments and  
23 specific offense characteristics are sufficient to  
24 deter and punish future activity and are ade-

1           quate in cases in which the relevant offense  
2           conduct—

3                   (i) involves asbestos as a hazardous or  
4                   toxic substance; and

5                   (ii) occurs after the date of enactment  
6                   of this Act;

7           (D) the adjustments and specific offense  
8           characteristics contained in section 2B1.1 of  
9           the United States Sentencing Guidelines related  
10          to fraud, deceit and false statements, ade-  
11          quately take into account that asbestos was in-  
12          volved in the offense, and the possibility of  
13          death or serious bodily harm as a result;

14          (E) the guidelines that apply to organiza-  
15          tions in chapter 8 of the United States Sen-  
16          tencing Guidelines, are sufficient to deter and  
17          punish organizational criminal misconduct that  
18          involves the use, handling, purchase, sale, dis-  
19          posal, or storage of asbestos; and

20          (F) the guidelines that apply to organiza-  
21          tions in chapter 8 of the United States Sen-  
22          tencing Guidelines, are sufficient to deter and  
23          punish organizational criminal misconduct that  
24          involves fraud, deceit, or false statements

1           against the Asbestos Insurers Commission or  
2           the Office of Asbestos Injury Claim Resolution.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To raise the compensation level for victims of mesothelioma.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. KOHL

Viz:

1       In section 131(b), amend the scheduled value for  
2 mesothelioma by striking “\$750,000” and inserting  
3 “\$1,500,000”.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for additional funding for the Asbestos  
Injury Claims Resolution Fund.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of  
victims for bodily injury caused by asbestos exposure,  
and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by MR. KOHL (for  
himself, Mr. LEAHY, and Mr. KENNEDY)

Viz:

- 1 In section 223, add at the end the following:
- 2 (f) CONTINGENT CALL FOR ADDITIONAL MANDA-
- 3 TORY FUNDING.—
- 4 (1) IN GENERAL.—Notwithstanding sections
- 5 202(a)(2) and 212(a)(3)(A), unless the Adminis-
- 6 trator certifies under this subsection that there are
- 7 adequate funds available to compensate past, pend-
- 8 ing, and projected future claimants at the scheduled
- 9 award values provided in section 131(b), the Admin-

1       istrator shall assess additional contributions from all  
2       participants during first 27 years of the Fund (in  
3       this section, the “mandatory funding period”), as  
4       provided in this subsection.

5           (2) ALLOCATION.— Any additional contribu-  
6       tions assessed under this subsection shall be allo-  
7       cated among each participant as provided under  
8       paragraphs (4) and (5).

9           (3) REDUCTION ADJUSTMENT CERTIFI-  
10       CATION.—

11           (A) IN GENERAL.—Before making any re-  
12       duction adjustment under section 204(a) or sec-  
13       tion 212(a)(3)(B), the Administrator shall cer-  
14       tify, after consultation with appropriate experts,  
15       that during the time period in which such re-  
16       duction adjustment would apply there will be  
17       adequate funds available to compensate past,  
18       pending, and projected future claimants at the  
19       scheduled award values provided in section  
20       131(b) of this Act.

21           (B) INITIAL NOTICE.—Before making any  
22       certification under subparagraph (A), the Ad-  
23       ministrator shall publish a notice in the Federal  
24       Register of the proposed certification, including  
25       a description and explanation of the Adminis-



1           trator's analysis supporting the certification of  
2           the Administrator.

3           (C) COMMENTS FROM PARTICIPANTS.—  
4           Not later than 60 days after the publication of  
5           the notice under subparagraph (B), a partici-  
6           pant may provide the Administrator with addi-  
7           tional information to support a determination  
8           that additional contributions from participants  
9           are not required.

10          (D) FINAL CERTIFICATION.—

11           (i) IN GENERAL.—The Administrator  
12           shall publish a notice in the Federal Reg-  
13           ister of the final certification after consid-  
14           eration of all comments submitted under  
15           subparagraph (C).

16           (ii) WRITTEN NOTICE.—Not later  
17           than 30 days of publishing a final certifi-  
18           cation under clause (i), the Administrator  
19           shall provide each participant with notice  
20           of that participant's final contribution as-  
21           sessment after application of any reduction  
22           adjustment under section 204(a) or section  
23           212(a)(3)(B), subject to paragraphs (4)  
24           and (5).

25          (4) DEFENDANT PARTICIPANTS.—

1 (A) IN GENERAL.—Any additional con-  
2 tributions from the defendant participants  
3 under paragraph (1) shall be allocated in ac-  
4 cordance with subparagraphs (B) through (H).

5 (B) YEARS 6 THROUGH 8.—If the Adminis-  
6 trator fails to certify that there are adequate  
7 funds during years 6 through 8 of the manda-  
8 tory funding period, the Administrator shall  
9 maintain after year 5 of the mandatory funding  
10 period the contribution levels assessed under  
11 section 203 and not make any reduction adjust-  
12 ments as provided in section 204(a) for years 6  
13 through 8.

14 (C) YEARS 9 THROUGH 11.—If the Admin-  
15 istrator fails to certify that there are adequate  
16 funds during years 9 through 11 of the manda-  
17 tory funding period, the Administrator shall  
18 maintain after year 8 of the mandatory funding  
19 period the contribution levels assessed under  
20 section 203 and not make any reduction adjust-  
21 ments as provided in section 204(a) for years 9  
22 through 11.

23 (D) YEARS 12 THROUGH 14.—If the Ad-  
24 ministrator fails to certify that there are ade-  
25 quate funds during years 12 through 14 of the

1 mandatory funding period, the Administrator  
2 shall maintain after year 11 of the mandatory  
3 funding period the contribution levels assessed  
4 under section 203 and not make reduction ad-  
5 justments as provided in section 204(a) for  
6 years 12 through 14.

7 (E) YEARS 15 THROUGH 17.—If the Ad-  
8 ministrator fails to certify that there are ade-  
9 quate funds available during years 15 through  
10 17 of the mandatory funding period, the Ad-  
11 ministrator shall maintain after year 14 of the  
12 mandatory funding period the contribution lev-  
13 els assessed under section 203 and not make  
14 any reduction adjustments as provided in sec-  
15 tion 204(a) for years 15 through 17.

16 (F) YEARS 18 THROUGH 20.—If the Ad-  
17 ministrator fails to certify that there are ade-  
18 quate funds available during years 18 through  
19 20 of the mandatory funding period, the Ad-  
20 ministrator shall maintain after year 17 of the  
21 mandatory funding period the contribution lev-  
22 els assessed under section 203 and not make  
23 any reduction adjustments as provided in sec-  
24 tion 204(a) for years 18 through 20.

1 (G) YEARS 21 THROUGH 26.—If the Ad-  
2 ministrator fails to certify that there are ade-  
3 quate funds available during years 21 through  
4 26 of the mandatory funding period, the Ad-  
5 ministrator shall maintain until year 26 of the  
6 mandatory funding period the contribution lev-  
7 els assessed under section 203 and not make  
8 any reduction adjustments as provided in sec-  
9 tion 204(a) for years 21 through 26.

10 (H) YEAR 27.—If the Administrator fails  
11 to certify that there are adequate funds avail-  
12 able during year 27 of the mandatory funding  
13 period, the Administrator shall maintain the  
14 contribution levels assessed under section 203  
15 and not make any reduction adjustments as  
16 provided in section 204(a) for year 27.

17 (I) DETERMINATION OF REDUCTION AD-  
18 JUSTMENTS.—In administering subparagraphs  
19 (C) through (H), if a reduction was not made  
20 in any preceding 3-year period and the Admin-  
21 istrator certifies there are adequate funds under  
22 paragraph (3), the amount of any reduction ad-  
23 justment under section 204(a) shall be deter-  
24 mined as though all preceding reductions had  
25 been made.

1           (J) LIMITATION OF REQUIRED CONTRIBU-  
2           TION.—Notwithstanding subparagraphs (B)  
3           through (H), if the Administrator certifies,  
4           after consultation with appropriate experts,  
5           there will be adequate funds available to com-  
6           pensate past, pending, and projected future  
7           claimants at the scheduled award values pro-  
8           vided in section 131(b) after applying a smaller  
9           reduction adjustment than otherwise required  
10          under this paragraph, during the time period in  
11          which such reduction adjustment would apply,  
12          the Administrator shall apply such smaller re-  
13          duction adjustment.

14          (K) NO ORPHAN SHARE.—The additional  
15          contributions collected by the Administrator  
16          under this subsection shall not be considered  
17          excess monies under subsection (e) to be placed  
18          in the orphan share reserve account and shall  
19          be credited to the Fund only for the payment  
20          of claims.

21          (5) INSURER PARTICIPANTS.—

22               (A) IN GENERAL.—The total amount of  
23               any contributions allocated by the Adminis-  
24               trator to the insurer participants shall equal the  
25               total amount of additional contributions allo-

1 cated to the defendant participants under para-  
2 graph (4) for any 3-year period.

3 (B) ALLOCATION.—Of the amount of addi-  
4 tional contributions required under subpara-  
5 graph (A), each insurer participant shall be al-  
6 located an additional contribution equal to the  
7 insurer participant's proportionate share of an-  
8 nual contributions to the Fund under section  
9 212.

10 (6) ENFORCEMENT.—The additional contribu-  
11 tions required under this subsection may be enforced  
12 in the same manner and to the same extent as the  
13 enforcement of a contribution under section 224.

14 On page 64, line 23, strike “The” and insert “Sub-  
15 ject to section 223(f), the”.

16 On page 79, line 20, after “time” insert “, subject  
17 to section 223(f).

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To amend the scheduled awards value for certain diseases.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. KENNEDY

Viz:

1        In section 131(b), amend the scheduled awards value  
2 for Lung Cancer I by striking “\$0 or \$50,000” and insert-  
3 ing “Individual determination.”

4        In section 131(b), amend the scheduled awards value  
5 for Lung Cancer II by striking “\$100,000 or \$400,000”  
6 and inserting “\$500,000 or \$1,500,000”.

1 In section 131(b), amend the scheduled awards value  
2 for Mesothelioma by striking “\$750,000” and inserting  
3 “\$1,500,000”.

4 In section 131(b)(2), strike paragraph (B) and insert  
5 the following:

6 (B) SCHEDULED VALUES.—In accordance  
7 with subsection (a), a claimant—

8 (i) who is a nonsmoker shall receive—

9 (I) an amount determined in ac-  
10 cordance with subparagraph (C) for  
11 Level VI; and

12 (II) \$1,500,000 for Level VII;

13 and

14 (ii) who is not a nonsmoker shall  
15 receive—

16 (I) an amount determined in ac-  
17 cordance with subparagraph (C) for  
18 Level VI; and

19 (II) \$500,000 for Level VII.

20 In section 131(b), at the end add the following:

21 (C) INDIVIDUAL DETERMINATION FOR  
22 LEVEL IV.—The award value of claims for  
23 Level VI, Lung Cancer I, shall be determined



1           on an individual basis by the Asbestos Court,  
2           but in no case shall such award exceed the  
3           award values for Level VII, Lung Cancer II.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To revise the purposes section.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.****S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. KENNEDY

Viz:

1       Strike section 2 and insert the following:

2   **SEC. 2. PURPOSES.**

3       The purposes of this Act are to—

4           (1) ensure fair and expeditious compensation to

5       those individuals who have been exposed to asbestos

6       and injured by such exposure;

7           (2) provide compensation to present and future

8       asbestos victims based on the severity of their inju-

9       ries, while establishing a system flexible enough to

10      accommodate individuals whose conditions worsen;

1           (3) create a national trust fund through which  
2           companies with asbestos liability may obtain greater  
3           financial predictability and stability while providing  
4           the necessary funding to expeditiously pay victims of  
5           asbestos exposure the full compensation to which  
6           they are entitled for their respective injuries under  
7           the terms of this Act; and

8           (4) relieve the Federal and State courts of the  
9           burden of asbestos litigation.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To establish a Medical Advisory Committee, and  
for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of  
victims for bodily injury caused by asbestos exposure,  
and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. KENNEDY

Viz:

1 In section 114, at the appropriate place insert the  
2 following:

3 (h) MEDICAL ADVISORY COMMITTEE.—

4 (1) IN GENERAL.—The chief judge may appoint  
5 a Medical Advisory Committee of the Asbestos Court  
6 consisting of qualified physicians for purposes of  
7 providing appropriate medical advice relating to the  
8 review of claims.

1           (2) QUALIFICATIONS.—To be eligible for ap-  
2           pointment to the Medical Advisory Committee under  
3           paragraph (1), a person shall—

4                   (A) be a physician licensed in any State;

5                   (B) be board-certified in pulmonary medi-  
6           cine, occupational medicine, internal medicine,  
7           oncology, or pathology; and

8                   (B) be actively and primarily practicing  
9           medicine in a field directly related to the board  
10          certification of the physician.

11          (3) DUTIES.—Magistrates and claims exam-  
12          iners may refer questions concerning the medical eli-  
13          gibility of claimants to the committee for its advice  
14          and recommendations.

15          In section 124, at the appropriate place insert the  
16          following:

17          (c) EXCEPTIONAL MEDICAL CLAIMS.—

18                  (1) IN GENERAL.—A claimant who does not  
19          meet the medical criteria requirements under sub-  
20          section (a) and (b) may apply for designation of the  
21          claim as an exceptional medical claim.

22                  (2) APPLICATION.—When submitting an appli-  
23          cation for review of an exceptional medical claim, the  
24          claimant shall—

1 (A) state that the claim does not meet the  
2 medical criteria requirements in subsection (a)  
3 and (b); or

4 (B) seek designation as an exceptional  
5 medical claim within 60 days after a determina-  
6 tion that the claim is ineligible solely for failure  
7 to meet the medical criteria requirements under  
8 subsections (a) and (b).

9 (3) REPORT OF PHYSICIAN.—

10 (A) IN GENERAL.—Any claimant applying  
11 for designation of a claim as an exceptional  
12 medical claim shall support an application filed  
13 under paragraph (1) with a report from a phy-  
14 sician meeting the requirements of section 122.

15 (B) CONTENTS.—A report filed under  
16 paragraph (A) shall include—

17 (i) a complete review of the claimant's  
18 medical history and current condition;

19 (ii) such additional material by way of  
20 analysis and documentation as shall be  
21 prescribed by rule of the Asbestos Court;  
22 and

23 (iii) a detailed explanation as to why  
24 the claim meets the requirements of para-  
25 graph (4)(B).

1 (4) REVIEW.—

2 (A) IN GENERAL.—The Asbestos Court  
3 shall refer all applications and supporting docu-  
4 mentation submitted under paragraph (2) to  
5 the Medical Advisory Committee for review for  
6 eligibility as an exceptional medical claim.

7 (B) STANDARD.—A claim shall be des-  
8 ignated as an exceptional medical claim if the  
9 claimant, for reasons beyond his or her con-  
10 trol, cannot satisfy the requirements under sub-  
11 sections (a) and (b), but is able, through com-  
12 parably reliable evidence that meets the stand-  
13 ards under section 122, to show that the claim-  
14 ant has an asbestos-related condition that is  
15 substantially comparable to that of a medical  
16 condition that would satisfy the requirements of  
17 a category under subsection (b).

18 (C) ADDITIONAL INFORMATION.—The  
19 Medical Advisory Committee may request addi-  
20 tional reasonable testing to support the claim-  
21 ant's application.

22 (D) CT SCAN.—A claimant may submit a  
23 CT Scan in addition to an x-ray.

24 (5) APPROVAL.—

1           (A) IN GENERAL.—If the Medical Advisory  
2           Committee determines that the medical evi-  
3           dence is sufficient to show a comparable asbes-  
4           tos-related condition, it shall issue a certificate  
5           of medical eligibly designating the category of  
6           asbestos-related injury under subsection (b) for  
7           which the claimant may be eligible to seek com-  
8           pensation.

9           (B) REFERRAL.—Upon the issuance of a  
10          certificate under paragraph (A), the Medical  
11          Advisory Committee shall submit the claim to a  
12          magistrate, who shall proceed to determine  
13          whether the claimant meets the requirements  
14          for compensation under this Act.

15          (6) RE-SUBMISSION.—Any claimant whose ap-  
16          plication for designation as an exceptional medical  
17          claim is rejected may resubmit an application if new  
18          evidence becomes available. The application shall  
19          identify any prior applications and state the new evi-  
20          dence that forms the basis of the re-submission.

21          (7) RULES.—The Chief Judge shall promulgate  
22          rules governing the procedures for seeking designa-  
23          tion of a claim as an exceptional medical claim.



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To allow the Court to investigate evidence of smoking status as needed.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 On page 16, line 8, amend section 111(b)(7) by deleting the “and”
- 2 On page 16, after line 8, insert new paragraph (8) as follows:
- 3 “(8) any claimant who asserts that he or she is a nonsmoker or a former
- 4 smoker as defined by section 124 must provide sufficient evidence of nonsmoking,
- 5 including relevant medical records; and”
- 6 On page 16, line 9, delete “(8)” and replace in lieu thereof “(9)”

1       On page 20, after line 20, amend section 114(c) by adding new paragraph (3)  
2 as follows:

3           “(3) SMOKING ASSESSMENT. — To aid in the assessment of the  
4 accuracy of claimant representations as to their smoking status for purposes  
5 of determining eligibility and amount of award under sections 124 and 131,  
6 a claimant must provide consent for the Claims Examiner to obtain relevant  
7 historical records, including, but not limited to, records of past medical  
8 treatment and evaluation, applications for insurance and supporting  
9 materials, and employer medical examinations. The frequency of review of  
10 such historical records will be in the discretion of the Claims Examiner, but  
11 shall address at least 5% of the claimant nonsmokers. In addition, the  
12 asserted nonsmokers and former smokers consent to the performance of  
13 blood tests or any other appropriate medical test to confirm the validity of  
14 assertions. Any false information submitted pursuant to this subsection shall  
15 be subject to criminal prosecution or civil penalties as provided under  
16 section 401.”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To eliminate requirements that certain occupational exposure to asbestos occurred before a certain date, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mrs. FEINSTEIN

Viz:

1       On page 31, lines 10 and 11, strike “before December  
2   31, 1982”.

3       On page 31, line 20, strike “before December 31,  
4   1982”.

5       On page 32, line 13, strike “before December 31,  
6   1982”.

1       On page 33, line 10, strike “before December 31,  
2 1982”.

3       On page 34, line 2, strike “before December 31,  
4 1982”.

5       On page 34, lines 13 and 14, strike “before December  
6 31, 1982”.

7       On page 35, line 2, strike “before December 31,  
8 1982”.

9       On page 35, line 14, strike “before December 31,  
10 1982”.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To strike the product identification requirement.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 On page 15, on line 14, amend section 111(b)(4) by deleting “identity of any
- 2 product or manufacturer,”

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To achieve the remedial objectives of fairness in asbestos claim resolution by codifying existing law that the successor in interest of any participant fulfill its legal obligations.

**IN THE SENATE OF THE UNITED STATE—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by MR. LEAHY

Viz:

- 1      INSERT on page 7 at line 10 as subparagraph 11(C) the following language:
- 2            (C)    any successor in interest of a participant.
- 3      INSERT on page 8 at line 3 as subparagraphs 14 and 15 the following language:
- 4            (14)   SUBSTANTIALLY CONTINUES - The term “substantially continues”
- 5      means that the business operations have not been significantly modified by the change in
- 6      ownership.
- 7            (15)   SUCCESSOR IN INTEREST - The term “successor in interest” means
- 8      any person that acquires assets, and substantially continues the business operations, of a
- 9      participant. The factors to be considered in determining whether a person is a successor
- 10     in interest include, but are not limited to: (i) retention of the same facilities or location,
- 11     (ii) retention of the same employees, (iii) maintaining the same jobs under the same
- 12     working conditions, (iv) retention of the same supervisory personnel, (v) continuity of
- 13     assets, (vi) production of the same product or offer of the same service, (vii) retention of
- 14     the same name, (viii) maintenance of the same customer base, (ix) identity of stocks,

- 1 stockholders, and directors between the asset seller and the purchaser, or (x) whether the
- 2 successor holds itself out as continuation of previous enterprise, but expressly does not
- 3 include whether the person actually knew of the liability of the participant under this Act.
- 4 RENUMBER the rest of the subparagraphs accordingly.

Summary of “Successor in Interest” Amendment to S. 1125 –

This amendment would include among the “participants” in the Asbestos Trust Fund any “Successor in interest” to a participant. As developed in the case law, a successor in interest – one who is obliged to take on the obligations of the predecessor corporation – is one that carries on substantially continues the same business, with substantially the same people involved, assets utilized, and products produced. The amendment attempts to insure that mandatory participants will not be able to evade their responsibilities to the Fund by simple changes in their corporate structures or operations.



Summary of Amendment to S 1125 [PDF: SHU03.214]

The Amendment requires the Administrator to refer any information he obtains about possible asbestos violations under OSHA, the Toxic Substances Control Act or the Clean Water Act to the appropriate law enforcement authorities. The Amendment provides a sentencing enhancement for such environmental/health violations that involve asbestos.

Based on the new Title 18 crimes for fraud and false statements (included in the agreed-upon amendments), and the enhanced statutory maximums, the Amendment instructs the U.S. Sentencing Commission to consider appropriate amendments to the Sentencing Guidelines suggesting upward enhancements for asbestos-related crimes.

## **Summary of Agreed Amendments to S.1125**

- X Sections 3(7) & 134 (Reduction in benefit payments for collateral sources): Strike Collateral Sources (Disability Insurance, Health Insurance, Medicare, Medicaid, and death benefit programs; keep as offsets payments from defendants, insurers and compensation trusts)**
- X Section 124 (Take Home Exposure): Includes Take Home/Community Exposure (Manville in-shoes filing)**
- X Section 122 (Diagnostic criteria Requirements): Strike independent physician verification on exposure, and add dead claimant exception for in-person exam.**
- X Section 131 (Amount): Index all awards for annual future inflation based on CPI**
- X Section 111 (Filing of Claims): Increase statute of limitations in which to file a claim from 2 to 4 years from the time claimant received a medical diagnosis of an eligible disease or should have known he would receive such a diagnosis. Deletes rule of construction paragraph of Administrator.**
- X Section 125 (Exposure Criteria Requirements): include U.S. citizens exposed to asbestos while working for U.S. companies overseas or while on U.S.-flagged ships.**
- X Section 204 (Assessment Administration): Add recoupment provision for any financial hardship or inequity adjustments in future years if company can afford it and limits term on inequity adjustment to 3 years.**
- X Requires Administrator to provide Congress with annual report of trust funds payments, contributions, etc.**
- X Section 401 (False information): Add crime and criminal penalties for defendant/insurer fraud and false statements**
- X Section 224 (Enforcement of Contributions): Permits Administrator cause of action against contributing penalties; adds new remedies (punitive damages, injunctive relief – similar to PROTECT Act) to Administrator for failures to pay Fund and penalties for willful failures to pay.**
- X Section 202 (Authority and Tiers/Treatment of Tier I Business entities in Bankruptcy): Replaces CEO Certification requirement that asbestos liability was not sole or precipitating cause of bankruptcy filing with bankruptcy court finding**

### **Sunset of Liability Protection**

This amendment would create a checkpoint relatively early on in the Fund's 27 year term where the Administrator has to certify that the Fund is operating as envisioned and claimants are being fully compensated. If the Fund isn't functioning properly either because of backlogs or inadequate funding, claimants are allowed to go back to the tort system.

On page 113 at the end of line 7 insert the following:

"The provisions of subsections (c) and (d) shall have no effect after January 1, 2010, unless the Administrator certifies prior to that date that at least 95 percent of all compensable claims filed on or before May 1, 2006 have been paid in full."

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To clarify that claimants exposed to asbestos by  
cohabitants will meet the exposure requirement.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1        On p. 36, insert after line 14, new section 125(b)(3) (Burden of Proof) as
- 2 follows:
- 3    (3) TAKE-HOME EXPOSURE.— A claimant may alternatively satisfy the
- 4 exposure criteria requirements of this section by showing that the claimant's
- 5 exposure to asbestos was the result of living with a person who, if the claim had
- 6 been filed by such person, would have met the exposure criteria for a claimed

1 Disease Level and the claimant lived with such person for the time period  
2 necessary to satisfy the exposure requirement for the claimed Disease Level. To  
3 satisfy the exposure criteria under this subparagraph, a claimant shall present  
4 meaningful and credible evidence of circumstances of exposure demonstrating that  
5 the claimant has asbestos exposure comparable to those of the person who  
6 otherwise would have met the exposure criteria. Such claimants may apply for  
7 designation of his or her claim as an exceptional medical claim under section  
8 124(c).

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To ensure that victims of take-home asbestos exposure will receive fair and adequate compensation for their asbestos-related disease.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by MR. LEAHY

Viz:

- 1 On p. 36, insert after line 14, new section 125(b)(3) as follows:
- 2 (3) TAKE-HOME EXPOSURE.— A claimant may alternatively
- 3 satisfy the exposure criteria requirements of this section by showing that the
- 4 claimant's exposure to asbestos was the result of living with a person who, if
- 5 the claim had been filed by such person, would have met the exposure
- 6 criteria for any given Disease Level and the claimant lived with such person
- 7 for the time period necessary to satisfy the exposure requirement for the
- 8 claimed Disease Level.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To modify the “treating doctor” requirement.

**IN THE SENATE OF THE UNITED STATES—108<sup>th</sup> Cong., 1<sup>st</sup> Sess.**

**S. 1125**

To create a fair and efficient system to resolve claims of victims for  
bodily injury caused by asbestos exposure, and for other  
purposes.

Referred to the Committee on \_\_\_\_\_  
And ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1        On page 25, line 6, amend section 122(b)(1)(A), by deleting “treated, or is
- 2        treating, the claimant” and replacing in lieu thereof “certifies that he or she is the
- 3        claimant’s doctor;”.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>; Ziad S. Ojakli/WHO/EOP@Exchange@EOP [ WHO ] <Ziad S. Ojakli>  
**Sent:** 6/19/2003 10:00:19 AM  
**Subject:** : are we on at 3:00 or is it 3:30 with Frist staff?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 19-JUN-2003 14:00:19.00  
SUBJECT: : are we on at 3:00 or is it 3:30 with Frist staff?  
TO: Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Ziad S. Ojakli ( CN=Ziad S. Ojakli/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####



---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 10:02:41 AM  
**Subject:** : FW:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 14:02:41.00  
SUBJECT:: FW:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

this can't be good...

-----Original Message-----

From: Montgomery, Brian D.  
Sent: Thursday, June 19, 2003 1:52 PM  
To: Nelson, Carolyn  
Subject:

What's your extension?; I have a quick question for you.

---

**From:** Cobb, Whit, Mr, DoD OGC <cobbw@dodgc.osd.mil>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 6:09:43 AM  
**Subject:** : RE: Political Activities Guidance

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Cobb, Whit, Mr, DoD OGC" <cobbw@dodgc.osd.mil> ( "Cobb, Whit, Mr, DoD OGC"  
<cobbw@dodgc.osd.mil> [ UNKNOWN ] )  
CREATION DATE/TIME:19-JUN-2003 10:09:43.00  
SUBJECT:: RE: Political Activities Guidance  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett:

I'm having our subject matter experts look at this, but my initial reaction is that 5 CFR Part 734 expressly does not apply to military members. DoD has issued internal guidance for many years that does apply to military members, but I don't know the legal basis for it (other than the SecDef's statutory authority, direction, and control over DoD). I will get back to you with a more refined answer.

-- Whit

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Thursday, June 19, 2003 9:16 AM  
To: Cobb, Whit, Mr, DoD OGC  
Subject: Re: Political Activities Guidance

Does DOD view uniformed officers as subject to 5 CFR Part 734 or are there separate rules for them? See definitional differences in 5 CFR and 5 USC 7322.

**From:** CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Catherine J. Martin/OVP/EOP@Exchange [ OVP ] <Catherine J. Martin>;Andrea G. Ball/WHO/EOP@Exchange [ WHO ] <Andrea G. Ball>;mcheney@georgewbush.com@SMTP@Exchange [ UNKNOWN ] <mcheney@georgewbush.com@SMTP@Exchange>;Gregory J. Jenkins/WHO/EOP@EOP [ WHO ] <Gregory J. Jenkins>;Stephanie E. Linder/WHO/EOP@EOP [ WHO ] <Stephanie E. Linder>;Courtney S. Elwood/OVP/EOP@Exchange [ OVP ] <Courtney S. Elwood>;Kathy J. Becker/WHO/EOP@EOP [ WHO ] <Kathy J. Becker>;Steven A. Atkiss/WHO/EOP@EOP [ WHO ] <Steven A. Atkiss>;ihernandez@georgewbush.com@SMTP@Exchange [ UNKNOWN ] <ihernandez@georgewbush.com@SMTP@Exchange>;sal@georgewbush.com@SMTP@Exchange [ UNKNOWN ] <sal@georgewbush.com@SMTP@Exchange>;Todd W. Beyer/WHO/EOP@EOP [ WHO ] <Todd W. Beyer>;Terra Gray/WHO/EOP@Exchange [ WHO ] <Terra Gray>;Joseph W Hagin/WHO/EOP@Exchange [ UNKNOWN ] <Joseph W Hagin>;Elisabeth Armstead/WHO/EOP@EOP [ WHO ] <Elisabeth Armstead>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>;Katherine M. Prendergast/WHO/EOP@Exchange [ WHO ] <Katherine M. Prendergast>;Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>;Israel Hernandez/WHO/EOP@Exchange [ WHO ] <Israel Hernandez>;kmccullough@georgewbush.com@SMTP@Exchange [ UNKNOWN ] <kmccullough@georgewbush.com@SMTP@Exchange>  
**CC:** Allison L. Riepenhoff/WHO/EOP@Exchange [ WHO ] <Allison L. Riepenhoff>;kmehlman@georgewbush.com@SMTP@Exchange [ WHO ] <kmehlman@georgewbush.com@SMTP@Exchange>  
**Sent:** 6/19/2003 6:31:45 AM  
**Subject:** : RE: Campaign Travel for WH Staff and Advance

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:19-JUN-2003 10:31:45.00

SUBJECT:: RE: Campaign Travel for WH Staff and Advance

TO:Catherine J. Martin ( CN=Catherine J. Martin/OU=OVP/O=EOP@Exchange [ OVP ] )

READ:UNKNOWN

TO:Andrea G. Ball ( CN=Andrea G. Ball/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:mcheney@georgewbush.com@SMTP@Exchange ( mcheney@georgewbush.com@SMTP@Exchange [ UNKNOWN ] )

READ:UNKNOWN

TO:Gregory J. Jenkins ( CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Stephanie E. Linder ( CN=Stephanie E. Linder/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ] )

READ:UNKNOWN

TO:Kathy J. Becker ( CN=Kathy J. Becker/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Steven A. Atkiss ( CN=Steven A. Atkiss/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:ihernandez@georgewbush.com@SMTP@Exchange ( ihernandez@georgewbush.com@SMTP@Exchange [ UNKNOWN ] )

READ:UNKNOWN

TO:sal@georgewbush.com@SMTP@Exchange ( sal@georgewbush.com@SMTP@Exchange [ UNKNOWN ] )

READ:UNKNOWN

TO:Todd W. Beyer ( CN=Todd W. Beyer/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Terra Gray ( CN=Terra Gray/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Joseph W Hagin ( CN=Joseph W Hagin/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )

READ:UNKNOWN

TO:Elisabeth Armstead ( CN=Elisabeth Armstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

REV\_00123612

TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Katherine M. Prendergast ( CN=Katherine M. Prendergast/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:kmccullough@georgewbush.com@SMTP@Exchange ( kmccullough@georgewbush.com@SMTP@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
CC:Allison L. Riepenhoff ( CN=Allison L. Riepenhoff/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:kmehlman@georgewbush.com@SMTP@Exchange ( kmehlman@georgewbush.com@SMTP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks for being flexible with your schedules.; We need to postpone our get together so today's is cancelled and will be rescheduled at a later date.; Thanks again!

-----Original Message-----

From: Ralston, Susan B.  
Sent: Wednesday, June 18, 2003 5:16 PM  
To: 'kmccullough@georgewbush.com'; 'sal@georgewbush.com'; Hernandez, Israel; 'ihernandez@georgewbush.com'; Litkenhaus, Colleen; Atkiss, Steven A.; Prendergast, Katherine M.; Becker, Kathy J.; Douglass, Kimberly A.; Elwood, Courtney S.; Kavanaugh, Brett M.; Linder, Stephanie E.; Armstead, Elisabeth; Jenkins, Gregory J.; Hagin, Joseph W; 'mcheney@georgewbush.com'; Gray, Terra ; Ball, Andrea G.; Beyer, Todd W.; Martin, Catherine J.  
Cc: 'kmehlman@georgewbush.com'; Riepenhoff, Allison L.  
Subject: RE: Campaign Travel for WH Staff and Advance

Due to a conflict on some schedules, we need to move this meeting to 4:30 PM tomorrow.; Same room.; Thank you.

-----Original Message-----

From: Ralston, Susan B.  
Sent: Wednesday, June 18, 2003 3:57 PM  
To: 'kmccullough@georgewbush.com'; 'sal@georgewbush.com'; Hernandez, Israel; 'ihernandez@georgewbush.com'; Litkenhaus, Colleen; Atkiss, Steven A.; Prendergast, Katherine M.; Becker, Kathy J.; Douglass, Kimberly A.; Elwood, Courtney S.; Kavanaugh, Brett M.; Linder, Stephanie E.; Armstead, Elisabeth; Jenkins, Gregory J.; Hagin, Joseph W; 'mcheney@georgewbush.com'; Gray, Terra ; Ball, Andrea G.; Beyer, Todd W.; Martin, Catherine J.  
Cc: 'kmehlman@georgewbush.com'; Riepenhoff, Allison L.  
Subject: Campaign Travel for WH Staff and Advance

You are invited to attend a meeting to discuss the procedures for campaign travel related to BC'04 events tomorrow, Thurs, 6/19 at 4:00 PM in 211 EEOB.; Please confirm your attendance.; If you cannot attend, please send a surrogate.; Also, if I missed anyone on the invite list, please forward the invitation.; Thank you.

;  
Susan x 6-2323

---

**From:** Cobb, Whit, Mr, DoD OGC <cobbw@dodgc.osd.mil>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 7:46:47 AM  
**Subject:** : RE: Political Activities Guidance

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Cobb, Whit, Mr, DoD OGC" <cobbw@dodgc.osd.mil> ( "Cobb, Whit, Mr, DoD OGC"  
<cobbw@dodgc.osd.mil> [ UNKNOWN ] )  
CREATION DATE/TIME:19-JUN-2003 11:46:47.00  
SUBJECT:: RE: Political Activities Guidance  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett:

I've been trying to forward the DoD Directive to you by email, but I keep getting an error. I'll fax it to you.

-- Whit

-----Original Message-----

From: Cobb, Whit, Mr, DoD OGC  
Sent: Thursday, June 19, 2003 11:38 AM  
To: Brett M. Kavanaugh (E-mail)  
Subject: FW: Political Activities Guidance  
Importance: High

Brett:

Here's the take of our expert on political activities. I'm attaching the DoD Directive (I tried to send previously, but your email system returned it). I'll let you know if I get any further input.

-- Whit

-----Original Message-----

From: Bernson, Victor, Mr, DoD OGC  
Sent: Thursday, June 19, 2003 10:39 AM  
To: Cobb, Whit, Mr, DoD OGC; Ortiz, Alcides, Mr, DoD OGC; Koffsky, Paul, Mr, DoD OGC  
Cc: Schwenk, James, Mr, DoD OGC; Fucci, Michael, LTC, DoD OGC; D'Amato, Paul, Mr, DoD OGC; Smith, Charles, Dr, DoD OGC; Anthony, Christine, Ms, DoD OGC  
Subject: RE: Political Activities Guidance  
Importance: High

Whit,

In my opinion, the drafting dissimilarities concerning the definitions of "employee" found at 5 CFR Part 734.101 and 5 USC 7322 amount to quintessential distinctions without a difference. Both definitions expressly exclude military members.

To the best of my knowledge, the most significant legal authority governing the political activity of military members is DoD Directive 1344.10. I am unaware of any other government-wide law or regulation on the same topic.

Vic Bernson  
Director

REV\_00123614

DoD Office of Legislative Counsel  
(703) 697-1305  
Fax: (703) 697-1707

-----Original Message-----

From: Cobb, Whit, Mr, DoD OGC  
Sent: Thursday, June 19, 2003 10:03 AM  
To: Bernson, Victor, Mr, DoD OGC; Ortiz, Alcides, Mr, DoD OGC; Koffsky, Paul, Mr, DoD OGC  
Subject: FW: Political Activities Guidance  
Importance: High

All:

Please give me any thoughts on how to respond to Brett Kavanaugh's question as soon as possible. The WH is trying to issue additional political activities guidance.

It appears to me that 5 CFR 734 does not apply to military members, but I'm not sure what does, other than our internal guidance. Thanks!

-- Whit

-----Original Message-----

From: Brett\_M.\_Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Thursday, June 19, 2003 9:16 AM  
To: Cobb, Whit, Mr, DoD OGC  
Subject: Re: Political Activities Guidance

Does DOD view uniformed officers as subject to 5 CFR Part 734 or are there separate rules for them? See definitional differences in 5 CFR and 5 USC 7322.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Colleen Litkenhaus/WHO/EOP@EOP [ WHO ] <Colleen Litkenhaus>  
**Sent:** 6/19/2003 12:29:06 PM  
**Subject:** : Re: schedule c's

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 19-JUN-2003 16:29:06.00  
SUBJECT:: Re: schedule c's  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Yes.

.

----- Original Message -----  
From: Colleen Litkenhaus/WHO/EOP@Exchange  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 06/19/2003 04:03:43 PM  
Subject: schedule c's

Can they do political advance if they take vacation time?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Paul.P.Colborn@usdoj.gov <Paul.P.Colborn@usdoj.gov>  
**Sent:** 6/19/2003 8:34:16 AM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:19-JUN-2003 12:34:16.00

SUBJECT::

TO:"Paul.P.Colborn@usdoj.gov" <Paul.P.Colborn@usdoj.gov> ( "Paul.P.Colborn@usdoj.gov"  
<Paul.P.Colborn@usdoj.gov> [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

I still tend to think we should at least put a (Kessler, J.) in  
parenthetical at end of cite. That would seem DOJ common practice when  
citing another dct opinion in the same district as the pending case, I  
would think. (If not, it should be.)



---

**From:** CN=David B. Rachelson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 8:48:25 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David B. Rachelson ( CN=David B. Rachelson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 12:48:25.00  
SUBJECT: :  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett -

Coddy asked me to contact you regarding a proposed Mountain Top Mining Briefing at the White House tomorrow. The meeting will be with Bill Leary (CEQ) and Darren Bearson. We wanted to get your guidance on the legality of holding such a meeting on White House grounds? Thanks,

David

---

**From:** Hammel, Charles E.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/19/2003 12:54:10 PM  
**Subject:** test from NOC

test

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 8:55:21 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 12:55:21.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

test

---

**From:** CN=Charles E. Hammel/OU=OA/O=EOP@Exchange [ OA ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 8:56:35 AM  
**Subject:** : test from NOC2  
**Attachments:** F\_BL1CH003\_OA.TXT\_1.doc

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Charles E. Hammel ( CN=Charles E. Hammel/OU=OA/O=EOP@Exchange [ OA ] )

CREATION DATE/TIME:19-JUN-2003 12:56:35.00

SUBJECT:: test from NOC2

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

test

;

Chip

;

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <F\_BL1CH003\_OA.TXT\_1>

\\bdc-oeob1\Profiles\WHO\KIRBY\_G.PDS

---

**From:** CN=Charles E. Hammel/OU=OA/O=EOP@Exchange [ OA ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 8:56:35 AM  
**Subject:** : test from NOC2  
**Attachments:** P\_BL1CH003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Charles E. Hammel ( CN=Charles E. Hammel/OU=OA/O=EOP@Exchange [ OA ] )

CREATION DATE/TIME:19-JUN-2003 12:56:35.00

SUBJECT:: test from NOC2

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

test

;

Chip

;

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_BL1CH003\_WHO.TXT\_1>

\\bdc-oeob1\Profiles\WHO\KIRBY\_G.PDS

---

**From:** Kavanaugh, Brett M.  
**To:** <Hammel, Charles E.>  
**Sent:** 6/19/2003 12:57:30 PM  
**Subject:** Re: test from Kavanaugh  
**Attachments:** Test.doc

<>



Test

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Charles E. Hammel/OA/EOP@Exchange [ OA ] <Charles E. Hammel>  
**Sent:** 6/19/2003 8:58:32 AM  
**Subject:** : Re: test from Kavanaugh  
**Attachments:** P\_IO1CH003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 12:58:32.00  
SUBJECT:: Re: test from Kavanaugh  
TO:Charles E. Hammel ( CN=Charles E. Hammel/OU=OA/O=EOP@Exchange [ OA ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_IO1CH003\_WHO.TXT\_1>

Test

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Charles E. Hammel/OA/EOP@Exchange [ OA ] <Charles E. Hammel>  
**Sent:** 6/19/2003 8:58:32 AM  
**Subject:** : Re: test from Kavanaugh  
**Attachments:** F\_IO1CH003\_OA.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: FEDERAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 12:58:32.00  
SUBJECT:: Re: test from Kavanaugh  
TO:Charles E. Hammel ( CN=Charles E. Hammel/OU=OA/O=EOP@Exchange [ OA ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <F\_IO1CH003\_OA.TXT\_1>

Test

---

**From:** Kavanaugh, Brett M.  
**To:** <Hammel, Charles E.>;<Kavanaugh, Brett M.>  
**Sent:** 6/19/2003 12:58:56 PM  
**Subject:** Re: test from NOC2

Got it.

.

----- Original Message -----

From: Charles E. Hammel/OA/EOP@Exchange

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

Cc:

Date: 06/19/2003 12:55:26 PM

Subject: test from NOC2

test

Chip

---

**From:** CN=Reginald J. Brown/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 8:59:24 AM  
**Subject:** : Thought you'd find it amusing...

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 12:59:24.00  
SUBJECT:: Thought you'd find it amusing...  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

D.C. Circuit calculus: Today's edition of The Washington Post reports here that "President Bush plans to nominate White House lawyer Brett M. Kavanaugh, an author of independent counsel Kenneth W. Starr's report on President Bill Clinton, for a seat on the U.S. Court of Appeals for the District of Columbia Circuit, Republican sources said yesterday." As the article goes on to explain, "The D.C. Circuit court has openings on its 11th and 12th seats. Republicans blocked Clinton from filling at least one of them by arguing that additional judges were not needed." In fact, the D.C. Circuit currently has three vacancies and one pending nominee, Miguel A. Estrada.

The challenge facing the White House is that if it nominates someone to the D.C. Circuit whom the Democratic leadership views as more acceptable than Estrada, that nominee will be confirmed, and Estrada -- whose nomination occurred more than two years ago and is now the subject of a filibuster -- will be left behind, holding a nomination to a seat that in the recent past Republicans have said did not need to be filled. So, if the White House indeed does nominate individuals to the eleventh and twelfth seats on the D.C. Circuit, we are likely to receive answers to the trivia question "Which D.C. Circuit nominees does the White House believe the Democratic leadership will find even more unpalatable than Miguel A. Estrada?" Anything else would represent a clear sign from the White House that the Estrada filibuster battle cannot be won and is no longer worth fighting.

posted at 7:21 AM by Howard Bashman

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 6/19/2003 8:59:56 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 12:59:56.00  
SUBJECT:: Re:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I am here.

.

----- Original Message -----  
From:Jonathan F. Ganter/WHO/EOP  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 06/19/2003 12:54:26 PM  
Subject:

test



---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 9:02:04 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 13:02:04.00  
SUBJECT:: Re:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I was at your computer and spoke with the Tech people. Those random emails were just so he could see what was wrong. They put an urgent ticket in to have someone come in and check it out

Jon

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Courtney S. Elwood/OVP/EOP@Exchange@EOP [ OVP ] <Courtney S. Elwood>  
**Sent:** 6/19/2003 9:13:37 AM  
**Subject:** : thanks and one question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 13:13:37.00  
SUBJECT:: thanks and one question  
TO:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange@EOP [ OVP ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Assume she is talking solely about the room he is in and not the other  
rooms used for communications and staff back to WH?

---

**From:** William Kirk Blalock <kblalock@fierce-isakowitz.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Kevin Warsh/OPD/EOP@EOP [ OPD ] <Kevin Warsh>; Wayne.Abernathy@do.treas.gov [ UNKNOWN ] <Wayne.Abernathy@do.treas.gov>; Diana L. Schacht/OPD/EOP@EOP [ OPD ] <Diana L. Schacht>  
**CC:** Becky.Relic@do.treas.gov [ UNKNOWN ] <Becky.Relic@do.treas.gov>; Michael E. Meece/WHO/EOP@EOP [ WHO ] <Michael E. Meece>  
**Sent:** 6/19/2003 1:14:11 PM  
**Subject:** : Hatch Markup on Asbestos

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:William Kirk Blalock <kblalock@fierce-isakowitz.com> ( William Kirk Blalock <kblalock@fierce-isakowitz.com> [ UNKNOWN ] )  
CREATION DATE/TIME:19-JUN-2003 17:14:11.00  
SUBJECT:: Hatch Markup on Asbestos  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Wayne.Abernathy@do.treas.gov ( Wayne.Abernathy@do.treas.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Becky.Relic@do.treas.gov ( Becky.Relic@do.treas.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:Michael E. Meece ( CN=Michael E. Meece/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

No votes on amendments today. Spent the majority of time this am with 2 doctors on Medical Criteria.

We broke for lunch, came back at 3pm without quorum present. So, Hatch and Leahy went thru agreed upon items they will vote on next Tuesday. They are:

Penalties for Willful Failure to Pay  
Recoupment Authority  
Criminal Penalties for Fraud or False Statements  
Indexe Claim Awards for Inflation  
Double Statute of Limitations  
Removes Collateral Sources  
Us Flagged Vessels Exposure  
Physician Evaluation  
Medical Monitoring Options  
New Medical Exceptions  
Libby  
Ban  
Annual Report to Congress  
Certification on Cause of Bankruptcy  
Strike Product I'd  
10 year latency period

Mark-up will begin Tuesday at 9:30 am, staff negotiations with other members and interested parties will continue over the weekend. Tone is positive.

---

**From:** Paul.P.Colborn@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 9:16:21 AM  
**Subject:** : FW:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Paul.P.Colborn@usdoj.gov" <Paul.P.Colborn@usdoj.gov> ( "Paul.P.Colborn@usdoj.gov"  
<Paul.P.Colborn@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:19-JUN-2003 13:16:21.00  
SUBJECT:: FW:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

fyi

-----Original Message-----

From: Tyler, John  
Sent: Thursday, June 19, 2003 1:12 PM  
To: Colborn, Paul P  
Subject: RE:

No problem. I will identify Kessler in the first citation to her opinion in the preliminary statement. John.

-----Original Message-----

From: Colborn, Paul P  
Sent: Thursday, June 19, 2003 12:36 PM  
To: Tyler, John  
Subject: FW:

John, what do you think of doing this?

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Thursday, June 19, 2003 12:33 PM  
To: Colborn, Paul P  
Subject:

I still tend to think we should at least put a (Kessler, J.) in parenthetical at end of cite. That would seem DOJ common practice when citing another dct opinion in the same district as the pending case, I would think.  
(If not, it should be.)

---

**From:** CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 9:30:31 AM  
**Subject:** : Re: thanks and one question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ] )  
CREATION DATE/TIME:19-JUN-2003 13:30:31.00  
SUBJECT:: Re: thanks and one question  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I'll double check and let you know.

-----Original Message-----  
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>  
To: Elwood, Courtney S. <Courtney\_S.\_Elwood@ovp.eop.gov>  
Sent: Thu Jun 19 13:11:51 2003  
Subject: thanks and one question

Assume she is talking solely about the room he is in and not the other rooms used for communications and staff back to WH?

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 1:31:17 PM  
**Subject:** : RE: your time

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 17:31:17.00  
SUBJECT:: RE: your time  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Ok. After that if you can take it.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, June 19, 2003 5:19 PM  
To: Litkenhaus, Colleen; Kavanaugh, Brett M.  
Subject: Re: your time

In tort mtg until 6.

.

----- Original Message -----

From:Colleen Litkenhaus/WHO/EOP@Exchange  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 06/19/2003 05:10:11 PM  
Subject: your time

I guess I would love to run something by you if you have a second - I would run over.

---

**From:** Kavanaugh, Brett M.  
**To:** <Ojakli, Ziad>;<Grubbs, Wendy J.>  
**Sent:** 6/19/2003 1:58:54 PM  
**Subject:** are we on at 3:00 or is it 3:30 with Frist staff?

**From:** CN=Emily Winland/OU=OPD/O=EOP [ OPD ]  
**To:** Harvey S. Rosen/CEA/EOP@EOP [ CEA ] <Harvey S. Rosen>; amy jensen/who/eop@exchange@eop [ WHO ] <amy jensen>; michael e. meece/who/eop@eop [ WHO ] <michael e. meece>; wendy j. grubbs/who/eop@exchange@eop [ WHO ] <wendy j. grubbs>; matthew a. schlapp/who/eop@eop [ WHO ] <matthew a. schlapp>; ado a. machida/ovp/eop@exchange@eop [ OVP ] <ado a. machida>; brett m. kavanaugh/who/eop@eop [ WHO ] <brett m. kavanaugh>; phillip l. swagel/cea/eop@eop [ CEA ] <phillip l. swagel>; alan gilbert/opd/eop@eop [ OPD ] <alan gilbert>; Scott McClellan/WHO/EOP@Exchange@EOP [ WHO ] <Scott McClellan>; James Connaughton/CEQ/EOP@EOP [ CEQ ] <James Connaughton>; barry s. jackson/who/eop@eop [ WHO ] <barry s. jackson>; philip j. perry/omb/eop@eop [ OMB ] <philip j. perry>; robert marsh/who/eop@exchange@eop [ WHO ] <robert marsh>; courtney s. elwood/ovp/eop@exchange@eop [ OVP ] <courtney s. elwood>; jeffrey f. kupfer/who/eop@exchange@eop [ WHO ] <jeffrey f. kupfer>; keith hennessey/opd/eop@exchange@eop [ OPD ] <keith hennessey>; kevin warsh/opd/eop@eop [ OPD ] <kevin warsh>; allison boyd/opd/eop@exchange@eop [ OPD ] <allison boyd>  
**CC:** Mary E. Jones/CEA/EOP@EOP [ CEA ] <Mary E. Jones>; carla b. stone/omb/eop@eop [ OMB ] <carla b. stone>; marty p. smith/opd/eop@eop [ OPD ] <marty p. smith>; lauren k. allgood/opd/eop@exchange@eop [ OPD ] <lauren k. allgood>; lauren j. vestewig/opd/eop@exchange@eop [ OPD ] <lauren j. vestewig>; sandra f. daigle/cea/eop@eop [ CEA ] <sandra f. daigle>; kimberly ellison/who/eop@eop [ WHO ] <kimberly ellison>; jean cooper/opd/eop@exchange@eop [ OPD ] <jean cooper>; layton skelly/opd/eop@eop [ OPD ] <layton skelly>; diana l. schacht/opd/eop@eop [ OPD ] <diana l. schacht>  
**Sent:** 6/19/2003 2:11:35 PM  
**Subject:** : Meeting on Tort Reform

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Emily Winland ( CN=Emily Winland/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME: 19-JUN-2003 18:11:35.00  
SUBJECT: : Meeting on Tort Reform  
TO: Harvey S. Rosen ( CN=Harvey S. Rosen/OU=CEA/O=EOP@EOP [ CEA ] )  
READ: UNKNOWN  
TO: amy jensen ( CN=amy jensen/OU=who/O=eop@exchange@eop [ WHO ] )  
READ: UNKNOWN  
TO: michael e. meece ( CN=michael e. meece/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
TO: wendy j. grubbs ( CN=wendy j. grubbs/OU=who/O=eop@exchange@eop [ WHO ] )  
READ: UNKNOWN  
TO: matthew a. schlapp ( CN=matthew a. schlapp/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
TO: ado a. machida ( CN=ado a. machida/OU=ovp/O=eop@exchange@eop [ OVP ] )  
READ: UNKNOWN  
TO: brett m. kavanaugh ( CN=brett m. kavanaugh/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
TO: phillip l. swagel ( CN=phillip l. swagel/OU=cea/O=eop@eop [ CEA ] )  
READ: UNKNOWN  
TO: alan gilbert ( CN=alan gilbert/OU=opd/O=eop@eop [ OPD ] )  
READ: UNKNOWN  
TO: Scott McClellan ( CN=Scott McClellan/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: James Connaughton ( CN=James Connaughton/OU=CEQ/O=EOP@EOP [ CEQ ] )  
READ: UNKNOWN  
TO: barry s. jackson ( CN=barry s. jackson/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
TO: philip j. perry ( CN=philip j. perry/OU=omb/O=eop@eop [ OMB ] )  
READ: UNKNOWN  
TO: robert marsh ( CN=robert marsh/OU=who/O=eop@exchange@eop [ WHO ] )  
READ: UNKNOWN  
TO: courtney s. elwood ( CN=courtney s. elwood/OU=ovp/O=eop@exchange@eop [ OVP ] )



READ:UNKNOWN  
TO:jeffrey f. kupfer ( CN=jeffrey f. kupfer/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
TO:keith hennessey ( CN=keith hennessey/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
TO:kevin warsh ( CN=kevin warsh/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
TO:allison boyd ( CN=allison boyd/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:Mary E. Jones ( CN=Mary E. Jones/OU=CEA/O=EOP@EOP [ CEA ] )  
READ:UNKNOWN  
CC:carla b. stone ( CN=carla b. stone/OU=omb/O=eop@eop [ OMB ] )  
READ:UNKNOWN  
CC:marty p. smith ( CN=marty p. smith/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:lauren k. allgood ( CN=lauren k. allgood/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:lauren j. vestewig ( CN=lauren j. vestewig/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:sandra f. daigle ( CN=sandra f. daigle/OU=cea/O=eop@eop [ CEA ] )  
READ:UNKNOWN  
CC:kimberly ellison ( CN=kimberly ellison/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:jean cooper ( CN=jean cooper/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:layton skelly ( CN=layton skelly/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:diana l. schacht ( CN=diana l. schacht/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

There will be a meeting on Wednesday June 25 at 10am to discuss how CEA  
can assist in making our case for Tort Reform.  
If you are not able to make it at that time please send Diana any thoughts  
you have for specific tasks CEA should be given along these lines.

Please confirm your attendance with me.

thanks,  
Emily  
456-6534

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/19/2003 2:27:15 PM  
**Subject:** Re: are we on at 3:00 or is it 3:30 with Frist staff?

I have 3:30.

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 10:28:21 AM  
**Subject:** : Re: are we on at 3:00 or is it 3:30 with Frist staff?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 14:28:21.00  
SUBJECT:: Re: are we on at 3:00 or is it 3:30 with Frist staff?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I have 3:30.

.

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>;<Goeglein, Tim>  
**Sent:** 6/19/2003 2:33:45 PM  
**Subject:** nyt

I just spoke with one of the NYT White House guys and he doesn't know anything about a story on the Judge. (if one of our guys were doing it, he would probably know.) But, he is going to ask around and get back to me.

---

**From:** Smith, Matthew E.  
**To:** <Snee, Ashley>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 6/19/2003 3:16:54 PM  
**Subject:** New York Times reporter

Neil Lewis

New York Times

Folks that have already spoken with him think that he is writing for tomorrow.

---

**From:** Tom Josefiak <tomj@georgewbush.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 3:17:22 PM  
**Subject:** : RE:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Tom Josefiak <tomj@georgewbush.com> ( Tom Josefiak <tomj@georgewbush.com> [ UNKNOWN ] )

CREATION DATE/TIME:19-JUN-2003 19:17:22.00

SUBJECT:: RE:

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Update: Joe is out of town but left him a voice mail this morning ..  
haven't heard back. He usually is pretty good at returning calls so  
hopefully I'll hear something soon.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov

[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]

Sent: Thursday, June 19, 2003 12:26 AM

To: Tom Josefiak

Subject: Re:

Any luck with Sandler on the meeting/administrative rooms issue?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 11:42:26 AM  
**Subject:** : Call meece

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 15:42:26.00  
SUBJECT:: Call meece  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

.

READ:UNKNOWN  
TO:Debra Heiden ( CN=Debra Heiden/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
TO:Andrea G. Ball ( CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Bradley A. Blakeman ( CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kathryn J. Hayes ( CN=Kathryn J. Hayes/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Adam B. Goldman ( CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alicia P. Clark ( CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Daniel J. Keniry ( CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Harry W. Wolff ( CN=Harry W. Wolff/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Scott Stanzel ( CN=Scott Stanzel/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wendy L. Nipper ( CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Edmund A. Walsh ( CN=Edmund A. Walsh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Peter H. Wehner ( CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael J. Gerson ( CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [ WHO ] )  
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TO:Andrew H. Card ( CN=Andrew H. Card/OU=WHO/O=EOP@EOP [ WHO ] )  
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TO:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tracy Young ( CN=Tracy Young/OU=WHO/O=EOP@EOP [ WHO ] )  
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READ:UNKNOWN  
TO:Joseph W. Hagin ( CN=Joseph W. Hagin/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
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TO:Trent D. Duffy ( CN=Trent D. Duffy/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO:Denise Bradley ( CN=Denise Bradley/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
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TO:Julianne H. Thomas ( CN=Julianne H. Thomas/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Debra D. Bird ( CN=Debra D. Bird/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Neil H. Zimmerman ( CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Mercedes M. Viana ( CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
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 TO:charles.yoder@mail.va.gov @ inet ( charles.yoder@mail.va.gov @ inet [ UNKNOWN ] )  
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 TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Melissa S. Bennett ( CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [ WHO ] )  
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 TO:Eric H. Otto ( CN=Eric H. Otto/OU=OPD/O=EOP@EOP [ OPD ] )  
 READ:UNKNOWN  
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 TO:Elizabeth W. Kleppe ( CN=Elizabeth W. Kleppe/OU=OVP/O=EOP@EOP [ OVP ] )  
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 TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )  
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 ##### End Original ARMS Header #####

Talking Points: The President,s Framework to Strengthen & Improve  
 Medicare  
 Private Health Care Choices within Medicare \* a Major Step in Medicare  
 Reform

America has the world,s best health care system because it relies on the  
 innovations of the private sector. A competitive free market system  
 provides incentives to develop better drugs, better treatments, better  
 care, and better forms of health care delivery.

The President,s Framework for Medicare reform would apply the best  
 practices of the private health care market to Medicare. As successful as  
 Medicare has been, it has not kept pace with dramatic improvements in  
 health care because it is a government program immune to many market  
 forces. Medicare still does not provide seniors with an outpatient  
 prescription drug benefit, full coverage for preventive care, or limits on  
 high out of pocket expenses. As a result, seniors lack many of the  
 choices and benefits available to millions of Americans who have private  
 health insurance.

The President,s goal is a strong, up-to-date Medicare system that relies on innovation and competition, not bureaucratic rules and regulations. This would allow seniors more choices and better benefits. It would also help modernize the program and improve its long-term finances.

The leading Medicare bills in the House and Senate include the following key elements of reform from the President,s Framework:

#### Individual Choice vs. One-size-fits-all

Seniors would be able to choose the health plan that best meets their own personal health needs\*rather than having only the choice of a one-size-fits-all government plan. There would be flexibility for private plans to offer a variety of benefit designs, not just standard coverage.

Providing seniors with more choices will give them\*not the government\*more control. When seniors retain the power of choice, there will be competition among health care providers and insurers. The result? Seniors will get the best coverage, services and quality of care.

Private Sector Competition vs. Government Price Setting and Price Controls  
Private insurers would deliver drug benefits to seniors, and costs would be controlled using marketplace competition, not government price setting. This is a fundamental departure from the current Medicare command and control pricing system.

Under the President,s Framework and the House and Senate bills, health plans would compete for seniors, business on the basis of quality and price. Federal employees and members of Congress enjoy the benefits of a competitive market for their health insurance, as do millions of working Americans. Seniors should have the same opportunity.

Currently, Medicare fixes payments to doctors and hospitals. The result is that Medicare does not often cover the true cost of care. Under the President,s Framework, private plans would bid against one another and then the government will select the lowest three bids that qualify. Such competition will be good for seniors and for taxpayers.

#### Innovation vs. Bureaucratic Delays

Whenever government gets involved in the business of micromanaging health care, innovation suffers and access to the newest and most effective treatments depends on the often arbitrary decisions of a slow-moving bureaucracy. When prescription drugs and medical devices are approved by the Food and Drug Administration, private insurers can adopt them for use soon after\*but not Medicare. For example, Medicare did not cover mammograms until nearly a decade after private insurers made them a standard benefit. It even took an act of Congress to get Medicare to cover mammograms.

The participation of private health plans in Medicare will help ensure more up-to-date coverage for breakthrough medical technologies. This is a significant improvement over the way benefits are provided in the traditional Medicare program today\*where politicians and regulators, rather than the market, decide what is covered.

#### Long-Term Savings vs. Spiraling Costs

The President and Congress have budgeted \$400 billion over 10 years to make these reforms a reality. By contrast, Democratic leadership proposals in both the House and Senate would likely cost more than double the amount\*perhaps nearly \$1 trillion\*pumped into an unreformed, one-size-fits-all government-run system.

Over time, reforming the Medicare system to allow more choices and private sector competition is expected to bring savings to the program. Medicare actuaries estimate that the most efficient private plans have the potential to beat Medicare,s costs by an average of 2.3 percent.

Far from being an open-ended entitlement, most seniors will be responsible

for a deductible, and co-pays, and, for the first time, the Medicare Part B deductible would be indexed to inflation, which will help reduce government expenditures. At the same time, seniors with the lowest incomes and the highest prescription drug bills will receive the most assistance and protection under the bill. This focuses resources on those individuals who need the most help.

#### Free Market vs. Government Dictates

The President's vision for a reformed Medicare stands in stark contrast to a centralized, government-run health care system that dictates coverage and stifles innovation and quality.

The President's Framework for Medicare reform would combine the best practices of traditional Medicare with those of the competitive free market system that benefits Americans so well. By keeping the existing government system, building on its strengths and incorporating the best ideas of the private sector, we can create a modern and efficient Medicare program for the 21st century.

The President is encouraged by the bipartisan progress that has been made to date and is urging Congress to seize the opportunity to pass legislation this year that will reform Medicare for the first time in its 38-year history.

White House Office of Communications

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**Subject:** : TALKING POINTS on Medicare Reform

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TO: Jean Cooper ( CN=Jean Cooper/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )

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TO: Furchtgott-Roth-Diana@dol.gov ( Furchtgott-Roth-Diana@dol.gov [ UNKNOWN ] )

READ: UNKNOWN

TO: Terra Gray ( CN=Terra Gray/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

TO: Kathryn M. Harrington ( CN=Kathryn M. Harrington/OU=OSTP/O=EOP@EOP [ OSTP ] )

READ: UNKNOWN

TO: Gregory J. Jenkins ( CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: erik.lucas@nrl.navy.mil ( erik.lucas@nrl.navy.mil [ UNKNOWN ] )

READ: UNKNOWN

TO: jfournier@freedomalliance.org ( jfournier@freedomalliance.org [ UNKNOWN ] )

READ: UNKNOWN

TO: tbarton@donorstrust.org ( tbarton@donorstrust.org [ UNKNOWN ] )

READ: UNKNOWN

TO: tcampbel@trucking.org ( tcampbel@trucking.org [ UNKNOWN ] )

READ: UNKNOWN

TO: Ross M. Kyle ( CN=Ross M. Kyle/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

TO: Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )

READ: UNKNOWN

TO: FergusCullen@aol.com ( FergusCullen@aol.com [ UNKNOWN ] )

READ: UNKNOWN

TO: A. Merrill Hughes ( CN=A. Merrill Hughes/OU=OVP/O=EOP@EOP [ OVP ] )

READ: UNKNOWN

TO: Anne Heiligenstein ( CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kara G. Figg ( CN=Kara G. Figg/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Abel Guerra ( CN=Abel Guerra/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: David M. Thomas ( CN=David M. Thomas/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kasey S. Pipes ( CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Ziad S. Ojakli ( CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

REV\_00123683

TO:Christal R. West ( CN=Christal R. West/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Reed Dickens ( CN=Reed Dickens/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Candida P. Wolff ( CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [ OVP ] )  
 READ:UNKNOWN  
 TO:Vickie A. McQuade ( CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Taylor S. Gross ( CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:John D. Gibson ( CN=John D. Gibson/OU=NSC/O=EOP@EOP [ NSC ] )  
 READ:UNKNOWN  
 TO:Krista L. Ritacco ( CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Scott N. Sforza ( CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Joshua B. Bolten ( CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Kenneth A. Lisaius ( CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Tucker A. Eskew ( CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Erin E. Healy ( CN=Erin E. Healy/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:joseph.samora@cnh.com ( joseph.samora@cnh.com [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:doug.seay@mail.house.gov ( doug.seay@mail.house.gov [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:will.kinzel@cnh.com ( will.kinzel@cnh.com [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:jleibowitz@mpaa.org ( jleibowitz@mpaa.org [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:toby.harnden@telegraph.co.uk ( toby.harnden@telegraph.co.uk [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:bginsberg@pattonboggs.com ( bginsberg@pattonboggs.com [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:terry.colli@dfait-maeci.gc.ca ( terry.colli@dfait-maeci.gc.ca [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:Jonathan T. Dworken ( CN=Jonathan T. Dworken/OU=NSC/O=EOP@EOP [ NSC ] )  
 READ:UNKNOWN  
 TO:Daniel D. Faoro ( CN=Daniel D. Faoro/OU=WHO/O=EOP@EOP [ OA ] )  
 READ:UNKNOWN  
 TO:kathicard@ix.netcom.com ( kathicard@ix.netcom.com [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO: [ PRA 6 ] [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:JT.Young@do.treas.gov ( JT.Young@do.treas.gov [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:margita@alumni.ksg.harvard.edu ( margita@alumni.ksg.harvard.edu [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:elizabeth@censtrat.com ( elizabeth@censtrat.com [ OMB ] )  
 READ:UNKNOWN  
 TO:Mark S. Rusin ( CN=Mark S. Rusin/OU=ONDCP/O=EOP [ ONDCP ] )  
 READ:UNKNOWN  
 TO:bill.turenne@osd.mil ( bill.turenne@osd.mil [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:rich.carter@mail.house.gov ( rich.carter@mail.house.gov [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:richard.lecoq@dfait-maeci.gc.ca ( richard.lecoq@dfait-maeci.gc.ca [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:mike.joyce@mail.house.gov ( mike.joyce@mail.house.gov [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:rlivingston@livingstongrp.com ( rlivingston@livingstongrp.com [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:dsampson@eda.doc.gov ( dsampson@eda.doc.gov [ UNKNOWN ] )  
 READ:UNKNOWN

TO:fneuringer@jhu.edu ( fneuringer@jhu.edu [ UNKNOWN ] )  
READ:UNKNOWN  
TO:kenneth.mcclellan@osd.mil ( kenneth.mcclellan@osd.mil [ UNKNOWN ] )  
READ:UNKNOWN  
TO:douglasburns@hotmail.com ( douglasburns@hotmail.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:elliott.kaye@verizon.net ( elliott.kaye@verizon.net [ UNKNOWN ] )  
READ:UNKNOWN  
TO:JDyke@rnchq.org ( JDyke@rnchq.org [ UNKNOWN ] )  
READ:UNKNOWN  
TO:alaperriere@isigrp.com ( alaperriere@isigrp.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Daniel.Langan@ed.gov ( Daniel.Langan@ed.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Darren W. Bearson ( CN=Darren W. Bearson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Karin B. Torgerson ( CN=Karin B. Torgerson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeffrey F. Kupfer ( CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:HValentine@RGA.ORG ( HValentine@RGA.ORG [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Amy L. Call ( CN=Amy L. Call/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:derocco-emily@dol.gov ( derocco-emily@dol.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Daniel D. Heath ( CN=Daniel D. Heath/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:emily.kertz@ed.gov ( emily.kertz@ed.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:David M. Mark ( CN=David M. Mark/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:AGBECKER@opm.gov ( AGBECKER@opm.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Rachael.Sunbarger@dhs.gov ( Rachael.Sunbarger@dhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Tiffany L. Barfield ( CN=Tiffany L. Barfield/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:adavis@georgewbush.com ( adavis@georgewbush.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Jacob H. Yunker ( CN=Jacob H. Yunker/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Noam M. Neusner ( CN=Noam M. Neusner/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeff\_Turcotte@gregg.senate.gov ( Jeff\_Turcotte@gregg.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:ericjw@hillsolutions.net ( ericjw@hillsolutions.net [ UNKNOWN ] )  
READ:UNKNOWN  
TO:dheerwagen@fs.fed.us ( dheerwagen@fs.fed.us [ UNKNOWN ] )  
READ:UNKNOWN  
TO:WHR@nrc.gov ( WHR@nrc.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:timothy.berry@mail.house.gov ( timothy.berry@mail.house.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:tjtowber@opm.gov ( tjtowber@opm.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:chase.hutto@hq.doe.gov ( chase.hutto@hq.doe.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:ngarcia@allianceai.org ( ngarcia@allianceai.org [ UNKNOWN ] )  
READ:UNKNOWN  
TO:PedrosaNR@state.gov ( PedrosaNR@state.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brian.Gaston@mail.house.gov ( Brian.Gaston@mail.house.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:rob.gould@fra.dot.gov ( rob.gould@fra.dot.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:FiskDW@state.gov ( FiskDW@state.gov [ UNKNOWN ] )  
READ:UNKNOWN

TO:cholzen@iri.org ( cholzen@iri.org [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Dan\_Bloom@ita.doc.gov ( Dan\_Bloom@ita.doc.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Kirstie W. Tucker ( CN=Kirstie W. Tucker/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:William Greene ( CN=William Greene/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Barbara\_Ledeen@src.senate.gov ( Barbara\_Ledeen@src.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:joshhollydc@yahoo.com ( joshhollydc@yahoo.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:jbarsa@hq.nasa.gov ( jbarsa@hq.nasa.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:mmiller@winstongroup.net ( mmiller@winstongroup.net [ OA ] )  
READ:UNKNOWN  
TO:Kimberly Ellison ( CN=Kimberly Ellison/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:matt.lloyd@usda.gov ( matt.lloyd@usda.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:russ\_keene@dal.bm.com ( russ\_keene@dal.bm.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:mcrow@eda.doc.gov ( mcrow@eda.doc.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Jose Mallea ( CN=Jose Mallea/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:laura.brookshire@mail.house.gov ( laura.brookshire@mail.house.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Jennifer Millerwise ( CN=Jennifer Millerwise/OU=OVP/O=EOP@Exchange@EOP [ OVP ] )  
READ:UNKNOWN  
TO:Doric@hawaii.edu ( Doric@hawaii.edu [ UNKNOWN ] )  
READ:UNKNOWN  
TO:ChapmanJ@state.gov ( ChapmanJ@state.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:David Kuo ( CN=David Kuo/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Desiree T. Sayle ( CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dina Powell ( CN=Dina Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul B. Dyck ( CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:dallen@nrsc.org @ inet ( dallen@nrsc.org @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:john.feehery@mail.house.gov @ inet ( john.feehery@mail.house.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Robert T. Pratt Jr ( CN=Robert T. Pratt Jr/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Charles P. Blahous ( CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Ruben S. Barrales ( CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:John D. Estes ( CN=John D. Estes/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brian R. Besanceney ( CN=Brian R. Besanceney/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Barry S. Jackson ( CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:craig.quigley@osd.mil @ inet ( craig.quigley@osd.mil @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:moridanis@state.gov @ inet ( moridanis@state.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Adrian G. Gray ( CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Catharine A. Ryun ( CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN

TO:terrell.halaska@hhs.gov @ inet ( terrell.halaska@hhs.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Blake Gottesman ( CN=Blake Gottesman/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:edgillespie@quinngillespie.com @ inet ( edgillespie@quinngillespie.com @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:John M. Bridgeland ( CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cesar Conda ( CN=Cesar Conda/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
TO:Jennifer H. Mayfield ( CN=Jennifer H. Mayfield/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
TO:william.steiger@hhs.gov ( william.steiger@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:cangelo@pstrategies.com ( cangelo@pstrategies.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:todd@jeb.org ( todd@jeb.org [ OA ] )  
READ:UNKNOWN  
TO:Rebecca\_Cotton@src.senate.gov ( Rebecca\_Cotton@src.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Albert.Hawkins@hhsc.state.tx.us ( Albert.Hawkins@hhsc.state.tx.us [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Gordon.Johndroe@dhs.gov ( Gordon.Johndroe@dhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:sue.hensley@sba.gov ( sue.hensley@sba.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:sburkhart@georgewbush.com ( sburkhart@georgewbush.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Blake Lindner ( CN=Blake Lindner/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Emily A. Lawrimore ( CN=Emily A. Lawrimore/OU=OVP/O=EOP@Exchange@EOP [ OVP ] )  
READ:UNKNOWN  
TO:aimpoints@pentagon.af.mil ( aimpoints@pentagon.af.mil [ UNKNOWN ] )  
READ:UNKNOWN  
TO:jkatz@doc.gov ( jkatz@doc.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Laura.Lawlor@hhs.gov ( Laura.Lawlor@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:pruett-elissa@dol.gov ( pruett-elissa@dol.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:todd.ferrara@usda.gov ( todd.ferrara@usda.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Michael Allen ( CN=Michael Allen/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cheryl.Oldham@ed.gov ( Cheryl.Oldham@ed.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:SHanley@rnchq.org ( SHanley@rnchq.org [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Jared B. Weinstein ( CN=Jared B. Weinstein/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:william.torrans@mail.va.gov ( william.torrans@mail.va.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:tammy.fisher@mail.house.gov ( tammy.fisher@mail.house.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Sarah\_Berk@src.senate.gov ( Sarah\_Berk@src.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:KRdaly@aol.com ( KRdaly@aol.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Keith R. Brancato ( CN=Keith R. Brancato/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:patrick@michaelis.com ( patrick@michaelis.com [ OMB ] )  
READ:UNKNOWN  
TO:cgraffy@pepperdine.edu ( cgraffy@pepperdine.edu [ UNKNOWN ] )

---

**From:** Litkenhaus, Colleen  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/19/2003 3:50:07 PM  
**Subject:** will you call me about a press call? 67505 Thanks

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 11:51:16 AM  
**Subject:** : will you call me about a press call? 67505 Thanks

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 15:51:16.00  
SUBJECT:: will you call me about a press call? 67505 Thanks  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;



---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 12:04:51 PM  
**Subject:** : schedule c's

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 16:04:51.00  
SUBJECT:: schedule c's  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can they do political advance if they take vacation time?

---

**From:** Litkenhaus, Colleen  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/19/2003 4:11:39 PM  
**Subject:** mixed trip

If it is a mixed trip, the campaign pays for all of advance travel or mixed?

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 12:12:48 PM  
**Subject:** : mixed trip

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 16:12:48.00  
SUBJECT:: mixed trip  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

If it is a mixed trip, the campaign pays for all of advance travel or mixed?

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 4:21:27 PM  
**Subject:** : RE: FW: Urgent TA request for NY

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 20:21:27.00  
SUBJECT:: RE: FW: Urgent TA request for NY  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can I walk over and see you?

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, June 19, 2003 8:01 PM  
To: Douglass, Kimberly A.  
Cc: Litkenhaus, Colleen  
Subject: Re: FW: Urgent TA request for NY

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/19/2003 06:49:19 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Colleen Litkenhaus/WHO/EOP@Exchange  
Subject: FW: Urgent TA request for NY

Please approve

-----Original Message-----

From: Smith, Courtney  
Sent: Thursday, June 19, 2003 6:17 PM  
To: Douglass, Kimberly A.  
Subject: Urgent TA request for NY

Approval is needed to process the TA for the travel of one (1) advance representative, preparing for the visit of the President to New York, NY June 23, 2003 for a Bush/Cheney 2004 Fundraiser

1)Brad Dayspring  
June 20, 2003-3:00pm  
USAIRWAYS Flt#2176, DCA to Lga NY

No return

Air:\$250.00  
Per Diem: TBD  
Car Rental:N/a

---

**From:** CN=Christie Parell/OU=WHO/O=EOP [ WHO ]  
**To:** Peter S. Sobich/WHO/EOP [ WHO ] <Peter S. Sobich>;Jesse O. Villarreal/WHO/EOP [ WHO ] <Jesse O. Villarreal>;Tevi Troy/WHO/EOP@Exchange [ WHO ] <Tevi Troy>;Sarah Pfeifer/WHO/EOP [ WHO ] <Sarah Pfeifer>;Taylor A. Hughes/WHO/EOP@Exchange [ WHO ] <Taylor A. Hughes>;Brian D. Montgomery/WHO/EOP@Exchange [ WHO ] <Brian D. Montgomery>;Carmen M. Ingwell/WHO/EOP [ WHO ] <Carmen M. Ingwell>;Christie Parell/WHO/EOP [ WHO ] <Christie Parell>;Matthew Koch/WHO/EOP [ WHO ] <Matthew Koch>;Ali H. Tulbah/WHO/EOP [ WHO ] <Ali H. Tulbah>;Edward Ingle/WHO/EOP [ WHO ] <Edward Ingle>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 12:28:20 PM  
**Subject:** : Agency FOIA Requests  
**Attachments:** P\_B7QCH003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Christie Parell ( CN=Christie Parell/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:19-JUN-2003 16:28:20.00

SUBJECT:: Agency FOIA Requests

TO:Peter S. Sobich ( CN=Peter S. Sobich/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

TO:Jesse O. Villarreal ( CN=Jesse O. Villarreal/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

TO:Tevi Troy ( CN=Tevi Troy/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Sarah Pfeifer ( CN=Sarah Pfeifer/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

TO:Taylor A. Hughes ( CN=Taylor A. Hughes/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Carmen M. Ingwell ( CN=Carmen M. Ingwell/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

TO:Christie Parell ( CN=Christie Parell/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

TO:Matthew Koch ( CN=Matthew Koch/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

TO:Ali H. Tulbah ( CN=Ali H. Tulbah/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

TO:Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_B7QCH003\_WHO.TXT\_1>

06/19/03

## AGENCY FOIA REQUESTS

### ***DOC***

Received 6/9/03, from **Kim Liberty**, *The Broward Alliance*, requesting a list of Broward County (Florida) exporters.

Received 6/10/03, from **Jason T. Sauer**, requesting copies of all correspondence between ITA officials and USPTO officials, and Representative Ernest L. Fletcher (R-KY) from 1/1/99 through 6/1/03.

Received 6/10/03, from **Cathy Goeggel**, **Animal Rights Hawaii**, requesting records regarding the transfer of captive dolphins to public display.

Received 6/10/03, from **Patti Goldman**, **Earthjustice**, requesting records concerning Section 7 consultations regarding pesticides and endangered or threatened species.

Received 6/11/03, from **Melanie Sloan**, Citizens for **Responsibilities and Ethics in Washington (CREW)**, requesting documents related to the "Bacardi," "Havana Club," trademark dispute.

Received 6/12/03, from **Angie Pearson**, **Marriott**, requesting purchase orders and contracts between NOAA and any lodging facility.

### ***DoEd***

**Meghann K. Peterlin** has submitted a FOIA request for copies of Congressional correspondence and related documents between the Department and Senators Boxer, Daschle, Dodd, Dorgan, Feingold, Hollings, Leahy, Lincoln, Milkulski, Murray, Reid, and Schumer for the period January 1997 through May 2003.

**Charles Edwards**, representing the **Education Funding Research Council**, has requested copies of all correspondence related to the NCLB accountability workbooks.

**David J. Huff**, representing **Education Week**, has requested copies of all documents related to the competition for funds under the Voluntary School Choice Program in Fiscal Year 2002.

### ***HHS***

7/2/03

**The Detroit Free Press** requested grant applications and HRSA communications regarding unsuccessful Federally Qualified Health Center applicants from the Detroit area during the past 5 years.

## ***EPA***

During the week of June 9, 2003, the Agency received 245 FOIA requests. Of the total, 38 were received in Headquarters. Year-to-date totals are 1,677 for Headquarters and 8,994 agency-wide. Significant FOIA requests received this week include:

- 1) **Thomas W. Wetterer of Greenpeace** has requested a copy of the Office of Enforcement and Compliance Assurance's National Pollutant Discharge Elimination System Report Analysis by Amy Porter of the Office of Water;
- 2) **Alison Cassady of the U.S. Public Interest Research Group** has requested the underlying data that was used to compile the water compliance facility reports in EPA's ECHO database;
- 3) **Tom Lyden of KMSP-TV Fox 9** has requested the names of chemical plants or facilities in Minnesota that are on the EPA's "Worst Case Scenario List" and relevant reports including Risk Management Plans or Off-Site Consequence Analyses;
- 4) **Mal Leary of the Maine Capitol News Service** has requested a copy of the February 2003 internal report on compliance conducted by the EPA's Office of Enforcement and Compliance Assurance;
- 5) **James Pew of EarthJustice** has requested certain records of communication between the Assistant Administrator for the Office of Solid Waste and Emergency Response and others pertaining to revisions to the definition of solid waste.

## ***DOI***

**Meyer & Glitzenstein, on Behalf of the Fund for Animals.** Request the following records: On March 1, 2002, Debra Hecox of the Department of the Interior Solicitor's Office issued a Memorandum entitled "Authority for Employees of Yellowstone National Park to Cooperate with the State of Montana in Implementing the Long-term Bison Management Plan." In that Memorandum, the Solicitor's Office concluded that is "well within the authority of the National Park Service employees to participate in the bison management activities" – including "lethally removing bison" – "outside the boundaries of Yellowstone National Park to conserve the bison in the Yellowstone Herd." The fund requests a copy of all records upon which Ms. Hecox, and the Park Service, bases this conclusion" etc.

## ***DOJ***

**Christopher J. Farrell, of Judicial Watch, Inc.,** has requested all records pertaining to (1) "[t]he decision of Michael Chertoff not to recuse himself in any matter involving Peter F. Paul and Stanley Myatt," and (2) "[a]llegations of Justice Department misuse of an organized crime operative within the jurisdiction of the United States Attorney's Office for the state of New Jersey."

## ***DOL***

**Dale Kasofsky, Esq., Law Offices of Kittleman, Thomas, Ramirez and Gonzales, McAllen, TX,** is seeking:

to determine whether or not Omar Rodriguez, of Lexington, KY has ever been certified and/or registered pursuant to the Migrant and Seasonal Agricultural Worker Protection Act found at 29 U.S.C. Section 18, et al. and the regulations promulgated located at 29 C.F.R. Section 500. Kasofsky also seeks to determine if any agency's action occurred effecting Mr. Rodriguez' standing to perform farm labor contracting activities.

**Kasofsky** is also interested in any investigations or actions taken pursuant to these acts and regulations concerning the following tobacco warehouses that are also located in Lexington, KY: Burley Services, Inc.; Southwestern Tobacco Company, Inc.; Universal Leaf North American NC, Inc.; Southwestern Tobacco Company, Inc.; Golden Burley Tobacco Warehouse

**Violet Law, Editor, Pittsburgh Tribune-Review, Pittsburgh, PA,** is seeking:

all records pertaining to the Department of Labor's 1985 judgment against the Salvation Army's violation of the Fair Labor Standards Act and all correspondence between the Salvation Army and the Department of Labor with regard to this judgment.

**Timothy Baker, Department of Occupational Health and Safety, United Mine Workers of America, Fairfax, VA,** is seeking:

copies of logs, appointment calendars, calendar markings, notes, correspondence and travel vouchers of MSHA officials indicating contact or meetings with representatives from Murray Energy Corporation, Ohio Valley Coal Company, or Powhatan #6 Mine regarding matters referencing the Powhatan #6 Mine. Baker also seeks copies of sign-in sheets showing the names of representatives from those companies for meetings with MSHA officials. Further, Baker also seeks copies records, correspondence and travel vouchers of the personal staff to David Lauriski, John Caylor, Mark Ellis, Timothy Thompson, William McGilton and any other MSHA officials indicating contact or meetings with representatives from Murray Energy Corporation, Ohio Valley Coal Company or Powhatan #6 Mine.

In addition to his request concerning Powhatan #6 mine, **Baker** also seeks information concerning the 100 most frequently cited surface mines and underground mines in the U.S. for 2002, ranked by total number of violations. Specifically, he is requesting the total violations and orders by type, both nationwide and for the specific operation, and by regulation cited.

**Joseph Main, Administrator, Department of Occupational Health and Safety, United Mine Workers of America, Fairfax, VA,** is seeking:

a list of mine operators consulted by MSHA contractor ICF Consulting during the preparation of a program evaluation of MSHA's current inspection program and the dates mine operators were consulted. He is also seeking a copy of the evaluation report when completed.



### ***OPM***

**Reporter Tim Kauffman (*Federal Times*)** submitted a FOIA request for “all of the raw data collected for inclusion in the 2003 Federal Human Capital Survey or (if that is ‘exceptionally onerous’) all of the data broken out by all of the subagencies, bureaus and, offices that participated, and all of the data broken out by individual occupations, occupational categories or job series of respondents.” The reporter requested the data in electronic format.

### ***DOT***

**The St. Lawrence Seaway Development Corporation** received a FOIA request from a private citizen for information or studies concerning the Seaway System’s economic impact on Buffalo, NY, from 1959 through the present.

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**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>;<Kavanaugh, Brett M.>  
**Sent:** 6/19/2003 4:28:59 PM  
**Subject:** Re: mixed trip

Pays for all advance staff who do any advance work with respect to the political portions of the trip.

.

----- Original Message -----

From: Colleen Litkenhaus/WHO/EOP@Exchange

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

Cc:

Date: 06/19/2003 04:11:39 PM

Subject: mixed trip

If it is a mixed trip, the campaign pays for all of advance travel or mixed?

---

**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>;<Kavanaugh, Brett M.>  
**Sent:** 6/19/2003 4:28:01 PM  
**Subject:** Re: schedule c's

Yes.

.

----- Original Message -----

From: Colleen Litkenhaus/WHO/EOP@Exchange

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

Cc:

Date: 06/19/2003 04:03:43 PM

Subject: schedule c's

Can they do political advance if they take vacation time?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Colleen Litkenhaus/WHO/EOP@EOP [ WHO ] <Colleen Litkenhaus>  
**Sent:** 6/19/2003 12:30:14 PM  
**Subject:** : Re: mixed trip

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 19-JUN-2003 16:30:14.00  
SUBJECT: : Re: mixed trip  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Pays for all advance staff who do any advance work with respect to the political portions of the trip.

.

----- Original Message -----  
From: Colleen Litkenhaus/WHO/EOP@Exchange  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 06/19/2003 04:11:39 PM  
Subject: mixed trip

If it is a mixed trip, the campaign pays for all of advance travel or mixed?

---

**From:** Peterlin, Margaret <Margaret.Peterlin@mail.house.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 4:34:06 PM  
**Subject:** : Out of Office AutoReply: Congratulations

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Peterlin, Margaret" <Margaret.Peterlin@mail.house.gov> ( "Peterlin, Margaret"  
<Margaret.Peterlin@mail.house.gov> [ UNKNOWN ] )

CREATION DATE/TIME:19-JUN-2003 20:34:06.00

SUBJECT:: Out of Office AutoReply: Congratulations

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

I shall be out of the office until 23 June.

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 12:36:48 PM  
**Subject:** : Your Memory is full

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 16:36:48.00  
SUBJECT:: Your Memory is full  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Your Lotus Notes has run out of memory In order to fix your problem, the first thing that needs to be done is for one of the techs to get in your Lotus notes. Is it alright if I turn off your computer w/out shutting down, or will you be back soon to do a proper shut-down? After that, you will need to go through and get rid of some things. Give me a call or email.

Jon

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange@EOP [ WHO ] <Colleen Litkenhaus>  
**Sent:** 6/19/2003 4:38:02 PM  
**Subject:** : WHERE ARE YOU?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 20:38:02.00  
SUBJECT:: WHERE ARE YOU?  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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**From:** Litkenhaus, Colleen  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/19/2003 4:59:15 PM  
**Subject:** per diem

Can advance staff send vouchers directly to the campaign in order to be reimbursed verses sending them to Room One or Counsel for any reason?



---

**From:** CN=Lezlee J. Westine/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 1:00:14 PM  
**Subject:** : Re: tomorrow

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Lezlee J. Westine ( CN=Lezlee J. Westine/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 17:00:14.00  
SUBJECT:: Re: tomorrow  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes

.

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Susan B. Ralston/WHO/EOP@Exchange [ WHO ] <Susan B. Ralston>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; kmccullough@georgewbush.com@SMTP@Exchange [ UNKNOWN ] <kmccullough@georgewbush.com@SMTP@Exchange>; Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>  
**Sent:** 6/19/2003 1:00:12 PM  
**Subject:** : RE: Phone Calls

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 19-JUN-2003 17:00:12.00

SUBJECT:: RE: Phone Calls

TO: Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: kmccullough@georgewbush.com@SMTP@Exchange ( kmccullough@georgewbush.com@SMTP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

TO: Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Joe thinks this is a good idea. Also, since the question originally came from Mary Cheney, do we need to make the same accommodations on the VPs plane?

-----Original Message-----

From: Litkenhaus, Colleen

Sent: Thursday, June 19, 2003 12:06 PM

To: Kavanaugh, Brett M.; kmccullough@georgewbush.com; Ralston, Susan B.

Subject: RE: Phone Calls

Phone calls from the plane

Here is a potential solution. We can have two air phones put on the plane that have a label that says "political phone." Staff can use those phones for any political calls. These phones do not go to the air force one operator. In fact, political staff can call up to these phones directly as well. The calls are about 3.99 per minute - with a minimum of 2-3 minutes. It's just like a phone on a commercial plane.

Then the bill will come to WHCA for these phones only. WHCA will get me the bills and I will give them to Susan. You get the bill monthly, after the fact. The bill would come in itemized, but wouldn't have the callers name identified. You could put a little card next to the phone that gave some sort of policy direction for usage. For example, "please note this is a political phone that costs 3.99 per minute. That's a lot of bumper stickers. Please use sparingly." Or, "this phone may only be used by("

Please let me know if you would like me to make this happen and put this process in place.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Friday, June 13, 2003 8:24 PM

To: kmccullough@georgewbush.com; Kavanaugh, Brett M.; Litkenhaus, Colleen

Subject: Re: Phone Calls

CL: How are those calls billed now?

REV\_00123727

.  
----- Original Message -----

From: kmccullough@georgewbush.com  
To: Brett M. Kavanaugh/WHO/EOP@EOP,  
Colleen Litkenhaus/WHO/EOP@EOP  
Cc:  
Date: 06/13/2003 10:22:15 AM  
Subject: Fw: Phone Calls

Could you two please let me know your thoughts on this question from Mary? I assume we could set some sort of billing procedure set up with WHCA. It also raises another question: if a snack or meal is served on board either plane when we have political travellers, will there be a Bush-Cheney '04 account that is billed or how should we handle?

Thanks,  
Kelley

----- Original Message -----

From: Mary Cheney  
To: Kelley McCullough  
Sent: Friday, June 13, 2003 10:09 AM  
Subject: Phone Calls

Kelley -

What are the rules regarding campaign staff using the phones on AF1 or 2?  
I assume that if we can use them, we need some sort of billing card, but are we allowed to use them at all?

Mary

- att1.htm

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 1:04:19 PM  
**Subject:** : per diem

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 17:04:19.00  
SUBJECT:: per diem  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Can advance staff;send vouchers directly to the campaign in order to be  
reimbursed verses sending them to Room One or Counsel for any reason?

---

**From:** Kelley McCullough <kmccullough@georgewbush.com>  
**To:** Mary Cheney <mcheney@georgewbush.com>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ]  
<Brett M. Kavanaugh>; tomj@georgewbush.com [ UNKNOWN ]  
<tomj@georgewbush.com>; Susan B. Ralston/WHO/EOP@EOP [ WHO ] <Susan B.  
Ralston>; Colleen Litkenhaus/WHO/EOP@EOP [ WHO ] <Colleen Litkenhaus>  
**Sent:** 6/19/2003 1:07:37 PM  
**Subject:** : Re: Phone Calls

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kelley McCullough <kmccullough@georgewbush.com> ( Kelley McCullough  
<kmccullough@georgewbush.com> [ UNKNOWN ] )  
CREATION DATE/TIME: 19-JUN-2003 17:07:37.00  
SUBJECT:: Re: Phone Calls  
TO: Mary Cheney <mcheney@georgewbush.com> ( Mary Cheney <mcheney@georgewbush.com> [ UNKNOWN  
] )  
READ: UNKNOWN  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: tomj@georgewbush.com ( tomj@georgewbush.com [ UNKNOWN ] )  
READ: UNKNOWN  
TO: Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Yes.ÿ Thank you.ÿ I'll develop the policy language for useage and  
circulate for approval.

ÿ  
ÿ

----- Original Message -----

From: Litkenhaus, Colleen  
To: Litkenhaus, Colleen ; Kavanaugh, Brett M. ; Kelley McCullough ;  
Ralston, Susan B.  
Sent: Thursday, June 19, 2003 4:57 PM  
Subject: RE: Phone Calls

Joe thinks this is a good idea.ÿ Also, since the question originally came  
from Mary Cheney, do we need to make the same accommodations on the VPs  
plane?

ÿ-----Original Message-----

From: ÿ Litkenhaus, Colleenÿ  
Sent:ÿÿ Thursday, June 19, 2003 12:06 PM  
To:ÿÿÿÿ Kavanaugh, Brett M.; kmccullough@georgewbush.com; Ralston, Susan  
B.  
Subject:ÿÿÿÿÿÿÿ RE: Phone Calls

Phone calls from the plane

Here is a potential solution.ÿ We can have two air phones put on the  
plane that have a label that says "political phone."ÿ Staff can use those  
phones for any political calls.ÿ These phones do not go to the air force  
one operator.ÿ In fact, political staff can call up to these phones  
directly as well.ÿ The calls are about 3.99 per minute -ÿ with a minimum  
of 2-3 minutes.ÿ It's just like a phone on a commercial plane.

Then the bill will come to WHCA for these phones only.ÿ WHCA will get me  
the bills and I will give them to Susan.ÿ You get the bill monthly, after  
the fact.ÿ The bill would come in itemized, but wouldn't have the  
callers name identified.ÿ You could put a little card next to the phone  
that gave some sort of policy direction for usage.ÿ For example, "please  
note this is a political phone that costs 3.99 per minute.ÿ That's a lot  
of bumper stickers.ÿ Please use sparingly."ÿ Or, "this phone may only be

used by(("

Please let me know if you would like me to make this happen and put this process in place.

ÿ-----Original Message-----

From: ÿ Kavanaugh, Brett M.ÿ

Sent:ÿÿ Friday, June 13, 2003 8:24 PM

To:ÿÿÿÿ kmccullough@georgewbush.com; Kavanaugh, Brett M.; Litkenhaus, Colleen

Subject:ÿÿÿÿÿÿÿ Re: Phone Calls

CL: How are those calls billed now?

.

----- Original Message -----

From:kmccullough@georgewbush.com

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

ÿÿÿÿÿÿÿ Colleen Litkenhaus/WHO/EOP@EOP

Cc:

Date: 06/13/2003 10:22:15 AM

Subject: Fw: Phone Calls

Could you two please let me know your thoughts on this question from Mary?ÿ I assume we could set some sort of billing procedure set up with WHCA.ÿ It also raises another question:ÿ if a snack or meal is served on board either plane when we have political travellers, will there be a Bush-Cheney '04 account that is billed or how should we handle?

Thanks,  
Kelley

----- Original Message -----

From: Mary Cheney

To: Kelley McCullough

Sent: Friday, June 13, 2003 10:09 AM

Subject: Phone Calls

Kelley

What are the rules regarding campaign staff using the phones on AF1 or 2?ÿ I assume that if we can use them, we need some sort of billing card, but are we allowed to use them at all?

Mary

ÿ- att1.htm

---

**From:** Litkenhaus, Colleen  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/19/2003 5:10:11 PM  
**Subject:** your time

I guess I would love to run something by you if you have a second - I would run over.

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 1:11:21 PM  
**Subject:** : your time

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 17:11:21.00  
SUBJECT:: your time  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I guess I would love to run something by you if you have a second - I would run over.



---

**From:** William Kirk Blalock <kblalock@fierce-isakowitz.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Kevin Warsh/OPD/EOP@EOP [ OPD ] <Kevin Warsh>; Wayne.Abernathy@do.treas.gov [ UNKNOWN ] <Wayne.Abernathy@do.treas.gov>; Diana L. Schacht/OPD/EOP@EOP [ OPD ] <Diana L. Schacht>  
**CC:** Becky.Relic@do.treas.gov [ UNKNOWN ] <Becky.Relic@do.treas.gov>; Michael E. Meece/WHO/EOP@EOP [ WHO ] <Michael E. Meece>  
**Sent:** 6/19/2003 1:14:05 PM  
**Subject:** : Hatch Markup on Asbestos

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:William Kirk Blalock <kblalock@fierce-isakowitz.com> ( William Kirk Blalock <kblalock@fierce-isakowitz.com> [ UNKNOWN ] )  
CREATION DATE/TIME:19-JUN-2003 17:14:05.00  
SUBJECT:: Hatch Markup on Asbestos  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Wayne.Abernathy@do.treas.gov ( Wayne.Abernathy@do.treas.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:Becky.Relic@do.treas.gov ( Becky.Relic@do.treas.gov [ UNKNOWN ] )  
READ:UNKNOWN  
CC:Michael E. Meece ( CN=Michael E. Meece/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

No votes on amendments today. Spent the majority of time this am with 2 doctors on Medical Criteria.

We broke for lunch, came back at 3pm without quorum present. So, Hatch and Leahy went thru agreed upon items they will vote on next Tuesday. They are:

Penalties for Willful Failure to Pay  
Recoupment Authority  
Criminal Penalties for Fraud or False Statements  
Indexe Claim Awards for Inflation  
Double Statute of Limitations  
Removes Collateral Sources  
Us Flagged Vessels Exposure  
Physician Evaluation  
Medical Monitoring Options  
New Medical Exceptions  
Libby  
Ban  
Annual Report to Congress  
Certification on Cause of Bankruptcy  
Strike Product I'd  
10 year latency period

Mark-up will begin Tuesday at 9:30 am, staff negotiations with other members and interested parties will continue over the weekend. Tone is positive.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Colleen Litkenhaus/WHO/EOP@EOP [ WHO ] <Colleen Litkenhaus>  
**Sent:** 6/19/2003 1:20:07 PM  
**Subject:** : Re: your time

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 19-JUN-2003 17:20:07.00  
SUBJECT:: Re: your time  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

In tort mtg until 6.

.

----- Original Message -----  
From: Colleen Litkenhaus/WHO/EOP@Exchange  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 06/19/2003 05:10:11 PM  
Subject: your time

I guess I would love to run something by you if you have a second - I would run over.

---

**From:** Robert McConnell <RMcConnell@hyi-usa.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Lewis Libby/OVP/EOP@EOP [ OVP ] <Lewis Libby>; David W. Hobbs/WHO/EOP@EOP [ WHO ] <David W. Hobbs>  
**Sent:** 6/19/2003 1:28:46 PM  
**Subject:** : Blue Dogs on Class Action Reform

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Robert McConnell <RMcConnell@hyi-usa.com> ( Robert McConnell <RMcConnell@hyi-usa.com> [ UNKNOWN ] )  
CREATION DATE/TIME:19-JUN-2003 17:28:46.00  
SUBJECT:: Blue Dogs on Class Action Reform  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lewis Libby ( CN=Lewis Libby/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
TO:David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

We thought you might be interested in the following summary of the Blue Dog vote on Class Action Reform from last week.

Twenty of the thirty-two Democratic supporters of the bill were members of the Blue Dogs. Four of the twenty are new members and five of them switched their vote from last year.

We in the coalition appreciate the great job that Congressmen Stenholm, Tanner and John did on behalf of the legislation.

The three Blue Dog co-chairs, the whip and the three PAC co-chairs all voted in favor of H.R. 1115.

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 1:32:02 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 17:32:02.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

which groups are we sending the memo to? WHO only? I want to tell colleen  
so we can get the wheels in motion.

**From:** CN=Emily Winland/OU=OPD/O=EOP [ OPD ]  
**To:** Harvey S. Rosen/CEA/EOP@EOP [ CEA ] <Harvey S. Rosen>; amy jensen/who/eop@exchange@eop [ WHO ] <amy jensen>; michael e. meece/who/eop@eop [ WHO ] <michael e. meece>; wendy j. grubbs/who/eop@exchange@eop [ WHO ] <wendy j. grubbs>; matthew a. schlapp/who/eop@eop [ WHO ] <matthew a. schlapp>; ado a. machida/ovp/eop@exchange@eop [ OVP ] <ado a. machida>; brett m. kavanaugh/who/eop@eop [ WHO ] <brett m. kavanaugh>; phillip l. swagel/cea/eop@eop [ CEA ] <phillip l. swagel>; alan gilbert/opd/eop@eop [ OPD ] <alan gilbert>; Scott McClellan/WHO/EOP@Exchange@EOP [ WHO ] <Scott McClellan>; James Connaughton/CEQ/EOP@EOP [ CEQ ] <James Connaughton>; barry s. jackson/who/eop@eop [ WHO ] <barry s. jackson>; philip j. perry/omb/eop@eop [ OMB ] <philip j. perry>; robert marsh/who/eop@exchange@eop [ WHO ] <robert marsh>; courtney s. elwood/ovp/eop@exchange@eop [ OVP ] <courtney s. elwood>; jeffrey f. kupfer/who/eop@exchange@eop [ WHO ] <jeffrey f. kupfer>; keith hennessey/opd/eop@exchange@eop [ OPD ] <keith hennessey>; kevin warsh/opd/eop@eop [ OPD ] <kevin warsh>; allison boyd/opd/eop@exchange@eop [ OPD ] <allison boyd>  
**CC:** Mary E. Jones/CEA/EOP@EOP [ CEA ] <Mary E. Jones>; carla b. stone/omb/eop@eop [ OMB ] <carla b. stone>; marty p. smith/opd/eop@eop [ OPD ] <marty p. smith>; lauren k. allgood/opd/eop@exchange@eop [ OPD ] <lauren k. allgood>; lauren j. vestewig/opd/eop@exchange@eop [ OPD ] <lauren j. vestewig>; sandra f. daigle/cea/eop@eop [ CEA ] <sandra f. daigle>; kimberly ellison/who/eop@eop [ WHO ] <kimberly ellison>; jean cooper/opd/eop@exchange@eop [ OPD ] <jean cooper>; layton skelly/opd/eop@eop [ OPD ] <layton skelly>; diana l. schacht/opd/eop@eop [ OPD ] <diana l. schacht>  
**Sent:** 6/19/2003 2:11:35 PM  
**Subject:** : Meeting on Tort Reform

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Emily Winland ( CN=Emily Winland/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME: 19-JUN-2003 18:11:35.00  
SUBJECT:: Meeting on Tort Reform  
TO: Harvey S. Rosen ( CN=Harvey S. Rosen/OU=CEA/O=EOP@EOP [ CEA ] )  
READ: UNKNOWN  
TO: amy jensen ( CN=amy jensen/OU=who/O=eop@exchange@eop [ WHO ] )  
READ: UNKNOWN  
TO: michael e. meece ( CN=michael e. meece/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
TO: wendy j. grubbs ( CN=wendy j. grubbs/OU=who/O=eop@exchange@eop [ WHO ] )  
READ: UNKNOWN  
TO: matthew a. schlapp ( CN=matthew a. schlapp/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
TO: ado a. machida ( CN=ado a. machida/OU=ovp/O=eop@exchange@eop [ OVP ] )  
READ: UNKNOWN  
TO: brett m. kavanaugh ( CN=brett m. kavanaugh/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
TO: phillip l. swagel ( CN=phillip l. swagel/OU=cea/O=eop@eop [ CEA ] )  
READ: UNKNOWN  
TO: alan gilbert ( CN=alan gilbert/OU=opd/O=eop@eop [ OPD ] )  
READ: UNKNOWN  
TO: Scott McClellan ( CN=Scott McClellan/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: James Connaughton ( CN=James Connaughton/OU=CEQ/O=EOP@EOP [ CEQ ] )  
READ: UNKNOWN  
TO: barry s. jackson ( CN=barry s. jackson/OU=who/O=eop@eop [ WHO ] )  
READ: UNKNOWN  
TO: philip j. perry ( CN=philip j. perry/OU=omb/O=eop@eop [ OMB ] )  
READ: UNKNOWN  
TO: robert marsh ( CN=robert marsh/OU=who/O=eop@exchange@eop [ WHO ] )  
READ: UNKNOWN  
TO: courtney s. elwood ( CN=courtney s. elwood/OU=ovp/O=eop@exchange@eop [ OVP ] )  
READ: UNKNOWN  
TO: jeffrey f. kupfer ( CN=jeffrey f. kupfer/OU=who/O=eop@exchange@eop [ WHO ] )  
READ: UNKNOWN  
TO: keith hennessey ( CN=keith hennessey/OU=opd/O=eop@exchange@eop [ OPD ] )

READ:UNKNOWN  
TO:kevin warsh ( CN=kevin warsh/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
TO:allison boyd ( CN=allison boyd/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:Mary E. Jones ( CN=Mary E. Jones/OU=CEA/O=EOP@EOP [ CEA ] )  
READ:UNKNOWN  
CC:carla b. stone ( CN=carla b. stone/OU=omb/O=eop@eop [ OMB ] )  
READ:UNKNOWN  
CC:marty p. smith ( CN=marty p. smith/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:lauren k. allgood ( CN=lauren k. allgood/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:lauren j. vestewig ( CN=lauren j. vestewig/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:sandra f. daigle ( CN=sandra f. daigle/OU=cea/O=eop@eop [ CEA ] )  
READ:UNKNOWN  
CC:kimberly ellison ( CN=kimberly ellison/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:jean cooper ( CN=jean cooper/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:layton skelly ( CN=layton skelly/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:diana l. schacht ( CN=diana l. schacht/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

There will be a meeting on Wednesday June 25 at 10am to discuss how CEA  
can assist in making our case for Tort Reform.  
If you are not able to make it at that time please send Diana any thoughts  
you have for specific tasks CEA should be given along these lines.

Please confirm your attendance with me.

thanks,  
Emily  
456-6534

---

**From:** Douglass, Kimberly A.  
**To:** <Kavanaugh, Brett M.>  
**CC:** <Litkenhaus, Colleen>  
**Sent:** 6/19/2003 6:49:19 PM  
**Subject:** FW: Urgent TA request for NY

Please approve

-----Original Message-----

**From:** Smith, Courtney  
**Sent:** Thursday, June 19, 2003 6:17 PM  
**To:** Douglass, Kimberly A.  
**Subject:** Urgent TA request for NY

Approval is needed to process the TA for the travel of one (1) advance representative, preparing for the visit of the President to New York, NY June 23, 2003 for a Bush/Cheney 2004 Fundraiser

1)Brad Dayspring

**June 20, 2003-3:00pm**

USAIRWAYS Flt#2176, DCA to Lga NY

No return

**Air:\$250.00**

**Per Diem: TBD**

**Car Rental:N/a**

REV\_00123748

---

**From:** CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>  
**Sent:** 6/19/2003 2:50:32 PM  
**Subject:** : FW: Urgent TA request for NY

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 18:50:32.00  
SUBJECT:: FW: Urgent TA request for NY  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Please approve

-----Original Message-----

From: Smith, Courtney  
Sent: Thursday, June 19, 2003 6:17 PM  
To: Douglass, Kimberly A.  
Subject: Urgent TA request for NY

Approval is needed to process the TA for the travel of one (1) advance representative, preparing for the visit of the President to New York, NY June 23, 2003 for a Bush/Cheney 2004 Fundraiser

1)Brad Dayspring  
June 20, 2003-3:00pm  
USAIRWAYS Flt#2176, DCA to Lga NY

No return

Air:\$250.00  
Per Diem: TBD  
Car Rental:N/a



---

**From:** Tom Josefiak <tomj@georgewbush.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 3:17:22 PM  
**Subject:** : RE:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Tom Josefiak <tomj@georgewbush.com> ( Tom Josefiak <tomj@georgewbush.com> [ UNKNOWN ] )

CREATION DATE/TIME:19-JUN-2003 19:17:22.00

SUBJECT:: RE:

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Update: Joe is out of town but left him a voice mail this morning ..  
haven't heard back. He usually is pretty good at returning calls so  
hopefully I'll hear something soon.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov

[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]

Sent: Thursday, June 19, 2003 12:26 AM

To: Tom Josefiak

Subject: Re:

Any luck with Sandler on the meeting/administrative rooms issue?

---

**From:** Willis, Rebecca L.  
**To:** <Kavanaugh, Brett M.>  
**CC:** <Crumling, Dorothy>;<Coleman, Shayla>;<Ganter, Jonathan F.>  
**Sent:** 6/19/2003 7:20:47 PM  
**Subject:** Help Desk ticket 59711

Mr. Kavanaugh,

I believe we have corrected the problem. You should be able to receive attachments in your email.

Please give me a call if you have any more issues.

Take Care,

Rebecca

(202) 395-6590

---

**From:** Douglass, Kimberly A.  
**To:** <Kavanaugh, Brett M.>  
**CC:** <Litkenhaus, Colleen>  
**Sent:** 6/19/2003 7:24:10 PM  
**Subject:** Fw: TA request for San Francisco CA

Do you approve these travelers?

Please note that I will be asking Advance tomorrow to reduce rental cars to mid-size (unless there is justification for full-size). And we will speak with AMEX once more about trying to locate a cheaper fare for the first 2 travelers.

Kim  
.

-----Original Message-----

From: Smith, Courtney  
To: Douglass, Kimberly A.  
Sent: Thu Jun 19 18:23:10 2003  
Subject: TA request for San Francisco CA

Approval is needed to process the TA for the travel of one (5) advance representative, preparing for the visit of the President to San Francisco June 27, 2003 for a Bush/Cheney 2004 Fundraiser

1)Mike Heath  
June 22, 2003-5:25pm  
Alaska Airlines Flt#3, Dulles to Seattle

Alaska Airlines FLt#192 Seattle to San Francisco

June 27, 2003-7:59pm  
Alaska AirlinesFlt#459, Oakland CA to Seattle

Alaska Airlines Flt#3, Seattle to Dulles

Air:\$1127.91  
Per Diem:  
Lodging  
Car Rental:\$34.88/day- Hertz full-size

2)Peter Watkins  
June 22, 2003-5:25pm  
Alaska Airlines Flt#3, Dulles to Seattle

Alaska Airlines FLt#192 Seattle to San Francisco

June 27, 2003  
Alaska AirlinesFlt#459, Oakland CA to Seattle

Alaska Airlines Flt#3, Seattle to Dulles

Air:\$1127.91  
Per Diem:  
Lodging  
Car Rental:\$34.88/day- Hertz full-size

3) Scott Shadian  
June 22, 2003-9:42am  
United Flt#148, San Diego CA to San Francisco CA

June 27, 2003-6:20pm  
United Flt#1079, San Francisco to San Diego  
Air:\$383.41  
Per Diem:  
Lodging:  
Car Rental:N/a

4)Josh Gatlin  
June 21, 2003-9:08am  
American West Flt#765, Austin to Phoenix

American West Flt#805, Phoenix to San Francisco

June 27, 2003-6:00pm  
American West Flt#812, San Francisco to Phoenix

American West Flt#6129, Phoenix to Austin  
Air:\$506.41  
Per Diem:  
Lodging:  
Car Rental:N/A

5) Brent Sasaki  
June 22, 2003-N/a  
Local Advance

June 27, 2003-N/a  
Local Advance  
Air:\$0.00  
Per Diem:  
Lodging:  
Car Rental:Using Personal Vehicle

---

**From:** CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>  
**Sent:** 6/19/2003 3:25:39 PM  
**Subject:** : Fw: TA request for San Francisco CA

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 19:25:39.00  
SUBJECT:: Fw: TA request for San Francisco CA  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Do you approve these travelers?

;Please note that I will be asking Advance tomorrow to reduce rental cars to mid-size (unless there is justification for full-size). And we will speak with AMEX once more about trying to locate a cheaper fare for the first 2 travelers.

Kim  
.

-----Original Message-----

From: Smith, Courtney <CSmith@WHO.eop.gov>  
To: Douglass, Kimberly A. <Kimberly\_A.\_Douglass@who.eop.gov>  
Sent: Thu Jun 19 18:23:10 2003  
Subject: TA request for San Francisco CA

Approval is needed to process the TA for the travel of one (5) advance representative, preparing for the visit of the President to San Francisco June 27, 2003 for a Bush/Cheney 2004 Fundraiser

1)Mike Heath  
June 22, 2003-5:25pm  
Alaska Airlines Flt#3, Dulles to Seattle

Alaska Airlines FLt#192 Seattle to San Francisco

June 27, 2003-7:59pm  
Alaska AirlinesFlt#459, Oakland CA to Seattle

Alaska Airlines Flt#3, Seattle to Dulles

Air:\$1127.91  
Per Diem:  
Lodging  
Car Rental:\$34.88/day- Hertz full-size

2)Peter Watkins  
June 22, 2003-5:25pm  
Alaska Airlines Flt#3, Dulles to Seattle

Alaska Airlines FLt#192 Seattle to San Francisco

June 27, 2003  
Alaska AirlinesFlt#459, Oakland CA to Seattle

Alaska Airlines Flt#3, Seattle to Dulles

Air:\$1127.91

Per Diem:

Lodging

Car Rental:\$34.88/day- Hertz full-size

3) Scott Shadian

June 22,2003-9:42am

United Flt#148, San Diego CA to San Francisco CA

June 27, 2003-6:20pm

United Flt#1079, San Francisco to San Diego

Air:\$383.41

Per Diem:

Lodging:

Car Rental:N/a

4) Josh Gatlin

June 21, 2003-9:08am

American West Flt#765, Austin to Phoenix

American West Flt#805, Phoenix to San Francisco

June 27, 2003-6:00pm

American West Flt#812, San Francisco to Phoenix

American West FLt#6129, Phoenix to Austin

Air:\$506.41

Per Diem:

Lodging

Car Rental:N/A

5) Brent Sasaki

June 22, 2003-N/a

Local Advance

June 27, 2003-N/a

Local Advance

Air:\$0.00

Per Diem:

Lodging:

Car Rental:Using Personal Vehicle

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>  
**CC:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Daniel D. Faoro/OA/EOP@Exchange [ OA ] <Daniel D. Faoro>  
**Sent:** 6/19/2003 3:49:36 PM  
**Subject:** : Political Memos  
**Attachments:** F\_NKZCH003\_OA.TXT\_1.pdf; F\_NKZCH003\_OA.TXT\_2.pdf

##### Begin Original ARMS Header #####  
RECORD TYPE: FEDERAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 19:49:36.00  
SUBJECT:: Political Memos  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Daniel D. Faoro ( CN=Daniel D. Faoro/OU=OA/O=EOP@Exchange [ OA ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Colleen- here are the two memos we discussed earlier. If you've gone home,  
we can send them in the morning.

;  
Subject line;for the admin alert: IMPORTANT: Memos on Political Travel  
from Counsel's Office

;  
Sent to: WHO, DPC, NEC

;  
Did we send the first memo to OVP, or only the three listed above?

;  
Thanks!

Carrie

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <F\_NKZCH003\_OA.TXT\_1>

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <F\_NKZCH003\_OA.TXT\_2>

# THE WHITE HOUSE

WASHINGTON

June 19, 2003

MEMORANDUM FOR      HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES  
WHITE HOUSE STAFF

FROM:                    ALBERTO R. GONZALES  
COUNSEL TO THE PRESIDENT

SUBJECT:                RULES REGARDING CORPORATE AND GOVERNMENT  
AIRCRAFT ON POLITICAL TRIPS

This memorandum summarizes rules and policies with respect to use of corporate or government aircraft for political trips. (Note that this memorandum does not cover travel on a charter aircraft paid for by a political entity, which is treated the same as ordinary travel on a commercial aircraft where the cost is paid by a political entity.)

## **I. Corporate Aircraft**

A political campaign or party may pay for air transportation of individuals to a political event, including of individuals employed in the Executive Branch who are otherwise allowed to attend the event. *See* 5 C.F.R. 2635.204(f). In addition, federal law authorizes political campaigns and parties to secure a corporate aircraft to provide air transportation, so long as the campaign or party reimburses the owner of the aircraft under relevant federal statutes and regulations. *See* 11 C.F.R. 114.9.

As a matter of policy, however, the following steps must occur when an Executive Branch employee travels on a corporate aircraft secured by a political campaign or party for the employee's travel to a political event:

1. The employee should not travel on a corporate aircraft for political travel unless commercial service would not be practically available under the circumstances, taking into account the employee's official schedule and the location and timing of the event.
2. The employee should not travel on an aircraft owned by an entity or individual that is regulated by or doing business with the employee's department or agency, or in circumstances that otherwise would be inappropriate.
3. The relevant political campaign or party must pay the owner of the aircraft *in advance* by paying the relevant first class airfare (or, in the case of travel to a city not served by a regularly scheduled commercial service, the usual charter rate).



4. For White House employees, advance approval of any use of a corporate aircraft for a political trip must be obtained from the Counsel to the President. For other Administration employees, advance approval of any use of corporate aircraft for a political trip must be obtained from the relevant department or agency General Counsel and the Counsel to the President.

5. When the trip is a mixed official-political trip involving campaign-related activity for Bush/Cheney '04, the re-election campaign will reimburse first-class airfare from the point of origin to each stop in which campaign-related activity is conducted and back to the point of origin. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7. When the trip is a mixed official-political trip involving political activity other than campaign-related activity for Bush/Cheney '04, the political entity will reimburse first-class airfare based on the hard-time formula, which means that the reimbursable costs of the trip are divided based on time spent on official and political activity. *See* 5 C.F.R. 734.503. On all mixed trips, use of a corporate aircraft must also meet the standards for approval under 41 C.F.R. Part 304.

## **II. Government Aircraft**

1. White House employees and other Administration employees should not use government aircraft for travel on political trips or mixed official-political trips unless the employee is required for security reasons to use government aircraft, or the employee is accompanying another official who requires use of a government aircraft for security reasons.

2. Advance approval of any use of a government aircraft for such a trip must be obtained from the Chief of Staff to the President and Counsel to the President. Appropriate first-class reimbursement for political travelers must be made by the campaign or relevant political entity. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7(b)(5).

## **Conclusion**

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. If White House employees have questions about these rules, they should contact the Counsel's office. If department or agency employees have questions about these rules, they should contact their department or agency General Counsel.

## THE WHITE HOUSE

WASHINGTON

June 19, 2003

MEMORANDUM FOR      HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES  
WHITE HOUSE STAFF

FROM:                    ALBERTO R. GONZALES  
COUNSEL TO THE PRESIDENT

SUBJECT:                PAYMENT OF EXPENSES ASSOCIATED WITH POLITICAL  
TRAVEL DURING THE PRESIDENTIAL CAMPAIGN

This memorandum addresses the allocation of costs for travel on behalf of the President's authorized campaign committee.

The memorandum will be of primary assistance to those who calculate the costs for political and mixed travel. For reference, the rules of allocation and payment are summarized on pages 3-4 of this memorandum.

### General Legal Principles

When considering the payment of travel expenses incurred on behalf of the President's authorized campaign committee (Bush/Cheney '04), three principles govern. First, appropriated funds may be spent only for the purposes for which they have been appropriated. *See* 31 U.S.C. 1301. Accordingly, funds appropriated for the official functions of the departments and agencies may be used for travel expenses only if the travel is reasonably related to an official purpose.

The second basic principle is that, in general, official activities should be paid only from funds appropriated for such purposes, unless Congress has authorized the support of those activities by other means. This principle prevents unauthorized augmentation of appropriations.

The third principle involves the requirements of the Federal election laws. Now that the President is a candidate for re-election, travel on behalf of the President's authorized campaign committee must be paid for by Bush/Cheney '04. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7.

### Political and Official Travel

Before an allocation of expenses for travel can be made, a determination must first be made as to whether an appearance is official or political; and, if it is political, whether it is on

behalf of Bush/Cheney '04 or another political candidate or committee. For purposes of allocating travel costs during the Presidential campaign, there are three categories of events: 1) official events; 2) Bush/Cheney '04 political events, *e.g.*, a Bush/Cheney '04 fundraiser; and 3) other political events, *e.g.*, a fundraising event for a non-Presidential candidate.

In determining whether an activity is political or official, all relevant factors should be considered, including, but not limited to, the identity of the sponsor of the event, the group or organization being addressed, other participants, and the nature of the speech being delivered. There is considerable room for discretion in determining whether an event giving rise to an expense is political or official. Ultimately, the question is a factual one that can only be answered by those most familiar with the facts of a given event, trip or situation; accordingly, this determination must be made on a case-by-case basis. White House employees should consult the Counsel's Office, and department and agency employees should consult their General Counsel about these matters.

Generally speaking, appearing at party functions, fundraising, and campaigning for specific candidates should be considered political. In addition, any event that involves solicitation of campaign funds or express advocacy for a candidate or candidates for office will be political. Travel for inspections, meetings to discuss government business, official addresses, and the like ordinarily should be considered official travel, even though the event may have partisan consequences or concern matters on which opinion is politically divided. For a broader discussion of these issues, *see* 6 Op. O.L.C. 214, 216-217 (1982).

When allocating costs between political and official activities, an additional point should be kept in mind. There are some persons whose official duties may require them to be with the Administration official, whether or not that official is on government business. This group may include, among others, personal aides responsible for assisting in the conduct of official business while an official is traveling and the security detail responsible for an official's protection. Expenses incurred during travel by this group of individuals are official regardless of the character of the event that may be involved.

#### Bush/Cheney '04 Campaign Travel

The Bush/Cheney '04 campaign will carefully follow rules set forth in Federal Election Commission campaign travel allocation regulations. *See* 11 C.F.R. 106.3, 9034.7, 9035.1. The travel expenses for campaign-related travelers that are incurred for a stop in which an individual engages in campaign activity on behalf of the President are paid by Bush/Cheney '04. Please note that if any campaign activity for a Presidential candidate, other than incidental contacts, is conducted at a stop, that stop shall be considered campaign-related. *Id.* 9034.7(b)(2).

Campaign committees for non-Presidential candidates may not pay for the costs of campaign travel on behalf of the President. For example, if a Senatorial candidate schedules a fundraiser back-to-back with a Bush/Cheney '04 fundraiser, the President's campaign committee must pay the travel expenses for the entire stop. *See* 11 C.F.R. 106 and 9034.7. Also, when there is a question about the nature of a political event, particularly those involving the President

and Vice President, the event will presumptively be considered campaign-related, and Bush/Cheney '04 will pay the appropriate travel costs.

Event costs associated with the individual events at a stop involving both Bush/Cheney '04 and official activity -- as opposed to the travel-related costs -- may be divided and allocated. Similarly, event costs associated with a trip involving both Bush/Cheney '04 and other political events likewise may be divided and allocated.

In instances where the same travel costs are incurred in conjunction with official and Bush/Cheney '04 activity, the portion of the trip allocable to the President's campaign committee is determined by using the hypothetical trip formula: calculating what the trip would have cost from the point of origin through each campaign-related stop and back to the point of origin. *Cf.* 11 C.F.R. 9034.7(b)(2). Where travel includes political, but not Bush/Cheney '04, activity and official activity, the portion of the trip allocable to the political entities is determined by using the hard-time formula, under which relevant costs are divided based on time spent on official and political activity. *See* 5 C.F.R. 734.503.

#### Rules of Allocation and Payment

The rules of allocation and payment are summarized below:

1. The President's campaign committee pays Presidential campaign-related travel costs. This includes transportation, hotel, and per diem costs for campaign-related travelers. For mixed trips, the hypothetical trip formula should be used for all campaign-related travelers: calculating what the trip would have cost from the point of origin through each campaign-related stop and back to the point of origin.
2. Costs associated with political activity that occurs on a mixed trip that does not involve any Bush/Cheney '04 activity are allocated according to the hard-time formula, under which relevant costs are divided based on the time spent on official and political activity. If any Bush/Cheney '04 campaign-related activities occur on a trip, the costs of the Bush/Cheney '04 campaign stops must be allocated according to the hypothetical trip formula.
3. If government aircraft (in accordance with applicable rules) is used for Bush/Cheney '04 travel, the campaign committee must pay the appropriate government entity the first-class commercial airfare for each traveler (except official travelers) in the case of travel to a city served by regularly scheduled *first-class* commercial service. In the case of travel to a city that is not served by regularly scheduled *first-class* commercial airline service, the campaign must reimburse the appropriate government entity the commercial coach airfare for each traveler (except official travelers). The campaign committee must pay the commercial charter rate in the case of travel to a city not served by regularly scheduled commercial service. (For political travel that is not Bush/Cheney '04 travel, the reimbursement is at commercial coach rate.)

4. If an Administration official travels to the political event by commercial airline, the campaign is obliged to pay the actual cost of the commercial airfare. The campaign may not take advantage of government rates.

5. If government cars (in accordance with applicable rules) are used for Bush/Cheney '04 campaign-related travelers on campaign-related trips, the government shall be reimbursed the commercial rental cost of comparable vehicles for the campaign-related travelers.

6. If a meeting room is rented for the purpose of campaign-related activity, the campaign should pay the costs of the room. The campaign may not take advantage of government rates.

7. The campaign must pay for the hotel rooms of campaign-related travelers. The campaign may not take advantage of government rates.

8. To document adequately these travel allocations and payments, all agencies should: (i) prepare, or otherwise have available, an itinerary for each trip involving Bush/Cheney '04 activity, and (ii) if government conveyance is used, prepare a list of all passengers, along with a designation as to which passengers are, or are not, campaign-related. A copy of the itinerary should be submitted to Bush/Cheney '04; the Bush/Cheney '04 campaign will maintain such information.

### Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. The regulations governing the payment of expenses for travel by federal officials on behalf of the President's campaign committee are in title 11, Code of Federal Regulations. If White House employees have questions about these rules, they should contact the Counsel's office. If department or agency employees have questions about these rules, they should contact their department or agency General Counsel.

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**From:** Kavanaugh, Brett M.  
**To:** <Douglass, Kimberly A.>  
**CC:** <Litkenhaus, Colleen>  
**Sent:** 6/19/2003 8:01:14 PM  
**Subject:** Re: FW: Urgent TA request for NY

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/19/2003 06:49:19 PM

Record Type: Record

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

cc: Colleen Litkenhaus/WHO/EOP@Exchange

Subject: FW: Urgent TA request for NY

Please approve

-----Original Message-----

**From:** Smith, Courtney

**Sent:** Thursday, June 19, 2003 6:17 PM

**To:** Douglass, Kimberly A.

**Subject:** Urgent TA request for NY

Approval is needed to process the TA for the travel of one (1) advance representative, preparing for the visit of the President to New York, NY June 23, 2003 for a Bush/Cheney 2004 Fundraiser

1)Brad Dayspring

**June 20, 2003-3:00pm**

USAIRWAYS Flt#2176, DCA to Lga NY

No return

**Air:\$250.00**

**Per Diem: TBD**

**Car Rental:N/a**

**REV\_00123764**

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>  
**CC:** colleen litkenhaus/who/eop@exchange [ WHO ] <colleen litkenhaus>  
**Sent:** 6/19/2003 4:02:17 PM  
**Subject:** : Re: FW: Urgent TA request for NY

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 20:02:17.00  
SUBJECT:: Re: FW: Urgent TA request for NY  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:colleen litkenhaus ( CN=colleen litkenhaus/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/19/2003 06:49:19 PM  
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Per Diem: TBD  
Car Rental:N/a

---

**From:** Litkenhaus, Colleen  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/19/2003 8:20:17 PM  
**Subject:** RE: FW: Urgent TA request for NY

Can I walk over and see you?

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Thursday, June 19, 2003 8:01 PM  
**To:** Douglass, Kimberly A.  
**Cc:** Litkenhaus, Colleen  
**Subject:** Re: FW: Urgent TA request for NY

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/19/2003 06:49:19 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Colleen Litkenhaus/WHO/EOP@Exchange  
Subject: FW: Urgent TA request for NY

Please approve

-----Original Message-----

**From:** Smith, Courtney  
**Sent:** Thursday, June 19, 2003 6:17 PM  
**To:** Douglass, Kimberly A.  
**Subject:** Urgent TA request for NY

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USAIRWAYS Flt#2176, DCA to Lga NY

No return

**Air:\$250.00**

**Per Diem: TBD**

**Car Rental:N/a**

REV\_00123766



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**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/19/2003 4:30:54 PM  
**Subject:** : White House Global Messenger - 6/20/03  
**Attachments:** P\_O20DH003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )  
CREATION DATE/TIME:19-JUN-2003 20:30:54.00  
SUBJECT:: White House Global Messenger - 6/20/03  
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(See attached file: GM 6-20-03 FINAL.doc)

THE GLOBAL MESSENGER  
Friday, June 20, 2003

\*\*\*\*\*KEY POINTS: MIDDLE EAST PEACE\*\*\*\*\*  
From Secretary of State Powell's remarks in Cambodia, 6/18/03

-Both Israeli and Palestinian leaders realize that they can't allow a wave of terrorism to stand in the way of progress on the Road Map.

-The fact that Palestinian Prime Minister Abbas and the Israeli security authorities are talking about a handover in Gaza and talking seriously is progress, but that progress has not yet culminated in an agreement.

-As we continue implementing the Road Map, the U.S. will work very hard with our partners in the region, in the European Union and elsewhere to add to the capacity of the Palestinian Authority so that they can increase their reach in Gaza and ultimately to the West Bank communities as well.

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*  
All Times Eastern Daylight. Subject to Change.  
12 pm (approx) The President and the President of Brazil offer comments,  
Rose Garden  
TBA State Department briefing

\*\*\*\*\*IAEA ON IRAN\*\*\*\*\*  
Today, the International Atomic Energy Agency made it clear that Iran should be transparent

REV\_00123767

and cooperative with the agency.

"We still have a lot of work to clarify safeguards and verification issues in Iran with regard to the enrichment programme, with regard to the heavy water programme we need to fully understand the depth and breadth of the programme and everything is declared to the Agency and under safeguards.

"To that end we would like to continue to have a collection of environmental samples, we would like to see Iran, as early as practicable, concluding an additional protocol which gives us the required authority to sites and locations and the Board was supportive of my request to conclude a protocol to allow us to take environmental samples. The Board was very clear that safeguards have to be implemented in a very comprehensive very conspicuous manner, very rigid manner if you like. To build confidence we need to be completely transparent and that the issues before us should be resolved as early as possible...

"I intend to report to the Board in September, that would be the time, in my view, required for us to be able to complete our analysis, but obviously I could report to the Board earlier if required. So I very much hope and look forward to full active co-operation with Iran.

"The more transparent Iran will become, the more confidence it will be able to build in the international community. And the more we can provide critical assurances that Iran's programme is dedicated fully to peaceful purposes."

--Mohamed ElBaradei, IAEA Director General, 6/19/03

\*\*\*\*\*ON AUNG SAN SUU KYI\*\*\*\*\*

"We want to see Aung San Suu Kyi released as soon as possible, and allowed to participate in the political process in Burma in a democratic way, and we thought that there had been movement in that regard in recent months but that all of that has now been blocked by the government and they 're going backwards."

--Secretary Powell, 6/17/03

\*\*\*\*\*KEY QUOTE\*\*\*\*\*

"The President wanted to see what the IAEA reported. Clearly, the United

States  
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international community share the same concerns about Iran. The  
President's hope  
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young population  
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--White House Press Secretary Fleischer, aboard Air Force One, 6/19/03

THE WHITE HOUSE  
Office of Global Communications  
For more information log on to  
<http://www.whitehouse.gov/ogc>

\*\*\*\*\*  
You have previously expressed interest in obtaining  
news and information from the White House.

The White House Office of Global Communications  
distributes information about the President's  
messages to the world. This office distributes  
updates on major international topics such  
as the global war on terror, the case for regime  
change in Iraq, and more broadly, the ways in  
which we can all better communicate the aspirations  
and interests that Americans share with freedom-loving  
people everywhere. - GM 6-20-03 FINAL.doc  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_O20DH003\_WHO.TXT\_1>



# THE GLOBAL MESSENGER

Friday, June 20, 2003



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## **KEY POINTS:**

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- Both Israeli and Palestinian leaders realize that they can't allow a wave of terrorism to stand in the way of progress on the Road Map.
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"The President wanted to see what the IAEA reported. Clearly, the United States and the international community share the same concerns about Iran. The President's hope is that the future of Iran will be decided by the Iranian people. There is a tremendous young population in Iran that is yearning for a better way of life and a more tolerant way of life. That's where the President is focused."

--White House Press Secretary Fleischer, aboard  
Air Force One, 6/19/03

## **ON AUNG SAN SUU KYI...**

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--Secretary Powell, 6/17/03

**THE WHITE HOUSE**

**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00123770

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**From:** Litkenhaus, Colleen  
**To:** <Douglass, Kimberly A.>; <Kavanaugh, Brett M.>  
**Sent:** 6/19/2003 9:27:55 PM  
**Subject:** RE: TA request for San Francisco CA

Kim - let's discuss the full-size issue tomorrow first. Also, I thought we were only sending 4 advance folks for finance events.

-----Original Message-----

From: Douglass, Kimberly A.  
Sent: Thursday, June 19, 2003 7:24 PM  
To: Kavanaugh, Brett M.  
Cc: Litkenhaus, Colleen  
Subject: Fw: TA request for San Francisco CA

Do you approve these travelers?

Please note that I will be asking Advance tomorrow to reduce rental cars to mid-size (unless there is justification for full-size). And we will speak with AMEX once more about trying to locate a cheaper fare for the first 2 travelers.

Kim  
.

-----Original Message-----

From: Smith, Courtney  
To: Douglass, Kimberly A.  
Sent: Thu Jun 19 18:23:10 2003  
Subject: TA request for San Francisco CA

Approval is needed to process the TA for the travel of one (5) advance representative, preparing for the visit of the President to San Francisco June 27, 2003 for a Bush/Cheney 2004 Fundraiser

1)Mike Heath  
June 22, 2003-5:25pm  
Alaska Airlines Flt#3, Dulles to Seattle

Alaska Airlines FLt#192 Seattle to San Francisco

June 27, 2003-7:59pm  
Alaska AirlinesFlt#459, Oakland CA to Seattle

Alaska Airlines Flt#3, Seattle to Dulles

Air:\$1127.91  
Per Diem:  
Lodging  
Car Rental:\$34.88/day- Hertz full-size

2)Peter Watkins  
June 22, 2003-5:25pm  
Alaska Airlines Flt#3, Dulles to Seattle

Alaska Airlines FLt#192 Seattle to San Francisco

REV\_00123772

June 27, 2003  
Alaska Airlines Flt#459, Oakland CA to Seattle

Alaska Airlines Flt#3, Seattle to Dulles

Air:\$1127.91  
Per Diem:  
Lodging  
Car Rental:\$34.88/day- Hertz full-size

3) Scott Shadian  
June 22, 2003-9:42am  
United Flt#148, San Diego CA to San Francisco CA

June 27, 2003-6:20pm  
United Flt#1079, San Francisco to San Diego  
Air:\$383.41  
Per Diem:  
Lodging:  
Car Rental:N/a

4) Josh Gatlin  
June 21, 2003-9:08am  
American West Flt#765, Austin to Phoenix

American West Flt#805, Phoenix to San Francisco

June 27, 2003-6:00pm  
American West Flt#812, San Francisco to Phoenix

American West Flt#6129, Phoenix to Austin  
Air:\$506.41  
Per Diem:  
Lodging:  
Car Rental:N/A

5) Brent Sasaki  
June 22, 2003-N/a  
Local Advance

June 27, 2003-N/a  
Local Advance  
Air:\$0.00  
Per Diem:  
Lodging:  
Car Rental:Using Personal Vehicle

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>  
**Sent:** 6/19/2003 5:29:02 PM  
**Subject:** : RE: TA request for San Francisco CA

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:19-JUN-2003 21:29:02.00  
SUBJECT:: RE: TA request for San Francisco CA  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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From: Douglass, Kimberly A.  
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To: Kavanaugh, Brett M.  
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Kim  
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-----Original Message-----  
From: Smith, Courtney <CSmith@WHO.eop.gov>  
To: Douglass, Kimberly A. <Kimberly\_A.\_Douglass@who.eop.gov>  
Sent: Thu Jun 19 18:23:10 2003  
Subject: TA request for San Francisco CA

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Alaska Airlines Flt#3, Seattle to Dulles

Air:\$1127.91  
Per Diem:

REV\_00123774

Lodging  
Car Rental:\$34.88/day- Hertz full-size

2) Peter Watkins  
June 22, 2003-5:25pm  
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Car Rental:N/A

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June 22, 2003-N/a  
Local Advance

June 27, 2003-N/a  
Local Advance  
Air:\$0.00  
Per Diem:  
Lodging:  
Car Rental:Using Personal Vehicle



---

**From:** Mike Allen <allenm@washpost.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/19/2003 8:01:08 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Mike Allen <allenm@washpost.com> ( Mike Allen <allenm@washpost.com> [ UNKNOWN ] )  
CREATION DATE/TIME:20-JUN-2003 00:01:08.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

bc-bush-knee - a1901  
(ATTN: National editors)  
//Bush May Not Run ... as Fast as He Once Did// (Fridley, Minn.)  
By Edwin Chen  
(c) 2003, Los Angeles Times  
FRIDLEY, Minn. \* Hobbled by aching knees and an inflamed right calf, America's first runner has been all but sidelined from his favorite exercise and says his woes serve up a good lesson to all sports-minded baby boomers.  
&Listen to your body. I tried to run through the pain and it didn't work, 8 President Bush said in remarks relayed to the Los Angeles Times on Thursday by White House press secretary Ari Fleischer.  
The president first complained to a reporter about his knees during a private party in Washington in late April, blaming it on age. Bush is 56. At the Times, request, Bush on Thursday supplied new details of his injuries, during a day trip here to deliver a speech on the economy. Earlier Thursday, the president gave a public tip off to what he called &a runner,s injury8 on the tarmac at Andrews Air Force Base in suburban Maryland as he walked toward Air Force One, before traveling to Minnesota.  
Playfully, he abruptly clutched his left knee with both hands, then broke into a wide grin, leaving most observers puzzled.  
About 2 1/2 months ago, Bush, an avid runner for more than 15 years, noticed an aching right calf muscle after a hard run.  
It turned out to be a minor muscle tear, Fleischer said, and Bush reined in his running about that time.  
Bush consulted his physician, Air Force Col. Richard J. Tubb, about the injury, Fleischer said.  
Amid the tensions of the Iraq war, Bush had pushed himself \* on a treadmill in the White House and occasionally on the running track of the South Lawn \* to perhaps the best times of his life, clocking a three-mile run at an average of 6 minutes, 45 seconds a mile \* a strong pace for a man of any age.  
A fierce competitor, Bush almost always times himself \* &with an eye on +Can I beat it?, 8 Fleischer said.  
Partial tears can be treated with either rest or heel lifts, which are cushioned pads inserted into shoes to relax the calf muscles, said Dr. Jacob E. Tauber, a Beverly Hills, Calif., orthopedic surgeon. &A more significant tear could actually require casting. No surgery is necessary if it is a partial muscular tear.8  
Despite his injuries, the president is hardly idled.  
He has increased other forms of exercise, including lifting weights and swimming \* less jarring activities that allow his running injuries to heal. He continues to exercise six days a week.  
Bush,s experience has taught him to &be sensitive to the aging process8 \* a lesson he said he would like to share with everyone, but particularly baby boomers, Fleischer said.  
Tauber echoed that advice. &If you don,t warm up and stretch, you are more predisposed to muscle tears,8 the surgeon said.  
&This is a good lesson for people in their 50s who want to remain athletic,8 Bush said, adding: &I believe I,ll be running again.8

Indeed, the president recently tested his running, but at a more realistic pace.<sup>8</sup>  
In his last time out, a week ago, Bush clocked in at 9 minutes a mile.

Times staff writer Justin Gest in Washington contributed to this report. AP-NY-06-19-03 2201EDT

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Linda M. Gambatesa/WHO/EOP@Exchange [ WHO ] <Linda M. Gambatesa>  
**Sent:** 6/20/2003 5:01:28 AM  
**Subject:** : RE: Smithsonian

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 09:01:28.00  
SUBJECT:: RE: Smithsonian  
TO:Linda M. Gambatesa ( CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Before we commit to anything, we need to have security fully worked out.  
Are they dealing with you and Mary Ann?

From: Linda M. Gambatesa/WHO/EOP@Exchange on 06/19/2003 06:32:28 AM  
Record Type: Record

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

Most definitely (. And I think we would want to know exactly which cities (once they have it figured out), have a special case built for it for some additional protection, etc. and it still makes me a bit nervous. It's interesting to note that when we first made the loan to them for the exhibit, the person to whom it was delivered by Mary Ann Hanusa made some comment that he didn't think it would be of too much interest (. Now they say it's a key component of the exhibit! Imagine that.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, June 18, 2003 11:26 PM  
To: Gambatesa, Linda M.  
Subject: Smithsonian

I have no legal objection to this proposal, but I have been struggling (and delaying) because of my grave concerns about the security of the bullhorn. This is an extraordinarily significant and valuable American artifact, and hauling it around the country from city to city seems destined to pose security problems. Do you agree?

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/20/2003 1:30:36 AM  
**Subject:** : OpinionJournal - On the Editorial Page - June 20, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME:20-JUN-2003 05:30:36.00  
SUBJECT:: OpinionJournal - On the Editorial Page - June 20, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY L. PAUL BREMER III  
<http://www.opinionjournal.com/editorial/?id=110003654>

Success in Iraq depends on the birth of a vibrant private sector.  
12:01 a.m. EDT

Wonder Land BY DANIEL HENNINGER  
<http://www.opinionjournal.com/columnists/dhenninger/?id=110003653>

Jessica Lynch is spinning into semi-reality.  
12:01 a.m. EDT

On the Taste Page

<http://opinionjournal.com/taste/>

Bush embraces a convicted murderer. Plus more.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

The Tax Cut Cushion  
Bush's economic plan starts to pay dividends.  
Jun 20 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105606848229363900,00.html%3Fmod%3Dopinion>

~~~~~

Unnatural Gas Shortage  
America is floating on fuel. If only we could drill for it.  
Jun 20 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105606991984236600,00.html%3Fmod%3Dopinion>

~~~~~

Commentary

Operation Iraqi Prosperity

Success depends on the birth of a vibrant private sector.

By L. PAUL BREMER III

Jun 20 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105606663932885100,00.html%3Fmod%3Dopinion>

~~~~~

My Case

Diversity in higher education is a continuation of

By LEE C. BOLLINGER

Jun 20 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105606709536532700,00.html%3Fmod%3Dopinion>

~~~~~

Wonder Land

Spinning Into Semi-Reality

Even if we could handle the truth, how would you recognize it?

By DANIEL HENNINGER

Jun 20 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105606584692454700,00.html%3Fmod%3Dopinion>

~~~~~

The Americas

Cuba's Jailed Librarians

The American Library Association will stand up for Internet porn, but not for Ramon Colas.

By MARY ANASTASIA O'GRADY

Jun 20 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105606476485925500,00.html%3Fmod%3Dopinion>

~~~~~

International

Trichet and Trust

Trichet must assert independence from his French political sponsors.

From The Wall Street Journal Europe

Jun 20 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105605928255773700,00.html%3Fmod%3Dopinion>

~~~~~

Unequal Members

The EU's new member states will have to wait for freedom of movement.

From The Wall Street Journal Europe

Jun 20 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105605998391341200,00.html%3Fmod%3Dopinion>

~~~~~

This Constitution Is a Sham

Giving the EU institutions more authority does not create a union closer

to its citizens.  
By DAVID HEATHCOAT-AMORY  
From The Wall Street Journal Europe  
Jun 20 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105605766944228200,00.html%3Fmod%3Dopinion>

~~~~~

France Tries to Score Points With Iran  
The MEK terrorist group has lost its oldest sanctuary.  
By AMIR TAHERI  
From The Wall Street Journal Europe  
Jun 20 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105605869652982700,00.html%3Fmod%3Dopinion>

~~~~~

Behind the Bailouts, Big Changes  
It's no longer business as usual in Japan and South Korea.  
By HUGO RESTALL  
From The Wall Street Journal Europe  
Jun 20 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105606055924669500,00.html%3Fmod%3Dopinion>

~~~~~

Pressing the Limits in China  
China's state-owned media spread the tale of official brutality.  
From The Asian Wall Street Journal  
Jun 20 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105606189622281100,00.html%3Fmod%3Dopinion>

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<http://cj.careercast.com/taxis/jm/jobPostForm.html?lookid=cj&jp=C>

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If you have been forwarded this email and wish to subscribe visit [http://opinionjournal.com/forms/get\\_email\\_page.html](http://opinionjournal.com/forms/get_email_page.html).



---

**From:** NOC@eopds.eop.gov [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 5:42:22 AM  
**Subject:** : Support Center Notification - Incident Closed

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:NOC@eopds.eop.gov ( NOC@eopds.eop.gov [ UNKNOWN ] )  
CREATION DATE/TIME:20-JUN-2003 09:42:22.00  
SUBJECT:: Support Center Notification - Incident Closed  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Please do not reply to this notification. This message has been automatically generated to inform you of the resolution of your recently reported incident (#55991). If the reported issue has not been resolved to your satisfaction, please call the helpdesk at x57370.

Incident Number: 55991  
Open Date: 4/30/2003 9:02:23 AM  
Close Date: 6/20/2003 9:39:59 AM

Incident Description:  
Brett's BlackBerry has been damaged and needs to be replaced.

(This came in on an OA-65)

Approved by Chad Babin.

Incident Resolution:  
The client has been contacted several times by both James and Me. He has not responded to any of our phone calls or e-mail. Closing ticket.



---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 6:24:37 AM  
**Subject:** : RE: FW: ADMINISTRATIVE ALERT: IMPORTANT Memos on Political Travel from Counsel's Office

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 10:24:37.00  
SUBJECT:: RE: FW: ADMINISTRATIVE ALERT: IMPORTANT Memos on Political Travel from Counsel's Office  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Because they are lame...you have to take into account that most people are lame and don't know how to use Acrobat when you send these memos.

Hard copies will be out this afternoon.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Friday, June 20, 2003 10:18 AM  
To: Nelson, Carolyn  
Subject: Re: FW: ADMINISTRATIVE ALERT: IMPORTANT Memos on Political Travel from Counsel's Office

They are also being distributed hard copy, right? And why can't people open them?

From: Carolyn Nelson/WHO/EOP@Exchange on 06/20/2003 10:16:56 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: FW: ADMINISTRATIVE ALERT: IMPORTANT Memos on Political Travel from Counsel's Office

Are you OK with these being in PDF format? Do you have any concern that some people can't open these?

-----Original Message-----

From: Postmaster  
Sent: Friday, June 20, 2003 9:10 AM  
To: All Who Users  
Subject: ADMINISTRATIVE ALERT: IMPORTANT Memos on Political Travel from Counsel's Office

<< File: political activity aircraft memo FINAL.pdf >> << File: political activity travel costs FINAL.pdf >>



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>  
**Sent:** 6/20/2003 6:42:29 AM  
**Subject:** : Re: FW: TA request for San Francisco CA

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 10:42:29.00  
SUBJECT:: Re: FW: TA request for San Francisco CA  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/20/2003 10:38:32 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: FW: TA request for San Francisco CA

Hi, can I get approval for the travelers below? Thanks.

-----Original Message-----

From: Smith, Courtney  
Sent: Thursday, June 19, 2003 6:23 PM  
To: Douglass, Kimberly A.  
Subject: TA request for San Francisco CA

Approval is needed to process the TA for the travel of one (5) advance representative, preparing for the visit of the President to San Francisco June 27, 2003 for a Bush/Cheney 2004 Fundraiser

1)Mike Heath  
June 22, 2003-5:25pm  
Alaska Airlines Flt#3, Dulles to Seattle

Alaska Airlines FLt#192 Seattle to San Francisco

June 27, 2003-7:59pm  
Alaska AirlinesFlt#459, Oakland CA to Seattle

Alaska Airlines Flt#3, Seattle to Dulles

Air:\$1127.91  
Per Diem:  
Lodging  
Car Rental:\$34.88/day- Hertz full-size

2)Peter Watkins  
June 22, 2003-5:25pm  
Alaska Airlines Flt#3, Dulles to Seattle

REV\_00123787

Alaska Airlines FLt#192 Seattle to San Francisco

June 27, 2003

Alaska Airlines FLt#459, Oakland CA to Seattle

Alaska Airlines FLt#3, Seattle to Dulles

Air:\$1127.91

Per Diem:

Lodging

Car Rental:\$34.88/day- Hertz full-size

3) Scott Shadian

June 22, 2003-9:42am

United FLt#148, San Diego CA to San Francisco CA

June 27, 2003-6:20pm

United FLt#1079, San Francisco to San Diego

Air:\$383.41

Per Diem:

Lodging:

Car Rental:N/a

4) Josh Gatlin

June 21, 2003-9:08am

American West FLt#765, Austin to Phoenix

American West FLt#805, Phoenix to San Francisco

June 27, 2003-6:00pm

American West FLt#812, San Francisco to Phoenix

American West FLt#6129, Phoenix to Austin

Air:\$506.41

Per Diem:

Lodging

Car Rental:N/A

5) Brent Sasaki

June 22, 2003-N/a

Local Advance

June 27, 2003-N/a

Local Advance

Air:\$0.00

Per Diem:

Lodging:

Car Rental:Using Personal Vehicle

---

**From:** Charles Spies - Legal <CSpies@rnchq.org>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 2:56:42 AM  
**Subject:** : Re: Using federal titles on website

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Charles Spies - Legal <CSpies@rnchq.org> ( Charles Spies - Legal <CSpies@rnchq.org>  
[ UNKNOWN ] )  
CREATION DATE/TIME:20-JUN-2003 06:56:42.00  
SUBJECT:: Re: Using federal titles on website  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks.

---

**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>  
**CC:** <Nelson, Carolyn>;<Faoro, Daniel D.>  
**Sent:** 6/20/2003 7:49:42 AM  
**Subject:** RE: Political Memos

yes

From: Colleen Litkenhaus/WHO/EOP@Exchange on 06/19/2003 11:04:09 PM

Record Type: Record

To: Carolyn Nelson/WHO/EOP@Exchange

cc: Daniel D. Faoro/OA/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP

Subject: RE: Political Memos

Yes. We did send to OVP also. Would you like us to include them again this time?

-----Original Message-----

**From:** Nelson, Carolyn

**Sent:** Thursday, June 19, 2003 7:48 PM

**To:** Litkenhaus, Colleen

**Cc:** Faoro, Daniel D.; Kavanaugh, Brett M.

**Subject:** Political Memos

Colleen- here are the two memos we discussed earlier. If you've gone home, we can send them in the morning.

Subject line for the admin alert: IMPORTANT: Memos on Political Travel from Counsel's Office

Sent to: WHO, DPC, NEC

Did we send the first memo to OVP, or only the three listed above?

Thanks!

Carrie

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Charles Spies - Legal <CSpies@rnchq.org>  
**Sent:** 6/20/2003 3:50:25 AM  
**Subject:** : Re: Using federal titles on website

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 20-JUN-2003 07:50:25.00

SUBJECT:: Re: Using federal titles on website

TO: Charles Spies - Legal <CSpies@rnchq.org> ( Charles Spies - Legal <CSpies@rnchq.org> [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

We do not want to use EEOB for any events that could be characterized -- or even mischaracterized -- as donor maintenance events. Strategy and coordination meetings are fine, meetings with outside groups that may happen to include donors within them are of course fine, and standard visits of political groups to hear from OPA/OPL about the President's agenda are fine.

Charles Spies - Legal <CSpies@rnchq.org>

06/20/2003 06:54:56 AM

Record Type: Record

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

cc:

Subject: Re: Using federal titles on website

Thanks.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>  
**CC:** daniel d. faoro/oa/eop@exchange [ OA ] <daniel d. faoro>;carolyn nelson/who/eop@exchange [ WHO ] <carolyn nelson>  
**Sent:** 6/20/2003 3:50:44 AM  
**Subject:** : RE: Political Memos

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 07:50:44.00  
SUBJECT:: RE: Political Memos  
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:daniel d. faoro ( CN=daniel d. faoro/OU=oa/O=eop@exchange [ OA ] )  
READ:UNKNOWN  
CC:carolyn nelson ( CN=carolyn nelson/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

yes

From: Colleen Litkenhaus/WHO/EOP@Exchange on 06/19/2003 11:04:09 PM  
Record Type: Record

To: Carolyn Nelson/WHO/EOP@Exchange  
cc: Daniel D. Faoro/OA/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP  
Subject: RE: Political Memos

Yes.; We did send to OVP also.; Would you like us to include them again this time?

-----Original Message-----

From: Nelson, Carolyn  
Sent: Thursday, June 19, 2003 7:48 PM  
To: Litkenhaus, Colleen  
Cc: Faoro, Daniel D.; Kavanaugh, Brett M.  
Subject: Political Memos

Colleen- here are the two memos we discussed earlier. If you've gone home, we can send them in the morning.

;  
Subject line;for the admin alert: IMPORTANT: Memos on Political Travel from Counsel's Office

;  
Sent to: WHO, DPC, NEC

;  
Did we send the first memo to OVP, or only the three listed above?

;  
Thanks!  
Carrie

---

**From:** Troy, Tevi  
**To:** <Nelson, Carolyn>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 6/20/2003 8:43:23 AM  
**Subject:** RE: Political Memos for Chiefs of Staff

Carrie,

Thanks very much to you and Brett for your help on this.

Tevi

-----Original Message-----

**From:** Nelson, Carolyn  
**Sent:** Thursday, June 19, 2003 7:50 PM  
**To:** Troy, Tevi  
**Subject:** Political Memos for Chiefs of Staff

Tevi, give me a buzz if you have any questions.

Thanks,  
Carrie  
65081

---

**From:** Kavanaugh, Brett M.  
**To:** <Nelson, Carolyn>  
**Sent:** 6/20/2003 8:47:28 AM  
**Subject:** RE: Political Memos for Chiefs of Staff

he got all 3, correct?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/20/2003 08:47 AM -----

From: Tevi Troy/WHO/EOP@Exchange on 06/20/2003 08:43:23 AM

Record Type: Record

To: Carolyn Nelson/WHO/EOP@Exchange

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

Subject: RE: Political Memos for Chiefs of Staff

Carrie,

Thanks very much to you and Brett for your help on this.

Tevi

-----Original Message-----

**From:** Nelson, Carolyn

**Sent:** Thursday, June 19, 2003 7:50 PM

**To:** Troy, Tevi

**Subject:** Political Memos for Chiefs of Staff

Tevi, give me a buzz if you have any questions.

Thanks,

Carrie

65081

---

**From:** Nelson, Carolyn  
**To:** <Litkenhaus, Colleen>  
**CC:** <Arnold, Listi>;<Kavanaugh, Brett M.>  
**Sent:** 6/20/2003 8:57:33 AM  
**Subject:** Political memos

Colleen- I left the two originals on your chair. Can we have the mail room send hard copies following the email distribution to WHO, OVP, NEC, and DPC?

Thanks!!

---

**From:** Kavanaugh, Brett M.  
**To:** <Gambatesa, Linda M.>  
**Sent:** 6/20/2003 9:00:27 AM  
**Subject:** RE: Smithsonian

Before we commit to anything, we need to have security fully worked out. Are they dealing with you and Mary Ann?

From: Linda M. Gambatesa/WHO/EOP@Exchange on 06/19/2003 06:32:28 AM

Record Type: Record

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

cc:

Subject: RE: Smithsonian

Most definitely .... And I think we would want to know exactly which cities (once they have it figured out), have a special case built for it for some additional protection, etc. and it still makes me a bit nervous. It's interesting to note that when we first made the loan to them for the exhibit, the person to whom it was delivered by Mary Ann Hanusa made some comment that he didn't think it would be of too much interest .... Now they say it's a key component of the exhibit! Imagine that.

-----Original Message-----

**From:** Kavanaugh, Brett M.

**Sent:** Wednesday, June 18, 2003 11:26 PM

**To:** Gambatesa, Linda M.

**Subject:** Smithsonian

I have no legal objection to this proposal, but I have been struggling (and delaying) because of my grave concerns about the security of the bullhorn. This is an extraordinarily significant and valuable American artifact, and hauling it around the country from city to city seems destined to pose security problems. Do you agree?

---

**From:** CN=Tim Flanigan/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>  
**Sent:** 6/20/2003 9:17:08 AM  
**Subject:** : Anyone need help?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tim Flanigan ( CN=Tim Flanigan/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 13:17:08.00  
SUBJECT:: Anyone need help?  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Greetings all,

I am currently without a project, so if anyone has something they need done, give me a call at 67141 or send me an email. Thanks!

Tim

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** GARY FEINERMAN <GFEINERMAN@atg.state.il.us>  
**Sent:** 6/20/2003 5:21:44 AM  
**Subject:** : Re: True?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 09:21:44.00  
SUBJECT:: Re: True?  
TO:GARY FEINERMAN <GFEINERMAN@atg.state.il.us> ( GARY FEINERMAN  
<GFEINERMAN@atg.state.il.us> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

nothing official for a few weeks . . .

GARY FEINERMAN <GFEINERMAN@atg.state.il.us>  
06/19/2003 09:19:57 AM  
Record Type: Record

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

True?

Gary Feinerman  
Solicitor General  
Office of the Illinois Attorney General  
100 W. Randolph Street, 12th Floor  
Chicago, IL 60601  
312-814-3698 (voice)  
312-814-5024 (fax)  
gfeinerman@atg.state.il.us

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carol J. Thompson/OPD/EOP@EOP [ OPD ] <Carol J. Thompson>  
**Sent:** 6/20/2003 5:23:47 AM  
**Subject:** : Re: Brett....

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 09:23:47.00  
SUBJECT:: Re: Brett....  
TO:Carol J. Thompson ( CN=Carol J. Thompson/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Carol: Thanks very much for your kind email. Of course, only my mom has thought that picture was any good! It was taken 6 years ago in Little Rock during some Starr hearing. Anyway, I think Joel would make a great clerk, don't you!

Carol J. Thompson  
06/19/2003 09:24:17 AM  
Record Type: Record

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

I mean, "Your Honor" :)

What fantastic news! I am sure this is just the beginning of a long process but congratulations on the nomination. You will be terrific. You look a little pained in the picture. Is that because they told you that Joel will be your clerk! ha ha.

ct



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kate Walters <kate@georgewbush.com>  
**Sent:** 6/20/2003 5:24:48 AM  
**Subject:** : Re: Corporate plane for Rove  
**Attachments:** P\_S3ADH003\_WHO.TXT\_1.htm

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 20-JUN-2003 09:24:48.00

SUBJECT: : Re: Corporate plane for Rove

TO: Kate Walters <kate@georgewbush.com> ( Kate Walters <kate@georgewbush.com> [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

It was approved and given to Susan. Thx.

Kate Walters <kate@georgewbush.com>

06/19/2003 09:31:50 AM

Record Type: Record

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

cc:

Subject: Corporate plane for Rove

hi Brett- did you see the form that we sent over for approval of Karl riding on Warren Tichenor's plane? I faxed it over yesterday. It has already been "approved", but we need the signature in order to get the check cut. thanks

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_S3ADH003\_WHO.TXT\_1>

hi Brett- did you see the form that we sent over for approval of Karl riding on Warren Tichenor's plane? I faxed it over yesterday. It has already been "approved", but we need the signature in order to get the check cut. thanks

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Julie.Myers@usdoj.gov <Julie.Myers@usdoj.gov>  
**Sent:** 6/20/2003 5:24:21 AM  
**Subject:** : Re: congratulations

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 09:24:21.00  
SUBJECT:: Re: congratulations  
TO:"Julie.Myers@usdoj.gov" <Julie.Myers@usdoj.gov> ( "Julie.Myers@usdoj.gov"  
<Julie.Myers@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

thank you; what's happening?

"Julie.Myers@usdoj.gov" <Julie.Myers  
06/19/2003 09:26:06 AM  
Record Type: Record

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

Julie L. Myers  
Chief of Staff  
Criminal Division  
Department of Justice  
202-353-3600  
202-514-9412 (f)

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Peter.D.Keisler@usdoj.gov <Peter.D.Keisler@usdoj.gov>  
**Sent:** 6/20/2003 5:27:58 AM  
**Subject:** : Re: DC Circuit

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 20-JUN-2003 09:27:58.00

SUBJECT: : Re: DC Circuit

TO: "Peter.D.Keisler@usdoj.gov" <Peter.D.Keisler@usdoj.gov> ( "Peter.D.Keisler@usdoj.gov" <Peter.D.Keisler@usdoj.gov> [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Peter: Thanks very much for your email. I appreciate it very much. Talk to you soon.

"Peter.D.Keisler@usdoj.gov" <Peter.D.Keisler@usdoj.gov>  
06/19/2003 10:58:11 AM  
Record Type: Record

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

Brett: Congratulations! That's great news -- you'll be a terrific judge. Peter

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Apperson, Jay <Jay.Apperson@mail.house.gov>  
**Sent:** 6/20/2003 5:32:32 AM  
**Subject:** : Re: Congratulations  
**Attachments:** P\_DKADH003\_WHO.TXT\_1.html

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 09:32:32.00  
SUBJECT:: Re: Congratulations  
TO:"Apperson, Jay" <Jay.Apperson@mail.house.gov> ( "Apperson, Jay"  
<Jay.Apperson@mail.house.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Jay: Thanks a lot for the email; I appreciate it very much. Hope you are well and continuing to do great work!

"Apperson, Jay" <Jay.Apperson@mail.house.gov>  
06/19/2003 11:29:35 AM  
Record Type: Record

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

Not since Dick Cheney headed the search for Vice President has a better selection been made! I am delighted. Good Luck and best wishes.

Jay Apperson, Chief Counsel  
Subcommittee on Crime,  
Terrorism, and Homeland Security  
Committee on the Judiciary  
U.S. House of Representatives  
207 Cannon House Office Building  
Washington, D.C. 20515  
202-225-3926  
FAX: 202-225-3737

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_DKADH003\_WHO.TXT\_1>

REV\_00123813

Not since Dick Cheney headed the search for Vice President has a better selection been made! I am delighted. Good Luck and best wishes.

Jay Apperson, Chief Counsel  
Subcommittee on Crime,  
Terrorism, and Homeland Security  
Committee on the Judiciary  
U.S. House of Representatives  
207 Cannon House Office Building  
Washington, D.C. 20515  
202-225-3926  
FAX: 202-225-3737

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Andrea Lafferty <alafferty@traditionalvalues.org>  
**Sent:** 6/20/2003 5:33:55 AM  
**Subject:** : Re: Congratulations

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 09:33:55.00  
SUBJECT:: Re: Congratulations  
TO:Andrea Lafferty <alafferty@traditionalvalues.org> ( Andrea Lafferty  
<alafferty@traditionalvalues.org> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Andrea: Thanks very much for your email; I appreciate it very much. No official announcement yet, of course, but that never stops the media! Hope to see you soon.

Andrea Lafferty <alafferty@traditionalvalues.org>  
06/19/2003 12:14:31 PM  
Record Type: Record

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

Bret-

Congratulations on your nomination.

Andrea Lafferty

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David B. Rachelson/WHO/EOP@EOP [ WHO ] <David B. Rachelson>  
**Sent:** 6/20/2003 5:35:02 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 09:35:02.00  
SUBJECT:: Re:  
TO:David B. Rachelson ( CN=David B. Rachelson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

call me at 67984

David B. Rachelson  
06/19/2003 12:47:23 PM  
Record Type: Record

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

Brett -

Coddy asked me to contact you regarding a proposed Mountain Top Mining Briefing at the White House tomorrow. The meeting will be with Bill Leary (CEQ) and Darren Bearson. We wanted to get your guidance on the legality of holding such a meeting on White House grounds? Thanks,

David



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Judge Carolyn Kuhl <CKuhl@LASuperiorCourt.org>  
**Sent:** 6/20/2003 5:38:58 AM  
**Subject:** : Re: Hope the Wash Post story is true!  
**Attachments:** P\_A0BDH003\_WHO.TXT\_1.htm

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 09:38:58.00  
SUBJECT:: Re: Hope the Wash Post story is true!  
TO:Judge Carolyn Kuhl <CKuhl@LASuperiorCourt.org> ( Judge Carolyn Kuhl  
<CKuhl@LASuperiorCourt.org> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Carolyn: I appreciate all of that very, very much. Thank you. I think current plan for you is still week of 7th based on meeting we had yesterday. Talk to you soon.

Judge Carolyn Kuhl <CKuhl@LASuperiorCourt.org>  
06/19/2003 02:18:10 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Hope the Wash Post story is true!

Congratulations! I meant what I said to Judge Gonzales a couple of weeks ago.  
Carolyn

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_A0BDH003\_WHO.TXT\_1>

Congratulations! I meant what I said to Judge Gonzales a couple of weeks ago.  
Carolyn

---

**From:** Shannen.Coffin@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 5:39:53 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Shannen.Coffin@usdoj.gov" <Shannen.Coffin@usdoj.gov> ( "Shannen.Coffin@usdoj.gov"  
<Shannen.Coffin@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME:20-JUN-2003 09:39:53.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

I think it comes today or next week.

Shannen W. Coffin

Civil Division

U.S. Department of Justice

(202) 514-3310 (phone)

(202) 514-8071 (fax)

shannen.coffin@usdoj.gov

-----Original Message-----

From: Brett\_M.\_Kavanaugh@who.eop.gov <Brett\_M.\_Kavanaugh@who.eop.gov>

To: Coffin, Shannen <SCoffin@CIV.USDOJ.GOV>

Sent: Fri Jun 20 09:28:37 2003

Subject: Re:

Thanks for the email. Waiting for Randolph's dissent!

(Embedded

image moved "Shannen.Coffin@usdoj.gov" <Shannen.Coffin

to file: 06/19/2003 11:28:48 AM

pic30083.pcx)

Record Type: Record

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

cc:

Subject:

If the rumors are true, congrats. No need to confirm or deny -- I can wait.

Shannen W. Coffin

Deputy Assistant Attorney General

Civil Division

United States Department of Justice

950 Pennsylvania Avenue, N.W.

Suite 3137

Washington, D.C. 20530

REV\_00123819

(202) 514-3310 (phone)  
(202) 514-8071 (fax)  
shannen.coffin@usdoj.gov

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** tryan@natcadc.org [ UNKNOWN ] <tryan@natcadc.org>  
**Sent:** 6/20/2003 5:40:34 AM  
**Subject:** : Re: Congratulations!

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 20-JUN-2003 09:40:34.00  
SUBJECT: : Re: Congratulations!  
TO: tryan@natcadc.org ( tryan@natcadc.org [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Thanks very much. How are you surviving the move back?

Tara Ryan <tryan@natcadc.org>  
06/19/2003 03:36:50 PM  
Please respond to tryan@natcadc.org  
Record Type: Record

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

Hey Brett,

Congratulations!  
I just read all about in the daily news! Glad to see that you are moving on up. Good luck. I'm rooting for ya! ( If I had any connections I would put a good word in for you.)

I moved back to the area a couple of months ago and am finally getting settled. I am trying to reconnect with old friends. I would love to take you to lunch and catch up.

Talk to you soon.

Tara Fetting

Tara C. F. Ryan, Esq.  
NATCA  
Labor Relations Staff Representative  
202-628-5451 x4850  
Fax 202-628-7286

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alice Starr <ASTARR@west-group.com>  
**Sent:** 6/20/2003 5:45:09 AM  
**Subject:** : Re: Congratulations

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:20-JUN-2003 09:45:09.00

SUBJECT:: Re: Congratulations

TO:Alice Starr <ASTARR@west-group.com> ( Alice Starr <ASTARR@west-group.com> [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Thank you so much for the kind email. As you know, nothing like my current job or this possible future announcement would have been remotely possible without all the guidance and help from Ken over the years. I am and will always be grateful to him and you for all of that. I will talk to you soon; I recently talked again to Ken about our long-planned lunch! I am sure he will be strapped until the BCRA brief is in, but we can plan for soon after that, I hope. Thanks again.

Alice Starr <ASTARR@west-group.com>

06/19/2003 04:31:20 PM

Record Type: Record

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

cc:

Subject: Congratulations

Now I know why you cannot appear on June 30!!! We are so happy for you and will hope for the best!!!

-Alice

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** jjaffer@usa.net [ UNKNOWN ] <jjaffer@usa.net>  
**Sent:** 6/20/2003 5:46:35 AM  
**Subject:** : Re: Congrats

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 09:46:35.00  
SUBJECT:: Re: Congrats  
TO:jjaffer@usa.net ( jjaffer@usa.net [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks so much for your kind email. And please be sure to stop by that week. I hope you are doing well.

Jamil Jaffer <jjaffer@usa.net>  
06/19/2003 05:43:23 PM  
Please respond to jjaffer@usa.net  
Record Type: Record

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

Brett,

ÿ

I,m sure you,re getting a million of these e-mails today, so I,ll keep it short ) Congrats on your nomination to the DC Circuit!ÿ Let me know if you need an experienced clerk after I finish up with Judge Edith Jones in August 2004(.

ÿ

I,m actually going to be in DC next week from June 25 ) 29, so I might stop by and say hello(.Again, congrats on the nomination!

ÿ

Best,

ÿ

JJ

Jamil Jaffer

jjaffer@usa.net

REV\_00123823

Ÿ

Ÿ



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Adam.Charnes@usdoj.gov <Adam.Charnes@usdoj.gov>  
**Sent:** 6/20/2003 5:46:52 AM  
**Subject:** : Re: Post

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:20-JUN-2003 09:46:52.00

SUBJECT:: Re: Post

TO:"Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov> ( "Adam.Charnes@usdoj.gov"  
<Adam.Charnes@usdoj.gov> [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

could not agree more

"Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov>  
06/19/2003 06:13:07 PM  
Record Type: Record

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

Dude, you need a new press photo.

---

**From:** Shannen.Coffin@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 5:47:12 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Shannen.Coffin@usdoj.gov" <Shannen.Coffin@usdoj.gov> ( "Shannen.Coffin@usdoj.gov"  
<Shannen.Coffin@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME:20-JUN-2003 09:47:12.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Holy Land is being decided today. Stay tuned.

Shannen W. Coffin

Civil Division

U.S. Department of Justice

(202) 514-3310 (phone)

(202) 514-8071 (fax)

shannen.coffin@usdoj.gov

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jeffrey.B.Clark@usdoj.gov <Jeffrey.B.Clark@usdoj.gov>  
**Sent:** 6/20/2003 5:47:21 AM  
**Subject:** : Re: Congratulations!

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 20-JUN-2003 09:47:21.00

SUBJECT: : Re: Congratulations!

TO: "Jeffrey.B.Clark@usdoj.gov" <Jeffrey.B.Clark@usdoj.gov> ( "Jeffrey.B.Clark@usdoj.gov"  
<Jeffrey.B.Clark@usdoj.gov> [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Jeff: Thanks so much for your kind email. I hope you are doing well and  
I will talk to you soon.

"Jeffrey.B.Clark@usdoj.gov" <Jeffrey.B.Clark@usdoj.gov>  
06/19/2003 06:53:34 PM  
Record Type: Record

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

Hey Brett, very glad to see the article in the Post today! The D.C.  
Circuit needs you.

---

**From:** CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ]  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/20/2003 5:50:48 AM  
**Subject:** : Sec. Powell News Conference with Ariel Sharon 06/20/03

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 09:50:48.00  
SUBJECT:: Sec. Powell News Conference with Ariel Sharon 06/20/03  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Colin L. Powell Holds News Conference With Israeli Prime Minister Ariel Sharon 06/20/03

SHARON (THROUGH TRANSLATOR): First of all, good afternoon, everybody.

First of all, my friend, Secretary of State Mr. Colin Powell, I would like to welcome you to Jerusalem. You probably know, after all you're a frequent visitor, that you are among friends. I would also like to convey to you our appreciation for the extensive efforts that you invest with determination and devotion in order to promote the political process.

I'd like to take this opportunity to also welcome the special envoy sent by President George Bush, Ambassador Wolf, Ambassador Sutterfield, and to thank the U.S. ambassador to Israel, Dan Kurtzer, for his efforts and for his contribution to promoting the process.

Major developments in our area, which led to the Aqaba summit, present us with many opportunities, but also with quite a few threats. We now have an opportunity that we all hope will lead us to quiet and eventually, God willing, also to peace. I define it this week as birth pains, birth pains of a process. The State of Israel will make every effort, exhaust every avenue and will not miss any opportunity to try and embark on a political process that will also lead to a political arrangement.

The State of Israel has accepted the steps detailed in the road map, plus the 14 points in which the Israeli government has decided. And in this framework, we have also assumed upon ourselves further commitments. These are not easy things, and are even harder after almost three years of the war of terror that is being waged against us. But these are commitments that we have assumed upon ourselves in order to try and reach a political process, and we are executing these decisions and commitments.

But we must nevertheless remember, as long as terrorism continues, as long as violence continues, as long as this terrible incitement is raging, there will be no progress. Peace cannot coincide with terror.

Our Palestinian neighbors and their leaders must realize that the continuation of terror means no political progress. A true war on terrorism, on its infrastructure, on the entities that finance it, on those who initiate it and on the dispatchers is the way to make way and move ahead in a sincere and genuine process.

Mr. Secretary, I'm sure you practically feel at home here by now. Our talks are always good and friendly. As I said in our meeting, I will repeat here now, too. I will make every effort towards security and peace for the benefit of the people of Israel and for the peoples of the entire region. This is the commitments that I have assumed, and this is what I will do.

Thank you very much.

REV\_00123828

COLIN POWELL, SECRETARY OF STATE: Thank you very much, Mr. Prime Minister, and thank you for your welcome. And I do always feel at home here, especially since this is my second visit to Jerusalem within the past five weeks, and including the Aqaba meetings, this is our third meeting over the past five weeks.

When we all met at Aqaba a little over two weeks ago, we all knew that we faced a moment of great opportunity, but also, as the prime minister has just noted, a time of great challenge.

With the end of the dictatorship in Iraq and the emergence of new Palestinian leadership, we have an opportunity to successfully tackle the difficult task of ending terrorism, ending violence, bringing hope to the Israeli and Palestinian people, and making progress on a road map to a peaceful solution of this terrible conflict that continues to take innocent lives.

The terrorists must not be, will not be allowed to deter us from confronting the challenges and solving those challenges peacefully. If at all possible, we must not be denied the chance to seize the opportunities that are before us.

We know that there can never be a justification for the sudden death by rifle fire of an innocent child singing a song in the back seat of her car with her sister. There can never be a justification of the sudden death and horrendous injuries of those who are simply riding a bus to their place of work or to their school. This has to end.

At Aqaba, President Bush, standing alongside Prime Minister Sharon and Prime Minister Abbas, recommitted his administration to the vision of a holy land that must be shared between the state of Palestine and the state of Israel, living at peace with each other and with every nation of the Middle East. We dispatched Ambassador John Wolf to work with Ambassador Kurtzer and Consul General Feldman to make sure that we all keep focused on the commitments made to the president and to the world at Aqaba, commitments that are critical to implementing the road map toward a negotiated peace.

There is much to be done. I am encouraged by the steps Israel has taken to release some prisoners and to dismantle some unauthorized outposts. These were the commitments that the Prime Minister made at Aqaba. And these efforts need to continue, along with intensive security cooperation with the Palestinians, in order to directly confront the threat of terror, to bring terror to an end, permanently. Only if both sides work together can they establish a true, lasting security arrangement for Israelis and Palestinians alike.

When I meet with Prime Minister Abbas this afternoon, I will urge him to move quickly, very quickly, to implement security reforms and to come forward with specific plans to take responsibility for security in Gaza and Bethlehem. The United States will stand at his side as he takes steps, courageous steps, to create new institutions and a prospect for a better life for Palestinians. We will work intensively with Prime Minister Sharon and Prime Minister Abbas. The pace and urgency of our work needs to be maintained in order to capitalize quickly and decisively on this moment that history has given to us.

Mr. Prime Minister, I thank you for your hospitality. I assure you once again of President Bush's commitment. I assure you once again that we will do everything we can to help end terror and violence, to push through, to overwhelm those who would try to stop us on the path to peace.

We have been working not only with you, Mr. Prime Minister, and Prime Minister Abbas, but with our friends in the European Union, members of the quartet and other friends around the world to make sure the world fully understands that terrorist organizations such as Hamas and the other similar organizations that are not committed to peace but committed to violence and to denying the dreams of the people of this land for a

peaceful solution, we must make sure that all international pressure possible is brought to bear on these organizations so that they know they will not succeed, they will not prevail, they will be dealt with.

Mr. Prime Minister, I again thank you for your welcome and for your hospitality. Thank you, sir.

QUESTION: Mr. Secretary, am I coming through? Mr. Secretary, targeted assassinations has been a problem between the United States and Israel for some time. The two sides seem now to be coming closer together. Has this problem ceased to be an issue between the United States and Israel? And if so, could you explain how that came about?

POWELL: The Prime Minister and I have discussed this on a number of occasions, as I have with a number of Israeli officials over the last couple of years. As the president said at Aqaba, the security of Israel is uppermost in our mind and it has to be the priority of the Prime Minister of Israel to defend his people. And we know that there are occasions that arise when terrorists are coming in, and let's characterize them as ticking bombs, and we know a bomb is heading in. And we can understand the need to intercept such a terrorist and deal with that individual and make sure that innocent and lives are not lost.

When one goes beyond that and expands those kinds of activities to individuals or to situations where it might not be a ticking bomb, then, as we have discussed, the consequences of such action and how they play in to our broader efforts for peace must be taken into consideration. And that is the position that we have discussed with the Israelis on many occasions and I think it--the implications are rather clear and understanding of our position should be clear.

QUESTION: Thank you.

QUESTION: Mr. Secretary, Israel has agreed to a limited period of time under the title cessation of violence. We heard their foreign minister talking about it. At that time, what are your expectations from the Israeli side regarding military action and what are your expectation from the Palestinian side?

And if I may please, a quick question to the Prime Minister (SPEAKING IN FOREIGN LANGUAGE).

POWELL: Both sides made commitments at Aqaba. In addition, at Sharm El-Sheikh the day before, Arab nations made commitments. We expect all sides to meet their commitments and we expect all sides to exercise some patience in order for the other side to be able to meet their commitments. It's only been two weeks since Aqaba. Tragically, in the first week after Aqaba, we saw terrorists come forward to try to derail everything. This was not a surprise to anyone at Aqaba. We knew that those who were most threatened by this, those who do not want to see two people living side by side in peace would act, and they did. And they acted in a terrible, tragic way.

We have to punch through that, and it has now been a week or so since Ambassador Wolf has been on the ground to work with the parties. He will stay here to continue to work with the parties. So we hope that both sides will give this new start some time to take effect.

We have had a number of meetings with both sides concerning security arrangements in Gaza. There were meetings again last night. I hope more meetings will take place in the very near future. Some issues have been dealt with and resolved, some difficult issues still remain. And so the Prime Minister and I spoke about this and of course he always has the security of Israel uppermost in his mind, but he also has been quite faithful to the commitments made at Aqaba. And I hope that there will be enough time to find a peaceful solution, because the alternative is a return to where we were before Aqaba and that was not leading to peace and it was not leading to security by the Israelis or Palestinians.

SHARON (THROUGH TRANSLATOR): The question was whether Israel has decided to limit its operations in any way during the first period when the Palestinians are supposed to organize their own forces. And the answer was that my commitment is the commitment to the security of the citizens of Israel and to the security of the state of Israel. This is what I have assumed on myself and this is what I will do.

We have proposed to the Palestinian Authority to assume responsibility as fast as possible for those areas where they seem that they will be able to make sure that there will be peace and security. What we will do the moment that they assume responsibility, by they assume responsibility, until that time, we'll of course continue with our operations. We know that it might take a few days until they assume responsibility, but once they do, everything depends on their performance. One thing always takes precedence and priority and that is the security of the citizens of Israel. I am committed to that.

QUESTION: Mr. Prime Minister, your position on terrorism is well understood, but are you willing to accept a Palestinian cease-fire that ends terrorism but doesn't totally eliminate Hamas and Islamic Jihad as political movements that are allowed to run for office or as social movements providing services to Palestinian people? In other words, are still important and operating in the Palestinian Authority.

And, Mr. Secretary, is the United States seeking the total elimination of these groups as well?

SHARON (THROUGH TRANSLATOR): In order to reach peace, and we want to reach peace and I am committed to reach a political arrangement, which I hope will lead us to peace, in order to do that we have to make sure that there is no independent terror organization on the ground. The terror organizations must be fought. The Palestinian Authority must fight terror organizations. It must disarm them. It must make sure that their infrastructure no longer exists.

These are imperative measures, and they are important first and foremost for the government led by Mahmoud Abbas, Abu Mazen. This is certainly a condition that will enable us to live here in quiet.

So long as there is terror, there will be no political process. Political process cannot coincide with terror. That's why we expect the Palestinian Authority to wage a true, genuine struggle against terrorism, a true, genuine one. Without that, I believe we cannot reach peace or a political arrangement.

I don't deal with the question what happens if they turn into a political entity. As terrorist entities, they have to be fought. They have to be disarmed. They have to be put to justice. They have to be punished. You have to make sure that they do not exist anymore.

POWELL: Hamas takes credit for these terrorist acts. President Bush and Prime Minister Sharon and Prime Minister Abbas stood up at Aqaba and made a commitment to peace. And the enemy of peace has been Hamas, especially over the last two weeks, and I don't think it's possible any longer to separate out into various pieces.

The funding is fungible. The leadership takes credit. And despite whatever charitable or other social good these organizations may perform, as long as they have as an organizational culture a commitment to terror and violence and a desire to destroy the State of Israel, I think this is a problem we have to deal with in its entirety, and that's the message we are taking to our friends around the world as well. Thank you.

QUESTION: Mr. Secretary, what is the position of the United States regarding the fact that following your last visit to Damascus, the Syrians have not really met most of the American demands regarding the war against terror, dismantling offices and communications, ways of communications and

financial infrastructure?

POWELL: They took some limited steps. Those limited steps are totally inadequate. We have gone back to the Syrians to let them know that we find their actions inadequate. We will continue to press them. We will work with our colleagues in the international community to put pressure on Syria.

We're going to make it clear to Syria that until they move in this more positive direction that we have outlined for them there will not be a better relationship with the United States, and ultimately it will affect their interests.

The region is changing. Saddam Hussein and that evil regime is gone. The leaders the Middle East are committed to a peace process using the process of a road map to get to our objective.

And Syria can either be a contributing member to this process or it can continue to be a terrorist-supporting regime that does not want to be a part of this process, in which case there will be consequences for such action in terms of an ability to have a more positive relationship with the United States and, we hope, other responsible members of the international community. And we will continue to convey that message to Syria in no uncertain terms.

STAFF: Thank you very much, everybody.

END

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**From:** Kavanaugh, Brett M.  
**To:** <Gambatesa, Linda M.>  
**Sent:** 6/20/2003 9:52:02 AM  
**Subject:** RE: Smithsonian

Yes, that's fine by me.

From: Linda M. Gambatesa/WHO/EOP@Exchange on 06/20/2003 09:51:12 AM

Record Type: Record

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

cc:

Subject: RE: Smithsonian

Since they dealt w/Mary Ann last time, I'll will ask her to work with them on these details. Ok by you?

-----Original Message-----

**From:** Kavanaugh, Brett M.

**Sent:** Friday, June 20, 2003 9:00 AM

**To:** Gambatesa, Linda M.

**Subject:** RE: Smithsonian

Before we commit to anything, we need to have security fully worked out. Are they dealing with you and Mary Ann?

From: Linda M. Gambatesa/WHO/EOP@Exchange on 06/19/2003 06:32:28 AM

Record Type: Record

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

cc:

Subject: RE: Smithsonian

Most definitely .... And I think we would want to know exactly which cities (once they have it figured out), have a special case built for it for some additional protection, etc. and it still makes me a bit nervous. It's interesting to note that when we first made the loan to them for the exhibit, the person to whom it was delivered by Mary Ann Hanusa made some comment that he didn't think it would be of too

**REV\_00123834**

much interest .... Now they say it's a key component of the exhibit! Imagine that.

-----Original Message-----

**From:** Kavanaugh, Brett M.

**Sent:** Wednesday, June 18, 2003 11:26 PM

**To:** Gambatesa, Linda M.

**Subject:** Smithsonian

I have no legal objection to this proposal, but I have been struggling (and delaying) because of my grave concerns about the security of the bullhorn. This is an extraordinarily significant and valuable American artifact, and hauling it around the country from city to city seems destined to pose security problems. Do you agree?

---

**From:** CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 5:53:37 AM  
**Subject:** : RE: Smithsonian

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Linda M. Gambatesa ( CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 09:53:37.00  
SUBJECT:: RE: Smithsonian  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Friday, June 20, 2003 9:00 AM  
To: Gambatesa, Linda M.  
Subject: RE: Smithsonian

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From: Linda M. Gambatesa/WHO/EOP@Exchange on 06/19/2003 06:32:28 AM  
Record Type: Record

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

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From: Kavanaugh, Brett M.  
Sent: Wednesday, June 18, 2003 11:26 PM  
To: Gambatesa, Linda M.  
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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Linda M. Gambatesa/WHO/EOP@Exchange [ WHO ] <Linda M. Gambatesa>  
**Sent:** 6/20/2003 5:53:03 AM  
**Subject:** : RE: Smithsonian

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 09:53:03.00  
SUBJECT:: RE: Smithsonian  
TO:Linda M. Gambatesa ( CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes, that's fine by me.

From: Linda M. Gambatesa/WHO/EOP@Exchange on 06/20/2003 09:51:12 AM  
Record Type: Record

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

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From: Kavanaugh, Brett M.  
Sent: Friday, June 20, 2003 9:00 AM  
To: Gambatesa, Linda M.  
Subject: RE: Smithsonian

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From: Linda M. Gambatesa/WHO/EOP@Exchange on 06/19/2003 06:32:28 AM  
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-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Wednesday, June 18, 2003 11:26 PM  
To: Gambatesa, Linda M.  
Subject: Smithsonian

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REV\_00123837

struggling (and delaying) because of my grave concerns about the security of the bullhorn. This is an extraordinarily significant and valuable American artifact, and hauling it around the country from city to city seems destined to pose security problems. Do you agree?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 6/20/2003 5:58:01 AM  
**Subject:** : Cherrick

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 09:58:01.00  
SUBJECT:: Cherrick  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

just left me a voice mail saying he thought the interview went "very very well."

---

**From:** Paul.D.Clement@usdoj.gov  
**To:** <Leitch, David G.>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 6/20/2003 10:03:35 AM  
**Subject:** RE: Mexican Trucks

Will do.

-----Original Message-----

From: David\_G\_Leitch@who.eop.gov [[mailto:David\\_G\\_Leitch@who.eop.gov](mailto:David_G_Leitch@who.eop.gov)]  
Sent: Friday, June 20, 2003 9:47 AM  
To: Clement, Paul D  
Cc: bkavanau@who.eop.gov  
Subject: Mexican Trucks

Paul -- We're interested in following the consideration by your office of requests that the Government petition for cert in the Mexican truck litigation coming out of the Ninth Circuit. (It's styled Public Citizen v. DOT and as I understand it the petition would be due 7/9). Would you mind keeping us apprised? Many thanks.

---

**From:** Tara Ryan <tryan@natcad.org>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 6:14:02 AM  
**Subject:** : RE: Congratulations!

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tara Ryan <tryan@natcad.org> ( Tara Ryan <tryan@natcad.org> [ UNKNOWN ] )  
CREATION DATE/TIME:20-JUN-2003 10:14:02.00  
SUBJECT:: RE: Congratulations!  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The move back has been great and I'm very happy to be home.  
Julie Corcoran has me out on the course and I'm whacking up more dirt than  
a  
groundhog. Let me know when you want to play a round.

Anyway, I hope that the Gen Xr's don't get interviewed!

Talk to you soon.

TARA

-----Original Message-----

From: Brett\_M.\_Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Friday, June 20, 2003 9:40 AM  
To: tryan@natcad.org  
Subject: Re: Congratulations!

Thanks very much. How are you surviving the move back?

(Embedded  
image moved Tara Ryan <tryan@natcad.org>  
to file: 06/19/2003 03:36:50 PM  
pic29142.pcx)

Please respond to tryan@natcad.org

Record Type: Record

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

cc:  
Subject: Congratulations!

Hey Brett,

Congratulations!  
I just read all about in the daily news! Glad to see that you are moving on  
up. Good luck. I'm rooting for ya! ( If I had any connections I would put a

REV\_00123841



good word in for you.)

I moved back to the area a couple of months ago and am finally getting settled. I am trying to reconnect with old friends. I would love to take you to lunch and catch up.

Talk to you soon.

Tara Fetting

Tara C. F. Ryan, Esq.  
NATCA  
Labor Relations Staff Representative  
202-628-5451 x4850  
Fax 202-628-7286

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/20/2003 10:23:00 AM  
**Subject:** RE: Makan meeting . . .

Dunno..think not

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Friday, June 20, 2003 8:48 AM  
**To:** Grubbs, Wendy J.  
**Subject:** Makan meeting . . .

Is there one? I cannot attend.

---

**From:** CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 6:39:39 AM  
**Subject:** : FW: TA request for San Francisco CA

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 10:39:39.00  
SUBJECT:: FW: TA request for San Francisco CA  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Hi, can I get approval for the travelers below? Thanks.

-----Original Message-----

From: Smith, Courtney  
Sent: Thursday, June 19, 2003 6:23 PM  
To: Douglass, Kimberly A.  
Subject: TA request for San Francisco CA

Approval is needed to process the TA for the travel of one (5) advance representative, preparing for the visit of the President to San Francisco June 27, 2003 for a Bush/Cheney 2004 Fundraiser

1)Mike Heath  
June 22, 2003-5:25pm  
Alaska Airlines Flt#3, Dulles to Seattle

Alaska Airlines Flt#192 Seattle to San Francisco

June 27, 2003-7:59pm  
Alaska Airlines Flt#459, Oakland CA to Seattle

Alaska Airlines Flt#3, Seattle to Dulles

Air:\$1127.91  
Per Diem:  
Lodging  
Car Rental:\$34.88/day- Hertz full-size

2)Peter Watkins  
June 22, 2003-5:25pm  
Alaska Airlines Flt#3, Dulles to Seattle

Alaska Airlines Flt#192 Seattle to San Francisco

June 27, 2003  
Alaska Airlines Flt#459, Oakland CA to Seattle

Alaska Airlines Flt#3, Seattle to Dulles

Air:\$1127.91  
Per Diem:  
Lodging  
Car Rental:\$34.88/day- Hertz full-size

3) Scott Shadian  
June 22, 2003-9:42am  
United Flt#148, San Diego CA to San Francisco CA

REV\_00123860

June 27, 2003-6:20pm  
United Flt#1079, San Francisco to San Diego  
Air:\$383.41  
Per Diem:  
Lodging:  
Car Rental:N/a

4) Josh Gatlin  
June 21, 2003-9:08am  
American West Flt#765, Austin to Phoenix  
  
American West Flt#805, Phoenix to San Francisco

June 27, 2003-6:00pm  
American West Flt#812, San Francisco to Phoenix

American West Flt#6129, Phoenix to Austin  
Air:\$506.41  
Per Diem:  
Lodging:  
Car Rental:N/A

5) Brent Sasaki  
June 22, 2003-N/a  
Local Advance

June 27, 2003-N/a  
Local Advance  
Air:\$0.00  
Per Diem:  
Lodging:  
Car Rental:Using Personal Vehicle

---

**From:** Kavanaugh, Brett M.  
**To:** <Douglass, Kimberly A.>  
**Sent:** 6/20/2003 10:41:26 AM  
**Subject:** Re: FW: TA request for San Francisco CA

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/20/2003 10:38:32 AM

Record Type: Record

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

cc:

Subject: FW: TA request for San Francisco CA

Hi, can I get approval for the travelers below? Thanks.

-----Original Message-----

**From:** Smith, Courtney

**Sent:** Thursday, June 19, 2003 6:23 PM

**To:** Douglass, Kimberly A.

**Subject:** TA request for San Francisco CA

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**Air:\$383.41**

**Per Diem:**

**Lodging:**

**Car Rental:N/a**

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June 27, 2003-6:00pm

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**Air:\$506.41**

**Per Diem:**

**Lodging**

**Car Rental:N/A**

5) Brent Sasaki

**June 22, 2003-N/a**

Local Advance

June 27, 2003-N/a

Local Advance

**Air:\$0.00**

**Per Diem:**

**Lodging:**

**Car Rental:Using Personal Vehicle**

---

**From:** CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 6:42:59 AM  
**Subject:** : RE: Cherrick

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 10:42:59.00  
SUBJECT:: RE: Cherrick  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I am sure he does.

;-----Original Message-----

From: ; Kavanaugh, Brett M.;  
Sent;;; Friday, June 20, 2003 9:56 AM  
To:;;; Gonzales, Alberto R.; Leitch, David G.; Newstead, Jennifer G.  
Subject:;;;;;;;;; Cherrick

just left me a voice mail saying he thought the interview went  
"very very well."



---

**From:** CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 6:42:35 AM  
**Subject:** : RE: Cherrick

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 10:42:35.00  
SUBJECT:: RE: Cherrick  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I am sure he does.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Friday, June 20, 2003 9:56 AM  
To: Gonzales, Alberto R.; Leitch, David G.; Newstead, Jennifer G.  
Subject: Cherrick

just left me a voice mail saying he thought the interview went "very very well."

---

**From:** CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 6:43:30 AM  
**Subject:** : RE: FW: TA request for San Francisco CA

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 10:43:30.00  
SUBJECT:: RE: FW: TA request for San Francisco CA  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

thanks

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Friday, June 20, 2003 10:41 AM  
To: Douglass, Kimberly A.  
Subject: Re: FW: TA request for San Francisco CA

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/20/2003 10:38:32 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: FW: TA request for San Francisco CA

Hi, can I get approval for the travelers below? Thanks.

-----Original Message-----

From: Smith, Courtney  
Sent: Thursday, June 19, 2003 6:23 PM  
To: Douglass, Kimberly A.  
Subject: TA request for San Francisco CA

Approval is needed to process the TA for the travel of one (5) advance representative, preparing for the visit of the President to San Francisco June 27, 2003 for a Bush/Cheney 2004 Fundraiser

1)Mike Heath  
June 22, 2003-5:25pm  
Alaska Airlines Flt#3, Dulles to Seattle

Alaska Airlines FLt#192 Seattle to San Francisco

June 27, 2003-7:59pm  
Alaska AirlinesFlt#459, Oakland CA to Seattle

Alaska Airlines Flt#3, Seattle to Dulles

REV\_00123870

Air:\$1127.91  
Per Diem:  
Lodging  
Car Rental:\$34.88/day- Hertz full-size

2) Peter Watkins  
June 22, 2003-5:25pm  
Alaska Airlines Flt#3, Dulles to Seattle

Alaska Airlines FLt#192 Seattle to San Francisco

June 27, 2003  
Alaska Airlines Flt#459, Oakland CA to Seattle

Alaska Airlines Flt#3, Seattle to Dulles

Air:\$1127.91  
Per Diem:  
Lodging  
Car Rental:\$34.88/day- Hertz full-size

3) Scott Shadian  
June 22, 2003-9:42am  
United Flt#148, San Diego CA to San Francisco CA

June 27, 2003-6:20pm  
United Flt#1079, San Francisco to San Diego  
Air:\$383.41  
Per Diem:  
Lodging:  
Car Rental:N/a

4) Josh Gatlin  
June 21, 2003-9:08am  
American West Flt#765, Austin to Phoenix

American West Flt#805, Phoenix to San Francisco

June 27, 2003-6:00pm  
American West Flt#812, San Francisco to Phoenix

American West FLt#6129, Phoenix to Austin  
Air:\$506.41  
Per Diem:  
Lodging  
Car Rental:N/A

5) Brent Sasaki  
June 22, 2003-N/a  
Local Advance

June 27, 2003-N/a  
Local Advance  
Air:\$0.00  
Per Diem:  
Lodging:  
Car Rental:Using Personal Vehicle

---

**From:** Ortiz, Alcides, Mr, DoD OGC <ortiza@dodgc.osd.mil>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 6:43:32 AM  
**Subject:** : Political Activities Guidance

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Ortiz, Alcides, Mr, DoD OGC" <ortiza@dodgc.osd.mil> ( "Ortiz, Alcides, Mr, DoD OGC" <ortiza@dodgc.osd.mil> [ UNKNOWN ] )

CREATION DATE/TIME:20-JUN-2003 10:43:32.00

SUBJECT:: Political Activities Guidance

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

I work for Whit Cobb at DoD and have responsibility over Political Activities. Has the Gonzales memo been finalized and, if so, can you email or fax (703-614-6745) us a copy?

--Alci Ortiz

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ortiz, Alcides, Mr, DoD OGC <ortiza@dodgc.osd.mil>  
**Sent:** 6/20/2003 6:50:27 AM  
**Subject:** : Re: Political Activities Guidance

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 10:50:27.00  
SUBJECT:: Re: Political Activities Guidance  
TO:"Ortiz, Alcides, Mr, DoD OGC" <ortiza@dodgc.osd.mil> ( "Ortiz, Alcides, Mr, DoD OGC"  
<ortiza@dodgc.osd.mil> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The memos have been distributed by White House Cabinet Affairs to heads of departments and agencies so should be making to you shortly.

"Ortiz, Alcides, Mr, DoD OGC" <ortiza@dodgc.osd.mil>  
06/20/2003 10:40:47 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Political Activities Guidance

I work for Whit Cobb at DoD and have responsibility over Political Activities. Has the Gonzales memo been finalized and, if so, can you email or fax (703-614-6745) us a copy?

--Alci Ortiz

---

**From:** Robert McConnell <RMcConnell@hyi-usa.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 6:59:09 AM  
**Subject:** : FW: Class Action news

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Robert McConnell <RMcConnell@hyi-usa.com> ( Robert McConnell <RMcConnell@hyi-usa.com> [ UNKNOWN ] )  
CREATION DATE/TIME:20-JUN-2003 10:59:09.00  
SUBJECT:: FW: Class Action news  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Some class action news:

1. An editorial from a Madison County paper on its growing bad reputation.
2. A Christian Science Monitor editorial on John Edwards mentioning calss action lawsuits.
3. ATLA releases tips and strategies for tort litigation.

Give us Madison County of bridge fame anytime  
633 words  
19 June 2003  
The Pantagraph  
A12  
English  
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There isn't much denying that Madison County is becoming an infamous "judicial hell hole" - Illinois, that is, not Iowa.

But you must be careful where you say that.

Heads of the American Tort Reform Association, U.S. Chamber of Commerce, Illinois Chamber of Commerce and Illinois Civil Justice League marched into Madison County recently to conduct a press conference condemning the judicial system there. They wound up getting a citation from one of the local class-action attorneys - a subpoena.

They were subpoenaed in a lawsuit in which none of the participants had any involvement or knew anything about. Maybe they were surprised, but people who follow the class-action lawsuit justice in Madison County probably weren't. The lawsuit involved a class-action lawsuit against Ford Motor Co. over automobile paint.

Sherman Joyce, president of ATRA, said it was obvious that the subpoenas were a form of intimidation to shut them up. They promised

not to shut up until there is judicial reform in Madison County.

The tort reform group pounced on Madison County as among the 10 worst "judicial hell holes" in the United States. The label is given to trial courts where equal justice seems to be denied. "Madison County is notorious for abusive class actions where the lawyers earn millions and the plaintiffs get pennies," said Joyce.

From 1998 to 2002, Madison County had an 1,850 percent increase in class-action lawsuit filings, according to the ATRA, which did not release actual numbers.

People at State Farm Insurance and legislators throughout the state have become very cognizant of Madison County. State Farm was hit with a record \$1.2 billion punitive damage award in Madison County from a class-action lawsuit against the Bloomington-based insurer. Success of that lawsuit may have spawned another by a Belleville woman who claimed the insurer did not renew her insurance based solely on a credit report. Her attorney has asked for the lawsuit to represent everyone in a similar position.

Before the appeal on that case could even be heard, the verdict record was overtaken in the same county when Philip Morris Inc. was smacked with a \$3 billion punitive damage award over its marketing of "light cigarettes." In that case, the cigarette manufacturer was also hit with an award of \$7.1 billion for compensatory (that is supposed to be the actual loss) damages plus another \$1.775 billion in class-action fees for the attorneys involved.

The later case is still a major issue within state government. First, it was because the Madison County judge set Philip Morris' appeal bond so high that the company said it could force the manufacturer into bankruptcy protection.

While tears may not have been shed for a cigarette manufacturer going bankrupt, Illinois and other states squirmed for awhile because it threatened distribution of \$2.5 billion to states (\$306 million of that to Illinois) this year as part of a national tobacco settlement of \$246 billion in 1998. Obviously, Illinois needed that money to help plug a budget deficit.

The judge in Madison County was eventually convinced to lower the bond, there was no bankruptcy protection filing and states did receive their payments this year.

Legislators have been aware of the notoriety of Madison County court awards for years. They need to address the issue of establishing guidelines for punitive damage awards, not just because of Madison County, but as a matter of fairness to all of the victims involved. There has to be a better balance between fairness to victims and punishment to those responsible. It will take legislators with intestinal fortitude because the powerful trial lawyers' lobby is not going to lead the way when they are major beneficiaries of outlandish awards.

The trial lawyers reach for the top  
Patrick Chisholm csmonitor.com  
827 words

20 June 2003  
Christian Science Monitor  
ALL  
25  
English  
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WASHINGTON

Sen. John Edwards is a sign of the times. When listening to the election returns on that November morning in 1998, while I was not pleased to hear that the multimillionaire personal injury lawyer had won the North Carolina Senate race, I was not surprised. After all, it was mainly during the 1990s that a new class of the super-rich had come into being: those who made their money not by wealth creation, but by wealth coercion.

There are two principal ways to get rich: by getting other people to voluntarily transfer their money to you, or by having them do it against their will. The first method usually consists of wealth creation, where you produce something that other people consider valuable enough to exchange their assets for. Wealth coercion, by contrast, typically involves taking things from other people by force or threat, either legally or illegally.

Some wealth coercion is necessary. Having no other way to finance itself, the government needs to raise money through taxation. And when people break the law, or when contracts are not abided by, or in instances of egregious negligence, there has to be some penalty in the form of a fine.

It is when these institutions get abused that society is harmed. The all-powerful lure of money is why governments are so prone to raise taxes over time, or why some people are content to get fabulously wealthy by using the courts to take away what other people have produced.

Even the best legal system is full of imperfections. A defendant may be innocent but be punished anyway if all the stops are pulled out to sway a gullible jury or judge. Or laws can be unethically changed or manipulated to help ensure that defendants pay out millions or billions of dollars against their will. These practices have proliferated in recent years.

By the 1990s, "negligence" had come to mean the failure to prevent practically any conceivable injury, even to people in the act of committing a crime. It had become easier for lawyers to have "expert" witnesses testify, even though they may not be experts or may have a vested interest in the outcome of the trial. "Forum shopping" also had become easier, enabling trial lawyers to pick a judge who they deem will likely take their side. And lawyers can now sue with no real clients, thanks to the rise of class action lawsuits.

The \$246 billion tobacco settlement was a watershed win for trial lawyers, not just in billions of dollars in fees but also in new legal precedents that further stack the deck in their favor. State governments made sweetheart deals with lawyers, writing new laws and applying them retroactively in order ensure a win against an industry operating within the law. In Florida, rules were changed to prevent



defendants from presenting certain evidence or arguments. And multi-billion-dollar bonds were required before defendants could appeal, making it all but impossible to appeal.

All the while, trial lawyers' influence in writing and shaping laws was growing. They gave generous campaign contributions not only to legislators, but also to judges and state attorneys general. A vicious circle developed: government officials who are recipients of trial-lawyer money enact measures that help enrich the lawyers, who in turn recycle much of that money into political campaigns, and so on. In addition to producing a new class of multimillionaires, the result is ever-absurd lawsuits, such as the suing of innocents by the non-injured.

Some ill effects of this are highly visible, such as the exodus of doctors out of places like West Virginia or Pennsylvania because of unaffordable malpractice insurance. Most effects are less visible, such as goods and services that simply do not come into existence because of the oppressive legal climate, or higher prices for goods and services to cover legal bills or insurance costs.

And now, members of the new trial-lawyer multimillionaire class are tightening their iron grip on the polity by becoming lawmakers themselves, as the case of John Edwards shows. Flush with tens of millions of dollars he obtained from accident cases, Edwards spent \$3.2 million on his Senate campaign in 1998. And he is not wasting any time, already running for president.

He says he is a helper of the little guy, but tell that to the Arizona woman who gave birth in her car because the legal climate forced her local hospital to no longer deliver babies. Or tell that to the kids who have no diving board at the local pool because of lawsuit fears. Or tell that to all the little guys out there paying higher prices and insurance rates because of out-of-control lawyers.

It would be a sad day in America if a champion of wealth coercion ever became president. (c) Copyright 2003. The Christian Science Monitor

472 words  
19 June 2003  
Canada Stockwatch  
English  
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An anonymous director reports

ATLA AND WEST RELEASE FLAGSHIP PUBLICATION ON TORT STRATEGIES

West, a Thomson business, and the Association of Trial Lawyers of America (ATLA) have released ATLA's Litigating Tort Cases, which pulls together tips and strategies from highly respected trial lawyers across the country to provide an invaluable litigation resource.

ATLA's Litigating Tort Cases is an essential resource for both novice and seasoned lawyers. Its 66 chapters provide a how-to for litigation techniques, such as the opening statement, case selection and evaluation, complaint drafts, removal to federal court and multidistrict litigation, mass tort class actions, discovery devices and strategies, expert selection and monetary and non-economic damages, judgment and appeals, jury selection, and cross-examination of witnesses. The six-volume set also delves into the specifics of different types of cases, such as brain and connective tissue injuries, automobile cases, lead paint, firearms, premises liability, products liability, auto design defect cases, sexual abuse, drug and medical device cases, professional negligence, and environmental tort litigation. Further, it provides complete practice-proven forms from the authors' actual case files that users can customize for their cases.

"This extensive set of road maps is designed to prepare attorneys for all types of tort litigation," said Mary Alexander, president of ATLA. "The new trial lawyer will find practical advice on the basics of the practice, and the seasoned practitioner will learn new strategies and obtain valuable information to expand the scope of their practice. That means widening your practice to include more types of litigation or gaining the know-how to take on cases with more catastrophic injuries."

The co-editors of ATLA's Litigating Tort Cases are Roxanne Barton Conlin and Gregory S. Cusimano. Ms. Conlin is a nationally renowned and respected trial lawyer and a pioneer for women's rights. She served as ATLA's first female president in 1992, and in 2002 was named one of the 10 most influential women attorneys in the nation by the National Law Journal. Mr. Cusimano is one of only five recipients of the ATLA Lifetime Achievement Award. He is a member of the ATLA board of governors, has served on ATLA's president's council and is a past president of the Alabama Trial Lawyers Association.

#### About ATLA

Established in 1946, ATLA is the world's largest trial bar with 60,000 members in the U.S., Canada and abroad. ATLA was founded to safeguard victims rights, strengthen America's civil justice system, promote injury prevention, and foster the disclosure of information crucial to public health and safety. For more information about ATLA, please visit [www.atla.org](http://www.atla.org).

Thomson Corp (The)  
TOC  
Shares issued 653,004,161 Jun 19 close  
\$42.95  
Thu 19 Jun 2003 News  
Release

Document CNSW000020030620dz6j00026

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**From:** Ortiz, Alcides, Mr, DoD OGC <ortiza@dodgc.osd.mil>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 6:59:11 AM  
**Subject:** : RE: Political Activities Guidance

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Ortiz, Alcides, Mr, DoD OGC" <ortiza@dodgc.osd.mil> ( "Ortiz, Alcides, Mr, DoD OGC" <ortiza@dodgc.osd.mil> [ UNKNOWN ] )  
CREATION DATE/TIME:20-JUN-2003 10:59:11.00  
SUBJECT:: RE: Political Activities Guidance  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

thanks

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Friday, June 20, 2003 10:49 AM  
To: Ortiz, Alcides, Mr, DoD OGC  
Subject: Re: Political Activities Guidance

The memos have been distributed by White House Cabinet Affairs to heads of departments and agencies so should be making to you shortly.

(Embedded  
image moved "Ortiz, Alcides, Mr, DoD OGC"  
to file: <ortiza@dodgc.osd.mil>  
pic22030.pcx) 06/20/2003 10:40:47 AM

Record Type: Record

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

cc:  
Subject: Political Activities Guidance

I work for Whit Cobb at DoD and have responsibility over Political Activities. Has the Gonzales memo been finalized and, if so, can you email or fax (703-614-6745) us a copy?

--Alci Ortiz

REV\_00123879

---

**From:** CN=Theodore W. Ulliyot/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 6/20/2003 7:13:35 AM  
**Subject:** : Holy Land Foundation -- win in CADC

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Theodore W. Ulliyot ( CN=Theodore W. Ulliyot/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 11:13:35.00  
SUBJECT:: Holy Land Foundation -- win in CADC  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Peter Keisler called to report another win. CADC (affirming a ruling by DDC) today rejected a challenge by the the Hamas-linked Holy Land Foundation ("HLF") to Treasury's designation of HLF as a terrorist group ("Specially Designated Global Terrorist," or "SDGT"). This designation came under the IEEPA, and resulted in the blocking of all of HLF's assets.

This was another Sentelle opinion (joined by Ginsburg and Henderson).

CADC's opinion states, in relevant part: "Treasury's decision to designate HLF as an SDGT was based on ample evidence in a massive administrative record."

Here is a link to the decision:

<http://pacer.cadc.uscourts.gov/docs/common/opinions/200306/02-5307a.pdf>  
----- Forwarded by Theodore W. Ulliyot/WHO/EOP on  
06/20/2003 11:05 AM -----

"Peter.D.Keisler@usdoj.gov" <Peter.D.Keisler  
06/20/2003 11:04:11 AM  
Record Type: Record

To: John B. Wiegmann/NSC/EOP@EOP, Theodore W. Ulliyot/WHO/EOP@EOP  
cc:  
Subject: Holy Land Foundation

Ted/Brad: Here is the link to this morning's decision from the DC Circuit upholding the blocking of Holy Land Foundation's assets. As you know, Holy Land was closely linked to Hamas. Peter

<http://pacer.cadc.uscourts.gov/docs/common/opinions/200306/02-5307a.pdf>

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 11:17:47 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 15:17:47.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes sirree(.do you have the docs on history that I can share with them?

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Friday, June 20, 2003 3:14 PM  
To: Grubbs, Wendy J.  
Subject:

We assume you guys will coordinate with Frist to get the letter on  
filibusters coordinated and out early next week, correct?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 6/20/2003 7:23:26 AM  
**Subject:** : Intell.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 11:23:26.00  
SUBJECT:: Intell.  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
06/20/2003 11:22 AM -----

Sean Rushton <SRushton@CommitteeforJustice.org>  
06/20/2003 11:17:56 AM  
Record Type: Record

To: SRushton@CommitteeforJustice.org  
cc:  
Subject: Intell.

Two things:

ÿ

1) Pat Leahy is the luncheon speaker at the National Press Club on Wed.,  
June 25. Topic: the Supreme Court.

ÿ

2) An Arkansasjournalist just told me PFAW and the Sierra Club have hired  
two full-time state activists to organize anti-Bush judges efforts for  
SCOTUS.ÿ They are doing this in all the battleground states. ÿThey are  
having a &town meeting8 on Monday.

ÿ

Thanks,ÿ

ÿ

Sean Rushton

Executive Director

Committee for Justice

1275 Pennsylvania Avenue, NW

Tenth Floor

Washington, DC20004

202-481-6850 phone

202-487-6439 mobile

[www.committeeforjustice.org](http://www.committeeforjustice.org)

ÿ

---

**From:** CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ]  
**To:** Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Karl C. Rove/WHO/EOP@Exchange@EOP [ WHO ] <Karl C. Rove>  
**Sent:** 6/20/2003 7:48:57 AM  
**Subject:** : Buckley on Pryor.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 11:48:57.00  
SUBJECT:: Buckley on Pryor.  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Karl C. Rove ( CN=Karl C. Rove/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This is fun, from Bill Buckley's column on Pryor.

tsg

The attorney general of Alabama, William Pryor, is the most refreshing thing to happen to Washington since William Faulkner said the reason he wouldn't be going to President Kennedy's Nobel prize-winner party at the White House was that Washington was a long way to go for dinner.

Listen to Pryor being grilled by Sen. Russ Feingold, D-Wis. The senator was fishing about trying to add to Mr. Pryor's list of disqualifications to serve as judge. Wasn't he associated with the Republican Attorneys General Association (RAGA), which made contributions to Republican contenders for election as attorneys general?

Feingold: Will you provide to the committee a comprehensive list of RAGA's contributors and the amounts and dates of their contribution?

Pryor: I don't have such a list, Senator.

Feingold: Who does?

Pryor: The Republican National Committee.

Feingold: Will you urge them to provide that list?

Pryor: If you need that kind of list, then you really need to seek it from them.

Feingold: You oppose a disclosure of this information?

Pryor: I'm not saying that I oppose it or I favor it.

Feingold: I'm taking this as a refusal to urge the release of this information.

In street talk, this would read: You want that? Well, stir ass and get it. Don't use me as your research assistant.



---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 7:54:13 AM  
**Subject:** : National Taxpayer Conference

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 11:54:13.00  
SUBJECT:: National Taxpayer Conference  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,  
;  
do have the chance to review the National Taxpayer Conference message due  
at 12 pm today?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>  
**Sent:** 6/20/2003 8:09:01 AM  
**Subject:** : Re: Irreplacable

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 12:09:01.00  
SUBJECT:: Re: Irreplacable  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Let's discuss.

.

----- Original Message -----  
From:Matthew E. Smith/WHO/EOP  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 06/20/2003 11:55:44 AM  
Subject: Irreplacable

KR asked Tim who would take your place if you were to be nominated.

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 12:32:42 PM  
**Subject:** : RE: statement on resignation of Marshall

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 16:32:42.00  
SUBJECT:: RE: statement on resignation of Marshall  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I guess we can just insert the Chief's name into this, right?

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Friday, June 20, 2003 3:36 PM  
To: Leitch, David G.  
Subject: statement on resignation of Marshall

Justice Marshall has rendered extraordinary and distinguished service to his country as a pioneering civil rights lawyer, a judge on the U.S. Court of Appeals for the Second Circuit, as Solicitor General, and in his tenure on the Supreme Court. His career is an inspiring example for all Americans. He grew up under segregation to achieve the highest office to which a lawyer can aspire. His accomplishments on the Bench will long be remembered. We wish him the best in his retirement. I intend to nominate a successor very soon.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Comisac, RenaJohnson (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
**Sent:** 6/20/2003 9:12:05 AM  
**Subject:** : Re: Fw: Notice of Nominations Hearing and Tentative Witness List for June 24, 2003

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:20-JUN-2003 13:12:05.00

SUBJECT:: Re: Fw: Notice of Nominations Hearing and Tentative Witness List for June 24, 2003

TO:"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> ( "Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Can you send copy of letter sent to Feinsten and Boxer re Kuhl? Thanks.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>  
**CC:** colleen litkenhaus/who/eop@exchange [ WHO ] <colleen litkenhaus>  
**Sent:** 6/20/2003 1:23:34 PM  
**Subject:** : Re: FW: TA Request for Tampa FL

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 17:23:34.00  
SUBJECT:: Re: FW: TA Request for Tampa FL  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:colleen litkenhaus ( CN=colleen litkenhaus/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/20/2003 05:20:07 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Colleen Litkenhaus/WHO/EOP@Exchange  
Subject: FW: TA Request for Tampa FL

Please approve.

-----Original Message-----

From: Smith, Courtney  
Sent: Friday, June 20, 2003 4:21 PM  
To: Douglass, Kimberly A.  
Subject: TA Request for Tampa FL

Approval is needed to process the TA for the travel of two (2) advance representatives, preparing for the visit of the President to Tampa, FL June 23, 2003 for a Bush/Cheney 2004 Fundraiser. This only travel for two representatives. The third will be forthcoming. Thanks.

Court

1)Dewitt Zemp  
June 24, 2003-10:40am  
Delta Flt#1189, Columbia SC to Atlanta GA  
Delta Flt#1775, Atlanta to Tampa:10pm

No return

Air:\$462.91  
Per Diem:  
Lodging:  
Car Rental:Hertz-fullsize-\$30.57/day

2)Charlie Barker  
June 24, 2003-10:50am  
Delta Flt#4874, Knoxville to Atlanta  
Delta Flt#1775, Atlanta to Tampa 11:55am

June 30, 2003-9:55pm  
Delta Flt#1092, Tampa to Atlanta  
Delta Flt#979, Atlanta to Tampa  
Air:\$476.41  
Per Diem:  
Lodging:  
Car/Rental:N/a

---

**From:** CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>  
**Sent:** 6/20/2003 1:36:02 PM  
**Subject:** : Advance TA - Miami (Campaign)

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 17:36:02.00  
SUBJECT:: Advance TA - Miami (Campaign)  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Please approve

;

Mgmt approval is needed to process the TA,s for the travel of five (5)  
advance representatives, preparing for the visit of the President to  
Miami, FL on Monday June 30, 2003.

;

2) Heather Florance

June 25, 2003- 5:55 pm

United Airlines flight # 2741, Baltimore, MD to Charlotte, NC

United Airlines flight # 2101, Charlotte, NC to Miami, FL

;

June 30, 2003- 5:05 pm

United Airlines flight # 8070, Miami, FL to Charlotte, NC

United Airlines flight # 1715, Charlotte, NC to Baltimore, MD

Airfare: \$468.91

Per Diem:

Lodging:

Car Rental: Hertz full size, confirm. c2234784828 \$185.00/ day

;

3) Patrick McArthur

June 24, 2003- 10:20 am

United Airlines flight # 2686, Baltimore, MD to Charlotte, NC

United Airlines flight # 2020, Charlotte, NC to Miami, FL

;

June 30, 2003- 5:05 pm

United Airlines flight # 2070, Miami, FL to Charlotte, NC

United Airlines flight #1715, Charlotte, NC to Baltimore, MD

Airfare: \$468.91

Per Diem:

Lodging:

Car Rental:

;

4) Jose Mallea

June 24, 2003- 10:20 am

United Airlines flight # 2686, Baltimore, MD to Charlotte, NC

United Airlines flight # 2020, Charlotte, NC to Miami, FL

;

June 30, 2003- 5:05 pm

United Airlines flight # 2070, Miami, FL to Charlotte, NC

United Airlines flight #1715, Charlotte, NC to Baltimore, MD

Airfare: \$468.91

Per Diem:

Lodging:

Car Rental:

;

5) Frank McCarthon

June 24, 2003- 2:47 pm



American Airlines flight # 1113, NYC Laguardia, NY to Miami, FL

;

June 30, 2003- 7:25 pm

American Airlines flight # 1538, Miami, FL to NYC Laguardia, NY

Airfare: \$484.41

Per Diem:

Lodging:

Car Rental:

---

**From:** Comisac, RenaJohnson (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Prior, Swen (Judiciary) <Swen\_Prior@Judiciary.senate.gov>  
**Sent:** 6/20/2003 9:47:20 AM  
**Subject:** : RE: Fw: Notice of Nominations Hearing and Tentative Witness List for June 24, 2003

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> ( "Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:20-JUN-2003 13:47:20.00

SUBJECT:: RE: Fw: Notice of Nominations Hearing and Tentative Witness List for June 24, 2003

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:"Prior, Swen (Judiciary)" <Swen\_Prior@Judiciary.senate.gov> ( "Prior, Swen (Judiciary)" <Swen\_Prior@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Sure. Swen, can you please fax a copy of OGH's response to Feinstein & Boxer on Kuhl to Brett at 456-5104. Thanks.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov

[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]

Sent: Friday, June 20, 2003 1:11 PM

To: Comisac, RenaJohnson (Judiciary)

Subject: Re: Fw: Notice of Nominations Hearing and Tentative Witness List for June 24, 2003

Can you send copy of letter sent to Feinsten and Boxer re Kuhl? Thanks.

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 10:05:22 AM  
**Subject:** : come back up here when you guys are finished.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 14:05:22.00  
SUBJECT:: come back up here when you guys are finished.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;

---

**From:** CN=Nanette Everson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 10:34:03 AM  
**Subject:** : Re: Guidance on Political Activities  
**Attachments:** P\_L4UDH003\_WHO.TXT\_1.txt

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 14:34:03.00  
SUBJECT:: Re: Guidance on Political Activities  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

thanks Brett; I just read your memoranda; complicated area full of technicalities, not unlike ethics laws

Brett M. Kavanaugh  
06/18/2003 02:56:21 PM  
Record Type: Record

To: bfrederi@doc.gov  
cc: nanette everson/who/eop@eop, tkassinger@doc.gov, dmaggi@doc.gov, awarren1@doc.gov  
bcc:  
Subject: Re: Guidance on Political Activities

Three memos from Judge Gonzales are going to heads of departments and agencies tomorrow -- one on general rules, one on travel cost allocations, and one on corporate planes. They do not answer all of these questions, but I will turn to them as well. Thanks.

bfrederi@doc.gov  
06/18/2003 02:47:02 PM  
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP  
cc: Brett M. Kavanaugh/WHO/EOP@EOP, TKassinger@doc.gov, dMaggi@doc.gov, aWarren1@doc.gov  
Subject: Guidance on Political Activities

Nanette, as I mentioned to you last week it would be helpful to get further guidance on a number of issues relating to employees engaging in political activities, as identified below. We have had to face most of these issues during the past few years and any advice regarding them would be appreciated. Specifically, we would appreciate answers or guidance regarding the following questions.

-- What formula should be used when assessing costs for a Presidential campaign trip? It is our understanding that although a "hypothetical trip" formula is usually used to calculate costs owed to the Government when an event on a mixed official/political trip is for a

Presidential campaign, this formula is not used when the campaign is not accepting Federal matching funds. In such cases, the "hard line" formula is used. It would be helpful to receive guidance with regard to trips involving events relating to the President's re-election campaign and what events are to be considered Presidential campaign trips.

-- When does a short "drop-by" by a Presidential appointee at an event sufficient participation to trigger political activity rules regarding travel reimbursement requirements and other rules applicable to engaging in political activities? -- Are there any restrictions or guidance on the grant of leave without pay (LWOP) to employees (particularly noncareer employees) when the time will be used to participate in political events?

-- Will there be any rules regarding charging a campaign for travel costs for official events taking place in states holding a primary during the campaign season (or in key electoral states during the Presidential election campaign season)?

-- Is the White House establishing a general policy against the use of official vehicles for political events, even if paid for in advance? The White House memorandum specifically allows for the use of cars for political events only by the President and Vice President. Commerce policy allows the use of Government cars for political events by the Secretary (but not others). Should the White House policy be read as discouraging vehicle use even by the Secretary (except, of course, when use of an official vehicle for personal purposes is otherwise authorized, such as for security reasons)?

-- Are employees (particularly Presidential appointees) still required to obtain clearance from the White House before agreeing to participate in a political fund-raiser? If so, how and to whom do you want these clearance requests submitted? It seems to us that this should not be through a legal office but directly from the PAS (or the PAS's staff) to the White House office that is coordinating such events. We also question whether it would be appropriate to require clearance from anyone other than Presidential appointees, since such procedures might create an appearance of helping to coordinate political activities and might infringe on employees' individual rights.

-- Are Presidential appointees still barred from accepting offers of travel on corporate (and union) aircraft, even for political trips? Any guidance the White House could provide on privately-owned aircraft would be helpful.

Barbara

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_L4UDH003\_WHO.TXT\_1>

Nanette, as I mentioned to you last week it would be helpful to get further guidance on a number of issues relating to employees engaging in political activities, as identified below.  We have had to face most of these issues during the past few years and any advice regarding them would be appreciated.  Specifically, we would appreciate answers or guidance regarding the following questions.  

What formula should be used when assessing costs for a Presidential campaign trip? It is our understanding that although a "hypothetical trip" formula is usually used to calculate costs owed to the Government when an event on a mixed official/political trip is for a Presidential campaign, this formula is not used when the campaign is not accepting Federal matching funds. In such cases, the "hard line" formula is used. It would be helpful to receive guidance with regard to trips involving events relating to the President's re-election campaign and what events are to be considered Presidential campaign trips.

**Will there be any rules regarding charging a campaign for travel costs for official**

    </font>

the White House establishing a general policy against the use of official vehicles for political events, even if paid for in advance? The White House memorandum specifically allows for the use of cars for political events only by the President and Vice President. Commerce policy allows the use of Government cars for political events by the Secretary (but not others). Should the White House policy be read as discouraging vehicle use even by the Secretary (except, of course, when use of an official vehicle for personal purposes is otherwise authorized, such as for security reasons)?

          Are employees (particularly Presidential appointees) still required to obtain clearance from the White House before agreeing to participate in a political fund-raiser?   If so, how and to whom do you want these clearance requests

submitted? It seems to us that this should not be through a legal office but directly from the PAS (or the PAS's staff) to the White House office that is coordinating such events. We also question whether it would be appropriate to require clearance from anyone other than Presidential

appointees, since such procedures might create an appearance of helping to coordinate political activities and might infringe on employees' individual

**REV 00123914**

<br><font size=2 face="sans-serif">-- &nbsp; &nbsp; &nbsp; &nbsp; Are  
Presidential appointees still barred from accepting offers of travel on  
corporate (and union) aircraft, even for political trips? &nbsp;Any guidance  
the White House could provide on privately-owned aircraft would be helpful.  
&nbsp;</font>  
<br>  
<br><font size=2 face="sans-serif">&nbsp; </font>  
<br><font size=2 face="sans-serif">Barbara</font>

---

**From:** Snee, Ashley  
**To:** <Gonzales, Alberto R.>;<Leitch, David G.>;<Kavanaugh, Brett M.>;<Grubbs, Wendy J.>;<Ojakli, Ziad>;<Nelson, Carolyn>  
**Sent:** 6/20/2003 2:39:39 PM  
**Subject:** FW: AP - Kerry says he'll filibuster Supreme Court nominees who do not support abortion rights

-----Original Message-----

**From:** Bravo, Brian  
**Sent:** Friday, June 20, 2003 2:06 PM  
**Subject:** AP - Kerry says he'll filibuster Supreme Court nominees who do not support abortion rights

## **Kerry says he'll filibuster Supreme Court nominees who do not support abortion rights**

NEDRA PICKLER, Associated Press Writer

Democratic presidential candidate John Kerry said Friday that he is prepared to block any Supreme Court nominee who would not uphold the Roe v. Wade decision that legalized abortion.

"I am prepared to filibuster, if necessary, any Supreme Court nominee who would turn back the clock on a woman's right to choose or the constitutional right to privacy, on civil rights and individual liberties and on the laws protecting workers and the environment," Kerry said in remarks prepared for delivery via satellite at a meeting of Democratic party officials in St. Paul, Minn.

"The test is basic -- any person who thinks it's his or her job to push an extreme political agenda rather than to interpret the law should not be a Supreme Court justice."

Kerry, a Massachusetts senator and one of nine Democrats seeking the party's presidential nomination, is staking out a position favorable to liberal women. Kerry also has said if elected president he would only appoint judges who support Roe v. Wade, while his opponents for the nomination say they would not impose a litmus test on nominees.

All nine Democratic presidential candidates support abortion rights. President Bush has said he would fill any Supreme Court vacancies with judges such as Antonin Scalia or Clarence Thomas, two of the most conservative justices on the high court who are presumed to favor the abolition of Roe v. Wade.

None of the nine current Supreme Court justices has announced plans to retire, but Chief Justice William Rehnquist, 78, and Justice Sandra Day O'Connor, 73, are considered the most likely possibilities. Both would prefer that a Republican president pick their successors.

Republicans control the Senate by two votes; there are 51 Republicans, 48 Democrats and one independent. But Democrats can block any potential nominee through a filibuster if they can get 41 votes.

Senate Democrats have used a filibuster to block President Bush's nominations of two federal judges this year. Several Senate Democrats recently sent letters to the White House asking Bush to meet with Senate leaders from both parties to talk about possible nominations and ways to avoid a bruising battle in the Senate. White House Counsel Alberto Gonzales indicated on Thursday that there was a possibility of consultations with senators, but said no final decision has been made.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Karl C. Rove/WHO/EOP@Exchange@EOP [ WHO ] <Karl C. Rove>  
**Sent:** 6/20/2003 2:49:33 PM  
**Subject:** : Alexis Simendinger request

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 18:49:33.00  
SUBJECT:: Alexis Simendinger request  
TO:Karl C. Rove ( CN=Karl C. Rove/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

She is writing story for National Journal on WH rules/regs for campaign. She says she is writing regardless whether we cooperate. Ari and Ashley Snee think I should talk to her -- on background -- and explain/emphasize the various briefings, memos, steps, etc. The press office thinks this is a better forum than most for this kind of story. We obviously would want to explain how we are being very careful without sounding arrogant about it.

Please let me know your thoughts.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 6/20/2003 2:51:54 PM  
**Subject:** : Alexis Simendinger request

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 18:51:54.00  
SUBJECT:: Alexis Simendinger request  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

She is writing story for National Journal on WH rules/regs for campaign.  
She says she is writing regardless whether we cooperate. Ari and Ashley  
Snee think I should talk to her -- on background -- and explain/emphasize  
the various briefings, memos, steps, etc. The press office thinks this is  
a better forum than most for this kind of story. We obviously would want  
to explain how we are being very careful without sounding arrogant about  
it.

Please let me know your thoughts.

---

**From:** CN=Michael Drummond/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 11:08:11 AM  
**Subject:** : Meeting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Michael Drummond ( CN=Michael Drummond/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 15:08:11.00  
SUBJECT:: Meeting  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Mr. Kavanaugh,  
My name is Michael Drummond, I am Tim Goeglein's assistant. He was hoping to schedule a meeting including you and Matt Smith on Monday if there are any times that are convenient for you.  
Thanks,  
Michael

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 11:09:09 AM  
**Subject:** : Re: Fw: Notice of Nominations Hearing and Tentative Witness List for June 24, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 15:09:09.00  
SUBJECT:: Re: Fw: Notice of Nominations Hearing and Tentative Witness List for June 24, 2003  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks for the FAX; I was actually looking for the letter that Senator Hatch sent in response to the Feinstein/Boxer letter as well? 456-5104. Thanks!

Brett M. Kavanaugh  
06/20/2003 01:11:04 PM  
Record Type: Record

To: "Comisac, RenaJohnson (Judiciary)"  
<Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
cc:  
Subject: Re: Fw: Notice of Nominations Hearing and Tentative  
Witness List for June 24, 2003

Can you send copy of letter sent to Feinsten and Boxer re Kuhl? Thanks.

---

**From:** Kavanaugh, Brett M.  
**To:** <Grubbs, Wendy J.>  
**Sent:** 6/20/2003 3:13:56 PM  
**Subject:**

We assume you guys will coordinate with Frist to get the letter on filibusters coordinated and out early next week, correct?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 6/20/2003 11:15:38 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 15:15:38.00  
SUBJECT::  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

We assume you guys will coordinate with Frist to get the letter on  
filibusters coordinated and out early next week, correct?

---

**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>  
**Sent:** 6/20/2003 3:19:30 PM  
**Subject:** Are DOJ memos done, at least in draft form, particularly the one with history of Senate votes and Fortas?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 6/20/2003 11:21:01 AM  
**Subject:** : Are DOJ memos done, at least in draft form, particularly the one with history of Senate votes and Fortas?

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:20-JUN-2003 15:21:01.00

SUBJECT:: Are DOJ memos done, at least in draft form, particularly the one with history of Senate votes and Fortas?

TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 6/20/2003 11:37:46 AM  
**Subject:** : statement on resignation of Marshall

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 15:37:46.00  
SUBJECT:: statement on resignation of Marshall  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Justice Marshall has rendered extraordinary and distinguished service to his country as a pioneering civil rights lawyer, a judge on the U.S. Court of Appeals for the Second Circuit, as Solicitor General, and in his tenure on the Supreme Court. His career is an inspiring example for all Americans. He grew up under segregation to achieve the highest office to which a lawyer can aspire. His accomplishments on the Bench will long be remembered. We wish him the best in his retirement. I intend to nominate a successor very soon.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 6/20/2003 11:38:17 AM  
**Subject:** : statement on resignation of Marshall by President George H.W. Bush

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 15:38:17.00  
SUBJECT:: statement on resignation of Marshall by President George H.W. Bush  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Justice Marshall has rendered extraordinary and distinguished service to his country as a pioneering civil rights lawyer, a judge on the U.S. Court of Appeals for the Second Circuit, as Solicitor General, and in his tenure on the Supreme Court. His career is an inspiring example for all Americans. He grew up under segregation to achieve the highest office to which a lawyer can aspire. His accomplishments on the Bench will long be remembered. We wish him the best in his retirement. I intend to nominate a successor very soon.

---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**Sent:** 6/20/2003 3:38:05 PM  
**Subject:** this should help

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/www.supremecourtus.gov/about/biographiescurrent.pdf>

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 6/20/2003 11:39:14 AM  
**Subject:** : this should help

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:20-JUN-2003 15:39:14.00

SUBJECT:: this should help

TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/www.supremecourtus.gov/about/biographiescurrent.pdf>

---

**From:** M.Edward.Whelan@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 1:05:17 PM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"M.Edward.Whelan@usdoj.gov" <M.Edward.Whelan@usdoj.gov> (  
"M.Edward.Whelan@usdoj.gov" <M.Edward.Whelan@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:20-JUN-2003 17:05:17.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : RE:  
Was Read By : M.Edward.Whelan@usdoj.gov  
On : Fri, 20 Jun 2003 17:03:10 -0400

---

**From:** Sheldon.Bradshaw@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 1:14:07 PM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Sheldon.Bradshaw@usdoj.gov" <Sheldon.Bradshaw@usdoj.gov> (  
"Sheldon.Bradshaw@usdoj.gov" <Sheldon.Bradshaw@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:20-JUN-2003 17:14:07.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This message is a Read Receipt Notification

Your Message : RE:  
Was Read By : Sheldon.Bradshaw@usdoj.gov  
On : Fri, 20 Jun 2003 17:12:18 -0400

---

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 1:19:22 PM  
**Subject:** : Re: Question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 20-JUN-2003 17:19:22.00  
SUBJECT: : Re: Question  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

anything?

----- Forwarded by Kyle Sampson/WHO/EOP on 06/20/2003  
05:18 PM -----

Brett M. Kavanaugh  
06/13/2003 05:43:34 PM  
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Question

don't have answer from OSC yet; will get.

Kyle Sampson  
06/13/2003 05:10:01 PM  
Record Type: Record

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

Any thoughts?

----- Forwarded by Kyle Sampson/WHO/EOP on 06/13/2003  
05:09 PM -----

Kyle Sampson  
06/12/2003 02:22:07 PM  
Record Type: Record

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

Is this within your area of expertise?  
IADB is the Inter-American Development Bank.

REV\_00123941

----- Forwarded by Kyle Sampson/WHO/EOP on 06/12/2003  
02:21 PM -----

Elizabeth E. Coker  
06/12/2003 10:38:43 AM  
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP  
cc:  
Subject: Question

Kyle,

Two candidates currently in clearance for the IADB Board Member vacancies have questions regarding the boundries of their political/fundraising activities and/or contributions:

Roger Wallace was a pioneer for the 2000 campaign and would like the opportunity to be one again for 2004.  
Ana Gamonal might have the chance to be treasurer for a Congressional campaign.

Please let me know what, if any, limitations there are to these types of activities as an IADB Board Member. Feel free to contact me at 6-6097 should you have any questions regarding this matter.

Erin Coker  
Presidential Personnel  
456-6097



---

**From:** Douglass, Kimberly A.  
**To:** <Kavanaugh, Brett M.>  
**CC:** <Litkenhaus, Colleen>  
**Sent:** 6/20/2003 5:20:07 PM  
**Subject:** FW: TA Request for Tampa FL

Please approve.

-----Original Message-----

**From:** Smith, Courtney  
**Sent:** Friday, June 20, 2003 4:21 PM  
**To:** Douglass, Kimberly A.  
**Subject:** TA Request for Tampa FL

Approval is needed to process the TA for the travel of two (2) advance representatives, preparing for the visit of the President to Tampa, FL June 23, 2003 for a Bush/Cheney 2004 Fundraiser. This only travel for two representatives. The third will be forthcoming. Thanks.

Court

1)Dewitt Zemp  
**June 24, 2003-10:40am**  
Delta Flt#1189, Columbia SC to Atlanta GA  
Delta Flt#1775, Atlanta to Tampa 1:10pm

No return

**Air:\$462.91**  
**Per Diem:**  
**Lodging:**  
**Car Rental:**Hertz-fullsize-\$30.57/day

2)Charlie Barker  
**June 24, 2003-10:50am**  
Delta Flt#4874, Knoxville to Atlanta  
Delta Flt#1775, Atlanta to Tampa 11:55am

June 30, 2003-9:55pm  
Delta Flt#1092, Tampa to Atlanta  
Delta Flt#979, Atlanta to Tampa  
**Air:\$476.41**  
**Per Diem:**  
**Lodging:**  
**Car/Rental:N/a**

REV\_00123943

---

**From:** CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>  
**Sent:** 6/20/2003 1:21:13 PM  
**Subject:** : FW: TA Request for Tampa FL

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 17:21:13.00  
SUBJECT:: FW: TA Request for Tampa FL  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Please approve.

-----Original Message-----

From: Smith, Courtney  
Sent: Friday, June 20, 2003 4:21 PM  
To: Douglass, Kimberly A.  
Subject: TA Request for Tampa FL

Approval is needed to process the TA for the travel of two (2) advance representatives, preparing for the visit of the President to Tampa, FL June 23, 2003 for a Bush/Cheney 2004 Fundraiser. This only travel for two representatives. The third will be forthcoming. Thanks.

Court

1)Dewitt Zemp  
June 24, 2003-10:40am  
Delta Flt#1189, Columbia SC to Atlanta GA  
Delta Flt#1775, Atlanta to Tampa:10pm

No return

Air:\$462.91  
Per Diem:  
Lodging:  
Car Rental:Hertz-fullsize-\$30.57/day

2)Charlie Barker  
June 24, 2003-10:50am  
Delta Flt#4874, Knoxville to Atlanta  
Delta Flt#1775, Atlanta to Tampa 11:55am

June 30, 2003-9:55pm  
Delta Flt#1092, Tampa to Atlanta  
Delta Flt#979, Atlanta to Tampa  
Air:\$476.41  
Per Diem:  
Lodging:  
Car/Rental:N/a

REV\_00123944

---

**From:** Kavanaugh, Brett M.  
**To:** <Douglass, Kimberly A.>  
**CC:** <Litkenhaus, Colleen>  
**Sent:** 6/20/2003 5:22:32 PM  
**Subject:** Re: FW: TA Request for Tampa FL

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/20/2003 05:20:07 PM

Record Type: Record

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

cc: Colleen Litkenhaus/WHO/EOP@Exchange

Subject: FW: TA Request for Tampa FL

Please approve.

-----Original Message-----

**From:** Smith, Courtney

**Sent:** Friday, June 20, 2003 4:21 PM

**To:** Douglass, Kimberly A.

**Subject:** TA Request for Tampa FL

Approval is needed to process the TA for the travel of two (2) advance representatives, preparing for the visit of the President to Tampa, FL June 23, 2003 for a Bush/Cheney 2004 Fundraiser. This only travel for two representatives. The third will be forthcoming. Thanks.

Court

1)Dewitt Zemp

**June 24, 2003-10:40am**

Delta Flt#1189, Columbia SC to Atlanta GA

Delta Flt#1775, Atlanta to Tampa 1:10pm

No return

**Air:\$462.91**

**Per Diem:**

**REV\_00123945**

**Lodging:**

**Car Rental:**Hertz-fullsize-\$30.57/day

**2)Charlie Barker**

**June 24, 2003-10:50am**

Delta Flt#4874, Knoxville to Atlanta

Delta Flt#1775, Atlanta to Tampa 11:55am

June 30, 2003-9:55pm

Delta Flt#1092, Tampa to Atlanta

Delta Flt#979, Atlanta to Tampa

**Alr:\$476.41**

**Per Diem:**

**Lodging:**

**Car/Rental:N/a**

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 1:24:14 PM  
**Subject:** : Kuhl Fax

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 17:24:14.00  
SUBJECT:: Kuhl Fax  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

213-346-1293

---

**From:** Kavanaugh, Brett M.  
**To:** <Douglass, Kimberly A.>  
**CC:** <Litkenhaus, Colleen>  
**Sent:** 6/20/2003 5:47:51 PM  
**Subject:** Re: Advance TA - Miami (Campaign)

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/20/2003 05:34:50 PM

Record Type: Record

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

cc: Colleen Litkenhaus/WHO/EOP@Exchange

Subject: Advance TA - Miami (Campaign)

**Please approve**

**Mgmt approval is needed to process the TA's for the travel of five (5) advance representatives, preparing for the visit of the President to Miami, FL on Monday June 30, 2003.**

**2) Heather Florance**

**June 25, 2003- 5:55 pm**

**United Airlines flight # 2741, Baltimore, MD to Charlotte, NC**

United Airlines flight # 2101, Charlotte, NC to Miami, FL

**REV\_00123950**

**June 30, 2003- 5:05 pm**

**United Airlines flight # 8070, Miami, FL to Charlotte, NC**

United Airlines flight # 1715, Charlotte, NC to Baltimore, MD

**Airfare: \$468.91**

**Per Diem:**

**Lodging:**

**Car Rental: Hertz full size, confirm. c2234784828 \$185.00/ day**

**3) Patrick McArthur**

**June 24, 2003- 10:20 am**

**United Airlines flight # 2686, Baltimore, MD to Charlotte, NC**

United Airlines flight # 2020, Charlotte, NC to Miami, FL

**June 30, 2003- 5:05 pm**

**United Airlines flight # 2070, Miami, FL to Charlotte, NC**

United Airlines flight #1715, Charlotte, NC to Baltimore, MD

**Airfare: \$468.91**

**Per Diem:**

**Lodging:**

**Car Rental:**

**4) Jose Mallea**

**June 24, 2003- 10:20 am**

**United Airlines flight # 2686, Baltimore, MD to Charlotte, NC**

United Airlines flight # 2020, Charlotte, NC to Miami, FL

**June 30, 2003- 5:05 pm**

**United Airlines flight # 2070, Miami, FL to Charlotte, NC**

United Airlines flight #1715, Charlotte, NC to Baltimore, MD

**Airfare: \$468.91**

**Per Diem:**

**Lodging:**

**Car Rental:**

**5) Frank McCarthon**

**June 24, 2003- 2:47 pm**



**American Airlines flight # 1113, NYC Laguardia, NY to Miami, FL**

**June 30, 2003- 7:25 pm**

**American Airlines flight # 1538, Miami, FL to NYC Laguardia, NY**

**Airfare: \$484.41**

**Per Diem:**

**Lodging:**

**Car Rental:**

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>  
**CC:** colleen litkenhaus/who/eop@exchange [ WHO ] <colleen litkenhaus>  
**Sent:** 6/20/2003 1:48:53 PM  
**Subject:** : Re: Advance TA - Miami (Campaign)

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 17:48:53.00  
SUBJECT:: Re: Advance TA - Miami (Campaign)  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:colleen litkenhaus ( CN=colleen litkenhaus/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/20/2003 05:34:50 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Colleen Litkenhaus/WHO/EOP@Exchange  
Subject: Advance TA - Miami (Campaign)

Please approve

;

Mgmt approval is needed to process the TA,s for the travel of five (5) advance representatives, preparing for the visit of the President to Miami, FL on Monday June 30, 2003.

;

2) Heather Florance

June 25, 2003- 5:55 pm

United Airlines flight # 2741, Baltimore, MD to Charlotte, NC

United Airlines flight # 2101, Charlotte, NC to Miami, FL

;

June 30, 2003- 5:05 pm

United Airlines flight # 8070, Miami, FL to Charlotte, NC

United Airlines flight # 1715, Charlotte, NC to Baltimore, MD

REV\_00123954

Airfare: \$468.91

Per Diem:

Lodging:

Car Rental: Hertz full size, confirm. c2234784828 \$185.00/ day

;

3) Patrick McArthur

June 24, 2003- 10:20 am

United Airlines flight # 2686, Baltimore, MD to Charlotte, NC

United Airlines flight # 2020, Charlotte, NC to Miami, FL

;

June 30, 2003- 5:05 pm

United Airlines flight # 2070, Miami, FL to Charlotte, NC

United Airlines flight #1715, Charlotte, NC to Baltimore, MD

Airfare: \$468.91

Per Diem:

Lodging:

Car Rental:

;

4) Jose Mallea

June 24, 2003- 10:20 am

United Airlines flight # 2686, Baltimore, MD to Charlotte, NC

United Airlines flight # 2020, Charlotte, NC to Miami, FL

;

June 30, 2003- 5:05 pm

United Airlines flight # 2070, Miami, FL to Charlotte, NC

United Airlines flight #1715, Charlotte, NC to Baltimore, MD

Airfare: \$468.91

Per Diem:

Lodging:

Car Rental:

;

5) Frank McCarthon

June 24, 2003- 2:47 pm

American Airlines flight # 1113, NYC Laguardia, NY to Miami, FL

;

June 30, 2003- 7:25 pm

American Airlines flight # 1538, Miami, FL to NYC Laguardia, NY

Airfare: \$484.41

Per Diem:

Lodging:

Car Rental:

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Patrick J. Bumatay/WHO/EOP@Exchange@EOP [ WHO ] <Patrick J. Bumatay>  
**Sent:** 6/20/2003 2:24:18 PM  
**Subject:** : REMINDER: I NEED TO SEE ALL POLITICAL SPEECHES -- DID NOT SEE TONIGHT'S

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 18:24:18.00  
SUBJECT:: REMINDER: I NEED TO SEE ALL POLITICAL SPEECHES -- DID NOT SEE TONIGHT'S  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Mallea, Jose  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/20/2003 6:32:24 PM  
**Subject:** Opinion on text...

Wanted to get your advice on a "nice to see you" letter from Sec. Card on official letterhead. He saw the person at a political event.

*The Honorable Richard Egan  
8 Queen Anne Road  
Hopkinton, MA 01848*

*Dear Ambassador Egan:*

*It was great seeing you earlier this week at the Harvard Club in Downtown Boston. Being with so many old friends brought back a flood of warm memories. Please know that your friendship and continued service to this country are greatly appreciated.*

*Hope our paths cross again sometime soon.*

*Sincerely,*

*Andrew H. Card, Jr.*

*AHC:jm*

**From:** CN=Jose Mallea/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 2:33:36 PM  
**Subject:** : Opinion on text...

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jose Mallea ( CN=Jose Mallea/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 18:33:36.00  
SUBJECT:: Opinion on text...  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Wanted to get your advice on a "nice to see you" letter from Sec. Card on official letterhead.; He saw the person at a political event.

;  
The Honorable Richard Egan

8 Queen Anne Road  
Hopkinton, MA 01848

;  
Dear Ambassador Egan:

;  
It was great seeing you earlier this week at the Harvard Club in Downtown Boston.; Being with so many old friends brought back a flood of warm memories.; Please know that your friendship and continued service to this country are greatly appreciated.

;  
Hope our paths cross again sometime soon.

;  
;;;;;;;;;;;;; Sincerely,

;  
;  
;  
;  
;;;;;;;;;;;;; Andrew H. Card, Jr.

;  
AHC:jm

;

---

**From:** CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 2:46:20 PM  
**Subject:** : Thanks for the answer on the lists!!

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 18:46:20.00  
SUBJECT:: Thanks for the answer on the lists!!  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####



---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**Sent:** 6/20/2003 6:49:14 PM  
**Subject:**

Do we have particular questions she wants to focus on.

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 2:51:47 PM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 18:51:47.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

What is your fax number? I'll send you her letter.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Friday, June 20, 2003 6:49 PM  
To: Snee, Ashley  
Subject:

Do we have particular questions she wants to focus on.

---

**From:** CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 4:27:22 PM  
**Subject:** : JB questions

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
CREATION DATE/TIME:20-JUN-2003 20:27:22.00  
SUBJECT:: JB questions  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett:

;

The committee QFR has a question on Enron, Josh's contacts with Sec. Evans, whether they discussed a bailout, etc.; Josh thinks that he has provided, through counsel's office, answers on Enron previously, and would like help in retrieving any prior responses.; Alternatively, if such is not available, we'll need guidance on how to respond to the question.; Are you available at all tomorrow?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Joel Kaplan/WHO/EOP@Exchange [ UNKNOWN ] <Joel Kaplan>  
**Sent:** 6/20/2003 4:49:02 PM  
**Subject:** : Re: JB questions

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 20:49:02.00  
SUBJECT:: Re: JB questions  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes. I will come in early morning and figure it all out.

.

----- Original Message -----  
From:Joel Kaplan/WHO/EOP@Exchange  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 06/20/2003 08:26:10 PM  
Subject: JB questions

Brett:

;

The committee QFR has a question on Enron, Josh's contacts with Sec. Evans, whether they discussed a bailout, etc.; Josh thinks that he has provided, through counsel's office, answers on Enron previously, and would like help in retrieving any prior responses.; Alternatively, if such is not available, we'll need guidance on how to respond to the question.; Are you available at all tomorrow?

---

**From:** CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/20/2003 4:51:58 PM  
**Subject:** : RE: JB questions

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
CREATION DATE/TIME:20-JUN-2003 20:51:58.00  
SUBJECT:: RE: JB questions  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks. Several of us will be in b/w 8 and 9.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Friday, June 20, 2003 8:48 PM  
To: Kaplan, Joel; Kavanaugh, Brett M.  
Subject: Re: JB questions

Yes. I will come in early morning and figure it all out.

.

----- Original Message -----

From:Joel Kaplan/WHO/EOP@Exchange  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 06/20/2003 08:26:10 PM  
Subject: JB questions

Brett:

The committee QFR has a question on Enron, Josh's contacts with Sec. Evans, whether they discussed a bailout, etc. Josh thinks that he has provided, through counsel's office, answers on Enron previously, and would like help in retrieving any prior responses. Alternatively, if such is not available, we'll need guidance on how to respond to the question. Are you available at all tomorrow?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Joel Kaplan/WHO/EOP@Exchange [ UNKNOWN ] <Joel Kaplan>  
**Sent:** 6/20/2003 7:08:04 PM  
**Subject:** : Re: JB questions

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:20-JUN-2003 23:08:04.00  
SUBJECT:: Re: JB questions  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Will be there at 830. Sec card and judge gonzales did letters on this.

.

----- Original Message -----  
From:Joel Kaplan/WHO/EOP@Exchange  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 06/20/2003 08:50:45 PM  
Subject: RE: JB questions

Thanks. Several of us will be in b/w 8 and 9.

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Friday, June 20, 2003 8:48 PM  
To: Kaplan, Joel; Kavanaugh, Brett M.  
Subject: Re: JB questions

Yes. I will come in early morning and figure it all out.

.

----- Original Message -----  
From:Joel Kaplan/WHO/EOP@Exchange  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 06/20/2003 08:26:10 PM  
Subject: JB questions

Brett:

The committee QFR has a question on Enron, Josh's contacts with Sec. Evans, whether they discussed a bailout, etc. Josh thinks that he has provided, through counsel's office, answers on Enron previously, and would like help in retrieving any prior responses. Alternatively, if such is not available, we'll need guidance on how to respond to the question. Are you available at all tomorrow?

---

**From:** Rick Garnett <Rick.Garnett.4@nd.edu>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/21/2003 8:37:14 AM  
**Subject:** : Congrats

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Rick Garnett <Rick.Garnett.4@nd.edu> ( Rick Garnett <Rick.Garnett.4@nd.edu> [ UNKNOWN ] )  
CREATION DATE/TIME:21-JUN-2003 12:37:14.00  
SUBJECT:: Congrats  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,

Let me add yet another "congrats" to the pile. This is great news for the law. Best wishes,

Rick G.

Richard W. Garnett  
Notre Dame Law School  
Notre Dame, IN 46556  
(574) 631-6981  
garnett.4@nd.edu  
<http://www.nd.edu/~ndlaw/faculty/facultypages/garnettr.html>

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Joel D. Kaplan/WHO/EOP@Exchange@EOP [ WHO ] <Joel D. Kaplan>  
**Sent:** 6/21/2003 5:46:50 AM  
**Subject:** : I have the docs I think you need; call me

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-JUN-2003 09:46:50.00  
SUBJECT:: I have the docs I think you need; call me  
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####



---

**From:** Kavanaugh, Brett M.  
**To:** <Kaplan, Joel>  
**Sent:** 6/21/2003 9:49:55 AM  
**Subject:** did you know this

## **LIKE FATHER, LIKE CLERK**

Supreme Court Justice Clarence Thomas first met Deputy Attorney General Larry Thompson in 1974 as they studied for the Missouri Bar exam. Next year, Thompson's son Larry Thompson Jr. will work for Justice Thomas in his chambers as a law clerk.

Thomas revealed the hire during a recent talk with students at Banneker High School in Washington, D.C. A student asked Thomas whether any of his contemporaries were as successful professionally as he is. Coincidentally, the student asking the question said his name was Larry Thompson. Thomas laughed that "that's a very important name" for him -- because of his friend, the Justice Department official, and Larry Jr., who will soon be one of Thomas' law clerks. Justice Thomas said the elder Thompson is "one of the smartest, most talented people I know," adding that Larry Jr. is "equally talented."

The younger Thompson just graduated from New York University School of Law, and this summer begins a one-year stint as a law clerk to J. Michael Luttig, a judge on the 4th U.S. Circuit Court of Appeals and a leading supplier of clerks to the high court. When he heads to the Supreme Court, Thompson will be Thomas' second African-American law clerk. His first, Stephen Smith, is now an associate professor at the University of Virginia School of Law. During a C-SPAN interview earlier this month, the deputy attorney general was shown videotape of the comments by Justice Thomas. "My son is much more qualified than I am," he said.

Thompson the father was also asked if he himself might soon be working at the Supreme Court -- as a justice. With regularity, Thompson's name pops up in the D.C. rumor mill as a potential nominee. Though he did not completely reject the idea, Thompson said he intended to return to Atlanta after leaving the Justice Department. He also said it was "highly unlikely" that someone like himself, who has never been a judge, would be appointed to the high court.

---

**From:** Kaplan, Joel  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/21/2003 9:56:30 AM  
**Subject:** RE: did you know this

No. None of it.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Saturday, June 21, 2003 9:50 AM  
**To:** Kaplan, Joel  
**Subject:** did you know this

## LIKE FATHER, LIKE CLERK

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---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 6/21/2003 5:59:09 AM  
**Subject:** : positive piece on Steve Limbaugh -- good quotes from Ronnie White about him

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-JUN-2003 09:59:09.00  
SUBJECT:: positive piece on Steve Limbaugh -- good quotes from Ronnie White about him  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Supreme Court judge Limbaugh nears end as chief justice

JEFFERSON CITY, Mo. -- In addition to tackling the pressing legal issues of the day, the Missouri Supreme Court sits as a seven-member board of directors over the state's judicial branch. As chief justice for the last two years, Stephen N. Limbaugh Jr. of Cape Girardeau has been the chairman of the board. Though the job has been rewarding, Limbaugh said overseeing the judicial branch, which has 3,600 employees and a \$160 million budget, has also meant a lot of extra work. &I suppose I've spent two-thirds of my time on administrative matters rather than on the work of the court, though I have kept a full caseload,8 Limbaugh said. While he will remain on the bench, his tenure as chief justice ends July 1. The post rotates among the court's members every two years, with the job going to the most senior judge who hasn't had a turn. Judge Ronnie L. White of St. Louis will succeed Limbaugh to become the court's first black chief. Given Missouri's role in the infamous Dred Scott case that helped precipitate the Civil War, Limbaugh said it's well past time for an African-American to serve in the position. &That is an important symbolic event and something for Missourians to celebrate,8 Limbaugh said. White, who was appointed in 1995 by Gov. Mel Carnahan, will also be the first Democratic appointee to hold the post since 1987. Though he sometimes disagrees with Limbaugh on legal interpretations, White said Limbaugh is a valued friend who will be a tough to replace as the court's leader. &I thought Steve was an outstanding chief justice,8 White said. &He had to take over at a time of severe financial difficulties in the state and in particular the judiciary. No other chief justice in my time had to face

that.<sup>8</sup>

White, 56, deferred comment on his upcoming tenure until next week but said he is looking forward to the challenge.

&My only hesitation is if I can live up to the standard others have set,<sup>8</sup> White said.

Swing to Democrats

Until last year, Republican-appointees had dominated the court since the mid-1980s. Judges chosen by Democratic governors now hold a 4-3 majority.

White said the change has had little impact.

&I think everybody on the court still works together to come up with solutions everybody understands,<sup>8</sup> White said.

Although the court split along partisan lines in a pair of death penalty cases handed down this week, such divisions are an exception.

Limbaugh, appointed to the court by Republican Gov. John Ashcroft in 1992, said the judges strive for unanimity when possible, though disagreements occur.

&We come from broadly diverse backgrounds, and each one of the judges contributes special strengths,<sup>8</sup> Limbaugh said. &Diversity of opinion is a healthy thing.<sup>8</sup>

One of the chief justice's roles is to lobby the Missouri Legislature for funding. Instead of painting a dire picture of the consequences of funding cuts like some agency heads, Limbaugh simply asked lawmakers to do their best.

&I was smart enough to know asking for money would be pointless and only irritate legislators,<sup>8</sup> Limbaugh said, joking.

He regrets the fact that on his watch funding for various judicial initiatives was deeply slashed, which leaves the ongoing effort to automate state courts at a standstill.

The judge earned high marks from lawmakers for his low-key approach.

&He was never one to come over and use high-pressure influence,<sup>8</sup> said state Rep. Rob Mayer, R-Dexter.

Mayer also praised Limbaugh for championing reform of the family court and foster care systems before a joint legislative session in January.

&The great thing was he had a first-hand knowledge of the system and was aware of its flaws and places where it was broken,<sup>8</sup> Mayer said.

Limbaugh, who handled a number of child abuse cases as a Cape Girardeau County Circuit Court judge, established a special commission of members of all three branches of government to examine the problem. The panel's recommendations led to the passage of reform legislation last month.

The Supreme Court also took unilateral efforts to improve the judiciary's performance in such matters, such as mandating cross training of family court judges so they better understand the roles of foster care caseworkers and others in the system.

&We don't want it ever to be said a tragedy resulted from a failure to communicate between those various components of the system,<sup>8</sup> Limbaugh said.

Barring an unforeseen opportunity, Limbaugh, 51, plans to seek another 12-year term when his current one expires in 2006. It's entirely possible, he said, that he could remain on the high court until he reaches the mandatory retirement age of 70.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jeffrey F. Kupfer/WHO/EOP@Exchange@EOP [ WHO ] <Jeffrey F. Kupfer>; Joel D. Kaplan/WHO/EOP@Exchange@EOP [ WHO ] <Joel D. Kaplan>  
**Sent:** 6/21/2003 7:02:46 AM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 21-JUN-2003 11:02:46.00

SUBJECT::

TO: Jeffrey F. Kupfer ( CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

TO: Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Draft answer to Evans question:

I would refer the Committee to two letters sent to it last year relating to Enron matters. Secretary Card wrote a letter to Congressman Waxman on February 1, 2002, noting Secretary Evans' public statements that he (Secretary Evans) had spoken with me about Enron's deteriorating condition and its potential impact on the trading markets. Judge Gonzales provided a copy of this letter to the Committee on April 19, 2002. In addition, Judge Gonzales' letter to the Committee of May 22, 2002, further summarized and discussed internal Executive Branch communications related to Enron's business failure, including the possible effects on the energy and financial markets. Judge Gonzales noted that these communications reflected "appropriate and responsible actions by government officials."

---

**From:** CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ]  
**To:** Jeffrey F. Kupfer/WHO/EOP@Exchange [ WHO ] <Jeffrey F. Kupfer>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/21/2003 8:27:08 AM  
**Subject:** : Re: Revised draft answers

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
CREATION DATE/TIME:21-JUN-2003 12:27:08.00  
SUBJECT:: Re: Revised draft answers  
TO:Jeffrey F. Kupfer ( CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

These look good to me. Jeff, you probably want to bring these to Josh, along with the questions and the letters referred to herein, ASAP for his review (so that brett can make any adjustments, or hopefully get out of there).;

Thanks Brett.

.

---

**From:** Gonzales, Alberto R.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/21/2003 12:37:30 PM  
**Subject:** Re: Alexis Simendinger request

I have no problem with you talking to them on background. Thanks.

---

**From:** CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/21/2003 8:38:42 AM  
**Subject:** : Re: Alexis Simendinger request

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:21-JUN-2003 12:38:42.00  
SUBJECT:: Re: Alexis Simendinger request  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I have no problem with you talking to them on background. Thanks.



---

**From:** Miranda, Manuel \(\Frist\) <Manuel\_Miranda@frist.senate.gov>  
**To:** <Kavanaugh, Brett M.>; <Grubbs, Wendy J.>; Tapia, Margarita \(\Judiciary\) <Margarita\_Tapia@Judiciary.senate.gov>; Delrahim, Makan \(\Judiciary\) <Makan\_Delrahim@Judiciary.senate.gov>; Rawls, Lee \(\Frist\) <Lee\_Rawls@frist.senate.gov>; Ueland, Eric \(\Frist\) <Eric\_Ueland@frist.senate.gov>; Comisac, RenaJohnson \(\Judiciary\) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>; Dahl, Alex \(\Judiciary\) <Alex\_Dahl@Judiciary.senate.gov>; Schiappa, David \(\Rep-Secretary\) <David\_Schiappa@rep-secretary.senate.gov>; Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>  
**Sent:** 6/21/2003 1:52:50 PM  
**Subject:** Arkansas Democrat Gazette

Holmes' judicial nomination still awaits action in Senate

BY KEVIN FREKING  
ARKANSAS DEMOCRAT-GAZETTE

WASHINGTON - It has been seven weeks since the Senate Judiciary Committee forwarded the nomination of Leon Holmes to the full Senate, but Republicans have given no hint of when, or if, they will schedule a confirmation vote.

Holmes, a Little Rock lawyer, is President Bush's nominee to serve as a district judge for the Eastern District of Arkansas. The seven-week lag is unusually long. Indeed, the longest any other district court nominee has had to wait this year between a committee vote and a full Senate vote is three weeks. Of the 22 district judge nominees approved this year by the Senate, most did not even have to wait one week after the committee's vote before the full Senate took action.

Holmes' case, however, is unusual. Abortion-rights advocates have made defeating his confirmation one of their biggest goals. The opposition to his nomination was so great that the Judiciary Committee forwarded his nomination to the full Senate without making a recommendation - the first time that's been done with a district judge nominee since 1951. Democrats say, but not for attribution, that they believe the delay is a sign the nomination is in trouble.

"I do not believe there would be a filibuster of the nomination," said a senior Democratic aide. "Democrats have agreed to work with the Republican leaders in scheduling a debate on the Holmes nomination. Republican leaders have continually declined to do that."

A spokesman for Senate Majority Leader Bill Frist, R-Tenn., said the delay should not be viewed as a sign the Republican leadership has given up on Holmes' nomination. Rather, it has to do with the myriad issues of importance that have dominated Senate debate in recent weeks, particularly tax cuts and Medicare reform.

"Simply, there are a number of issues coming to the floor. Medicare has taken much of the time, and certainly, that impacts our ability to get to all of the issues that we'd like to," said Nick Smith, the majority leader's spokesman.

"There is no specific date on Leon Holmes, but it's something we hope we can take up on the floor soon."

A spokesman for Sen. Orrin Hatch, R-Utah, the chairman of the Judiciary Committee, said that Hatch felt Holmes deserved a vote.

"However, as with the nominations of other pro-life Catholics, such as Carolyn Quhl and Bill Pryor, the chairman is concerned that Mr. Holmes' personal religious beliefs may be playing a role in the opposition to his nomination, orchestrated by the liberal Washington interest groups," said Hatch's spokesman, Margarita Tapia. Holmes declined comment, referring an inquiry to the Justice Department.

A spokesman there said the White House still supports the Holmes nomination.

"This administration fully supports all of its nominees," said

spokesman Monica Goodling.

For the most part, Bush's district court nominees have received unanimous support at the committee level as well as in the Senate. The more divisive battles have been fought over appellate court nominations.

Holmes has received strong support from both Arkansas senators, Democrats Mark Pryor and Blanche Lincoln. Aides said neither senator could be reached for comment on Friday.

This story was published Saturday, June 21, 2003

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**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Kristi.L.Remington@usdoj.gov [ UNKNOWN ] <Kristi.L.Remington@usdoj.gov>; Dahl, Alex (Judiciary) <Alex\_Dahl@Judiciary.senate.gov>; Ueland, Eric (Frist) <Eric\_Ueland@frist.senate.gov>; Delrahim, Makan (Judiciary) <Makan\_Delrahim@Judiciary.senate.gov>; Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>; Schiappa, David (Rep-Secretary) <David\_Schiappa@rep-secretary.senate.gov>; Comisac, RenaJohnson (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>; Rawls, Lee (Frist) <Lee\_Rawls@frist.senate.gov>; Tapia, Margarita (Judiciary) <Margarita\_Tapia@Judiciary.senate.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/21/2003 9:54:22 AM  
**Subject:** : Arkansas Democrat Gazette

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:21-JUN-2003 13:54:22.00  
SUBJECT:: Arkansas Democrat Gazette  
TO:Kristi.L.Remington@usdoj.gov ( Kristi.L.Remington@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov> ( "Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Ueland, Eric (Frist)" <Eric\_Ueland@frist.senate.gov> ( "Ueland, Eric (Frist)" <Eric\_Ueland@frist.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> ( "Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Schiappa, David (Rep-Secretary)" <David\_Schiappa@rep-secretary.senate.gov> ( "Schiappa, David (Rep-Secretary)" <David\_Schiappa@rep-secretary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> ( "Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Rawls, Lee (Frist)" <Lee\_Rawls@frist.senate.gov> ( "Rawls, Lee (Frist)" <Lee\_Rawls@frist.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Tapia, Margarita (Judiciary)" <Margarita\_Tapia@Judiciary.senate.gov> ( "Tapia, Margarita (Judiciary)" <Margarita\_Tapia@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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REV\_00123993

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"I do not believe there would be a filibuster of the nomination," said a senior Democratic aide. "Democrats have agreed to work with the Republican leaders in scheduling a debate on the Holmes nomination. Republican leaders have continually declined to do that."

A spokesman for Senate Majority Leader Bill Frist, R-Tenn., said the delay should not be viewed as a sign the Republican leadership has given up on Holmes' nomination. Rather, it has to do with the myriad issues of importance that have dominated Senate debate in recent weeks, particularly tax cuts and Medicare reform.

"Simply, there are a number of issues coming to the floor. Medicare has taken much of the time, and certainly, that impacts our ability to get to all of the issues that we'd like to," said Nick Smith, the majority leader's spokesman.

"There is no specific date on Leon Holmes, but it's something we hope we can take up on the floor soon."

A spokesman for Sen. Orrin Hatch, R-Utah, the chairman of the Judiciary Committee, said that Hatch felt Holmes deserved a vote.

"However, as with the nominations of other pro-life Catholics, such as Carolyn Quhl and Bill Pryor, the chairman is concerned that Mr. Holmes' personal religious beliefs may be playing a role in the opposition to his nomination, orchestrated by the liberal Washington interest groups," said Hatch's spokesman, Margarita Tapia. Holmes declined comment, referring an inquiry to the Justice Department. A spokesman there said the White House still supports the Holmes nomination.

"This administration fully supports all of its nominees," said spokesman Monica Goodling.

For the most part, Bush's district court nominees have received unanimous support at the committee level as well as in the Senate. The more divisive battles have been fought over appellate court nominations. Holmes has received strong support from both Arkansas senators, Democrats Mark Pryor and Blanche Lincoln. Aides said neither senator could be reached for comment on Friday.

This story was published Saturday, June 21, 2003

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**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>;Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/21/2003 3:07:56 PM  
**Subject:** : Re: Are you all aware of this?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:21-JUN-2003 19:07:56.00  
SUBJECT:: Re: Are you all aware of this?  
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Of course not. I could kill this guy. I wonder if makan knows...

-----Original Message-----

From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>  
To: Goeglein, Tim <tgoeglei@WHO.eop.gov>; Grubbs, Wendy J. <Wendy\_J\_Grubbs@who.eop.gov>; Smith, Matthew E. <mesmith@WHO.eop.gov>  
Sent: Sat Jun 21 15:37:12 2003  
Subject: Are you all aware of this?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
06/21/2003 03:37 PM -----

;;;;;;;; "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov>  
06/21/2003 03:33:10 PM;

Record Type;;; Record

To;;;;  
cc;;;;  
Subject;;;;;;;;; Briefing / Tues 3:30

We will have a presentation and briefing on Tuesday at 3:30 pmin Mansfield( so that you may best prepare your Senator for the July 4th recess and the judicial nominations activity of July.; We will discuss the immediate future, and brief you on nominee Bill Pryor, a nominee with a high profile and wide support with the GOP base that your Senator will encounter back home.;;

We will begin with a presentation on polling on Catholics and people of faith, which may be particularly useful to you as we face public debate on

REV\_00123997

three high profile Catholic nominees: Holmes, Kuhl, and Pryor.;; The presentation will be made by Deal Hudson, a member of the President,s Catholic kitchen cabinet and editor of CRISIS magazine.; Mr. Hudson commissioned the first major Catholic poll that heavily influenced the last two elections, and mapped the voting patterns of the &Catholic swing vote,8 which represents only 15% of the total Catholic vote, concluding in small part that had Bob Dole won just 2% of the Catholic swing vote (15%) he would have won the 1996 election.;

Please be on time. We will begin promptly.

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/21/2003 3:09:47 PM  
**Subject:** : Re: Are you all aware of this?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:21-JUN-2003 19:09:47.00  
SUBJECT:: Re: Are you all aware of this?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

How did u find out?

.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Manuel\_Miranda@frist.senate.gov [ UNKNOWN ] <Manuel\_Miranda@frist.senate.gov>  
**Sent:** 6/21/2003 12:14:13 PM  
**Subject:** : Re: Urgency

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-JUN-2003 16:14:13.00  
SUBJECT:: Re: Urgency  
TO:Manuel\_Miranda@frist.senate.gov ( Manuel\_Miranda@frist.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Definitely.

.



---

**From:** CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 6/21/2003 12:18:12 PM  
**Subject:** : Jacksonville Times Union (6/21/03) EDITORIAL re: Congress: Strange objections

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:21-JUN-2003 16:18:12.00  
SUBJECT:: Jacksonville Times Union (6/21/03) EDITORIAL re: Congress: Strange objections  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Saturday, June 21, 2003

Last modified at 3:45 a.m. on Saturday, June 21, 2003  
EDITORIAL  
Jacksonville (FL) Times Union

CONGRESS: Strange objections

Democratic senators clearly crossed the line in their zeal to find fault with President Bush's judicial nominees.  
It was bad enough when qualified legal scholars were deemed unacceptable on the grounds that they were insufficiently supportive of abortion or guilty of being "conservative while Hispanic."  
Sen. Russ Feingold took politically correct witch hunts to a new level, however, when he raised the issue of whether one nominee had done something wrong by not taking his daughters, ages 4 and 6, to Disney World during "gay days."  
Alabama Attorney General Bill Pryor, under questioning from Feingold, repeatedly confirmed that he had rescheduled a trip to Disney to avoid the homosexual celebration.  
Feingold may find that to be a terrible, homophobic thing to do. Most Americans, we are certain, would disagree.  
There is nothing morally wrong or inherently evil about wanting to protect childhood innocence.  
The fact that a man is a concerned father shouldn't be grounds to exclude him from the judiciary, but rather the reverse.

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>  
**Sent:** 6/22/2003 9:57:39 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-JUN-2003 13:57:39.00  
SUBJECT:: RE:  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Are they doing this letter?

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/20/2003 03:16:36 PM  
Record Type: Record

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

Yes sirree(.do you have the docs on history that I can share with them?

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Friday, June 20, 2003 3:14 PM  
To: Grubbs, Wendy J.  
Subject:

We assume you guys will coordinate with Frist to get the letter on  
filibusters coordinated and out early next week, correct?

---

**From:** CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/22/2003 10:43:18 AM  
**Subject:** : Re: do we have draft responses to Michigan decision?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )  
CREATION DATE/TIME:22-JUN-2003 14:43:18.00  
SUBJECT:: Re: do we have draft responses to Michigan decision?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I have a basic paragraph for each of the three most likely scenarios.

But we will obviously have to do an instant analysis and then refine it.

In the event it is handed down tomorrow, is there any reason to have someone at the court to get it, or will it be available in real time online for us to review and discuss.

.

-----Original Message-----

From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>  
To: Lefkowitz, Jay P. <Jay\_P.\_Lefkowitz@opd.eop.gov>  
Sent: Sun Jun 22 13:56:53 2003  
Subject: do we have draft responses to Michigan decision?

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jay P. Lefkowitz/OPD/EOP@Exchange [ OPD ] <Jay P. Lefkowitz>  
**Sent:** 6/22/2003 10:50:01 AM  
**Subject:** : Re: do we have draft responses to Michigan decision?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 22-JUN-2003 14:50:01.00  
SUBJECT: : Re: do we have draft responses to Michigan decision?  
TO: Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

ok. It should be available online virtually instantaneously, but we will have SG's office ready to FAX immediately to us as backup.

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 06/22/2003 02:42:05 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: do we have draft responses to Michigan decision?

I have a basic paragraph for each of the three most likely scenarios.

But we will obviously have to do an instant analysis and then refine it.

In the event it is handed down tomorrow, is there any reason to have someone at the court to get it, or will it be available in real time online for us to review and discuss.

.

-----Original Message-----  
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>  
To: Lefkowitz, Jay P. <Jay\_P.\_Lefkowitz@opd.eop.gov>  
Sent: Sun Jun 22 13:56:53 2003  
Subject: do we have draft responses to Michigan decision?

---

**From:** CN=Joshua B. Bolten/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Amy L. Call/OMB/EOP@EOP [ OMB ] <Amy L. Call>; Jeffrey F. Kupfer/WHO/EOP@Exchange [ WHO ] <Jeffrey F. Kupfer>; Augustine T. Smythe/OMB/EOP@EOP [ OMB ] <Augustine T. Smythe>; Joel Kaplan/WHO/EOP@Exchange [ UNKNOWN ] <Joel Kaplan>  
**Sent:** 6/22/2003 7:50:53 AM  
**Subject:** : questions

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Joshua B. Bolten ( CN=Joshua B. Bolten/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 22-JUN-2003 11:50:53.00  
SUBJECT:: questions  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
CC: Amy L. Call ( CN=Amy L. Call/OU=OMB/O=EOP@EOP [ OMB ] )  
READ: UNKNOWN  
CC: Jeffrey F. Kupfer ( CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
CC: Augustine T. Smythe ( CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [ OMB ] )  
READ: UNKNOWN  
CC: Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Brett:; thx for help w/ written questions for my confirmation.; Several of the answers you helped craft/approved are non-responsive (e.g., involvement in EPA document; net present value study; Enron).; What guidance do you have for me if asked at the hearing about my involvement in these matters?; I'd prefer to be able to answer (honestly) that I had no involvement (other than what was described in Al's Enron letter); but I'm concerned about failing to protect our internal processes.;;; jb

---

**From:** Kavanaugh, Brett M.  
**To:** <Lefkowitz, Jay P.>  
**Sent:** 6/22/2003 1:56:53 PM  
**Subject:** do we have draft responses to Michigan decision?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jay P. Lefkowitz/OPD/EOP@Exchange@EOP [ OPD ] <Jay P. Lefkowitz>  
**Sent:** 6/22/2003 9:58:25 AM  
**Subject:** : do we have draft responses to Michigan decision?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:22-JUN-2003 13:58:25.00  
SUBJECT:: do we have draft responses to Michigan decision?  
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/22/2003 4:49:41 PM  
**Subject:** RE:

Z plans to approach Frist directly on Monday, given staff challenges there. Thanks.  
We will target Weds for release...Ok?

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Sunday, June 22, 2003 1:57 PM  
**To:** Grubbs, Wendy J.  
**Subject:** RE:

Are they doing this letter?

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/20/2003 03:16:36 PM  
Record Type: Record

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

Yes sirree....do you have the docs on history that I can share with them?

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Friday, June 20, 2003 3:14 PM  
**To:** Grubbs, Wendy J.  
**Subject:**

We assume you guys will coordinate with Frist to get the letter on filibusters coordinated and out early next week, correct?



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** tomj@georgewbush.com @ inet [ UNKNOWN ] <tomj@georgewbush.com @ inet>;cspies@rnchq.org @ inet [ UNKNOWN ] <cspies@rnchq.org @ inet>  
**Sent:** 6/22/2003 1:21:26 PM  
**Subject:** : ADMINISTRATIVE ALERT: IMPORTANT Memos on Political Travel from Counsel's Office  
**Attachments:** P\_C16FH003\_WHO.TXT\_1.pdf; P\_C16FH003\_WHO.TXT\_2.pdf

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 22-JUN-2003 17:21:26.00

SUBJECT: : ADMINISTRATIVE ALERT: IMPORTANT Memos on Political Travel from Counsel's Office

TO: tomj@georgewbush.com @ inet ( tomj@georgewbush.com @ inet [ UNKNOWN ] )

READ: UNKNOWN

TO: cspies@rnchq.org @ inet ( cspies@rnchq.org @ inet [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

fyi

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
06/22/2003 05:18 PM -----

PostMaster

06/20/2003 09:14:49 AM

Record Type: Record

To: All WHO Users

cc:

Subject: ADMINISTRATIVE ALERT: IMPORTANT Memos on Political Travel  
from Counsel's Office

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_C16FH003\_WHO.TXT\_1>

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_C16FH003\_WHO.TXT\_2>

# THE WHITE HOUSE

WASHINGTON

June 19, 2003

MEMORANDUM FOR       HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES  
                                  WHITE HOUSE STAFF

FROM:                   ALBERTO R. GONZALES  
                                  COUNSEL TO THE PRESIDENT

SUBJECT:               RULES REGARDING CORPORATE AND GOVERNMENT  
                                  AIRCRAFT ON POLITICAL TRIPS

This memorandum summarizes rules and policies with respect to use of corporate or government aircraft for political trips. (Note that this memorandum does not cover travel on a charter aircraft paid for by a political entity, which is treated the same as ordinary travel on a commercial aircraft where the cost is paid by a political entity.)

## **I. Corporate Aircraft**

A political campaign or party may pay for air transportation of individuals to a political event, including of individuals employed in the Executive Branch who are otherwise allowed to attend the event. *See* 5 C.F.R. 2635.204(f). In addition, federal law authorizes political campaigns and parties to secure a corporate aircraft to provide air transportation, so long as the campaign or party reimburses the owner of the aircraft under relevant federal statutes and regulations. *See* 11 C.F.R. 114.9.

As a matter of policy, however, the following steps must occur when an Executive Branch employee travels on a corporate aircraft secured by a political campaign or party for the employee's travel to a political event:

1. The employee should not travel on a corporate aircraft for political travel unless commercial service would not be practically available under the circumstances, taking into account the employee's official schedule and the location and timing of the event.
2. The employee should not travel on an aircraft owned by an entity or individual that is regulated by or doing business with the employee's department or agency, or in circumstances that otherwise would be inappropriate.
3. The relevant political campaign or party must pay the owner of the aircraft *in advance* by paying the relevant first class airfare (or, in the case of travel to a city not served by a regularly scheduled commercial service, the usual charter rate).

4. For White House employees, advance approval of any use of a corporate aircraft for a political trip must be obtained from the Counsel to the President. For other Administration employees, advance approval of any use of corporate aircraft for a political trip must be obtained from the relevant department or agency General Counsel and the Counsel to the President.

5. When the trip is a mixed official-political trip involving campaign-related activity for Bush/Cheney '04, the re-election campaign will reimburse first-class airfare from the point of origin to each stop in which campaign-related activity is conducted and back to the point of origin. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7. When the trip is a mixed official-political trip involving political activity other than campaign-related activity for Bush/Cheney '04, the political entity will reimburse first-class airfare based on the hard-time formula, which means that the reimbursable costs of the trip are divided based on time spent on official and political activity. *See* 5 C.F.R. 734.503. On all mixed trips, use of a corporate aircraft must also meet the standards for approval under 41 C.F.R. Part 304.

## **II. Government Aircraft**

1. White House employees and other Administration employees should not use government aircraft for travel on political trips or mixed official-political trips unless the employee is required for security reasons to use government aircraft, or the employee is accompanying another official who requires use of a government aircraft for security reasons.

2. Advance approval of any use of a government aircraft for such a trip must be obtained from the Chief of Staff to the President and Counsel to the President. Appropriate first-class reimbursement for political travelers must be made by the campaign or relevant political entity. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7(b)(5).

## **Conclusion**

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. If White House employees have questions about these rules, they should contact the Counsel's office. If department or agency employees have questions about these rules, they should contact their department or agency General Counsel.

## THE WHITE HOUSE

WASHINGTON

June 19, 2003

MEMORANDUM FOR      HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES  
WHITE HOUSE STAFF

FROM:                    ALBERTO R. GONZALES  
COUNSEL TO THE PRESIDENT

SUBJECT:                PAYMENT OF EXPENSES ASSOCIATED WITH POLITICAL  
TRAVEL DURING THE PRESIDENTIAL CAMPAIGN

This memorandum addresses the allocation of costs for travel on behalf of the President's authorized campaign committee.

The memorandum will be of primary assistance to those who calculate the costs for political and mixed travel. For reference, the rules of allocation and payment are summarized on pages 3-4 of this memorandum.

### General Legal Principles

When considering the payment of travel expenses incurred on behalf of the President's authorized campaign committee (Bush/Cheney '04), three principles govern. First, appropriated funds may be spent only for the purposes for which they have been appropriated. *See* 31 U.S.C. 1301. Accordingly, funds appropriated for the official functions of the departments and agencies may be used for travel expenses only if the travel is reasonably related to an official purpose.

The second basic principle is that, in general, official activities should be paid only from funds appropriated for such purposes, unless Congress has authorized the support of those activities by other means. This principle prevents unauthorized augmentation of appropriations.

The third principle involves the requirements of the Federal election laws. Now that the President is a candidate for re-election, travel on behalf of the President's authorized campaign committee must be paid for by Bush/Cheney '04. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7.

### Political and Official Travel

Before an allocation of expenses for travel can be made, a determination must first be made as to whether an appearance is official or political; and, if it is political, whether it is on

behalf of Bush/Cheney '04 or another political candidate or committee. For purposes of allocating travel costs during the Presidential campaign, there are three categories of events: 1) official events; 2) Bush/Cheney '04 political events, *e.g.*, a Bush/Cheney '04 fundraiser; and 3) other political events, *e.g.*, a fundraising event for a non-Presidential candidate.

In determining whether an activity is political or official, all relevant factors should be considered, including, but not limited to, the identity of the sponsor of the event, the group or organization being addressed, other participants, and the nature of the speech being delivered. There is considerable room for discretion in determining whether an event giving rise to an expense is political or official. Ultimately, the question is a factual one that can only be answered by those most familiar with the facts of a given event, trip or situation; accordingly, this determination must be made on a case-by-case basis. White House employees should consult the Counsel's Office, and department and agency employees should consult their General Counsel about these matters.

Generally speaking, appearing at party functions, fundraising, and campaigning for specific candidates should be considered political. In addition, any event that involves solicitation of campaign funds or express advocacy for a candidate or candidates for office will be political. Travel for inspections, meetings to discuss government business, official addresses, and the like ordinarily should be considered official travel, even though the event may have partisan consequences or concern matters on which opinion is politically divided. For a broader discussion of these issues, *see* 6 Op. O.L.C. 214, 216-217 (1982).

When allocating costs between political and official activities, an additional point should be kept in mind. There are some persons whose official duties may require them to be with the Administration official, whether or not that official is on government business. This group may include, among others, personal aides responsible for assisting in the conduct of official business while an official is traveling and the security detail responsible for an official's protection. Expenses incurred during travel by this group of individuals are official regardless of the character of the event that may be involved.

#### Bush/Cheney '04 Campaign Travel

The Bush/Cheney '04 campaign will carefully follow rules set forth in Federal Election Commission campaign travel allocation regulations. *See* 11 C.F.R. 106.3, 9034.7, 9035.1. The travel expenses for campaign-related travelers that are incurred for a stop in which an individual engages in campaign activity on behalf of the President are paid by Bush/Cheney '04. Please note that if any campaign activity for a Presidential candidate, other than incidental contacts, is conducted at a stop, that stop shall be considered campaign-related. *Id.* 9034.7(b)(2).

Campaign committees for non-Presidential candidates may not pay for the costs of campaign travel on behalf of the President. For example, if a Senatorial candidate schedules a fundraiser back-to-back with a Bush/Cheney '04 fundraiser, the President's campaign committee must pay the travel expenses for the entire stop. *See* 11 C.F.R. 106 and 9034.7. Also, when there is a question about the nature of a political event, particularly those involving the President

and Vice President, the event will presumptively be considered campaign-related, and Bush/Cheney '04 will pay the appropriate travel costs.

Event costs associated with the individual events at a stop involving both Bush/Cheney '04 and official activity -- as opposed to the travel-related costs -- may be divided and allocated. Similarly, event costs associated with a trip involving both Bush/Cheney '04 and other political events likewise may be divided and allocated.

In instances where the same travel costs are incurred in conjunction with official and Bush/Cheney '04 activity, the portion of the trip allocable to the President's campaign committee is determined by using the hypothetical trip formula: calculating what the trip would have cost from the point of origin through each campaign-related stop and back to the point of origin. *Cf.* 11 C.F.R. 9034.7(b)(2). Where travel includes political, but not Bush/Cheney '04, activity and official activity, the portion of the trip allocable to the political entities is determined by using the hard-time formula, under which relevant costs are divided based on time spent on official and political activity. *See* 5 C.F.R. 734.503.

#### Rules of Allocation and Payment

The rules of allocation and payment are summarized below:

1. The President's campaign committee pays Presidential campaign-related travel costs. This includes transportation, hotel, and per diem costs for campaign-related travelers. For mixed trips, the hypothetical trip formula should be used for all campaign-related travelers: calculating what the trip would have cost from the point of origin through each campaign-related stop and back to the point of origin.
2. Costs associated with political activity that occurs on a mixed trip that does not involve any Bush/Cheney '04 activity are allocated according to the hard-time formula, under which relevant costs are divided based on the time spent on official and political activity. If any Bush/Cheney '04 campaign-related activities occur on a trip, the costs of the Bush/Cheney '04 campaign stops must be allocated according to the hypothetical trip formula.
3. If government aircraft (in accordance with applicable rules) is used for Bush/Cheney '04 travel, the campaign committee must pay the appropriate government entity the first-class commercial airfare for each traveler (except official travelers) in the case of travel to a city served by regularly scheduled *first-class* commercial service. In the case of travel to a city that is not served by regularly scheduled *first-class* commercial airline service, the campaign must reimburse the appropriate government entity the commercial coach airfare for each traveler (except official travelers). The campaign committee must pay the commercial charter rate in the case of travel to a city not served by regularly scheduled commercial service. (For political travel that is not Bush/Cheney '04 travel, the reimbursement is at commercial coach rate.)

4. If an Administration official travels to the political event by commercial airline, the campaign is obliged to pay the actual cost of the commercial airfare. The campaign may not take advantage of government rates.

5. If government cars (in accordance with applicable rules) are used for Bush/Cheney '04 campaign-related travelers on campaign-related trips, the government shall be reimbursed the commercial rental cost of comparable vehicles for the campaign-related travelers.

6. If a meeting room is rented for the purpose of campaign-related activity, the campaign should pay the costs of the room. The campaign may not take advantage of government rates.

7. The campaign must pay for the hotel rooms of campaign-related travelers. The campaign may not take advantage of government rates.

8. To document adequately these travel allocations and payments, all agencies should: (i) prepare, or otherwise have available, an itinerary for each trip involving Bush/Cheney '04 activity, and (ii) if government conveyance is used, prepare a list of all passengers, along with a designation as to which passengers are, or are not, campaign-related. A copy of the itinerary should be submitted to Bush/Cheney '04; the Bush/Cheney '04 campaign will maintain such information.

### Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. The regulations governing the payment of expenses for travel by federal officials on behalf of the President's campaign committee are in title 11, Code of Federal Regulations. If White House employees have questions about these rules, they should contact the Counsel's office. If department or agency employees have questions about these rules, they should contact their department or agency General Counsel.

---

**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>; <Kavanaugh, Brett M.>  
**Sent:** 6/22/2003 9:58:05 PM  
**Subject:** Re: Are you sure the campaign didn't have to pay for it?

Me. I will check.

.

----- Original Message -----

From: Colleen Litkenhaus/WHO/EOP@Exchange

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

Cc:

Date: 06/22/2003 07:08:03 PM

Subject: RE: FW: Are you sure the campaign didn't have to pay for it?

Does "let's" mean you will as Tom or you would like me to? I'm happy to.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Sunday, June 22, 2003 5:10 PM

To: Litkenhaus, Colleen

Subject: Re: FW: Are you sure the campaign didn't have to pay for it?

First, how did they travel? I believe campaign should pay for cost of trip back and forth to Boston since that was the only campaign-related event. RNC and govt should pay the remains. But let's make sure Josefiak is ok with that.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 06/22/2003 04:15:33 PM

Record Type: Record

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

cc:

Subject: FW: Are you sure the campaign didn't have to pay for it?

Alicia went on a trip with Secretary Card and the RNC paid for it. Please find components below. Who should have paid for this ticket?

-----Original Message-----

From: Davis, Alicia W.

REV\_00124032



Sent: Wednesday, June 18, 2003 3:46 PM

To: Litkenhaus, Colleen

Subject: Re: Are you sure the campaign didn't have to pay for it?

We had 5 components to the trip:

1) Bush Cheney Pre-Sell (not a fundraiser-meeting with supporters)

2) Press Interviews in MA

3) Press Interviews in NH

4) NH GOP Party Building Event (RNC)

5) Boy Scouts

So?

From: Colleen Litkenhaus/WHO/EOP@Exchange on 06/18/2003 03:00:36 PM

Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP

cc:

Subject: Are you sure the campaign didn't have to pay for it?

Event: Bush – Cheney '04 Finance Luncheon

12:00 p.m. Secretary Card begins participation in Bush-Cheney '04 finance event

Congress Room

Harvard Club

1 Federal St, 38th floor

Boston, Massachusetts

-----Original Message-----

From: Davis, Alicia W.

Sent: Wednesday, June 18, 2003 2:44 PM

To: Litkenhaus, Colleen

REV\_00124033

Subject: Re: FW:

RNC-we had a party building event in there.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 06/17/2003 09:15:09 AM

Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP

cc:

Subject: FW:

who paid for your ticket? The campaign, RNC or WHO?

-----Original Message-----

From: Bennett, Melissa S.

Sent: Tuesday, June 17, 2003 8:38 AM

To: Rob Digiuse; Glenn Kessler; [REDACTED] PRA 6 [REDACTED] PRA 6; Lin Tynes;  
Riepenhoff, Allison L.; Bennett, Melissa S.; Estes, Ashley; Gambatesa, Linda M.; Gary Lowman; Gottesman, Blake; Kaplan,  
Joel D.; Kupfer, Jeffrey F.; Kyle, Ross M.; Litkenhaus, Colleen; Mallea, Jose; Reynolds, Tim

Subject:

Jose and Alicia Davis are traveling with the Chief today.

Thanks.

MB << File: june17.doc >>

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**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/23/2003 3:10:13 AM  
**Subject:** : White House Global Messenger - 6/23  
**Attachments:** P\_2W9FH003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )  
CREATION DATE/TIME:23-JUN-2003 07:10:13.00  
SUBJECT:: White House Global Messenger - 6/23  
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(See attached file: GM 6-23-03 FINAL.doc)

THE GLOBAL MESSENGER  
Monday, June 23, 2003

\*\*\*\*\*KEY POINTS\*\*\*\*\*

From the President's Radio Address, 6/21/03

-In the 10 weeks since the fall of the Iraqi regime, the United States has focused its work in Iraq on making the country secure for its citizens and our military, improving the lives of the Iraqi people.

-Securing Iraq is important for both Iraqi citizens and our forces, who face a continuing risk of danger from pockets of the old regime.

-In Baghdad, more than 28,000 American combat forces and military police are enforcing the law and arresting criminals.

-We continue to pursue Saddam Hussein's weapons of mass destruction. Military and intelligence officials are interviewing scientists who know of the weapons programs. For more than a decade, Saddam Hussein went to great lengths to hide his weapons from the world.

-We are determined to discover the true extent of Saddam Hussein's weapons programs, no matter how long it takes.

-The United States has provided Iraq with more than \$700 million in humanitarian and reconstruction assistance.

-Iraq's long-term success also depends on its economic development. We've established a \$100 million fund to pay Iraqis who repair buildings and utilities.

-Billions of dollars taken from the Iraqi people by a corrupt regime have been recovered and will be spent on reconstruction.

REV\_00124035

-Iraq will soon be open to the world. Over time, a free government in Iraq will show that liberty can flourish in the region.

-American soldiers continue to risk their lives to ensure Iraq's liberation. The President is grateful and so are the Iraqi people.

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Daylight. Subject to Change.  
1 pm The President makes remarks at the BIO 2003 International Convention, Washington, DC  
TBA State Department briefing

\*\*\*\*\*WORLD REFUGEE DAY-June 20\*\*\*\*\*

"We are... a nation of refugees. Immigration and the renewal it brings have always been a key source of strength for this country. Indeed, how we treat each other and the newcomers who keep our nation so vibrant will ultimately shape the future for our own children here at home."  
--Deputy Secretary of State Armitage, 6/20/03

The United States joins the international community in recognizing June 20 as World Refugee Day.

Since World War II, more refugees have found permanent homes in the United States than in any other country. Nearly two million have been resettled here since 1975.

Even in the aftermath of September 11, 2001, the most serious attack on our nation's security, the United States has resettled more refugees than the total accepted by all other countries combined.

And, to date, the United States has provided more than \$255 million to the UN High Commissioner for Refugees for fiscal year 2003.

\*\*\*\*\*BRUTALITY AND LIBERATION\*\*\*\*\*

Read accounts of Saddam Hussein's brutal treatment of his own people:  
<http://www.whitehouse.gov/news/releases/2003/06/iraq/20030603-7.html>

Read what liberated Iraqis have to say of their new freedoms:  
<http://www.whitehouse.gov/news/releases/2003/06/iraq/20030613-10.html>

THE WHITE HOUSE  
Office of Global Communications  
For more information log on to  
<http://www.whitehouse.gov/ogc>

\*\*\*\*\*  
You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime

change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.

- GM 6-23-03 FINAL.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_2W9FH003\_WHO.TXT\_1>



# THE GLOBAL MESSENGER

Monday, June 23, 2003



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- Iraq will soon be open to the world. Over time, a free government in Iraq will show that liberty can flourish in the region.
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## THE WHITE HOUSE

### Office of Global Communications

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00124038

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** cspies@rnchq.org @ inet [ UNKNOWN ] <cspies@rnchq.org @ inet>;tomj@georgewbush.com @ inet [ UNKNOWN ] <tomj@georgewbush.com @ inet>  
**Sent:** 6/23/2003 3:47:38 AM  
**Subject:** : Issues to discuss

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-JUN-2003 07:47:38.00  
SUBJECT:: Issues to discuss  
TO:cspies@rnchq.org @ inet ( cspies@rnchq.org @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:tomj@georgewbush.com @ inet ( tomj@georgewbush.com @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

1. Advance Staff on mixed official/BC trips who work on both events -- split costs or BC pay entire?
2. Rooms used for both official and campaign purposes on BC or mixed trips -- split costs or BC pay entire?
3. Appearances by Admin officials as special guests at fundraisers for entities other than parties or candidates that raise more than fed limits (e.g., RGA or RAGA events) -- legal and policy review?
4. Spreadsheet/chart of Admin officials traveling for BC events/activities to ensure that BC campaign is paying all relevant costs for Admin officials
5. Official travelers

READ:UNKNOWN  
TO:Debra Heiden ( CN=Debra Heiden/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
TO:Andrea G. Ball ( CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Bradley A. Blakeman ( CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kathryn J. Hayes ( CN=Kathryn J. Hayes/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Adam B. Goldman ( CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alicia P. Clark ( CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Daniel J. Keniry ( CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Harry W. Wolff ( CN=Harry W. Wolff/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Scott Stanzel ( CN=Scott Stanzel/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wendy L. Nipper ( CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Edmund A. Walsh ( CN=Edmund A. Walsh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Peter H. Wehner ( CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [ WHO ] )  
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TO:Michael J. Gerson ( CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew H. Card ( CN=Andrew H. Card/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tracy Young ( CN=Tracy Young/OU=WHO/O=EOP@EOP [ WHO ] )  
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TO:Noelia Rodriguez ( CN=Noelia Rodriguez/OU=WHO/O=EOP@EOP [ WHO ] )  
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TO:cullman@thecarlylegroup.com ( cullman@thecarlylegroup.com [ UNKNOWN ] )  
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TO:kristen.gilley@mail.house.gov ( kristen.gilley@mail.house.gov [ UNKNOWN ] )  
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TO:mikethornburg@cox.net ( mikethornburg@cox.net [ UNKNOWN ] )  
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TO:kvolker@nsc.eop.gov ( kvolker@nsc.eop.gov [ NSC ] )  
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TO:carol.melton@viacom.com ( carol.melton@viacom.com [ UNKNOWN ] )  
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TO:hope\_boonshaft@spe.sony.com ( hope\_boonshaft@spe.sony.com [ UNKNOWN ] )  
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TO:pam.lambo@dfait-maeci.gc.ca ( pam.lambo@dfait-maeci.gc.ca [ UNKNOWN ] )  
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TO:mlconnell@technomania.com ( mlconnell@technomania.com [ UNKNOWN ] )  
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TO:bsacco@shadowtv.com ( bsacco@shadowtv.com [ UNKNOWN ] )  
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TO:bteator@livingstonsolomon.com ( bteator@livingstonsolomon.com [ UNKNOWN ] )  
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TO:pjanhun@iaff.org ( pjanhun@iaff.org [ UNKNOWN ] )  
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TO:sara\_nokes@vp.senate.gov ( sara\_nokes@vp.senate.gov [ UNKNOWN ] )  
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TO:Michelle.Knott@verizon.net ( Michelle.Knott@verizon.net [ UNKNOWN ] )  
READ:UNKNOWN  
TO:richard\_burkholder@gallup.com ( richard\_burkholder@gallup.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:dan.kidder@mail.house.gov ( dan.kidder@mail.house.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:jgraham@livingstongrp.com ( jgraham@livingstongrp.com [ OMB ] )  
READ:UNKNOWN  
TO:lflick@publicaffairsmgt.com ( lflick@publicaffairsmgt.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:taylorja@stratcom.mil ( taylorja@stratcom.mil [ UNKNOWN ] )  
READ:UNKNOWN  
TO:jdworken@nsc.eop.gov ( jdworken@nsc.eop.gov [ NSC ] )  
READ:UNKNOWN  
TO:general@carrollspaper.com ( general@carrollspaper.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:lvs@greatmeadow.org ( lvs@greatmeadow.org [ UNKNOWN ] )  
READ:UNKNOWN  
TO:kyle.mcslarrow@hq.doe.gov ( kyle.mcslarrow@hq.doe.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Mark\_Rodgers@src.senate.gov ( Mark\_Rodgers@src.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:mark.mcclellan@fda.gov ( mark.mcclellan@fda.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Barbara J. Goergen ( CN=Barbara J. Goergen/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph W. Hagin ( CN=Joseph W. Hagin/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Trent D. Duffy ( CN=Trent D. Duffy/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:Sue H. Gerdelman ( CN=Sue H. Gerdelman/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Pam.Olson@do.treas.gov ( Pam.Olson@do.treas.gov [ UNKNOWN ] )  
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TO:Law-Steven@dol.gov ( Law-Steven@dol.gov [ UNKNOWN ] )  
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TO:Adam B. Ingols ( CN=Adam B. Ingols/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
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TO:Denise Bradley ( CN=Denise Bradley/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
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TO:Kristopher N. Purcell ( CN=Kristopher N. Purcell/OU=WHO/O=EOP@EOP [ WHO ] )  
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TO:Elizabeth L. Rossman ( CN=Elizabeth L. Rossman/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO:rbonjean@doc.gov ( rbonjean@doc.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Anthony.Jewell@hhs.gov ( Anthony.Jewell@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Buchholz@blankrome.com ( Buchholz@blankrome.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Karen.Weiss@ed.gov ( Karen.Weiss@ed.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Michael\_Brumas@sessions.senate.gov ( Michael\_Brumas@sessions.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:gibson@dkcg.net ( gibson@dkcg.net [ ONDCP ] )  
READ:UNKNOWN  
TO:Willie.Clark@nnsa.doe.gov ( Willie.Clark@nnsa.doe.gov [ UNKNOWN ] )  
READ:UNKNOWN  
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TO:james\_lucier@prusec.com ( james\_lucier@prusec.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Suzy DeFrancis ( CN=Suzy DeFrancis/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:law-steven@dol.gov ( law-steven@dol.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Hilary.White@usda.gov ( Hilary.White@usda.gov [ UNKNOWN ] )  
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TO:Keith Hennessey ( CN=Keith Hennessey/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )  
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TO:leadmonjt@navsea.navy.mil ( leadmonjt@navsea.navy.mil [ UNKNOWN ] )  
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TO:CLederer@comdt.uscg.mil ( CLederer@comdt.uscg.mil [ UNKNOWN ] )  
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TO:lucretia.mcclenney@mail.va.gov ( lucretia.mcclenney@mail.va.gov [ UNKNOWN ] )  
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TO:lauraw@gatesfoundation.org ( lauraw@gatesfoundation.org [ UNKNOWN ] )  
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TO:crnshaw@comcast.net ( crnshaw@comcast.net [ UNKNOWN ] )  
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TO:Joan R. Doty ( CN=Joan R. Doty/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
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TO:michaelpshannon@yahoo.com ( michaelpshannon@yahoo.com [ UNKNOWN ] )  
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TO:monican@NATMEDIA.com ( monican@NATMEDIA.com [ UNKNOWN ] )  
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TO:HowardMortman@msn.com ( HowardMortman@msn.com [ UNKNOWN ] )  
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TO:jmyers@iiaa.net ( jmyers@iiaa.net [ NSC ] )  
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TO:mniemeyer@ustr.gov ( mniemeyer@ustr.gov [ UNKNOWN ] )  
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TO:chris.smith@do.treas.gov ( chris.smith@do.treas.gov [ UNKNOWN ] )  
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TO:Tim Reynolds ( CN=Tim Reynolds/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Garry Malphrus ( CN=Garry Malphrus/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:rich@mullings.com ( rich@mullings.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:dhermer@no10.x.gsi.gov.uk ( dhermer@no10.x.gsi.gov.uk [ WHO ] )  
READ:UNKNOWN  
TO:Sydney R. Johnson ( CN=Sydney R. Johnson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Julianne H. Thomas ( CN=Julianne H. Thomas/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Debra D. Bird ( CN=Debra D. Bird/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Neil H. Zimmerman ( CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [ WHO ] )  
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Talking Points: The President,s Framework to Strengthen & Improve  
Medicare  
Private Health Care Choices within Medicare \* a Major Step in Medicare  
Reform

America has the world,s best health care system because it relies on the  
innovations of the private sector. A competitive free market system  
provides incentives to develop better drugs, better treatments, better  
care, and better forms of health care delivery.

The President,s Framework for Medicare reform would apply the best  
practices of the private health care market to Medicare. As successful as  
Medicare has been, it has not kept pace with dramatic improvements in  
health care because it is a government program immune to many market  
forces. Medicare still does not provide seniors with an outpatient  
prescription drug benefit, full coverage for preventive care, or limits on  
high out of pocket expenses. As a result, seniors lack many of the  
choices and benefits available to millions of Americans who have private  
health insurance.

The President,s goal is a strong, up-to-date Medicare system that relies on innovation and competition, not bureaucratic rules and regulations. This would allow seniors more choices and better benefits. It would also help modernize the program and improve its long-term finances.

The leading Medicare bills in the House and Senate include the following key elements of reform from the President,s Framework:

#### Individual Choice vs. One-size-fits-all

Seniors would be able to choose the health plan that best meets their own personal health needs\*rather than having only the choice of a one-size-fits-all government plan. There would be flexibility for private plans to offer a variety of benefit designs, not just standard coverage.

Providing seniors with more choices will give them\*not the government\*more control. When seniors retain the power of choice, there will be competition among health care providers and insurers. The result? Seniors will get the best coverage, services and quality of care.

Private Sector Competition vs. Government Price Setting and Price Controls  
Private insurers would deliver drug benefits to seniors, and costs would be controlled using marketplace competition, not government price setting. This is a fundamental departure from the current Medicare command and control pricing system.

Under the President,s Framework and the House and Senate bills, health plans would compete for seniors, business on the basis of quality and price. Federal employees and members of Congress enjoy the benefits of a competitive market for their health insurance, as do millions of working Americans. Seniors should have the same opportunity.

Currently, Medicare fixes payments to doctors and hospitals. The result is that Medicare does not often cover the true cost of care. Under the President,s Framework, private plans would bid against one another and then the government will select the lowest three bids that qualify. Such competition will be good for seniors and for taxpayers.

#### Innovation vs. Bureaucratic Delays

Whenever government gets involved in the business of micromanaging health care, innovation suffers and access to the newest and most effective treatments depends on the often arbitrary decisions of a slow-moving bureaucracy. When prescription drugs and medical devices are approved by the Food and Drug Administration, private insurers can adopt them for use soon after\*but not Medicare. For example, Medicare did not cover mammograms until nearly a decade after private insurers made them a standard benefit. It even took an act of Congress to get Medicare to cover mammograms.

The participation of private health plans in Medicare will help ensure more up-to-date coverage for breakthrough medical technologies. This is a significant improvement over the way benefits are provided in the traditional Medicare program today\*where politicians and regulators, rather than the market, decide what is covered.

#### Long-Term Savings vs. Spiraling Costs

The President and Congress have budgeted \$400 billion over 10 years to make these reforms a reality. By contrast, Democratic leadership proposals in both the House and Senate would likely cost more than double the amount\*perhaps nearly \$1 trillion\*pumped into an unreformed, one-size-fits-all government-run system.

Over time, reforming the Medicare system to allow more choices and private sector competition is expected to bring savings to the program. Medicare actuaries estimate that the most efficient private plans have the potential to beat Medicare,s costs by an average of 2.3 percent.

Far from being an open-ended entitlement, most seniors will be responsible

for a deductible, and co-pays, and, for the first time, the Medicare Part B deductible would be indexed to inflation, which will help reduce government expenditures. At the same time, seniors with the lowest incomes and the highest prescription drug bills will receive the most assistance and protection under the bill. This focuses resources on those individuals who need the most help.

#### Free Market vs. Government Dictates

The President's vision for a reformed Medicare stands in stark contrast to a centralized, government-run health care system that dictates coverage and stifles innovation and quality.

The President's Framework for Medicare reform would combine the best practices of traditional Medicare with those of the competitive free market system that benefits Americans so well. By keeping the existing government system, building on its strengths and incorporating the best ideas of the private sector, we can create a modern and efficient Medicare program for the 21st century.

The President is encouraged by the bipartisan progress that has been made to date and is urging Congress to seize the opportunity to pass legislation this year that will reform Medicare for the first time in its 38-year history.

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6/23/2003 4:32:09 AM

REV\_00124043

**Subject:** : TALKING POINTS on Medicare Reform

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CREATION DATE/TIME: 23-JUN-2003 08:32:09.00

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Talking Points: The President,s Framework to Strengthen & Improve  
Medicare  
Private Health Care Choices within Medicare \* a Major Step in Medicare  
Reform

America has the world,s best health care system because it relies on the  
innovations of the private sector. A competitive free market system  
provides incentives to develop better drugs, better treatments, better  
care, and better forms of health care delivery.

The President,s Framework for Medicare reform would apply the best  
practices of the private health care market to Medicare. As successful as  
Medicare has been, it has not kept pace with dramatic improvements in  
health care because it is a government program immune to many market  
forces. Medicare still does not provide seniors with an outpatient  
prescription drug benefit, full coverage for preventive care, or limits on  
high out of pocket expenses. As a result, seniors lack many of the  
choices and benefits available to millions of Americans who have private  
health insurance.

The President,s goal is a strong, up-to-date Medicare system that relies on innovation and competition, not bureaucratic rules and regulations. This would allow seniors more choices and better benefits. It would also help modernize the program and improve its long-term finances.

The leading Medicare bills in the House and Senate include the following key elements of reform from the President,s Framework:

#### Individual Choice vs. One-size-fits-all

Seniors would be able to choose the health plan that best meets their own personal health needs\*rather than having only the choice of a one-size-fits-all government plan. There would be flexibility for private plans to offer a variety of benefit designs, not just standard coverage.

Providing seniors with more choices will give them\*not the government\*more control. When seniors retain the power of choice, there will be competition among health care providers and insurers. The result? Seniors will get the best coverage, services and quality of care.

Private Sector Competition vs. Government Price Setting and Price Controls  
Private insurers would deliver drug benefits to seniors, and costs would be controlled using marketplace competition, not government price setting. This is a fundamental departure from the current Medicare command and control pricing system.

Under the President,s Framework and the House and Senate bills, health plans would compete for seniors, business on the basis of quality and price. Federal employees and members of Congress enjoy the benefits of a competitive market for their health insurance, as do millions of working Americans. Seniors should have the same opportunity.

Currently, Medicare fixes payments to doctors and hospitals. The result is that Medicare does not often cover the true cost of care. Under the President,s Framework, private plans would bid against one another and then the government will select the lowest three bids that qualify. Such competition will be good for seniors and for taxpayers.

#### Innovation vs. Bureaucratic Delays

Whenever government gets involved in the business of micromanaging health care, innovation suffers and access to the newest and most effective treatments depends on the often arbitrary decisions of a slow-moving bureaucracy. When prescription drugs and medical devices are approved by the Food and Drug Administration, private insurers can adopt them for use soon after\*but not Medicare. For example, Medicare did not cover mammograms until nearly a decade after private insurers made them a standard benefit. It even took an act of Congress to get Medicare to cover mammograms.

The participation of private health plans in Medicare will help ensure more up-to-date coverage for breakthrough medical technologies. This is a significant improvement over the way benefits are provided in the traditional Medicare program today\*where politicians and regulators, rather than the market, decide what is covered.

#### Long-Term Savings vs. Spiraling Costs

The President and Congress have budgeted \$400 billion over 10 years to make these reforms a reality. By contrast, Democratic leadership proposals in both the House and Senate would likely cost more than double the amount\*perhaps nearly \$1 trillion\*pumped into an unreformed, one-size-fits-all government-run system.

Over time, reforming the Medicare system to allow more choices and private sector competition is expected to bring savings to the program. Medicare actuaries estimate that the most efficient private plans have the potential to beat Medicare,s costs by an average of 2.3 percent.

Far from being an open-ended entitlement, most seniors will be responsible

for a deductible, and co-pays, and, for the first time, the Medicare Part B deductible would be indexed to inflation, which will help reduce government expenditures. At the same time, seniors with the lowest incomes and the highest prescription drug bills will receive the most assistance and protection under the bill. This focuses resources on those individuals who need the most help.

#### Free Market vs. Government Dictates

The President's vision for a reformed Medicare stands in stark contrast to a centralized, government-run health care system that dictates coverage and stifles innovation and quality.

The President's Framework for Medicare reform would combine the best practices of traditional Medicare with those of the competitive free market system that benefits Americans so well. By keeping the existing government system, building on its strengths and incorporating the best ideas of the private sector, we can create a modern and efficient Medicare program for the 21st century.

The President is encouraged by the bipartisan progress that has been made to date and is urging Congress to seize the opportunity to pass legislation this year that will reform Medicare for the first time in its 38-year history.

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**Subject:** : TALKING POINTS on Medicare Reform

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us an email, which we'll forward to you. Then, only you can decide whether  
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<http://www.careerjournal.com/marketplace/resumedatabase/index.html>

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---

**From:** Higgins, Stephen (Judiciary) <Stephen\_Higgins@Judiciary.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/23/2003 6:14:41 AM  
**Subject:** : Neil Wake

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Higgins, Stephen (Judiciary)" <Stephen\_Higgins@Judiciary.senate.gov> ( "Higgins, Stephen (Judiciary)" <Stephen\_Higgins@Judiciary.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:23-JUN-2003 10:14:41.00

SUBJECT:: Neil Wake

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Any word?ÿ Thanks.

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Theodore W. Ulliot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliot>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>  
**Sent:** 6/23/2003 6:25:44 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 10:25:44.00

SUBJECT:: RE:

TO:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Chief issuing opinion in undergrad case now.

;-----Original Message-----

From: ; Leitch, David G.;

Sent;;; Monday, June 23, 2003 10:20 AM

To:;;; Leitch, David G.; Gonzales, Alberto R.; Bartolomucci, H.

Christopher; Brosnahan, Jennifer R.; Brown, Reginald J.; Kavanaugh, Brett

M.; Newstead, Jennifer G.; Powell, Benjamin A.; Sampson, Kyle; Ulliot,

Theodore W.

Subject:;;;;;

Michigan case -- law school program upheld 5-4 per SOC

REV\_00124077

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [ WHO ] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [ WHO ] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 6/23/2003 6:25:57 AM  
**Subject:** : Supreme Court

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 10:25:57.00

SUBJECT:: Supreme Court

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ:UNKNOWN

TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Supreme Court strikes down the Undergraduate program.

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>; Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>; Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>; Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>; Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>; David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>; James W. Carroll/WHO/EOP@EOP [ WHO ] <James W. Carroll>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; Elizabeth Bingold/WHO/EOP@EOP [ WHO ] <Elizabeth Bingold>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 6/23/2003 6:25:59 AM  
**Subject:** : Supreme Court

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 23-JUN-2003 10:25:59.00

SUBJECT: : Supreme Court

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ: UNKNOWN

TO: David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

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Supreme Court strikes down the Undergraduate program.

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>; Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>; Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>; Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>; Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>; David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>; James W. Carroll/WHO/EOP@EOP [ WHO ] <James W. Carroll>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; Elizabeth Bingold/WHO/EOP@EOP [ WHO ] <Elizabeth Bingold>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 6/23/2003 6:26:17 AM  
**Subject:** : Supreme Court

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 23-JUN-2003 10:26:17.00

SUBJECT: : Supreme Court

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ: UNKNOWN

TO: David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####



Supreme Court strikes down the Undergraduate program.

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>; Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>; Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>; Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>; Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>; David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>; James W. Carroll/WHO/EOP@EOP [ WHO ] <James W. Carroll>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; Elizabeth Bingold/WHO/EOP@EOP [ WHO ] <Elizabeth Bingold>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 6/23/2003 6:26:17 AM  
**Subject:** : Supreme Court

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 23-JUN-2003 10:26:17.00

SUBJECT: : Supreme Court

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ: UNKNOWN

TO: David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Supreme Court strikes down the Undergraduate program.

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [ WHO ] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [ WHO ] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 6/23/2003 6:26:12 AM  
**Subject:** : Supreme Court

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 10:26:12.00

SUBJECT:: Supreme Court

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ:UNKNOWN

TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Supreme Court strikes down the Undergraduate program.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kimberly A. Douglass/WHO/EOP@Exchange@EOP [ WHO ] <Kimberly A. Douglass>  
**Sent:** 6/23/2003 3:01:16 AM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 07:01:16.00

SUBJECT::

TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

can you check on Alicia Davis' TA for her trip to Boston last week nd call me. Thanks.

---

**From:** CN=Theodore W. Ulliyot/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/23/2003 7:08:39 AM  
**Subject:** : Re: Remarks by President on judges in Georgia 6/20/03

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Theodore W. Ulliyot ( CN=Theodore W. Ulliyot/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-JUN-2003 11:08:39.00  
SUBJECT:: Re: Remarks by President on judges in Georgia 6/20/03  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Did S Ct say today when the last hand-down day will be?

.

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>  
**Sent:** 6/23/2003 3:10:59 AM  
**Subject:** : From today's New York Times

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 07:10:59.00

SUBJECT:: From today's New York Times

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

-----  
June 23, 2003  
Beyond the Pale

Many of the Bush administration's judicial nominees have been evasive about their positions on abortion, but not William Pryor. Mr. Pryor, Alabama's attorney general, has declared that Roe v. Wade, the landmark ruling upholding abortion rights, "ripped the Constitution and ripped out the life of millions of unborn children." He has shown the same lack of subtlety \* and fierce ideological agenda \* on issues ranging from civil rights to states' rights and gay rights. His extremism and disdain for the legal rights of many Americans make him unsuited to be a federal judge.

Mr. Pryor, who has been nominated to the Atlanta-based United States Court of Appeals for the 11th Circuit, has a record of incendiary comments that show a lack of judicial temperament and a cynical view of the law. When he disagreed with the Supreme Court's decision to delay an execution in a capital punishment case, he dismissed the court as "nine octogenarian lawyers." On another occasion, he ended a speech with a prayer for "no more Souters," a blast at Supreme Court Justice David Souter, a moderate.

As Alabama attorney general, Mr. Pryor has turned his office into a taxpayer-financed right-wing law firm. He has testified to Congress in favor of dropping a key part of the Voting Rights Act. In a Supreme Court



case challenging the Violence Against Women Act, 36 state attorneys general urged the court to uphold the law. Mr. Pryor was the only one to argue that the law was unconstitutional. This term, he submitted a brief in favor of a Texas law that makes gay sex illegal, comparing it to necrophilia, bestiality, incest and pedophilia.

Mr. Pryor has taken particularly outlandish positions on "federalism," a dangerous states' rights movement that seeks to take away federal rights. This term, he urged the Supreme Court to make nearly five million state employees ineligible to sue for damages under the Family and Medical Leave Act. Chief Justice William Rehnquist, a strong supporter of federalism, wrote the opinion rejecting Mr. Pryor's position as too extreme. In another states' rights case this term, involving statutes of limitations, the court rejected Mr. Pryor 9 to 0.

Judicial nominees are often accused of undergoing "confirmation conversions," backing away from controversial stands to win Senate support. But there is no great honor in the positions Mr. Pryor stuck to at his confirmation hearing: that Roe was "morally wrong" and responsible for "the slaughter of millions of unborn children," that part of the Voting Rights Act should be repealed and that when he rescheduled his family's vacation to Disney World to avoid a day when many gays attend, it was a legitimate "value judgment."

If a far-right legal group needs a lawyer to argue extreme positions against abortion, women's rights, gay rights and civil rights, Mr. Pryor may be a suitable candidate. But he does not belong on the federal bench.

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**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>  
**Sent:** 6/23/2003 3:11:35 AM  
**Subject:** : From today's New York Times

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 07:11:35.00

SUBJECT:: From today's New York Times

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

;

-----  
June 23, 2003  
Beyond the Pale

;

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---

**From:** CN=Heidi M. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/23/2003 7:28:52 AM  
**Subject:** : Re: Campaign Related Question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Heidi M. Smith ( CN=Heidi M. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-JUN-2003 11:28:52.00  
SUBJECT:: Re: Campaign Related Question  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett, If you have a moment would you mind forwarding me any memos  
regarding communication with the campaign, phone, email etc. thanks.

---

**From:** Tom Josefiak <tomj@georgewbush.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Amy Lunde <alunde@georgewbush.com>  
**Sent:** 6/23/2003 3:56:39 AM  
**Subject:** : RE: Issues to discuss

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tom Josefiak <tomj@georgewbush.com> ( Tom Josefiak <tomj@georgewbush.com> [ UNKNOWN ] )  
CREATION DATE/TIME:23-JUN-2003 07:56:39.00  
SUBJECT:: RE: Issues to discuss  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Amy Lunde <alunde@georgewbush.com> ( Amy Lunde <alunde@georgewbush.com> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Let me know when you are available to discuss. I have an 8AM staff meeting and late afternoon meetings but other than that I'm pretty flexible.

-----Original Message-----

From: Brett\_M.\_Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Monday, June 23, 2003 7:47 AM  
To: Tom Josefiak; cspies@rnchq.org  
Subject: Issues to discuss

1. Advance Staff on mixed official/BC trips who work on both events -- split costs or BC pay entire?
2. Rooms used for both official and campaign purposes on BC or mixed trips -- split costs or BC pay entire?
3. Appearances by Admin officials as special guests at fundraisers for entities other than parties or candidates that raise more than fed limits (e.g., RGA or RAGA events) -- legal and policy review?
4. Spreadsheet/chart of Admin officials traveling for BC events/activities to ensure that BC campaign is paying all relevant costs for Admin officials
5. Official travelers

---

**From:** CN=Karl C. Rove/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Daniel J. Bartlett/WHO/EOP@Exchange [ WHO ] <Daniel J. Bartlett>  
**Sent:** 6/23/2003 4:09:59 AM  
**Subject:** : RE: Alexis Simendinger request

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Karl C. Rove ( CN=Karl C. Rove/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:23-JUN-2003 08:09:59.00  
SUBJECT:: RE: Alexis Simendinger request  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Daniel J. Bartlett ( CN=Daniel J. Bartlett/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I agree with you talking to Alexis and am sharing this with Dan B in the event he has different thoughts.

-----Original Message-----  
From: Kavanaugh, Brett M.  
Sent: Friday, June 20, 2003 6:41 PM  
To: Rove, Karl C.  
Subject: Alexis Simendinger request

She is writing story for National Journal on WH rules/regs for campaign. She says she is writing regardless whether we cooperate. Ari and Ashley Snee think I should talk to her -- on background -- and explain/emphasize the various briefings, memos, steps, etc. The press office thinks this is a better forum than most for this kind of story. We obviously would want to explain how we are being very careful without sounding arrogant about it.

Please let me know your thoughts.

---

**From:** CN=James A. Waters/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/23/2003 8:22:44 AM  
**Subject:** : FEC Vetting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:James A. Waters ( CN=James A. Waters/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-JUN-2003 12:22:44.00  
SUBJECT:: FEC Vetting  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I know you've got a bunch going on, but any word on this? Brad Blakeman gets back tomorrow and will want a status check. Thanks for any help.

James

----- Forwarded by James A. Waters/WHO/EOP on 06/23/2003  
12:20 PM -----

James A. Waters  
06/17/2003 10:47:20 AM  
Record Type: Record

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

Brett -- In our efforts to better serve the President and White House Staff, we wanted to get Counsel's Office guidance on whether it is appropriate for the Scheduling Office to vet FEC records on those meeting with the President at his various events. As you know, we currently vet venues, greeters, and major participants for Presidential events. Adding checks on FEC records would make our efforts to protect the President politically a bit more thorough.

Before we started doing this, we wanted your guidance on whether or not this is appropriate. Thanks.

James  
x6-2363

READ:UNKNOWN  
TO:Debra Heiden ( CN=Debra Heiden/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
TO:Andrea G. Ball ( CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Bradley A. Blakeman ( CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kathryn J. Hayes ( CN=Kathryn J. Hayes/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Adam B. Goldman ( CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alicia P. Clark ( CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Daniel J. Keniry ( CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Harry W. Wolff ( CN=Harry W. Wolff/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Scott Stanzel ( CN=Scott Stanzel/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Wendy L. Nipper ( CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Edmund A. Walsh ( CN=Edmund A. Walsh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Peter H. Wehner ( CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Michael J. Gerson ( CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Andrew H. Card ( CN=Andrew H. Card/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tracy Young ( CN=Tracy Young/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Noelia Rodriguez ( CN=Noelia Rodriguez/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:cullman@thecarlylegroup.com ( cullman@thecarlylegroup.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:kristen.gilley@mail.house.gov ( kristen.gilley@mail.house.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:mikethornburg@cox.net ( mikethornburg@cox.net [ UNKNOWN ] )  
READ:UNKNOWN  
TO:kvolker@nsc.eop.gov ( kvolker@nsc.eop.gov [ NSC ] )  
READ:UNKNOWN  
TO:carol.melton@viacom.com ( carol.melton@viacom.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:hope\_boonshaft@spe.sony.com ( hope\_boonshaft@spe.sony.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:pam.lambo@dfait-maeci.gc.ca ( pam.lambo@dfait-maeci.gc.ca [ UNKNOWN ] )  
READ:UNKNOWN  
TO:mlconnell@technomania.com ( mlconnell@technomania.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:michael.perini@peterson.af.mil ( michael.perini@peterson.af.mil [ UNKNOWN ] )  
READ:UNKNOWN  
TO:bsacco@shadowtv.com ( bsacco@shadowtv.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:TraegerH@SEC.GOV ( TraegerH@SEC.GOV [ UNKNOWN ] )  
READ:UNKNOWN  
TO:tnelson@dmnmedia.com ( tnelson@dmnmedia.com [ UNKNOWN ] )



READ:UNKNOWN  
TO:bteator@livingstonsolomon.com ( bteator@livingstonsolomon.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:pjanhun@iaff.org ( pjanhun@iaff.org [ UNKNOWN ] )  
READ:UNKNOWN  
TO:sara\_nokes@vp.senate.gov ( sara\_nokes@vp.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Michelle.Knott@verizon.net ( Michelle.Knott@verizon.net [ UNKNOWN ] )  
READ:UNKNOWN  
TO:richard\_burkholder@gallup.com ( richard\_burkholder@gallup.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:dan.kidder@mail.house.gov ( dan.kidder@mail.house.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:jgraham@livingstongrp.com ( jgraham@livingstongrp.com [ OMB ] )  
READ:UNKNOWN  
TO:lflick@publicaffairsmgt.com ( lflick@publicaffairsmgt.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:taylorja@stratcom.mil ( taylorja@stratcom.mil [ UNKNOWN ] )  
READ:UNKNOWN  
TO:jdworken@nsc.eop.gov ( jdworken@nsc.eop.gov [ NSC ] )  
READ:UNKNOWN  
TO:general@carrollspaper.com ( general@carrollspaper.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:lvs@greatmeadow.org ( lvs@greatmeadow.org [ UNKNOWN ] )  
READ:UNKNOWN  
TO:kyle.mcslarrow@hq.doe.gov ( kyle.mcslarrow@hq.doe.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Mark\_Rodgers@src.senate.gov ( Mark\_Rodgers@src.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:mark.mcclellan@fda.gov ( mark.mcclellan@fda.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Barbara J. Goergen ( CN=Barbara J. Goergen/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joseph W. Hagin ( CN=Joseph W. Hagin/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Trent D. Duffy ( CN=Trent D. Duffy/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:Sue H. Gerdelman ( CN=Sue H. Gerdelman/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Pam.Olson@do.treas.gov ( Pam.Olson@do.treas.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Law-Steven@dol.gov ( Law-Steven@dol.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Adam B. Ingols ( CN=Adam B. Ingols/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Denise Bradley ( CN=Denise Bradley/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kristopher N. Purcell ( CN=Kristopher N. Purcell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Elizabeth L. Rossman ( CN=Elizabeth L. Rossman/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:rbonjean@doc.gov ( rbonjean@doc.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Anthony.Jewell@hhs.gov ( Anthony.Jewell@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Buchholz@blankrome.com ( Buchholz@blankrome.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Karen.Weiss@ed.gov ( Karen.Weiss@ed.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Michael\_Brumas@sessions.senate.gov ( Michael\_Brumas@sessions.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:gibson@dkcg.net ( gibson@dkcg.net [ ONDCP ] )  
READ:UNKNOWN  
TO:Willie.Clark@nnsa.doe.gov ( Willie.Clark@nnsa.doe.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:rajesh.bharwani@mail.house.gov ( rajesh.bharwani@mail.house.gov [ UNKNOWN ] )

READ:UNKNOWN  
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Talking Points: The President,s Framework to Strengthen & Improve  
Medicare  
Private Health Care Choices within Medicare \* a Major Step in Medicare  
Reform

America has the world,s best health care system because it relies on the  
innovations of the private sector. A competitive free market system  
provides incentives to develop better drugs, better treatments, better  
care, and better forms of health care delivery.

The President,s Framework for Medicare reform would apply the best  
practices of the private health care market to Medicare. As successful as  
Medicare has been, it has not kept pace with dramatic improvements in  
health care because it is a government program immune to many market  
forces. Medicare still does not provide seniors with an outpatient  
prescription drug benefit, full coverage for preventive care, or limits on  
high out of pocket expenses. As a result, seniors lack many of the  
choices and benefits available to millions of Americans who have private  
health insurance.

The President,s goal is a strong, up-to-date Medicare system that relies on innovation and competition, not bureaucratic rules and regulations. This would allow seniors more choices and better benefits. It would also help modernize the program and improve its long-term finances.

The leading Medicare bills in the House and Senate include the following key elements of reform from the President,s Framework:

#### Individual Choice vs. One-size-fits-all

Seniors would be able to choose the health plan that best meets their own personal health needs\*rather than having only the choice of a one-size-fits-all government plan. There would be flexibility for private plans to offer a variety of benefit designs, not just standard coverage.

Providing seniors with more choices will give them\*not the government\*more control. When seniors retain the power of choice, there will be competition among health care providers and insurers. The result? Seniors will get the best coverage, services and quality of care.

Private Sector Competition vs. Government Price Setting and Price Controls  
Private insurers would deliver drug benefits to seniors, and costs would be controlled using marketplace competition, not government price setting. This is a fundamental departure from the current Medicare command and control pricing system.

Under the President,s Framework and the House and Senate bills, health plans would compete for seniors, business on the basis of quality and price. Federal employees and members of Congress enjoy the benefits of a competitive market for their health insurance, as do millions of working Americans. Seniors should have the same opportunity.

Currently, Medicare fixes payments to doctors and hospitals. The result is that Medicare does not often cover the true cost of care. Under the President,s Framework, private plans would bid against one another and then the government will select the lowest three bids that qualify. Such competition will be good for seniors and for taxpayers.

#### Innovation vs. Bureaucratic Delays

Whenever government gets involved in the business of micromanaging health care, innovation suffers and access to the newest and most effective treatments depends on the often arbitrary decisions of a slow-moving bureaucracy. When prescription drugs and medical devices are approved by the Food and Drug Administration, private insurers can adopt them for use soon after\*but not Medicare. For example, Medicare did not cover mammograms until nearly a decade after private insurers made them a standard benefit. It even took an act of Congress to get Medicare to cover mammograms.

The participation of private health plans in Medicare will help ensure more up-to-date coverage for breakthrough medical technologies. This is a significant improvement over the way benefits are provided in the traditional Medicare program today\*where politicians and regulators, rather than the market, decide what is covered.

#### Long-Term Savings vs. Spiraling Costs

The President and Congress have budgeted \$400 billion over 10 years to make these reforms a reality. By contrast, Democratic leadership proposals in both the House and Senate would likely cost more than double the amount\*perhaps nearly \$1 trillion\*pumped into an unreformed, one-size-fits-all government-run system.

Over time, reforming the Medicare system to allow more choices and private sector competition is expected to bring savings to the program. Medicare actuaries estimate that the most efficient private plans have the potential to beat Medicare,s costs by an average of 2.3 percent.

Far from being an open-ended entitlement, most seniors will be responsible

for a deductible, and co-pays, and, for the first time, the Medicare Part B deductible would be indexed to inflation, which will help reduce government expenditures. At the same time, seniors with the lowest incomes and the highest prescription drug bills will receive the most assistance and protection under the bill. This focuses resources on those individuals who need the most help.

#### Free Market vs. Government Dictates

The President's vision for a reformed Medicare stands in stark contrast to a centralized, government-run health care system that dictates coverage and stifles innovation and quality.

The President's Framework for Medicare reform would combine the best practices of traditional Medicare with those of the competitive free market system that benefits Americans so well. By keeping the existing government system, building on its strengths and incorporating the best ideas of the private sector, we can create a modern and efficient Medicare program for the 21st century.

The President is encouraged by the bipartisan progress that has been made to date and is urging Congress to seize the opportunity to pass legislation this year that will reform Medicare for the first time in its 38-year history.

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Sent:

6/23/2003 4:32:09 AM

REV\_00124111

**Subject:** : TALKING POINTS on Medicare Reform

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brian R. Besanceney ( CN=Brian R. Besanceney/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 23-JUN-2003 08:32:09.00

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Talking Points: The President,s Framework to Strengthen & Improve

Medicare

Private Health Care Choices within Medicare \* a Major Step in Medicare  
Reform

America has the world,s best health care system because it relies on the  
innovations of the private sector. A competitive free market system  
provides incentives to develop better drugs, better treatments, better  
care, and better forms of health care delivery.

The President's Framework for Medicare reform would apply the best practices of the private health care market to Medicare. As successful as Medicare has been, it has not kept pace with dramatic improvements in health care because it is a government program immune to many market forces. Medicare still does not provide seniors with an outpatient prescription drug benefit, full coverage for preventive care, or limits on high out of pocket expenses. As a result, seniors lack many of the choices and benefits available to millions of Americans who have private health insurance.

The President's goal is a strong, up-to-date Medicare system that relies on innovation and competition, not bureaucratic rules and regulations. This would allow seniors more choices and better benefits. It would also help modernize the program and improve its long-term finances.

The leading Medicare bills in the House and Senate include the following key elements of reform from the President's Framework:

#### Individual Choice vs. One-size-fits-all

Seniors would be able to choose the health plan that best meets their own personal health needs\*rather than having only the choice of a one-size-fits-all government plan. There would be flexibility for private plans to offer a variety of benefit designs, not just standard coverage.

Providing seniors with more choices will give them\*not the government\*more control. When seniors retain the power of choice, there will be competition among health care providers and insurers. The result? Seniors will get the best coverage, services and quality of care.

#### Private Sector Competition vs. Government Price Setting and Price Controls

Private insurers would deliver drug benefits to seniors, and costs would be controlled using marketplace competition, not government price setting. This is a fundamental departure from the current Medicare command and control pricing system.

Under the President,s Framework and the House and Senate bills, health plans would compete for seniors, business on the basis of quality and price. Federal employees and members of Congress enjoy the benefits of a competitive market for their health insurance, as do millions of working Americans. Seniors should have the same opportunity.

Currently, Medicare fixes payments to doctors and hospitals. The result is that Medicare does not often cover the true cost of care. Under the President,s Framework, private plans would bid against one another and then the government will select the lowest three bids that qualify. Such competition will be good for seniors and for taxpayers.

#### Innovation vs. Bureaucratic Delays

Whenever government gets involved in the business of micromanaging health care, innovation suffers and access to the newest and most effective treatments depends on the often arbitrary decisions of a slow-moving bureaucracy. When prescription drugs and medical devices are approved by the Food and Drug Administration, private insurers can adopt them for use soon after\*but not Medicare. For example, Medicare did not cover mammograms until nearly a decade after private insurers made them a standard benefit. It even took an act of Congress to get Medicare to cover mammograms.

The participation of private health plans in Medicare will help ensure more up-to-date coverage for breakthrough medical technologies. This is a significant improvement over the way benefits are provided in the traditional Medicare program today\*where politicians and regulators, rather than the market, decide what is covered.

#### Long-Term Savings vs. Spiraling Costs

The President and Congress have budgeted \$400 billion over 10 years to make these reforms a reality. By contrast, Democratic leadership proposals in both the House and Senate would likely cost more than double

the amount\*perhaps nearly \$1 trillion\*pumped into an unreformed, one-size-fits-all government-run system.

Over time, reforming the Medicare system to allow more choices and private sector competition is expected to bring savings to the program. Medicare actuaries estimate that the most efficient private plans have the potential to beat Medicare,s costs by an average of 2.3 percent.

Far from being an open-ended entitlement, most seniors will be responsible for a deductible, and co-pays, and, for the first time, the Medicare Part B deductible would be indexed to inflation, which will help reduce government expenditures. At the same time, seniors with the lowest incomes and the highest prescription drug bills will receive the most assistance and protection under the bill. This focuses resources on those individuals who need the most help.

#### Free Market vs. Government Dictates

The President,s vision for a reformed Medicare stands in stark contrast to a centralized, government-run health care system that dictates coverage and stifles innovation and quality.

The President,s Framework for Medicare reform would combine the best practices of traditional Medicare with those of the competitive free market system that benefits Americans so well. By keeping the existing government system, building on its strengths and incorporating the best ideas of the private sector, we can create a modern and efficient Medicare program for the 21st century.

The President is encouraged by the bipartisan progress that has been made to date and is urging Congress to seize the opportunity to pass legislation this year that will reform Medicare for the first time in its 38-year history.

White House Office of Communications

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**Subject:** : TALKING POINTS on Medicare Reform

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TO: Jean Cooper ( CN=Jean Cooper/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )

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TO: Furchtgott-Roth-Diana@dol.gov ( Furchtgott-Roth-Diana@dol.gov [ UNKNOWN ] )

READ: UNKNOWN

TO: Terra Gray ( CN=Terra Gray/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

TO: Kathryn M. Harrington ( CN=Kathryn M. Harrington/OU=OSTP/O=EOP@EOP [ OSTP ] )

READ: UNKNOWN

TO: Gregory J. Jenkins ( CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: erik.lucas@nrl.navy.mil ( erik.lucas@nrl.navy.mil [ UNKNOWN ] )

READ: UNKNOWN

TO: jfournier@freedomalliance.org ( jfournier@freedomalliance.org [ UNKNOWN ] )

READ: UNKNOWN

TO: tbarton@donorstrust.org ( tbarton@donorstrust.org [ UNKNOWN ] )

READ: UNKNOWN

TO: tcampbel@trucking.org ( tcampbel@trucking.org [ UNKNOWN ] )

READ: UNKNOWN

TO: Ross M. Kyle ( CN=Ross M. Kyle/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

TO: Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )

READ: UNKNOWN

TO: FergusCullen@aol.com ( FergusCullen@aol.com [ UNKNOWN ] )

READ: UNKNOWN

TO: A. Merrill Hughes ( CN=A. Merrill Hughes/OU=OVP/O=EOP@EOP [ OVP ] )

READ: UNKNOWN

TO: Anne Heiligenstein ( CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kara G. Figg ( CN=Kara G. Figg/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Abel Guerra ( CN=Abel Guerra/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: David M. Thomas ( CN=David M. Thomas/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kasey S. Pipes ( CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Ziad S. Ojakli ( CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

REV\_00124127

TO:Christal R. West ( CN=Christal R. West/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Reed Dickens ( CN=Reed Dickens/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Candida P. Wolff ( CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [ OVP ] )  
 READ:UNKNOWN  
 TO:Vickie A. McQuade ( CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Taylor S. Gross ( CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:John D. Gibson ( CN=John D. Gibson/OU=NSC/O=EOP@EOP [ NSC ] )  
 READ:UNKNOWN  
 TO:Krista L. Ritacco ( CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Scott N. Sforza ( CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Joshua B. Bolten ( CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Kenneth A. Lisaius ( CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Tucker A. Eskew ( CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:Erin E. Healy ( CN=Erin E. Healy/OU=WHO/O=EOP@EOP [ WHO ] )  
 READ:UNKNOWN  
 TO:joseph.samora@cnh.com ( joseph.samora@cnh.com [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:doug.seay@mail.house.gov ( doug.seay@mail.house.gov [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:will.kinzel@cnh.com ( will.kinzel@cnh.com [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:jleibowitz@mpaa.org ( jleibowitz@mpaa.org [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:toby.harnden@telegraph.co.uk ( toby.harnden@telegraph.co.uk [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:bginsberg@pattonboggs.com ( bginsberg@pattonboggs.com [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:terry.colli@dfait-maeci.gc.ca ( terry.colli@dfait-maeci.gc.ca [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:Jonathan T. Dworken ( CN=Jonathan T. Dworken/OU=NSC/O=EOP@EOP [ NSC ] )  
 READ:UNKNOWN  
 TO:Daniel D. Faoro ( CN=Daniel D. Faoro/OU=WHO/O=EOP@EOP [ OA ] )  
 READ:UNKNOWN  
 TO:kathicard@ix.netcom.com ( kathicard@ix.netcom.com [ UNKNOWN ] )  
 READ:UNKNOWN  
 [ PRA 6 ] UNKNOWN ] )  
 READ:UNKNOWN  
 TO:JT.Young@do.treas.gov ( JT.Young@do.treas.gov [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:margita@alumni.ksg.harvard.edu ( margita@alumni.ksg.harvard.edu [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:elizabeth@censtrat.com ( elizabeth@censtrat.com [ OMB ] )  
 READ:UNKNOWN  
 TO:Mark S. Rusin ( CN=Mark S. Rusin/OU=ONDCP/O=EOP [ ONDCP ] )  
 READ:UNKNOWN  
 TO:bill.turenne@osd.mil ( bill.turenne@osd.mil [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:rich.carter@mail.house.gov ( rich.carter@mail.house.gov [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:richard.lecoq@dfait-maeci.gc.ca ( richard.lecoq@dfait-maeci.gc.ca [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:mike.joyce@mail.house.gov ( mike.joyce@mail.house.gov [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:rlivingston@livingstongrp.com ( rlivingston@livingstongrp.com [ UNKNOWN ] )  
 READ:UNKNOWN  
 TO:dsampson@eda.doc.gov ( dsampson@eda.doc.gov [ UNKNOWN ] )  
 READ:UNKNOWN

TO:fneuringer@jhu.edu ( fneuringer@jhu.edu [ UNKNOWN ] )  
READ:UNKNOWN  
TO:kenneth.mcclellan@osd.mil ( kenneth.mcclellan@osd.mil [ UNKNOWN ] )  
READ:UNKNOWN  
TO:douglasburns@hotmail.com ( douglasburns@hotmail.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:elliott.kaye@verizon.net ( elliott.kaye@verizon.net [ UNKNOWN ] )  
READ:UNKNOWN  
TO:JDyke@rnchq.org ( JDyke@rnchq.org [ UNKNOWN ] )  
READ:UNKNOWN  
TO:alaperriere@isigrp.com ( alaperriere@isigrp.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Daniel.Langan@ed.gov ( Daniel.Langan@ed.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Darren W. Bearson ( CN=Darren W. Bearson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Karin B. Torgerson ( CN=Karin B. Torgerson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeffrey F. Kupfer ( CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:HValentine@RGA.ORG ( HValentine@RGA.ORG [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Amy L. Call ( CN=Amy L. Call/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:derocco-emily@dol.gov ( derocco-emily@dol.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Daniel D. Heath ( CN=Daniel D. Heath/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:emily.kertz@ed.gov ( emily.kertz@ed.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:David M. Mark ( CN=David M. Mark/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:AGBECKER@opm.gov ( AGBECKER@opm.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Rachael.Sunbarger@dhs.gov ( Rachael.Sunbarger@dhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Tiffany L. Barfield ( CN=Tiffany L. Barfield/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:adavis@georgewbush.com ( adavis@georgewbush.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Jacob H. Yunker ( CN=Jacob H. Yunker/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Noam M. Neusner ( CN=Noam M. Neusner/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jeff\_Turcotte@gregg.senate.gov ( Jeff\_Turcotte@gregg.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:ericjw@hillsolutions.net ( ericjw@hillsolutions.net [ UNKNOWN ] )  
READ:UNKNOWN  
TO:dheerwagen@fs.fed.us ( dheerwagen@fs.fed.us [ UNKNOWN ] )  
READ:UNKNOWN  
TO:WHR@nrc.gov ( WHR@nrc.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:timothy.berry@mail.house.gov ( timothy.berry@mail.house.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:tjtowber@opm.gov ( tjtowber@opm.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:chase.hutto@hq.doe.gov ( chase.hutto@hq.doe.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:ngarcia@allianceai.org ( ngarcia@allianceai.org [ UNKNOWN ] )  
READ:UNKNOWN  
TO:PedrosaNR@state.gov ( PedrosaNR@state.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brian.Gaston@mail.house.gov ( Brian.Gaston@mail.house.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:rob.gould@fra.dot.gov ( rob.gould@fra.dot.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:FiskDW@state.gov ( FiskDW@state.gov [ UNKNOWN ] )  
READ:UNKNOWN

TO:cholzen@iri.org ( cholzen@iri.org [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Dan\_Bloom@ita.doc.gov ( Dan\_Bloom@ita.doc.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Kirstie W. Tucker ( CN=Kirstie W. Tucker/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:William Greene ( CN=William Greene/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Barbara\_Ledeen@src.senate.gov ( Barbara\_Ledeen@src.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:joshhollydc@yahoo.com ( joshhollydc@yahoo.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:jbarsa@hq.nasa.gov ( jbarsa@hq.nasa.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:mmiller@winstongroup.net ( mmiller@winstongroup.net [ OA ] )  
READ:UNKNOWN  
TO:Kimberly Ellison ( CN=Kimberly Ellison/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:matt.lloyd@usda.gov ( matt.lloyd@usda.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:russ\_keene@dal.bm.com ( russ\_keene@dal.bm.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:mcrow@eda.doc.gov ( mcrow@eda.doc.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Jose Mallea ( CN=Jose Mallea/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:laura.brookshire@mail.house.gov ( laura.brookshire@mail.house.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Jennifer Millerwise ( CN=Jennifer Millerwise/OU=OVP/O=EOP@Exchange@EOP [ OVP ] )  
READ:UNKNOWN  
TO:Doric@hawaii.edu ( Doric@hawaii.edu [ UNKNOWN ] )  
READ:UNKNOWN  
TO:ChapmanJ@state.gov ( ChapmanJ@state.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:David Kuo ( CN=David Kuo/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Desiree T. Sayle ( CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Dina Powell ( CN=Dina Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Paul B. Dyck ( CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:dallen@nrsc.org @ inet ( dallen@nrsc.org @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:john.feehery@mail.house.gov @ inet ( john.feehery@mail.house.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Robert T. Pratt Jr ( CN=Robert T. Pratt Jr/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Charles P. Blahous ( CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Ruben S. Barrales ( CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:John D. Estes ( CN=John D. Estes/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brian R. Besanceney ( CN=Brian R. Besanceney/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Barry S. Jackson ( CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:craig.quigley@osd.mil @ inet ( craig.quigley@osd.mil @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:moridanis@state.gov @ inet ( moridanis@state.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Adrian G. Gray ( CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Catharine A. Ryun ( CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN

TO:terrell.halaska@hhs.gov @ inet ( terrell.halaska@hhs.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Blake Gottesman ( CN=Blake Gottesman/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:edgillespie@quinngillespie.com @ inet ( edgillespie@quinngillespie.com @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
TO:John M. Bridgeland ( CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cesar Conda ( CN=Cesar Conda/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
TO:Jennifer H. Mayfield ( CN=Jennifer H. Mayfield/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
TO:william.steiger@hhs.gov ( william.steiger@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:cangelo@pstrategies.com ( cangelo@pstrategies.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:todd@jeb.org ( todd@jeb.org [ OA ] )  
READ:UNKNOWN  
TO:Rebecca\_Cotton@src.senate.gov ( Rebecca\_Cotton@src.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Albert.Hawkins@hhsc.state.tx.us ( Albert.Hawkins@hhsc.state.tx.us [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Gordon.Johndroe@dhs.gov ( Gordon.Johndroe@dhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:sue.hensley@sba.gov ( sue.hensley@sba.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:sburkhart@georgewbush.com ( sburkhart@georgewbush.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Blake Lindner ( CN=Blake Lindner/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Emily A. Lawrimore ( CN=Emily A. Lawrimore/OU=OVP/O=EOP@Exchange@EOP [ OVP ] )  
READ:UNKNOWN  
TO:aimpoints@pentagon.af.mil ( aimpoints@pentagon.af.mil [ UNKNOWN ] )  
READ:UNKNOWN  
TO:jkatz@doc.gov ( jkatz@doc.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Laura.Lawlor@hhs.gov ( Laura.Lawlor@hhs.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:pruett-elissa@dol.gov ( pruett-elissa@dol.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:todd.ferrara@usda.gov ( todd.ferrara@usda.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Michael Allen ( CN=Michael Allen/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Cheryl.Oldham@ed.gov ( Cheryl.Oldham@ed.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:SHanley@rnchq.org ( SHanley@rnchq.org [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Jared B. Weinstein ( CN=Jared B. Weinstein/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:william.torrans@mail.va.gov ( william.torrans@mail.va.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:tammy.fisher@mail.house.gov ( tammy.fisher@mail.house.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Sarah\_Berk@src.senate.gov ( Sarah\_Berk@src.senate.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:KRdaly@aol.com ( KRdaly@aol.com [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Keith R. Brancato ( CN=Keith R. Brancato/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:patrick@michaelis.com ( patrick@michaelis.com [ OMB ] )  
READ:UNKNOWN  
TO:cgraffy@pepperdine.edu ( cgraffy@pepperdine.edu [ UNKNOWN ] )

---

**From:** Douglass, Kimberly A.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/23/2003 8:39:41 AM  
**Subject:** RE:

I checked my files and don't have any paperwork. This must have been one that Kathy Prendergast handled. Left her a msg. As soon as I hear from her, I'll call.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, June 23, 2003 7:00 AM  
**To:** Douglass, Kimberly A.  
**Subject:**

can you check on Alicia Davis' TA for her trip to Boston last week nd call me. Thanks.

---

**From:** CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/23/2003 4:40:54 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 08:40:54.00

SUBJECT:: RE:

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

I checked my files and don't have any paperwork. This must have been one that Kathy Prendergast handled. Left her a msg. As soon as I hear from her, I'll call.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Monday, June 23, 2003 7:00 AM

To: Douglass, Kimberly A.

Subject:

can you check on Alicia Davis' TA for her trip to Boston last week nd call me. Thanks.



---

**From:** CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/23/2003 4:54:50 AM  
**Subject:** : Jane Abraham

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-JUN-2003 08:54:50.00  
SUBJECT:: Jane Abraham  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Hi Brett,

Matt asked me to check with you re: Jane Abraham. She would like to send a fundraising letter to her personal pro-life list. Is there a problem with this?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Tracy Jucas/WHO/EOP@EOP [ WHO ] <Tracy Jucas>  
**Sent:** 6/23/2003 4:56:39 AM  
**Subject:** : Re: Jane Abraham

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-JUN-2003 08:56:39.00  
SUBJECT:: Re: Jane Abraham  
TO:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Who is she?

Tracy Jucas  
06/23/2003 08:53:48 AM  
Record Type: Record

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

Hi Brett,

Matt asked me to check with you re: Jane Abraham. She would like to send a fundraising letter to her personal pro-life list. Is there a problem with this?

---

**From:** CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/23/2003 5:06:33 AM  
**Subject:** : Re: Jane Abraham

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-JUN-2003 09:06:33.00  
SUBJECT:: Re: Jane Abraham  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Secretary Abraham's wife

Brett M. Kavanaugh  
06/23/2003 08:55:40 AM  
Record Type: Record

To: Tracy Jucas/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Jane Abraham

Who is she?

Tracy Jucas  
06/23/2003 08:53:48 AM  
Record Type: Record

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

Hi Brett,

Matt asked me to check with you re: Jane Abraham. She would like to send a fundraising letter to her personal pro-life list. Is there a problem with this?

---

**From:** Brian.A.Benczkowski@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;'ehaden@balch.com' <ehaden@balch.com>;Jeanie S. Mamo/WHO/EOP@EOP [ WHO ] <Jeanie S. Mamo>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Dan.Bryant@usdoj.gov <Dan.Bryant@usdoj.gov>;William.Hall2@usdoj.gov <William.Hall2@usdoj.gov>;David G. Leitch/WHO/EOP@EOP [ WHO ] <David G. Leitch>;'william\_smith@judiciary.senate.gov' <william\_smith@judiciary.senate.gov>;Ashley Snee/WHO/EOP@EOP [ WHO ] <Ashley Snee>;Adam.Charnes@usdoj.gov <Adam.Charnes@usdoj.gov>;Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>  
**Sent:** 6/23/2003 5:07:19 AM  
**Subject:** : NYT on Pryor

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> ( "Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:23-JUN-2003 09:07:19.00  
SUBJECT:: NYT on Pryor  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:''ehaden@balch.com'' <ehaden@balch.com> ( ''ehaden@balch.com'' <ehaden@balch.com> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Dan.Bryant@usdoj.gov" <Dan.Bryant@usdoj.gov> ( "Dan.Bryant@usdoj.gov" <Dan.Bryant@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"William.Hall2@usdoj.gov" <William.Hall2@usdoj.gov> ( "William.Hall2@usdoj.gov" <William.Hall2@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:''william\_smith@judiciary.senate.gov'' <william\_smith@judiciary.senate.gov> ( ''william\_smith@judiciary.senate.gov'' <william\_smith@judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov> ( "Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> ( "Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Happy Monday. Not surprising.

June 23, 2003

Beyond the Pale

Many of the Bush administration's judicial nominees have been evasive about their positions on abortion, but not William Pryor. Mr. Pryor, Alabama's attorney general, has declared that Roe v. Wade, the landmark ruling upholding abortion rights, "ripped the Constitution and ripped out the life of millions of unborn children."

He has shown the same lack of subtlety - and fierce ideological agenda - on issues ranging from civil rights to states' rights and gay rights. His extremism and disdain for the legal rights of many Americans make him unsuited to be a federal judge.

REV\_00124146

Mr. Pryor, who has been nominated to the Atlanta-based United States Court of Appeals for the 11th Circuit, has a record of incendiary comments that show a lack of judicial temperament and a cynical view of the law. When he disagreed with the Supreme Court's decision to delay an execution in a capital punishment case, he dismissed the court as "nine octogenarian lawyers." On another occasion, he ended a speech with a prayer for "no more Souters," a blast at Supreme Court Justice David Souter, a moderate.

As Alabama attorney general, Mr. Pryor has turned his office into a taxpayer-financed right-wing law firm. He has testified to Congress in favor of dropping a key part of the Voting Rights Act. In a Supreme Court case challenging the Violence Against Women Act, 36 state attorneys general urged the court to uphold the law. Mr. Pryor was the only one to argue that the law was unconstitutional. This term, he submitted a brief in favor of a Texas law that makes gay sex illegal, comparing it to necrophilia, bestiality, incest and pedophilia.

Mr. Pryor has taken particularly outlandish positions on "federalism," a dangerous states' rights movement that seeks to take away federal rights. This term, he urged the Supreme Court to make nearly five million state employees ineligible to sue for damages under the Family and Medical Leave Act. Chief Justice William Rehnquist, a strong supporter of federalism, wrote the opinion rejecting Mr. Pryor's position as too extreme. In another states' rights case this term, involving statutes of limitations, the court rejected Mr. Pryor 9 to 0.

Judicial nominees are often accused of undergoing "confirmation conversions," backing away from controversial stands to win Senate support. But there is no great honor in the positions Mr. Pryor stuck to at his confirmation hearing: that Roe was "morally wrong" and responsible for "the slaughter of millions of unborn children," that part of the Voting Rights Act should be repealed and that when he rescheduled his family's vacation to Disney World to avoid a day when many gays attend, it was a legitimate "value judgment."

If a far-right legal group needs a lawyer to argue extreme positions against abortion, women's rights, gay rights and civil rights, Mr. Pryor may be a suitable candidate. But he does not belong on the federal bench.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Joel D. Kaplan/WHO/EOP@Exchange@EOP [ WHO ] <Joel D. Kaplan>  
**Sent:** 6/23/2003 5:35:05 AM  
**Subject:** : returned your call

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-JUN-2003 09:35:05.00  
SUBJECT:: returned your call  
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Marc.Kesselman@usdoj.gov <Marc.Kesselman@usdoj.gov>  
**Sent:** 6/23/2003 5:36:00 AM  
**Subject:** : RE: Vet interview

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-JUN-2003 09:36:00.00  
SUBJECT:: RE: Vet interview  
TO:"Marc.Kesselman@usdoj.gov" <Marc.Kesselman@usdoj.gov> ( "Marc.Kesselman@usdoj.gov"  
<Marc.Kesselman@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

That sounds good. Do you come here?

"Marc.Kesselman@usdoj.gov" <Marc.Kesselman  
06/23/2003 09:28:41 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: Vet interview

Brett,

I hope that your weekend was good and that you got a little bit of time  
for yourself.

What time Tuesday morning works for you? Maybe 10?

Thanks,

Marc

---

**From:** Bumatay, Patrick J.  
**To:** <Ulyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>  
**Sent:** 6/23/2003 10:19:02 AM  
**Subject:** Affirmative Action

Supreme Court rules that Michigan Law School affirmative action program is constitutional.

No word on undergrad program yet.



---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;Theodore W. Ulliot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliot>  
**Sent:** 6/23/2003 6:20:19 AM  
**Subject:** : Affirmative Action

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 10:20:19.00

SUBJECT:: Affirmative Action

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Supreme Court rules that Michigan Law School affirmative action program is constitutional.

;

No word on undergrad program yet.

---

**From:** Robert McConnell <RMcConnell@hyi-usa.com>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Lewis Libby/OVP /EOP@EOP [ OVP ] <Lewis Libby>; David W. Hobbs/WHO/EOP@EOP [ WHO ] <David W. Hobbs>  
**Sent:** 6/23/2003 6:21:57 AM  
**Subject:** : FW: Great Editorial in Florida

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Robert McConnell <RMcConnell@hyi-usa.com> ( Robert McConnell <RMcConnell@hyi-usa.com> [ UNKNOWN ] )  
CREATION DATE/TIME:23-JUN-2003 10:21:57.00  
SUBJECT:: FW: Great Editorial in Florida  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Lewis Libby ( CN=Lewis Libby/OU=OVP/O=EOP@EOP [ OVP ] )  
READ:UNKNOWN  
TO:David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

<http://www.orlandosentinel.com/news/opinion/orl-edped233062303jun23,0,4728895.story?coll=orl-opinion-headlines>

#### EDITORIAL

Stop abuse of class actions

June 23, 2003

Our position: Class-action suits can avoid gamesmanship by heading to federal courts.

When large groups of people are wronged by corporate misconduct, class-action lawsuits can be a useful tool for holding corporations accountable, forcing them to abandon their unfair or unsafe practices and compensating their victims.

But many lawyers who file class-action lawsuits are gaming the system. They're taking cases with national implications and filing them in the friendliest state courts they can find.

It's a warped system routinely yielding settlements that enrich lawyers with multimillion-dollar fees but leave crumbs for their "clients." Under a recent settlement in a Florida suit accusing credit-card companies of fudging payment-due dates, lawyers would pocket \$2.2 million in fees and the 155 million plaintiffs they represented wouldn't collect a penny.

Fortunately, Congress is moving toward reforming the system.

The House has passed a proposal that would send class-action suits with plaintiffs from multiple states and damages exceeding \$5 million to appointed judges in federal court. That's the appropriate venue for cases with multistate or national impact.

The Senate is now considering its own, similar measure. Both the House and Senate proposals are reasonable. Neither would give any industry immunity from class-action suits or place arbitrary caps on any damages.

But the House proposal would apply to class-action suits already filed -- essentially changing the rules in the middle of the game. The Senate proposal would not, making it the fairer and better version of class-action

reform.

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**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>  
**Sent:** 6/23/2003 6:22:26 AM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 10:22:26.00

SUBJECT::

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Michigan case -- law school program upheld 5-4 per SOC

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>  
**Sent:** 6/23/2003 6:22:29 AM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 10:22:29.00

SUBJECT::

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Michigan case -- law school program upheld 5-4 per SOC

---

**From:** Leitch, David G.  
**To:** <Leitch, David G.>;<Gonzales, Alberto R.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ulyot, Theodore W.>  
**Sent:** 6/23/2003 10:24:27 AM  
**Subject:** RE:

Chief issuing opinion in undergrad case now.

-----Original Message-----

**From:** Leitch, David G.  
**Sent:** Monday, June 23, 2003 10:20 AM  
**To:** Leitch, David G.; Gonzales, Alberto R.; Bartolomucci, H. Christopher; Brosnahan, Jennifer R.; Brown, Reginald J.; Kavanaugh, Brett M.; Newstead, Jennifer G.; Powell, Benjamin A.; Sampson, Kyle; Ulyot, Theodore W.

**Subject:**

Michigan case -- law school program upheld 5-4 per SOC

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [ WHO ] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [ WHO ] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 6/23/2003 6:25:59 AM  
**Subject:** : Supreme Court

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 10:25:59.00

SUBJECT:: Supreme Court

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ:UNKNOWN

TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Supreme Court strikes down the Undergraduate program.



**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>  
**Sent:** 6/23/2003 6:25:57 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 23-JUN-2003 10:25:57.00

SUBJECT:: RE:

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Chief issuing opinion in undergrad case now.

-----Original Message-----

From: Leitch, David G.

Sent: Monday, June 23, 2003 10:20 AM

To: Leitch, David G.; Gonzales, Alberto R.; Bartolomucci, H.

Christopher; Brosnahan, Jennifer R.; Brown, Reginald J.; Kavanaugh, Brett

M.; Newstead, Jennifer G.; Powell, Benjamin A.; Sampson, Kyle; Ulyot,

Theodore W.

Subject:

Michigan case -- law school program upheld 5-4 per SOC

REV\_00124166

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>; Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>; Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>; Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>; Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>; David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>; James W. Carroll/WHO/EOP@EOP [ WHO ] <James W. Carroll>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; Elizabeth Bingold/WHO/EOP@EOP [ WHO ] <Elizabeth Bingold>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 6/23/2003 6:25:58 AM  
**Subject:** : Supreme Court

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 23-JUN-2003 10:25:58.00

SUBJECT: : Supreme Court

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ: UNKNOWN

TO: David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Supreme Court strikes down the Undergraduate program.

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [ WHO ] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [ WHO ] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 6/23/2003 6:25:54 AM  
**Subject:** : Supreme Court

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 10:25:54.00

SUBJECT:: Supreme Court

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ:UNKNOWN

TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Supreme Court strikes down the Undergraduate program.

---

**From:** CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/23/2003 6:25:46 AM  
**Subject:** : draft

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )  
CREATION DATE/TIME:23-JUN-2003 10:25:46.00  
SUBJECT:: draft  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

One of the great strengths of America is our diversity.; We should always strive to achieve diversity of all kinds, including racial diversity in higher education, but I believe that schools should;not;use racial preferences and quotas to achieve diversity.; In striking down the University of Michigan;undergraduate admissions system, the Supreme Court has made clear that racial quotas and set asides are inconsistent with the Constitution,s promise of equal opportunity for all Americans.;

;

The Departments of Justice and Education are reviewing the Court,s decision to evaluate its scope and its impact.; My Administration is; committed to promoting policies that expand opportunities for Americans from all racial, ethnic, and economic backgrounds, and I believe there are innovative ways for schools to reflect our diversity without using racial preferences or quotas, which unfairly reward or penalize prospective students based solely on their race.;

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; David G. Leitch/WHO/EOP@Exchange [ WHO ] <David G. Leitch>  
**Sent:** 6/23/2003 6:25:38 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 10:25:38.00

SUBJECT:: RE:

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Chief issuing opinion in undergrad case now.

;-----Original Message-----

From: ; Leitch, David G.;

Sent;;; Monday, June 23, 2003 10:20 AM

To:;;; Leitch, David G.; Gonzales, Alberto R.; Bartolomucci, H.

Christopher; Brosnahan, Jennifer R.; Brown, Reginald J.; Kavanaugh, Brett

M.; Newstead, Jennifer G.; Powell, Benjamin A.; Sampson, Kyle; Ulyot,

Theodore W.

Subject:;;;;;

Michigan case -- law school program upheld 5-4 per SOC

REV\_00124172

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [ WHO ] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [ WHO ] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 6/23/2003 6:25:53 AM  
**Subject:** : Supreme Court

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 10:25:53.00

SUBJECT:: Supreme Court

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ:UNKNOWN

TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####



Supreme Court strikes down the Undergraduate program.

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [ WHO ] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [ WHO ] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 6/23/2003 6:26:06 AM  
**Subject:** : Supreme Court

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 10:26:06.00

SUBJECT:: Supreme Court

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ:UNKNOWN

TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Supreme Court strikes down the Undergraduate program.

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [ WHO ] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [ WHO ] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 6/23/2003 6:26:39 AM  
**Subject:** : Supreme Court

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 10:26:39.00

SUBJECT:: Supreme Court

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ:UNKNOWN

TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Supreme Court strikes down the Undergraduate program.

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [ WHO ] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [ WHO ] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 6/23/2003 6:26:12 AM  
**Subject:** : Supreme Court

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 10:26:12.00

SUBJECT:: Supreme Court

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ:UNKNOWN

TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Supreme Court strikes down the Undergraduate program.

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [ WHO ] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [ WHO ] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 6/23/2003 6:26:08 AM  
**Subject:** : Supreme Court

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 10:26:08.00

SUBJECT:: Supreme Court

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ:UNKNOWN

TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####



Supreme Court strikes down the Undergraduate program.

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>; Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>; Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>; Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>; Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>; David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>; James W. Carroll/WHO/EOP@EOP [ WHO ] <James W. Carroll>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; Elizabeth Bingold/WHO/EOP@EOP [ WHO ] <Elizabeth Bingold>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 6/23/2003 6:26:16 AM  
**Subject:** : Supreme Court

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 23-JUN-2003 10:26:16.00

SUBJECT: : Supreme Court

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ: UNKNOWN

TO: David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Supreme Court strikes down the Undergraduate program.

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>; Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>; Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>; Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>; Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>; David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>; James W. Carroll/WHO/EOP@EOP [ WHO ] <James W. Carroll>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; Elizabeth Bingold/WHO/EOP@EOP [ WHO ] <Elizabeth Bingold>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 6/23/2003 6:26:01 AM  
**Subject:** : Supreme Court

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 10:26:01.00

SUBJECT:: Supreme Court

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ:UNKNOWN

TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Supreme Court strikes down the Undergraduate program.

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [ WHO ] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [ WHO ] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [ WHO ] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [ WHO ] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 6/23/2003 6:27:07 AM  
**Subject:** : Supreme Court

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 10:27:07.00

SUBJECT:: Supreme Court

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ:UNKNOWN

TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Supreme Court strikes down the Undergraduate program.

---

**From:** CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/23/2003 6:41:04 AM  
**Subject:** : Re: Reuters - US top court allows university race preferences

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
CREATION DATE/TIME:23-JUN-2003 10:41:04.00  
SUBJECT:: Re: Reuters - US top court allows university race preferences  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Get ready for a fire on the right, my friend.; Going to be some "who lost china" questions coming at us on our brief.

.



---

**From:** Brown, Reginald J.  
**To:** <Leitch, David G.>;<Brosnahan, Jennifer R.>;<Ullyot, Theodore W.>;<Sampson, Kyle>;<Powell, Benjamin A.>;<Newstead, Jennifer G.>;<Everson, Nanette>;<Kavanaugh, Brett M.>  
**Sent:** 6/23/2003 10:52:29 AM  
**Subject:** Links to today's opinions.

<http://appellateblog.blogspot.com/>

---

**From:** CN=Reginald J. Brown/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>;David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 6/23/2003 7:17:49 AM  
**Subject:** : Links to today's opinions.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-JUN-2003 11:17:49.00  
SUBJECT:: Links to today's opinions.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

<http://appellateblog.blogspot.com/>

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**From:** Douglass, Kimberly A.  
**To:** <Kavanaugh, Brett M.>  
**CC:** <Litkenhaus, Colleen>  
**Sent:** 6/23/2003 12:12:17 PM  
**Subject:** final Miami traveler

Mgmt approval is needed to process the TA's for the travel of one (1) advance representative, preparing for the visit of the President to Miami, FL on Monday June 30, 2003 for a Bush/Cheney 2004 event.

1) George Gigicos  
departing June 24, 2003  
Airfare: N/A  
Per Diem: N/A  
Lodging: N/A  
Rental Car: will be driving personal vehicle --- \$.36/ mile

NOTE: the four additional travelers were approved on Friday, June 20.

---

**From:** CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>  
**Sent:** 6/23/2003 8:13:33 AM  
**Subject:** : final Miami traveler

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 12:13:33.00

SUBJECT:: final Miami traveler

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Mgmt approval is needed to process the TA,s for the travel of;one (1)  
advance representative, preparing for the visit of the President to Miami,  
FL on Monday June 30, 2003 for a Bush/Cheney 2004 event.

;

1) George Gigicos

departing June 24, 2003

Airfare;;N/A

Per Diem: N/A

Lodging: N/A

Rental Car;;will be driving personal vehicle --- \$.36/ mile

;

NOTE;; the four additional travelers were approved on Friday, June 20.

---

**From:** CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/23/2003 9:26:19 AM  
**Subject:** : well there you have it then

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
CREATION DATE/TIME:23-JUN-2003 13:26:19.00  
SUBJECT:: well there you have it then  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

"More important, for the reasons set out below, today we endorse Justice Powell's view that student body diversity is a compelling state interest that can justify the use of race in university admissions."  
;  
It doesn't really get much clearer than that.

---

**From:** Kavanaugh, Brett M.  
**To:** <Douglass, Kimberly A.>  
**CC:** <Litkenhaus, Colleen>  
**Sent:** 6/23/2003 1:39:01 PM  
**Subject:** Re: final Miami traveler

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/23/2003 12:12:17 PM

Record Type: Record

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

cc: Colleen Litkenhaus/WHO/EOP@Exchange

Subject: final Miami traveler

Mgmt approval is needed to process the TA's for the travel of one (1) advance representative, preparing for the visit of the President to Miami, FL on Monday June 30, 2003 for a Bush/Cheney 2004 event.

1) George Gigicos

departing June 24, 2003

Airfare: N/A

Per Diem: N/A

Lodging: N/A

Rental Car: will be driving personal vehicle --- \$.36/ mile

NOTE: the four additional travelers were approved on Friday, June 20.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>  
**CC:** colleen litkenhaus/who/eop@exchange [ WHO ] <colleen litkenhaus>  
**Sent:** 6/23/2003 9:40:01 AM  
**Subject:** : Re: final Miami traveler

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-JUN-2003 13:40:01.00  
SUBJECT:: Re: final Miami traveler  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:colleen litkenhaus ( CN=colleen litkenhaus/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/23/2003 12:12:17 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Colleen Litkenhaus/WHO/EOP@Exchange  
Subject: final Miami traveler

Mgmt approval is needed to process the TA,s for the travel of;one (1) advance representative, preparing for the visit of the President to Miami, FL on Monday June 30, 2003 for a Bush/Cheney 2004 event.

;  
1) George Gigicos  
departing June 24, 2003  
Airfare;;N/A  
Per Diem: N/A  
Lodging: N/A  
Rental Car;;will be driving personal vehicle --- \$.36/ mile

;  
NOTE;; the four additional travelers were approved on Friday, June 20.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Theodore W. Ulliot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliot>  
**Sent:** 6/23/2003 9:40:36 AM  
**Subject:** : Re: Remarks by President on judges in Georgia 6/20/03

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-JUN-2003 13:40:36.00  
SUBJECT:: Re: Remarks by President on judges in Georgia 6/20/03  
TO:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thursday is next; not clear that it is last day but probably so.

Theodore W. Ulliot  
06/23/2003 11:06:25 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: Remarks by President on judges in Georgia 6/20/03

Did S Ct say today when the last hand-down day will be?

.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 6/23/2003 9:54:32 AM  
**Subject:** : any comments re draft statements for Josh at hearing -- per Joel's request

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-JUN-2003 13:54:32.00  
SUBJECT:: any comments re draft statements for Josh at hearing -- per Joel's request  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

For matters not involved in:

Senator, I am aware of that matter, but I was not involved in it and thus cannot answer your question in any detail. But let me say that the President's policy on \_\_ is \_\_\_\_.

For matters involved in:

Senator, thank you for your question and let me explain the President's policy on \_\_\_\_\_. With respect to our internal deliberations, it would not be appropriate for me to discuss those, as I know you appreciate.

---

**From:** Sampson, Kyle  
**To:** <Gonzales, Alberto R.>; <Leitch, David G.>; <Addington, David S.>; <Kavanaugh, Brett M.>; <Bartolomucci, H. Christopher>; <Ullyot, Theodore W.>; <Newstead, Jennifer G.>; <Powell, Benjamin A.>; <Brosnahan, Jennifer R.>; <Brown, Reginald J.>; <Bellinger, John B.>  
**Sent:** 6/23/2003 2:31:46 PM  
**Subject:** Edwards

During a 6/20 evening stop in Perry, IA, Sen. **John Edwards** (D-NC) said that Pres. **Bush** is a "phony" who must be replaced. Edwards "addressed an enthusiastic crowd of about four dozen" Dem activists: "We have to show this president as the absolute phony he is. He is a phony through and through." At another point, in a discussion about the deficit, Edwards called Bush "one of the most irresponsible presidents in our lifetime" (**Wagner**, "Eye On Edwards," newsandobserver.com, 6/21).

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 6/23/2003 10:33:50 AM  
**Subject:** : Edwards

##### Begin Original ARMS Header #####

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 23-JUN-2003 14:33:50.00

SUBJECT:: Edwards

TO: Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

TO: John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ: UNKNOWN

TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

During a 6/20 evening stop in Perry, IA, Sen. John Edwards (D-NC) said that Pres. Bush is a "phony" who must be replaced. Edwards "addressed an enthusiastic crowd of about four dozen" Dem activists: "We have to show this president as the absolute phony he is. He is a phony through and through." At another point, in a discussion about the deficit, Edwards called Bush "one of the most irresponsible presidents in our lifetime" (Wagner, "Eye On Edwards," newsandobserver.com, 6/21).

---

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>; John B. Bellinger/NSC/EOP@EOP [ NSC ] <John B. Bellinger>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 6/23/2003 10:33:50 AM  
**Subject:** : Edwards

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 23-JUN-2003 14:33:50.00

SUBJECT:: Edwards

TO: Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

TO: John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ: UNKNOWN

TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

During a 6/20 evening stop in Perry, IA, Sen. John Edwards (D-NC) said that Pres. Bush is a "phony" who must be replaced. Edwards "addressed an enthusiastic crowd of about four dozen" Dem activists: "We have to show this president as the absolute phony he is. He is a phony through and through." At another point, in a discussion about the deficit, Edwards called Bush "one of the most irresponsible presidents in our lifetime" (Wagner, "Eye On Edwards," newsandobserver.com, 6/21).

---

**From:** Montiel, Charlotte L.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/23/2003 2:52:28 PM  
**Subject:** call Kirk Van Tine at

366-4702

---

**From:** CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/23/2003 10:53:38 AM  
**Subject:** : call Kirk Van Tine at

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:23-JUN-2003 14:53:38.00

SUBJECT:: call Kirk Van Tine at

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

366-4702

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>  
**Sent:** 6/23/2003 10:54:04 AM  
**Subject:** : Re: Edwards

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-JUN-2003 14:54:04.00  
SUBJECT:: Re: Edwards  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes, this is what I referenced this a.m.

Kyle Sampson  
06/23/2003 02:32:46 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: Edwards

During a 6/20 evening stop in Perry, IA, Sen. John Edwards (D-NC) said that Pres. Bush is a "phony" who must be replaced. Edwards "addressed an enthusiastic crowd of about four dozen" Dem activists: "We have to show this president as the absolute phony he is. He is a phony through and through." At another point, in a discussion about the deficit, Edwards called Bush "one of the most irresponsible presidents in our lifetime" (Wagner, "Eye On Edwards," newsandobserver.com, 6/21).

Message Sent

To:

---

Alberto R. Gonzales/WHO/EOP@Exchange@EOP  
David G. Leitch/WHO/EOP@Exchange@EOP  
David S. Addington/OVP/EOP@EOP  
Brett M. Kavanaugh/WHO/EOP@EOP  
H. Christopher Bartolomucci/WHO/EOP@EOP  
Theodore W. Ulliyot/WHO/EOP@EOP  
Jennifer G. Newstead/WHO/EOP@EOP  
Benjamin A. Powell/WHO/EOP@EOP  
Jennifer R. Brosnahan/WHO/EOP@EOP  
Reginald J. Brown/WHO/EOP@EOP  
John B. Bellinger/NSC/EOP@EOP

---

**From:** Douglass, Kimberly A.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/23/2003 3:09:25 PM  
**Subject:** alicia's TA

not sure if you got my message. I found the TA. Let me know if you need it.



---

**From:** CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/23/2003 11:10:43 AM  
**Subject:** : alicia's TA

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:23-JUN-2003 15:10:43.00  
SUBJECT:: alicia's TA  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

not sure if you got my message.; I found the TA.; Let me know if you need it.

---

**From:** CN=Nanette Everson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/23/2003 11:19:32 AM  
**Subject:** : When you and I spoke about Ari's papers, I think you told me that he couldn't keep anything -- not even copies.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:23-JUN-2003 15:19:32.00  
SUBJECT:: When you and I spoke about Ari's papers, I think you told me that he couldn't keep anything -- not even copies.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Sounds like we need to visit about this. Give me a call.  
----- Forwarded by Nanette Everson/WHO/EOP on 06/23/2003  
03:18 PM -----

From: Vickie A. McQuade/WHO/EOP@Exchange on 06/23/2003 12:26:48 PM  
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP  
cc:  
Subject: When you and I spoke about Ari's papers, I think you told me that he couldn't keep anything -- not even copies.

We had Brett come over and brief Ari about his papers and Brett told him he could keep everything and anything.; We're confused.; Please help.

---

**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>  
**Sent:** 6/23/2003 3:44:40 PM  
**Subject:** Issues to discuss

see issue 1 below

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/23/2003 03:44 PM -----


Brett M. Kavanaugh

06/23/2003 07:46:39 AM

Record Type: Record

To: tomj@georgewbush.com @ inet, cspies@rnchq.org @ inet

cc:

Subject: Issues to discuss 

1. Advance Staff on mixed official/BC trips who work on both events -- split costs or BC pay entire?
2. Rooms used for both official and campaign purposes on BC or mixed trips -- split costs or BC pay entire?
3. Appearances by Admin officials as special guests at fundraisers for entities other than parties or candidates that raise more than fed limits (e.g., RGA or RAGA events) -- legal and policy review?
4. Spreadsheet/chart of Admin officials traveling for BC events/activities to ensure that BC campaign is paying all relevant costs for Admin officials
5. Official travelers

---

**From:** Douglass, Kimberly A.  
**To:** <Kavanaugh, Brett M.>  
**CC:** <Litkenhaus, Colleen>  
**Sent:** 6/23/2003 4:08:48 PM  
**Subject:** George Gigicos - revised TA

You approved this traveler earlier today and he had planned to drive his own car from Orlando to Miami. Now, he is scheduled to leave from Miami to Africa. So, he needs a rental car and this will need to be resubmitted to the Campaign.

Do you approve his travel...again?

-----Original Message-----

**From:** Pohl, Robert M.  
**Sent:** Monday, June 23, 2003 3:45 PM  
**To:** Douglass, Kimberly A.  
**Subject:** RE: MacNair

**George Gigicos**  
**Bush/Cheney '04 Campaign – Miami, FL June 30, 2003**

**Airfare:**

**Per Diem:**

**Lodging:**

**\*Rental Car: Hertz full size vehicle, C22730940D0 \$309.99/week**

\* George needs a rental car because he is leaving from Miami to go to Africa on another advance trip.

---

**From:** Hernandez, Israel  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/23/2003 4:55:26 PM  
**Subject:** FLOTUS NC Invite  
**Attachments:** RaleighLauraHostForm.doc

Brett,

Here is an invite we are doing for Mrs. Bush. The invite will be faxed to people rather than an invite.

Need approval.

Thanks

Israel

**Bush-Cheney '04, Inc.**  
**Host Committee Information Sheet**  
**Raleigh Fundraiser**  
**Honoring Laura Bush**  
**Friday, July 18, 2003**

- ☐ Yes! You can count on me to be a Host Committee member for the Raleigh Bush Cheney '04, Inc. fundraiser on Friday, July 18, 2003. My contact information is as follows:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Cell Phone : \_\_\_\_\_ Email: \_\_\_\_\_

Assistant's name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

Please list my/our name(s) on the invitation as follows (print or type):

\_\_\_\_\_

Please send me \_\_\_\_\_ invitations to distribute.  
Please complete and return via fax to Amy Shuster at (703) 647-2992  
by Wednesday, July 2, 2003.

**For more information please contact Jessica Ennis (919) 789-8897.**

Contributions to Bush-Cheney '04, Inc. are not tax deductible for federal income tax purposes.

|                                   |
|-----------------------------------|
| Paid for by Bush-Cheney '04, Inc. |
|-----------------------------------|

---

**From:** Skelly, Layton  
**To:** rose.lusi@hhs.gov <Gilbert, Alan>; rose.lusi@hhs.gov <Hall, Philo D.>; paula.stannard@hhs.gov <paula.stannard@hhs.gov>; peter.urbanowicz@hhs.gov <peter.urbanowicz@hhs.gov>; viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>; alex.azar@hhs.gov <alex.azar@hhs.gov>; john.hoff@hhs.gov <john.hoff@hhs.gov>; jennifer.young@hhs.gov <jennifer.young@hhs.gov>; jennifer.young@hhs.gov <Schacht, Diana L.>; jennifer.young@hhs.gov <Jensen, Amy>; jennifer.young@hhs.gov <Loper, Ginger G.>; jennifer.young@hhs.gov <Lefkowitz, Jay P.>; jennifer.young@hhs.gov <Perry, Philip J.>; jennifer.young@hhs.gov <Deleire, Thomas C.>; jennifer.young@hhs.gov <Kavanaugh, Brett M.>; zurawski-paul@dol.gov <zurawski-paul@dol.gov>; zurawski-paul@dol.gov <Young, Tracy>; zurawski-paul@dol.gov <Besanceney, Brian R.>; marc.kesselman@usdoj.gov <marc.kesselman@usdoj.gov>; marc.kesselman@usdoj.gov <Ackerly, Dana>; marc.kesselman@usdoj.gov <Cowdry, Rex>; hazucker@osophs.dhhs.gov <hazucker@osophs.dhhs.gov>; jafar.karim@hhs.gov <jafar.karim@hhs.gov>; jafar.karim@hhs.gov <Kupfer, Jeffrey F.>; jafar.karim@hhs.gov <Lineberry, Stephen M.>; jafar.karim@hhs.gov <Grubbs, Wendy J.>  
**CC:** pamela.roller@hhs.gov <pamela.roller@hhs.gov>; joyce.b-moore@hhs.gov <joyce.b-moore@hhs.gov>; marie.belt@hhs.gov <marie.belt@hhs.gov>; marie.belt@hhs.gov <Winland, Emily>; marie.belt@hhs.gov <Vestewig, Lauren J.>; dana.ceasar@hhs.gov <dana.ceasar@hhs.gov>; scriver-langford-lat@dol.gov <scrivier-langford-lat@dol.gov>; heather.mcnaught@usdoj.gov <heather.mcnaught@usdoj.gov>; heather.mcnaught@usdoj.gov <Stone, Carla B.>; hrobowski-rosita@dol.gov <hrobowski-rosita@dol.gov>; tcordaro@osophs.dhhs.gov <tcordaro@osophs.dhhs.gov>; rose.lusi@hhs.gov <rose.lusi@hhs.gov>; rose.lusi@hhs.gov <Skelly, Layton>  
**Sent:** 6/23/2003 5:27:42 PM  
**Subject:** Medical Liability Working Group

There will be a call tomorrow at 10:00.

Call in: 395-6392

CODE: 375631

Thank you,

Layton

Layton Skelly

06/16/2003 11:14:29 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

Subject: Medical Liability Working Group 

There will be a Medical Liability Working Group conference call tomorrow at 10:00. The call in number is

REV\_00124219

**202/395-6392**, and the code is: **195596**

Thank you,

Layton

456-5084

Message Sent To:

---

alan.gilbert/opd/eop@eop  
philo.d.hall/opd/eop@eop  
paula.stannard@hhs.gov @ inet  
peter.urbanowicz@hhs.gov @ inet  
viet.dinh@usdoj.gov @ inet  
alex.azar@hhs.gov @ inet  
john.hoff@hhs.gov @ inet  
jennifer.young@hhs.gov @ inet  
diana.l.schacht/opd/eop@eop  
amy.jensen/who/eop@exchange@eop  
ginger.g.loper/who/eop@exchange@eop  
jay.p.lefkowitz/opd/eop@exchange@eop  
philip.j.perry/omb/eop@eop  
thomas.c.deleire/cea/eop@eop  
brett.m.kavanaugh/who/eop@eop  
zurawski-paul@dol.gov @ inet  
tracy.young/who/eop@eop  
brian.r.besanceney/who/eop@eop  
marc.kesselman@usdoj.gov @ inet  
dana.ackerly/cea/eop@eop  
rex.cowdry/opd/eop@eop  
hazucker@osophs.dhhs.gov  
jafar.karim@hhs.gov  
jeffrey.f.kupfer/who/eop@exchange@eop  
stephen.m.lineberry/who/eop@eop

**REV\_00124220**



wendy j. grubbs/who/eop@exchange

Message Copied To:

---

pamela.roller@hhs.gov

joyce.b-moore@hhs.gov

marie.belt@hhs.gov

emily winland/opd/eop@eop

lauren j. vestewig/opd/eop@exchange@eop

dana.ceasar@hhs.gov

scriver-langford-lat@dol.gov @ inet

heather.mcnaught@usdoj.gov

carla b. stone/omb/eop@eop

hrobowski-rosita@dol.gov

tcordaro@osophs.dhhs.gov

rose.lusi@hhs.gov

Layton Skelly/OPD/EOP@EOP

---

**From:** Douglass, Kimberly A.  
**To:** <Kavanaugh, Brett M.>  
**CC:** <Litkenhaus, Colleen>  
**Sent:** 6/23/2003 5:53:34 PM  
**Subject:** Fw: TA Request for Tampa FL

Please approve. Thanks

-----Original Message-----

From: Smith, Courtney  
To: Douglass, Kimberly A.  
Sent: Fri Jun 20 16:21:27 2003  
Subject: TA Request for Tampa FL

Approval is needed to process the TA for the travel of one (1) advance representative, preparing for the visit of the President to Tampa, FL June 23, 2003 for a Bush/Cheney 2004 Fundraiser. This is the final traveler on this trip.

Court

1)Sarah Thilman  
June 24, 2003-9:10am  
United Flt#0754, Ohare to Tampa FL  
No return

Air:\$463.50  
Per Diem:  
Lodging:  
Car Rental:Thirfty-fullsize-\$38.68/day

---

**From:** Kavanaugh, Brett M.  
**To:** <Douglass, Kimberly A.>  
**Sent:** 6/23/2003 6:17:08 PM  
**Subject:** Re: George Gigicos - revised TA

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/23/2003 04:08:48 PM

Record Type: Record

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

cc: Colleen Litkenhaus/WHO/EOP@Exchange

Subject: George Gigicos - revised TA

You approved this traveler earlier today and he had planned to drive his own car from Orlando to Miami. Now, he is scheduled to leave from Miami to Africa. So, he needs a rental car and this will need to be resubmitted to the Campaign.

Do you approve his travel...again?

-----Original Message-----

**From:** Pohl, Robert M.

**Sent:** Monday, June 23, 2003 3:45 PM

**To:** Douglass, Kimberly A.

**Subject:** RE: MacNair

**George Gigicos**

**Bush/Cheney '04 Campaign – Miami, FL June 30, 2003**

**Airfare:**

**Per Diem:**

**Lodging:**

**\*Rental Car: Hertz full size vehicle, C22730940D0 \$309.99/week**

\* George needs a rental car because he is leaving from Miami to go to Africa on another advance trip.

**REV\_00124223**



---

**From:** Snee, Ashley  
**To:** <Millerwise, Jennifer>; <Kavanaugh, Brett M.>  
**Sent:** 6/23/2003 7:27:30 PM  
**Subject:** RE: Alexis

Yes we did (Ari had a change of heart). She asked us that first question too and we said that we would have to check or she could check with you. Basically, she wanted to know what guidance has been given to WH Staff regarding political activity. Her hook was the memo that went out - that she knows about - but unclear if she has a copy of. Brett walked her through the memo, but didn't get into her hypothetical scenarios about various activities and focused on the law and broad, big picture stuff. I can fill you in more in the morning.

-----Original Message-----

**From:** Millerwise, Jennifer  
**Sent:** Monday, June 23, 2003 7:17 PM  
**To:** Snee, Ashley; Kavanaugh, Brett M.  
**Subject:** Alexis

she called and said that you 2 met with her today...true? where is she headed? should we play?  
some things she mentioned that she would like to know from us...

- 1) Because Naval Obs is a military facility does can the VP use for calls, etc.
- 2) Have we done anything seperate or different from they way your system is set-up.
- 3) How many campaign events will he have on the schedule, what is his pace.

---

**From:** CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>  
**Sent:** 6/24/2003 5:44:00 AM  
**Subject:** : Tobacco working group

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 24-JUN-2003 09:44:00.00

SUBJECT:: Tobacco working group

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Could anyone cover this meeting for me on Thursday? I can't make it and apparently the time is set. Thank you, Jen

----- Forwarded by Jennifer G. Newstead/WHO/EOP on  
06/24/2003 09:34 AM -----

Layton Skelly

06/24/2003 09:30:10 AM

Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP

cc:

Subject: Tobacco working group

----- Forwarded by Layton Skelly/OPD/EOP on 06/24/2003  
09:29 AM -----

Layton Skelly

06/23/2003 04:24:48 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

Subject: Tobacco working group

Alan Gilbert will be hosting a Tobacco Working Group meeting on Thursday

REV\_00124239

at 1:00 in room 48A, to discuss a youth initiative. Please confirm your attendance, thank you.

Layton

Message Sent

To: \_\_\_\_\_

Alan Gilbert/OPD/EOP@EOP  
Philo D. Hall/OPD/EOP@EOP  
Jay P. Lefkowitz/OPD/EOP@Exchange@EOP  
Charles Conner/OPD/EOP@EOP  
Jeffrey F. Kupfer/WHO/EOP@Exchange@EOP  
Eric C. Pelletier/WHO/EOP@Exchange@EOP  
Diana L. Schacht/OPD/EOP@EOP  
Garry Malphrus/OPD/EOP@EOP  
Rebecca A. Beynon/WHO/EOP@EOP  
Jennifer G. Newstead/WHO/EOP@EOP  
jennifer.young@hhs.gov  
ladd.wiley@hhs.gov  
dtroy@oc.fda.gov  
ASachdev@OC.FDA.GOV

Message Copied

To: \_\_\_\_\_

Lauren J. Vestewig/OPD/EOP@Exchange@EOP  
Casey B. Fagan/OPD/EOP@EOP  
Emily Winland/OPD/EOP@EOP  
rose.lusi@hhs.gov  
joyce.toomer@hhs.gov  
danderson@oc.fda.gov @ inet  
Layton Skelly/OPD/EOP@EOP

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Marc.Kesselman@usdoj.gov <Marc.Kesselman@usdoj.gov>  
**Sent:** 6/24/2003 5:57:07 AM  
**Subject:** : RE: Vet interview

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 24-JUN-2003 09:57:07.00  
SUBJECT: : RE: Vet interview  
TO: "Marc.Kesselman@usdoj.gov" <Marc.Kesselman@usdoj.gov> ( "Marc.Kesselman@usdoj.gov"  
<Marc.Kesselman@usdoj.gov> [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

are you cleared in. what is your SS and birthdate.

"Marc.Kesselman@usdoj.gov" <Marc.Kesselman  
06/24/2003 09:53:47 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: Vet interview

Running 5 minutes late. Leaving for WH now. Apologies.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 6/24/2003 6:04:32 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-JUN-2003 10:04:32.00  
SUBJECT::  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Did you do draft statements on the Justices? draft q and a?

---

**From:** CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/24/2003 6:18:32 AM  
**Subject:** : RE: issues

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ] )  
CREATION DATE/TIME:24-JUN-2003 10:18:32.00  
SUBJECT:: RE: issues  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Would it be appropriate for me to listen in when you talk to him, if I promise to keep my mouth shut (stop laughing, I can keep it shut!)?

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, June 24, 2003 10:14 AM  
To: Elwood, Courtney S.  
Subject: issues

1. Advance Staff on mixed official/BC trips who work on both events -- split costs or BC pay entire?
2. Rooms used for both official and campaign purposes on BC or mixed trips -- split costs or BC pay entire?
3. Appearances by Admin officials as special guests at fundraisers for entities other than parties or candidates that raise more than fed limits (e.g., RGA or RAGA events) -- legal and policy review?
4. Spreadsheet/chart of Admin officials traveling for BC events/activities to ensure that BC campaign is paying all relevant costs for Admin officials
5. Cars
6. Official travelers

---

**From:** Kavanaugh, Brett M.  
**To:** <Douglass, Kimberly A.>;<Kavanaugh, Brett M.>  
**CC:** <Litkenhaus, Colleen>  
**Sent:** 6/24/2003 7:33:49 AM  
**Subject:** Re: TA Request for Tampa FL

Approved.

.  
----- Original Message -----

From: Kimberly A. Douglass/WHO/EOP@Exchange

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

Cc: Colleen Litkenhaus/WHO/EOP@Exchange

Date: 06/23/2003 05:53:34 PM

Subject: Fw: TA Request for Tampa FL

Please approve. Thanks

.  
-----Original Message-----

From: Smith, Courtney

To: Douglass, Kimberly A.

Sent: Fri Jun 20 16:21:27 2003

Subject: TA Request for Tampa FL

Approval is needed to process the TA for the travel of one (1) advance representative, preparing for the visit of the President to Tampa, FL June 23, 2003 for a Bush/Cheney 2004 Fundraiser. This is the final traveler on this trip.

Court

1) Sarah Thilman

June 24, 2003-9:10am

United Flt#0754, Ohare to Tampa FL

No return

Air: \$463.50

Per Diem:

Lodging:

Car Rental: Thirfty-fullsize-\$38.68/day

REV\_00124247



---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/24/2003 4:40:45 AM  
**Subject:** : Letters? Pest here.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:24-JUN-2003 08:40:45.00  
SUBJECT:: Letters? Pest here.  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

.

---

**From:** Lefkowitz, Jay P.  
**To:** <Kavanaugh, Brett M.>  
**CC:** <McClellan, Scott>  
**Sent:** 6/24/2003 8:45:35 AM  
**Subject:** questions

These can use some work. To some extent they are a dodge. Thanks

Q: Is the Administration disappointed that the Court did not strike down the University of Michigan law school admissions system?

A: The President believes strongly in the value of diversity on our nation's campuses. The Supreme Court's decisions in the University of Michigan cases echo the President's views on this point. The brief that the Department of Justice filed argued that the law school program was not sufficiently narrowly tailored. But it was a very close case and the Court's decision seeks a careful balance between the goal of a diverse student body and the fundamental principle of equal treatment under law.

Q: Does the Administration believe it is okay to consider race as a factor?

A: In the context of higher education, race can be one of many factors considered in the admissions process, as long as quotas are not employed, race is not the decisive factor, and each individual is considered on his or her own merits.

Q: Will the Administration seek to have military academies pursue race-neutral approaches?

A: The Administration will continue to work to employ all constitutional means to ensure sure that our nation's military academies are ethnically and racially diverse, and that they are welcoming to students of all backgrounds. But we will not employ racial quotas in our efforts to attain this goal.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>  
**Sent:** 6/24/2003 8:49:32 AM  
**Subject:** : Re: Senator Cornyn: BID TO END PARTISAN OBSTRUCTION CLEARS KEY SENATE COMMITTEE

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:24-JUN-2003 12:49:32.00

SUBJECT:: Re: Senator Cornyn: BID TO END PARTISAN OBSTRUCTION CLEARS KEY SENATE COMMITTEE

TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

agree.

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/24/2003 12:47:18 PM

Record Type: Record

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

cc:

Subject: Re: Senator Cornyn: BID TO END PARTISAN OBSTRUCTION CLEARS  
KEY SENATE COMMITTEE

No d's and a voice vote. Still a great effort to be applauded. Righto?

.

---

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/24/2003 5:14:46 AM  
**Subject:** : Fw: Odd question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:24-JUN-2003 09:14:46.00  
SUBJECT:: Fw: Odd question  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Any?

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

-----Original Message-----  
From: Wichterterman, Bill (Frist) <Bill\_Wichterterman@frist.senate.gov>  
To: Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
Sent: Mon Jun 23 20:48:42 2003  
Subject: Fw: Odd question

Manny?

Bill Wichterterman  
Policy Advisor  
Senate Majority Leader Bill Frist, M.D.  
Washington, DC. 20510  
202-224-3135

-----Original Message-----  
From: Teller, Paul <Paul.Teller@mail.house.gov>  
To: Wichterterman, Bill (Frist) <Bill\_Wichterterman@frist.senate.gov>  
Sent: Mon Jun 23 16:19:59 2003  
Subject: Odd question

Hey Bill--

I have an odd question (posed to me by a trusted Republican source): Do you happen to have a list of Jewish judges (or judicial nominees) that have been confirmed or are waiting for approval in this Congress (or since Bush took office--whichever)? Thanks Bill.

Paul S. Teller  
Legislative Director  
House Republican Study Committee (RSC)  
202-226-9718--phone 202-226-1633--fax  
paul.teller@mail.house.gov  
<http://www.house.gov/burton/RSC>



---

**From:** CN=Jennifer G. Newstead/OU=WHO/O=EOP [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ UNKNOWN ] <Brett M. Kavanaugh>; Kyle Sampson/WHO/EOP@EOP [ UNKNOWN ] <Kyle Sampson>; Benjamin A. Powell/WHO/EOP@EOP [ UNKNOWN ] <Benjamin A. Powell>; H. Christopher Bartolomucci/WHO/EOP@EOP [ UNKNOWN ] <H. Christopher Bartolomucci>; Reginald J. Brown/WHO/EOP@EOP [ UNKNOWN ] <Reginald J. Brown>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Theodore W. Ulyot/WHO/EOP@EOP [ UNKNOWN ] <Theodore W. Ulyot>  
**Sent:** 6/24/2003 5:44:00 AM  
**Subject:** : Tobacco working group

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP [ UNKNOWN ] )

CREATION DATE/TIME: 24-JUN-2003 09:44:00.00

SUBJECT:: Tobacco working group

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ UNKNOWN ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ UNKNOWN ] )

READ: UNKNOWN

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ UNKNOWN ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ UNKNOWN ] )

READ: UNKNOWN

TO: Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ UNKNOWN ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Could anyone cover this meeting for me on Thursday? I can't make it and apparently the time is set. Thank you, Jen

----- Forwarded by Jennifer G. Newstead/WHO/EOP on  
06/24/2003 09:34 AM -----

Layton Skelly

06/24/2003 09:30:10 AM

Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP

cc:

Subject: Tobacco working group

----- Forwarded by Layton Skelly/OPD/EOP on 06/24/2003  
09:29 AM -----

Layton Skelly

06/23/2003 04:24:48 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

Subject: Tobacco working group

REV\_00124291

Alan Gilbert will be hosting a Tobacco Working Group meeting on Thursday at 1:00 in room 48A, to discuss a youth initiative. Please confirm your attendance, thank you.

Layton

Message Sent

To:

---

Alan Gilbert/OPD/EOP@EOP  
Philo D. Hall/OPD/EOP@EOP  
Jay P. Lefkowitz/OPD/EOP@Exchange@EOP  
Charles Conner/OPD/EOP@EOP  
Jeffrey F. Kupfer/WHO/EOP@Exchange@EOP  
Eric C. Pelletier/WHO/EOP@Exchange@EOP  
Diana L. Schacht/OPD/EOP@EOP  
Garry Malphrus/OPD/EOP@EOP  
Rebecca A. Beynon/WHO/EOP@EOP  
Jennifer G. Newstead/WHO/EOP@EOP  
jennifer.young@hhs.gov  
ladd.wiley@hhs.gov  
dtroy@oc.fda.gov  
ASachdev@OC.FDA.GOV

Message Copied

To:

---

Lauren J. Vestewig/OPD/EOP@Exchange@EOP  
Casey B. Fagan/OPD/EOP@EOP  
Emily Winland/OPD/EOP@EOP  
rose.lusi@hhs.gov  
joyce.toomer@hhs.gov  
danderson@oc.fda.gov @ inet  
Layton Skelly/OPD/EOP@EOP

---

**From:** Nelson, Carolyn  
**To:** <Ulyot, Theodore W.>;<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Bingold, Elizabeth>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Bumatay, Patrick J.>;<Carroll, James W.>;<Everson, Nanette>;<Farrell, J. Elizabeth>;<Ganter, Jonathan F.>;<Kavanaugh, Brett M.>;<Leitch, David G.>;<McNally, Edward>;<Montiel, Charlotte L.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>  
**Sent:** 6/24/2003 9:46:32 AM  
**Subject:** Judge's schedule

As you may know, the Judge will be on travel in California and Arizona from Wednesday afternoon through Saturday of this week. David Leitch will also be out of the office from mid-Thursday through Friday. If you have any items to discuss with the Judge/David before their respective departures, please let me know.

On a related note, staff meeting has been cancelled for Friday, June 27 and Friday, July 4th.

Thanks!

---

**From:** Marc.Kesselman@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/24/2003 5:56:25 AM  
**Subject:** : RE: Vet interview

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Marc.Kesselman@usdoj.gov" <Marc.Kesselman@usdoj.gov> ( "Marc.Kesselman@usdoj.gov"

<Marc.Kesselman@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME:24-JUN-2003 09:56:25.00

SUBJECT:: RE: Vet interview

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Running 5 minutes late. Leaving for WH now. Apologies.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Israel Hernandez/WHO/EOP@Exchange [ WHO ] <Israel Hernandez>  
**Sent:** 6/24/2003 5:56:42 AM  
**Subject:** : Re: FLOTUS NC Invite  
**Attachments:** P\_IOAGH003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 24-JUN-2003 09:56:42.00  
SUBJECT: : Re: FLOTUS NC Invite  
TO: Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

OK here. Please make sure Josefiak has approved for BC 04. Thanks.

From: Israel Hernandez/WHO/EOP@Exchange on 06/23/2003 04:55:26 PM  
Record Type: Record

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

Brett,  
;  
Here is an invite we are doing for Mrs. Bush.; The invite will be faxed to  
people rather than an invite.  
;  
Need approval.  
;  
Thanks  
;  
Israel

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_IOAGH003\_WHO.TXT\_1>

**Bush-Cheney '04, Inc.**  
**Host Committee Information Sheet**  
**Raleigh Fundraiser**  
**Honoring Laura Bush**  
**Friday, July 18, 2003**

- ☐ Yes! You can count on me to be a Host Committee member for the Raleigh Bush Cheney '04, Inc. fundraiser on Friday, July 18, 2003. My contact information is as follows:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Cell Phone : \_\_\_\_\_ Email: \_\_\_\_\_

Assistant's name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

Please list my/our name(s) on the invitation as follows (print or type):

\_\_\_\_\_

Please send me \_\_\_\_\_ invitations to distribute.  
Please complete and return via fax to Amy Shuster at (703) 647-2992  
by Wednesday, July 2, 2003.

**For more information please contact Jessica Ennis (919) 789-8897.**

Contributions to Bush-Cheney '04, Inc. are not tax deductible for federal income tax purposes.

|                                   |
|-----------------------------------|
| Paid for by Bush-Cheney '04, Inc. |
|-----------------------------------|

---

**From:** CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ UNKNOWN ] <Brett M. Kavanaugh>  
**CC:** Matthew E. Smith/WHO/EOP@EOP [ UNKNOWN ] <Matthew E. Smith>  
**Sent:** 6/24/2003 5:58:16 AM  
**Subject:** : Daily Update - June 23, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-JUN-2003 09:58:16.00  
SUBJECT:: Daily Update - June 23, 2003  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ UNKNOWN ] )  
READ:UNKNOWN  
CC:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

fyi

tsg

CITIZENLINK  
June 23, 2003

LIBERAL 'THINK TANK' SAYS CONFIRMATION PROCESS IS BOGGED  
DOWN:  
It's taking longer and longer to get presidential nominees  
into their jobs.  
<http://www.family.org/cforum/fnif/news/A0026577.html>

---

**From:** CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>  
**Sent:** 6/24/2003 5:58:16 AM  
**Subject:** : Daily Update - June 23, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-JUN-2003 09:58:16.00  
SUBJECT:: Daily Update - June 23, 2003  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

fyi

tsg

CITIZENLINK  
June 23, 2003

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It's taking longer and longer to get presidential nominees  
into their jobs.  
<http://www.family.org/cforum/fnif/news/A0026577.html>



---

**From:** Kavanaugh, Brett M.  
**To:** <Elwood, Courtney S.>  
**Sent:** 6/24/2003 10:14:08 AM  
**Subject:** issues

1. Advance Staff on mixed official/BC trips who work on both events --  
split  
costs or BC pay entire?
2. Rooms used for both official and campaign purposes on BC or mixed  
trips --  
split costs or BC pay entire?
3. Appearances by Admin officials as special guests at fundraisers for  
entities  
other than parties or candidates that raise more than fed limits (e.g.,  
RGA or  
RAGA events) -- legal and policy review?
4. Spreadsheet/chart of Admin officials traveling for BC  
events/activities to  
ensure that BC campaign is paying all relevant costs for Admin officials
5. Cars
6. Official travelers

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Courtney S. Elwood/OVP/EOP@Exchange@EOP [ OVP ] <Courtney S. Elwood>  
**Sent:** 6/24/2003 6:15:46 AM  
**Subject:** : issues

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-JUN-2003 10:15:46.00  
SUBJECT:: issues  
TO:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange@EOP [ OVP ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

1. Advance Staff on mixed official/BC trips who work on both events --  
split  
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RAGA events) -- legal and policy review?
4. Spreadsheet/chart of Admin officials traveling for BC  
events/activities to  
ensure that BC campaign is paying all relevant costs for Admin officials
5. Cars
6. Official travelers

---

**From:** Douglass, Kimberly A.  
**To:** <Litkenhaus, Colleen>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 6/24/2003 10:15:29 AM  
**Subject:** FW: TA Approval for Mrs. Bush's traveling staff from Cincinnati

Colleen - Thought I forwarded this yesterday...but, apparently, did not. Please approve.

Brett - does the list of "official travelers" that we use for other political travel apply to campaign travel as well? The travelers below are personal aide and press secretary.

-----Original Message-----

**From:** Kalambur, Guhan  
**Sent:** Monday, June 23, 2003 4:49 PM  
**To:** Douglass, Kimberly A.  
**Cc:** Howard, Rothley; Williams, Rasheed D.  
**Subject:** TA Approval for Mrs. Bush's traveling staff from Cincinnati

Mgmt approval is needed to process the TA's for the **(3)** three traveling staff that will assume a separate schedule from

Mrs. Bush and will return to Washington, D.C. upon conclusion of scheduled activities in Cincinnati, OH on Wednesday - June 25, 2003.

1)Lindsey Lineweaver - T3B01291

**June 25, 2003 - 9:05pm**

Departing Cincinnati, OH to Reagan Nat'l

Delta Flt # 5013, arrives 10:25pm

**Air:\$314.91**

**Per Diem:\$37.50**

**Lodging:\$0.00**

**Car Rental:\$0.00**

**\*Note: Part of traveling staff that arrived on MILCRAFT to Cincinnati**

**\*\*Note: Traveler is working in the capacity of Personal Aide to Mrs. Bush**

2)Noelia Rodriguez - T3B01292

**June 25, 2003 - 6:30pm**

Departing Cincinnati, OH to Reagan Nat'l

Delta Flt # 5011, arrives 8:00pm

**Air:\$314.91**

**Per Diem:\$37.50**

**Lodging:\$0.00**

**Car Rental:\$0.00**

**\*Note: Part of traveling staff that arrived on MILCRAFT to Cincinnati**

**\*\*Note: Traveler is working in the capacity of Press Secretary to Mrs. Bush**

3)Elizabeth Liptock - T3B01293

**June 25, 2003 - 9:05pm**

Departing Cincinnati, OH to Reagan Nat'l

Delta Flt # 5013, arrives 10:25pm

**Air:\$314.91**

**Per Diem:\$37.50**

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**\*\*Note: Traveler is working in the capacity of Speech Writer to Mrs. Bush**

---

**From:** Elwood, Courtney S.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/24/2003 10:17:08 AM  
**Subject:** RE: issues

Would it be appropriate for me to listen in when you talk to him, if I promise to keep my mouth shut (stop laughing, I can keep it shut!)?

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, June 24, 2003 10:14 AM  
**To:** Elwood, Courtney S.  
**Subject:** issues

1. Advance Staff on mixed official/BC trips who work on both events -- split costs or BC pay entire?
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4. Spreadsheet/chart of Admin officials traveling for BC events/activities to ensure that BC campaign is paying all relevant costs for Admin officials
5. Cars
6. Official travelers

---

**From:** Litkenhaus, Colleen  
**To:** <Douglass, Kimberly A.>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 6/24/2003 10:26:57 AM  
**Subject:** RE: TA Approval for Mrs. Bush's traveling staff from Cincinnati

approved

-----Original Message-----

**From:** Douglass, Kimberly A.  
**Sent:** Tuesday, June 24, 2003 10:15 AM  
**To:** Litkenhaus, Colleen  
**Cc:** Kavanaugh, Brett M.  
**Subject:** FW: TA Approval for Mrs. Bush's traveling staff from Cincinnati

Colleen - Thought I forwarded this yesterday...but, apparently, did not. Please approve.

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**\*Note: Part of traveling staff that arrived on MILCRAFT to Cincinnati**

**\*\*Note: Traveler is working in the capacity of Speech Writer to Mrs. Bush**

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>  
**Sent:** 6/24/2003 6:28:18 AM  
**Subject:** : do you have time to talk today, maybe at 1

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-JUN-2003 10:28:18.00  
SUBJECT:: do you have time to talk today, maybe at 1  
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ UNKNOWN ]  
**To:** Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>  
**Sent:** 6/24/2003 6:28:18 AM  
**Subject:** : do you have time to talk today, maybe at 1

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ UNKNOWN ] )  
CREATION DATE/TIME:24-JUN-2003 10:28:18.00  
SUBJECT:: do you have time to talk today, maybe at 1  
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Higgins, Stephen (Judiciary) <Stephen\_Higgins@Judiciary.senate.gov>  
**Sent:** 6/24/2003 11:01:20 AM  
**Subject:** : Re: Neil Wake

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-JUN-2003 15:01:20.00  
SUBJECT:: Re: Neil Wake  
TO:"Higgins, Stephen (Judiciary)" <Stephen\_Higgins@Judiciary.senate.gov> ( "Higgins,  
Stephen (Judiciary)" <Stephen\_Higgins@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

will know before end of day.

"Higgins, Stephen (Judiciary)" <Stephen\_Higgins@Judiciary.senate.gov>  
06/24/2003 02:57:23 PM  
Record Type: Record

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

Any word?

---

**From:** Wichterman, Bill (Frist) <Bill\_Wichterman@frist.senate.gov>  
**To:** Vogel, Alex (Frist) <Alex\_Vogel@frist.senate.gov>; Duffield, Steven (RPC) <Steven\_Duffield@rpc.senate.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Delrahim, Makan (Judiciary) <Makan\_Delrahim@Judiciary.senate.gov>; Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**Sent:** 6/24/2003 7:18:59 AM  
**Subject:** : FW: Volunteer to Keep Anti-Choice Nominee off the Bench!

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Wichterman, Bill (Frist)" <Bill\_Wichterman@frist.senate.gov> ( "Wichterman, Bill (Frist)" <Bill\_Wichterman@frist.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:24-JUN-2003 11:18:59.00  
SUBJECT:: FW: Volunteer to Keep Anti-Choice Nominee off the Bench!  
TO:"Vogel, Alex (Frist)" <Alex\_Vogel@frist.senate.gov> ( "Vogel, Alex (Frist)" <Alex\_Vogel@frist.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)" <Steven\_Duffield@rpc.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> ( "Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

fyi

Bill Wichterman  
Policy Advisor  
U.S. Senate Majority Leader Bill Frist, M.D.  
S-230, U.S. Capitol  
Washington, DC 20510  
202-224-3135  
ÿ-----Original Message-----  
From: NARAL Pro-Choice America [mailto:can@ProChoiceAmerica.org]  
Sent: Monday, June 23, 2003 4:20 PM  
To: Diggs, Cindy  
Subject: Volunteer to Keep Anti-Choice Nominee off the Bench!

[IMAGE]

Help defeat William Pryor's nomination to the Eleventh Circuit Court of Appeals! We need volunteers to call our members to urge them to contact their Senators in opposition to Pryor.ÿ

What:  
Phonebank against William Pryor  
When:

REV\_00124315

Wednesday, June 25, 6:00 - 8:00 pm

Where:

People for the American Way, 2000 M St. NW, Fifth Floor

Metro:

Dupont Circle (Red Line), Farragut West (Blue/Orange Lines)

Dinner will be served.

RSVP to Amy Campbell at 202 973 3016 or [acampbell@ProChoiceAmerica.org](mailto:acampbell@ProChoiceAmerica.org).  
Please bring your photo ID and tell the guard on duty that you're coming to PFAW on the fifth floor.

Pryor believes that the Constitution does not protect a woman's right to choose and has used extreme and inflammatory rhetoric opposing Roe v. Wade and related Supreme Court decisions. This raises serious questions about his judicial temperament and ability to fairly decide matters pertaining to a woman's right to choose. Pryor has worn his extreme anti-choice ideology on his sleeve throughout his political career.

Recalling his response in 1973 to the Roe v. Wade decision, Pryor stated: "I will never forget January 22, 1973, the day seven members of our highest court ripped the Constitution and ripped out the life of millions of unborn children."

For more information on Pryor's history of opposition to Roe v. Wade, visit [http://www.prochoiceamerica.org/courts/wpryor\\_facts.cfm](http://www.prochoiceamerica.org/courts/wpryor_facts.cfm).

Visit the web address below to tell your friends about volunteering to keep this anti-choice nominee off the bench.  
[IMAGE] Tell-a-friend!

If you received this message from a friend, you can sign up for NARAL Pro-Choice America's Choice Action Network.

If you would like to unsubscribe from NARAL Pro-Choice America's Choice Action Network or update your account settings, please click here.

[IMAGE]

If you would like to unsubscribe from NARAL Pro-Choice America's Choice Action Network  
or update your account settings, please click here.

[IMAGE]

[IMAGE]

[IMAGE]

**From:** CN=Emily Winland/OU=OPD/O=EOP [ OPD ]  
**To:** Emily Winland/OPD/EOP@EOP [ OPD ] <Emily Winland>  
**CC:** sandra f. daigle/cea/eop@eop [ CEA ] <sandra f. daigle>;kimberly ellison/who/eop@eop [ WHO ] <kimberly ellison>;jean cooper/opd/eop@exchange@eop [ OPD ] <jean cooper>;layton skelly/opd/eop@eop [ OPD ] <layton skelly>;diana l. schacht/opd/eop@eop [ OPD ] <diana l. schacht>;harvey s. rosen/cea/eop@eop [ CEA ] <harvey s. rosen>;amy jensen/who/eop@exchange@eop [ WHO ] <amy jensen>;michael e. meece/who/eop@eop [ WHO ] <michael e. meece>;wendy j. grubbs/who/eop@exchange@eop [ WHO ] <wendy j. grubbs>;matthew a. schlapp/who/eop@eop [ WHO ] <matthew a. schlapp>;ado a. machida/ovp/eop@exchange@eop [ OVP ] <ado a. machida>;brett m. kavanaugh/who/eop@eop [ WHO ] <brett m. kavanaugh>;phillip l. swagel/cea/eop@eop [ CEA ] <phillip l. swagel>;alan gilbert/opd/eop@eop [ OPD ] <alan gilbert>;mary e. jones/cea/eop@eop [ CEA ] <mary e. jones>;carla b. stone/omb/eop@eop [ OMB ] <carla b. stone>;marty p. smith/opd/eop@eop [ OPD ] <marty p. smith>;lauren k. allgood/opd/eop@exchange@eop [ OPD ] <lauren k. allgood>;lauren j. vestewig/opd/eop@exchange@eop [ OPD ] <lauren j. vestewig>;scott mcclellan/who/eop@exchange@eop [ WHO ] <scott mcclellan>;james connaughton/ceq/eop@eop [ CEQ ] <james connaughton>;barry s. jackson/who/eop@eop [ WHO ] <barry s. jackson>;philip j. perry/omb/eop@eop [ OMB ] <philip j. perry>;robert marsh/who/eop@exchange@eop [ WHO ] <robert marsh>;courtney s. elwood/ovp/eop@exchange@eop [ OVP ] <courtney s. elwood>;jeffrey f. kupfer/who/eop@exchange@eop [ WHO ] <jeffrey f. kupfer>;keith hennessey/opd/eop@exchange@eop [ OPD ] <keith hennessey>;kevin warsh/opd/eop@eop [ OPD ] <kevin warsh>;allison boyd/opd/eop@exchange@eop [ OPD ] <allison boyd>  
**Sent:** 6/24/2003 11:33:45 AM  
**Subject:** : Location for Meeting on Tort Reform

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Emily Winland ( CN=Emily Winland/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME:24-JUN-2003 15:33:45.00  
SUBJECT:: Location for Meeting on Tort Reform  
TO:Emily Winland ( CN=Emily Winland/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:sandra f. daigle ( CN=sandra f. daigle/OU=cea/O=eop@eop [ CEA ] )  
READ:UNKNOWN  
CC:kimberly ellison ( CN=kimberly ellison/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:jean cooper ( CN=jean cooper/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:layton skelly ( CN=layton skelly/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:diana l. schacht ( CN=diana l. schacht/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:harvey s. rosen ( CN=harvey s. rosen/OU=cea/O=eop@eop [ CEA ] )  
READ:UNKNOWN  
CC:amy jensen ( CN=amy jensen/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
CC:michael e. meece ( CN=michael e. meece/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:wendy j. grubbs ( CN=wendy j. grubbs/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
CC:matthew a. schlapp ( CN=matthew a. schlapp/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:ado a. machida ( CN=ado a. machida/OU=ovp/O=eop@exchange@eop [ OVP ] )  
READ:UNKNOWN  
CC:brett m. kavanaugh ( CN=brett m. kavanaugh/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:phillip l. swagel ( CN=phillip l. swagel/OU=cea/O=eop@eop [ CEA ] )  
READ:UNKNOWN  
CC:alan gilbert ( CN=alan gilbert/OU=opd/O=eop@eop [ OPD ] )

READ:UNKNOWN  
CC:mary e. jones ( CN=mary e. jones/OU=cea/O=eop@eop [ CEA ] )  
READ:UNKNOWN  
CC:carla b. stone ( CN=carla b. stone/OU=omb/O=eop@eop [ OMB ] )  
READ:UNKNOWN  
CC:marty p. smith ( CN=marty p. smith/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:lauren k. allgood ( CN=lauren k. allgood/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:lauren j. vestewig ( CN=lauren j. vestewig/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:scott mcclellan ( CN=scott mcclellan/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
CC:james connaughton ( CN=james connaughton/OU=ceq/O=eop@eop [ CEQ ] )  
READ:UNKNOWN  
CC:barry s. jackson ( CN=barry s. jackson/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:philip j. perry ( CN=philip j. perry/OU=omb/O=eop@eop [ OMB ] )  
READ:UNKNOWN  
CC:robert marsh ( CN=robert marsh/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
CC:courtney s. elwood ( CN=courtney s. elwood/OU=ovp/O=eop@exchange@eop [ OVP ] )  
READ:UNKNOWN  
CC:jeffrey f. kupfer ( CN=jeffrey f. kupfer/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
CC:keith hennessey ( CN=keith hennessey/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:kevin warsh ( CN=kevin warsh/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:allison boyd ( CN=allison boyd/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The meeting re: Tort Reform tomorrow at 10am will be in room 472, EEOB.

thanks,  
Emily

Emily Winland  
06/19/2003 06:10:34 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc: See the distribution list at the bottom of this message  
Subject: Meeting on Tort Reform

There will be a meeting on Wednesday June 25 at 10am to discuss how CEA can assist in making our case for Tort Reform.  
If you are not able to make it at that time please send Diana any thoughts you have for specific tasks CEA should be given along these lines.

Please confirm your attendance with me.

thanks,  
Emily  
456-6534

REV\_00124318



**From:** CN=Lisa J. Macecevic/OU=OMB/O=EOP [ OMB ]  
**To:** Richard E. Green/OMB/EOP@EOP [ OMB ] <Richard E. Green>;Kenneth L. Schwartz/OMB /EOP@EOP [ OMB ] <Kenneth L. Schwartz>;Lauren E. Bloomquist/OMB/EOP@EOP [ OMB ] <Lauren E. Bloomquist>;Kevin Warsh/OPD/EOP@EOP [ OPD ] <Kevin Warsh>;James J. Jukes/OMB/EOP@EOP [ OMB ] <James J. Jukes>;Jeffrey F. Kupfer/WHO /EOP@Exchange@EOP [ WHO ] <Jeffrey F. Kupfer>;James Boden/OMB/EOP@EOP [ OMB ] <James Boden>;Diana L. Schacht/OPD/EOP@EOP [ OPD ] <Diana L. Schacht>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/24/2003 11:49:54 AM  
**Subject:** : FYI - CongressDaily on today's asbestos markup

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Lisa J. Macecevic ( CN=Lisa J. Macecevic/OU=OMB/O=EOP [ OMB ] )  
CREATION DATE/TIME:24-JUN-2003 15:49:54.00  
SUBJECT:: FYI - CongressDaily on today's asbestos markup  
TO:Richard E. Green ( CN=Richard E. Green/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:Kenneth L. Schwartz ( CN=Kenneth L. Schwartz/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:Lauren E. Bloomquist ( CN=Lauren E. Bloomquist/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:Jeffrey F. Kupfer ( CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:James Boden ( CN=James Boden/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(highlights in blue)

Panel Makes Strides Toward A Consensus On Asbestos Bill  
ÿÿÿÿÿÿ The Senate Judiciary Committee agreed to a series of major amendments during today's markup session, paving the way for broader consensus on legislation reforming the litigation system for asbestos cases. The amendments included those codifying a "breakthrough" agreement on the medical criteria that will determine who will be eligible for compensation for asbestos-related illnesses. The pact reached by Judiciary Chairman Hatch and ranking member Patrick Leahy , D-Vt., creates 10 categories of asbestos-related diseases, encompassing five kinds of cancer, some of which were not in the original bill. Hatch said he plans Thursday to finish work on the bill, which establishes a \$108 billion trust fund to compensate the victims of illnesses caused by asbestos exposure.  
ÿÿÿÿÿÿHatch and Leahy also agreed during intense negotiations over the weekend to eliminate the separate court system that the original Hatch bill called for to hear asbestos cases. Leahy had complained that establishing a separate court system would be burdensome and prevent victims from being compensated quickly. During today's markup session that was delayed because of a lack of quorum, Hatch said he hoped to keep additional amendments to a minimum and that the committee would quickly finish marking up the bill. But Leahy said medical criteria was not the only outstanding issue and that committee members needed more time to negotiate consensus on compensation awards to victims and a mechanism that would ensure that the fund does not run dry. "One down, two to go," Leahy said.  
ÿÿÿÿÿÿMeanwhile, the U.S. Chamber of Commerce Institute for Legal Reform

released a study showing that while most people know very little about the problems plaguing the asbestos litigation system, they support the idea of a trust fund. The poll was conducted by Harris Interactive and surveyed 305 union members and 908 nonunion members to gauge public reaction to the proposal the Judiciary Committee is considering. Seventy-one percent of nonunion members and 70 percent of union members polled agreed that Congress should set up a fund for asbestos claims. -- by Emily Heil



---

**From:** Litkenhaus, Colleen  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/24/2003 12:13:14 PM  
**Subject:** staff on the press charter

Does the campaign have to pay for them? We don't use WHO funds to pay for them now, since they are supporting the press. The Press pays for the plane and controls it. We just happen to put some press folks on their plane - stenographers, travel office staffer, someone from press secretary's office

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/24/2003 8:14:49 AM  
**Subject:** : staff on the press charter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:24-JUN-2003 12:14:49.00  
SUBJECT:: staff on the press charter  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Does the campaign have to pay for them?; We don't use WHO funds to pay for them now, since they are supporting the press.; The Press pays for the plane and controls it.; We just happen to put some press folks on their plane - stenographers, travel office staffer, someone from press secretary's office

---

**From:** Simendinger, Alexis <asimendinger@nationaljournal.com>  
**To:** Ashley Snee/WHO/EOP@EOP [ WHO ] <Ashley Snee>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/24/2003 8:24:34 AM  
**Subject:** : RE: Confirm AP information?

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Simendinger, Alexis" <asimendinger@nationaljournal.com> ( "Simendinger, Alexis" <asimendinger@nationaljournal.com> [ UNKNOWN ] )

CREATION DATE/TIME:24-JUN-2003 12:24:34.00

SUBJECT:: RE: Confirm AP information?

TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Brett and Ashley,  
Scott Lindlaw, below, got this sentence from "aides" for his story written after the NYC fundraiser. Question: Is this true that Bush and Cheney will not combine campaign travel with official appearances? Also, did the White House consider the 2002 cost split as 50-50 during the midterms? That was not my understanding about what the law provides. I understood that if there is campaign activity that involves the president during any trip, it's considered an overall political trip in terms of travel costs & staff, and the campaign pays for it at first-class rates. Why don't you let me see the actual instructions you disseminated regarding travel expenses? The topic is so mechanical, why would the contents be sensitive?

Alexis S.

202-739-8490

AP:  
"Aides said Bush and Cheney do not plan to layer ``official'' events into their fund-raising travels this year, as they did last fall. Adding such events allowed the administration to bill taxpayers for half of every fund-raising trip."

---

**From:** CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/24/2003 12:46:24 PM  
**Subject:** : Re: to consider for Josh

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
CREATION DATE/TIME:24-JUN-2003 16:46:24.00  
SUBJECT:: Re: to consider for Josh  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

And?; If asked by a member of cong the answr is?

.

---

**From:** Grubbs, Wendy J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/24/2003 12:47:18 PM  
**Subject:** Re: Senator Cornyn: BID TO END PARTISAN OBSTRUCTION CLEARS KEY SENATE COMMITTEE

No d's and a voice vote. Still a great effort to be applauded. Righto?

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/24/2003 8:48:39 AM  
**Subject:** : Re: Senator Cornyn: BID TO END PARTISAN OBSTRUCTION CLEARS KEY SENATE COMMITTEE

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:24-JUN-2003 12:48:39.00

SUBJECT:: Re: Senator Cornyn: BID TO END PARTISAN OBSTRUCTION CLEARS KEY SENATE COMMITTEE

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

No d's and a voice vote. Still a great effort to be applauded. Righto?

.

---

**From:** Kavanaugh, Brett M.  
**To:** <Grubbs, Wendy J.>  
**Sent:** 6/24/2003 12:48:31 PM  
**Subject:** Re: Senator Cornyn: BID TO END PARTISAN OBSTRUCTION CLEARS KEY SENATE COMMITTEE

agree.

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/24/2003 12:47:18 PM

Record Type: Record

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

cc:

Subject: Re: Senator Cornyn: BID TO END PARTISAN OBSTRUCTION CLEARS KEY SENATE COMMITTEE

No d's and a voice vote. Still a great effort to be applauded. Righto?

.

---

**From:** Kavanaugh, Brett M.  
**To:** <Grubbs, Wendy J.>  
**Sent:** 6/24/2003 1:19:22 PM  
**Subject:** Re: Senator Cornyn: BID TO END PARTISAN OBSTRUCTION CLEARS KEY SENATE COMMITTEE

Any word on letters?

.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>  
**Sent:** 6/24/2003 9:20:29 AM  
**Subject:** : Re: Senator Cornyn: BID TO END PARTISAN OBSTRUCTION CLEARS KEY SENATE COMMITTEE

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:24-JUN-2003 13:20:29.00

SUBJECT:: Re: Senator Cornyn: BID TO END PARTISAN OBSTRUCTION CLEARS KEY SENATE COMMITTEE

TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Any word on letters?

.

---

**From:** CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/24/2003 1:25:29 PM  
**Subject:** : trip summaries

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:24-JUN-2003 17:25:29.00

SUBJECT:: trip summaries

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Will you be in tomorrow?; Can I schedule about 10 minutes you to sign a  
stack of trip summaries?;

;

I also have to do one for the first campaign trip (Georgia.); Did you have  
a chance to come up with some standard wording?; Maybe we can discuss this  
tomorrow as well.

;

Just let me know when you will be around.; Thanks!!!

;

;

---

**From:** Noel.Francisco@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/24/2003 9:31:51 AM  
**Subject:** : Products Liability -- Jury Issue

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Noel.Francisco@usdoj.gov" <Noel.Francisco@usdoj.gov> ( "Noel.Francisco@usdoj.gov"  
<Noel.Francisco@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME:24-JUN-2003 13:31:51.00

SUBJECT:: Products Liability -- Jury Issue

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Brett - Per my voicemail last night, I'd be happy to discuss this when you  
break free. My number is 353-2464. Noel

---

**From:** CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/24/2003 9:51:29 AM  
**Subject:** : tort issues and errata

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )  
CREATION DATE/TIME:24-JUN-2003 13:51:29.00  
SUBJECT:: tort issues and errata  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I have asked Diana to call you about moving ahead with inventory of gov programs re: yesterday's decisions.

;  
also, pls let both of us know status of inquiry on state tort law process question.; Diana is dpc point on this and other tort issues.

;  
Finally, are you at asbestos hearing today?; Would love any feedback and sense of direction this is taking.

;  
thanks

---

**From:** Simendinger, Alexis <asimendinger@nationaljournal.com>  
**To:** Ashley Snee/WHO/EOP@EOP [ WHO ] <Ashley Snee>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/24/2003 10:26:36 AM  
**Subject:** : Re: National Journal -- one more question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Simendinger, Alexis" <asimendinger@nationaljournal.com> ( "Simendinger, Alexis"  
<asimendinger@nationaljournal.com> [ UNKNOWN ] )  
CREATION DATE/TIME:24-JUN-2003 14:26:36.00  
SUBJECT:: Re: National Journal -- one more question  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett and Ashley --

Has the White House established a system of designated contact points between the re-election campaign and the government? Bush 41 established a system, for instance, that designated specific West Wing officials who were permitted to take calls and act on requests with/from campaign officials and transmit the campaign requests into the proper places inside the Executive Branch.

If the Bush-Cheney re-election campaign wanted to contact the public liaison person in charge of outreach to veterans, for instance, in order to arrange an event or meeting with President Bush, can a re-election campaign official call anyone in the West Wing or executive branch with that request, or would he/she first have to run through the White House counsel, the chief of staff, the senior adviser, or anyone else? If there are no required contact points, to clarify, the campaign can communicate with anyone in the West Wing, EOP, or Executive Branch without first checking with a gatekeeper for permission?

Thanks,  
Alexis S.  
202-739-8490

---

**From:** Higgins, Stephen (Judiciary) <Stephen\_Higgins@Judiciary.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/24/2003 10:59:46 AM  
**Subject:** : Neil Wake

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Higgins, Stephen (Judiciary)" <Stephen\_Higgins@Judiciary.senate.gov> ( "Higgins, Stephen (Judiciary)" <Stephen\_Higgins@Judiciary.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:24-JUN-2003 14:59:46.00

SUBJECT:: Neil Wake

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Any word?

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/24/2003 11:30:09 AM  
**Subject:** : FW:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 24-JUN-2003 15:30:09.00

SUBJECT:: FW:

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Please let me or Jen know if you receive such an inquiry. We're trying to channel all of the 9/11 commission contacts with our office through Jen so that we can handle in a coherent way.

-----Original Message-----

From: Addington, David S.

Sent: Tuesday, June 24, 2003 12:24 PM

To: Leitch, David G.

Cc: Newstead, Jennifer G.

Subject:

A person from the 9/11 Commission just left a voicemail on my phone saying that she was collecting telephone, cell phone, fax, secure phone, and secure fax numbers for all the various government entities with whom the Commission is working. I wanted to give you a heads up, so that you could instruct your assistants not to give out such information (unless you want it given out with respect to yourselves).

For me, the Commission's general counsel has my regular phone and regular fax numbers, and that's all he needs to get in contact with me. (I am not interested in having random Commission employees calling me on my cell phone.)

REV\_00124353

---

**From:** Elwood, Courtney S.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/24/2003 3:32:30 PM  
**Subject:** RE: issues

What happened with the call?

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, June 24, 2003 10:14 AM  
**To:** Elwood, Courtney S.  
**Subject:** issues

1. Advance Staff on mixed official/BC trips who work on both events -- split costs or BC pay entire?
2. Rooms used for both official and campaign purposes on BC or mixed trips -- split costs or BC pay entire?
3. Appearances by Admin officials as special guests at fundraisers for entities other than parties or candidates that raise more than fed limits (e.g., RGA or RAGA events) -- legal and policy review?
4. Spreadsheet/chart of Admin officials traveling for BC events/activities to ensure that BC campaign is paying all relevant costs for Admin officials
5. Cars
6. Official travelers



---

**From:** CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/24/2003 11:33:39 AM  
**Subject:** : RE: issues

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ] )  
CREATION DATE/TIME:24-JUN-2003 15:33:39.00  
SUBJECT:: RE: issues  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

What happened with the call?

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, June 24, 2003 10:14 AM  
To: Elwood, Courtney S.  
Subject: issues

1. Advance Staff on mixed official/BC trips who work on both events --  
split  
costs or BC pay entire?
2. Rooms used for both official and campaign purposes on BC or mixed  
trips --  
split costs or BC pay entire?
3. Appearances by Admin officials as special guests at fundraisers for  
entities  
other than parties or candidates that raise more than fed limits (e.g.,  
RGA or  
RAGA events) -- legal and policy review?
4. Spreadsheet/chart of Admin officials traveling for BC  
events/activities to  
ensure that BC campaign is paying all relevant costs for Admin officials
5. Cars
6. Official travelers

**From:** CN=Emily Winland/OU=OPD/O=EOP [ OPD ]  
**To:** Emily Winland/OPD/EOP@EOP [ OPD ] <Emily Winland>  
**CC:** sandra f. daigle/cea/eop@eop [ CEA ] <sandra f. daigle>;kimberly ellison/who/eop@eop [ WHO ] <kimberly ellison>;jean cooper/opd/eop@exchange@eop [ OPD ] <jean cooper>;layton skelly/opd/eop@eop [ OPD ] <layton skelly>;diana l. schacht/opd/eop@eop [ OPD ] <diana l. schacht>;harvey s. rosen/cea/eop@eop [ CEA ] <harvey s. rosen>;amy jensen/who/eop@exchange@eop [ WHO ] <amy jensen>;michael e. meece/who/eop@eop [ WHO ] <michael e. meece>;wendy j. grubbs/who/eop@exchange@eop [ WHO ] <wendy j. grubbs>;matthew a. schlapp/who/eop@eop [ WHO ] <matthew a. schlapp>;ado a. machida/ovp/eop@exchange@eop [ OVP ] <ado a. machida>;brett m. kavanaugh/who/eop@eop [ WHO ] <brett m. kavanaugh>;phillip l. swagel/cea/eop@eop [ CEA ] <phillip l. swagel>;alan gilbert/opd/eop@eop [ OPD ] <alan gilbert>;mary e. jones/cea/eop@eop [ CEA ] <mary e. jones>;carla b. stone/omb/eop@eop [ OMB ] <carla b. stone>;marty p. smith/opd/eop@eop [ OPD ] <marty p. smith>;lauren k. allgood/opd/eop@exchange@eop [ OPD ] <lauren k. allgood>;lauren j. vestewig/opd/eop@exchange@eop [ OPD ] <lauren j. vestewig>;scott mcclellan/who/eop@exchange@eop [ WHO ] <scott mcclellan>;james connaughton/ceq/eop@eop [ CEQ ] <james connaughton>;barry s. jackson/who/eop@eop [ WHO ] <barry s. jackson>;philip j. perry/omb/eop@eop [ OMB ] <philip j. perry>;robert marsh/who/eop@exchange@eop [ WHO ] <robert marsh>;courtney s. elwood/ovp/eop@exchange@eop [ OVP ] <courtney s. elwood>;jeffrey f. kupfer/who/eop@exchange@eop [ WHO ] <jeffrey f. kupfer>;keith hennessey/opd/eop@exchange@eop [ OPD ] <keith hennessey>;kevin warsh/opd/eop@eop [ OPD ] <kevin warsh>;allison boyd/opd/eop@exchange@eop [ OPD ] <allison boyd>  
**Sent:** 6/24/2003 11:33:45 AM  
**Subject:** : Location for Meeting on Tort Reform

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Emily Winland ( CN=Emily Winland/OU=OPD/O=EOP [ OPD ] )  
CREATION DATE/TIME:24-JUN-2003 15:33:45.00  
SUBJECT:: Location for Meeting on Tort Reform  
TO:Emily Winland ( CN=Emily Winland/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
CC:sandra f. daigle ( CN=sandra f. daigle/OU=cea/O=eop@eop [ CEA ] )  
READ:UNKNOWN  
CC:kimberly ellison ( CN=kimberly ellison/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:jean cooper ( CN=jean cooper/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:layton skelly ( CN=layton skelly/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:diana l. schacht ( CN=diana l. schacht/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:harvey s. rosen ( CN=harvey s. rosen/OU=cea/O=eop@eop [ CEA ] )  
READ:UNKNOWN  
CC:amy jensen ( CN=amy jensen/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
CC:michael e. meece ( CN=michael e. meece/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:wendy j. grubbs ( CN=wendy j. grubbs/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
CC:matthew a. schlapp ( CN=matthew a. schlapp/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:ado a. machida ( CN=ado a. machida/OU=ovp/O=eop@exchange@eop [ OVP ] )  
READ:UNKNOWN  
CC:brett m. kavanaugh ( CN=brett m. kavanaugh/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:phillip l. swagel ( CN=phillip l. swagel/OU=cea/O=eop@eop [ CEA ] )  
READ:UNKNOWN  
CC:alan gilbert ( CN=alan gilbert/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:mary e. jones ( CN=mary e. jones/OU=cea/O=eop@eop [ CEA ] )  
READ:UNKNOWN  
CC:carla b. stone ( CN=carla b. stone/OU=omb/O=eop@eop [ OMB ] )

READ:UNKNOWN  
CC:marty p. smith ( CN=marty p. smith/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:lauren k. allgood ( CN=lauren k. allgood/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:lauren j. vestewig ( CN=lauren j. vestewig/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:scott mcclellan ( CN=scott mcclellan/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
CC:james connaughton ( CN=james connaughton/OU=ceq/O=eop@eop [ CEQ ] )  
READ:UNKNOWN  
CC:barry s. jackson ( CN=barry s. jackson/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN  
CC:philip j. perry ( CN=philip j. perry/OU=omb/O=eop@eop [ OMB ] )  
READ:UNKNOWN  
CC:robert marsh ( CN=robert marsh/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
CC:courtney s. elwood ( CN=courtney s. elwood/OU=ovp/O=eop@exchange@eop [ OVP ] )  
READ:UNKNOWN  
CC:jeffrey f. kupfer ( CN=jeffrey f. kupfer/OU=who/O=eop@exchange@eop [ WHO ] )  
READ:UNKNOWN  
CC:keith hennessey ( CN=keith hennessey/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
CC:kevin warsh ( CN=kevin warsh/OU=opd/O=eop@eop [ OPD ] )  
READ:UNKNOWN  
CC:allison boyd ( CN=allison boyd/OU=opd/O=eop@exchange@eop [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The meeting re: Tort Reform tomorrow at 10am will be in room 472, EEOB.

thanks,  
Emily

Emily Winland  
06/19/2003 06:10:34 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc: See the distribution list at the bottom of this message  
Subject: Meeting on Tort Reform

There will be a meeting on Wednesday June 25 at 10am to discuss how CEA  
can assist in making our case for Tort Reform.  
If you are not able to make it at that time please send Diana any thoughts  
you have for specific tasks CEA should be given along these lines.

Please confirm your attendance with me.

thanks,  
Emily  
456-6534

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Courtney S. Elwood/OVP/EOP@Exchange [ OVP ] <Courtney S. Elwood>  
**Sent:** 6/24/2003 11:34:30 AM  
**Subject:** : RE: issues

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-JUN-2003 15:34:30.00  
SUBJECT:: RE: issues  
TO:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

haven't talked to him yet. major tag.

---

**From:** MacEcevic, Lisa J.  
**To:** <Kavanaugh, Brett M.>;<Warsh, Kevin>;<Schacht, Diana L.>;<Bloomquist, Lauren E.>;<Boden, James>;<Schwartz, Kenneth L.>;<Kupfer, Jeffrey F.>;<Green, Richard E.>;<Jukes, James J.>  
**Sent:** 6/24/2003 3:42:28 PM  
**Subject:** FYI - CongressDaily on today's asbestos markup

(highlights in blue)

## Panel Makes Strides Toward A Consensus On Asbestos Bill

The Senate Judiciary Committee agreed to a series of major amendments during today's markup session, paving the way for broader consensus on legislation reforming the litigation system for asbestos cases. The amendments included those codifying a "breakthrough" agreement on the medical criteria that will determine who will be eligible for compensation for asbestos-related illnesses. The pact reached by **Judiciary Chairman Hatch** and ranking member **Patrick Leahy**, D-Vt., creates 10 categories of asbestos-related diseases, encompassing five kinds of cancer, some of which were not in the original bill. Hatch said he plans Thursday to finish work on the bill, which establishes a \$108 billion trust fund to compensate the victims of illnesses caused by asbestos exposure.

Hatch and Leahy also agreed during intense negotiations over the weekend to eliminate the separate court system that the original Hatch bill called for to hear asbestos cases. Leahy had complained that establishing a separate court system would be burdensome and prevent victims from being compensated quickly. During today's markup session that was delayed because of a lack of quorum, Hatch said he hoped to keep additional amendments to a minimum and that the committee would quickly finish marking up the bill. But Leahy said medical criteria was not the only outstanding issue and that committee members needed more time to negotiate consensus on compensation awards to victims and a mechanism that would ensure that the fund does not run dry. "One down, two to go," Leahy said.

Meanwhile, the U.S. Chamber of Commerce Institute for Legal Reform released a study showing that while most people know very little about the problems plaguing the asbestos litigation system, they support the idea of a trust fund. The poll was conducted by Harris Interactive and surveyed 305 union members and 908 nonunion members to gauge public reaction to the proposal the Judiciary Committee is considering. Seventy-one percent of nonunion members and 70 percent of union members polled agreed that Congress should set up a fund for asbestos claims. -- *by Emily Heil*

---

**From:** CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/24/2003 11:49:09 AM  
**Subject:** : Fw: UVA Center for Politics

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:24-JUN-2003 15:49:09.00  
SUBJECT:: Fw: UVA Center for Politics  
TO:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Guidance please:

-----Original Message-----  
From: Karl Rove <KR@georgewbush.com>  
To: mtoner@fec.gov <mtoner@fec.gov>  
Sent: Tue Jun 24 15:43:31 2003  
Subject: Re: UVA Center for Politics

Running it by counsel and political

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

-----Original Message-----  
From: mtoner@fec.gov <mtoner@fec.gov>  
To: Karl Rove <KR@georgewbush.com>  
Sent: Tue Jun 24 14:41:40 2003  
Subject: Re: UVA Center for Politics

It was good seeing you at the party for Logan and Kate; they will be sorely missed here.

What is your preference on the UVA Center invite?

Karl Rove <kr@georgewbush.com> on 06/16/2003 10:19:57 AM

To:;;; mtoner@fec.gov  
cc:

Subject:;;; Re: UVA Center for Politics

Let me check and I will be back with you in a day or two.

REV\_00124362

On 6/16/03 8:26 AM, "mtoner@fec.gov" <mtoner@fec.gov> wrote:

>  
>  
>  
>  
>  
>  
> Karl --  
>  
> What do you think about this?; Do you recommend that I inquire with  
someone  
> else?  
>  
> Michael  
>  
>  
> ----- Forwarded by Michael Toner/FEC/US on 06/16/2003  
> 08:56 AM -----  
>  
>  
> Michael Toner  
> 05/30/2003 11:07 AM  
>  
> To:;;; KR@GeorgeWBush.com  
> cc:  
>  
> Subject:;;; UVA Center for Politics  
>  
>  
> Karl --  
>  
> Would you be willing to consider attending an event to raise funds for  
the  
> UVA Center for Politics?; The Center is a tax-exempt 501(c)(3)  
foundation  
> that Larry Sabato founded in 1998 and runs today.; The Center would be  
> willing to build an event entirely around your schedule (in Washington  
or  
> Charlottesville or elsewhere; evening or mid-day; week-day or weekend,  
> etc.) that could be as short or long as you prefer.; Larry Sabato is  
> attempting to make the Center one of the best institutions on American  
> politics in the country, and they have clearly come a long way in only  
five  
> years.; I am particularly impressed with their Youth Leadership  
Initiative,  
> which promotes technology-based civics projects (nearly 250,000 students  
> have participated thus far), and they have staged several interesting  
> academic conferences during the last couple of years (including one on  
> electoral reform that helped generate some proposals that were included  
in  
> the election reform bill).  
>  
> Larry Sabato and the Center would love to host you at an event that they  
> believe would be very helpful in providing critical funding for the  
Center.  
> Please let me know if you would like further information on the Center  
and  
> its programs (there is an excellent overview at CenterforPolitics.org).  
> Thank you for your consideration.  
>  
> Michael  
>  
>

(See attached file: C.htm)



**From:** CN=Lisa J. Macecevic/OU=OMB/O=EOP [ OMB ]  
**To:** Richard E. Green/OMB/EOP@EOP [ OMB ] <Richard E. Green>;Kenneth L. Schwartz/OMB /EOP@EOP [ OMB ] <Kenneth L. Schwartz>;Lauren E. Bloomquist/OMB/EOP@EOP [ OMB ] <Lauren E. Bloomquist>;Kevin Warsh/OPD/EOP@EOP [ OPD ] <Kevin Warsh>;James J. Jukes/OMB/EOP@EOP [ OMB ] <James J. Jukes>;Jeffrey F. Kupfer/WHO /EOP@Exchange@EOP [ WHO ] <Jeffrey F. Kupfer>;James Boden/OMB/EOP@EOP [ OMB ] <James Boden>;Diana L. Schacht/OPD/EOP@EOP [ OPD ] <Diana L. Schacht>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/24/2003 11:49:54 AM  
**Subject:** : FYI - CongressDaily on today's asbestos markup

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Lisa J. Macecevic ( CN=Lisa J. Macecevic/OU=OMB/O=EOP [ OMB ] )  
CREATION DATE/TIME:24-JUN-2003 15:49:54.00  
SUBJECT:: FYI - CongressDaily on today's asbestos markup  
TO:Richard E. Green ( CN=Richard E. Green/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:Kenneth L. Schwartz ( CN=Kenneth L. Schwartz/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:Lauren E. Bloomquist ( CN=Lauren E. Bloomquist/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:Jeffrey F. Kupfer ( CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:James Boden ( CN=James Boden/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
TO:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(highlights in blue)

Panel Makes Strides Toward A Consensus On Asbestos Bill  
ÿÿÿÿÿÿ The Senate Judiciary Committee agreed to a series of major amendments during today's markup session, paving the way for broader consensus on legislation reforming the litigation system for asbestos cases. The amendments included those codifying a "breakthrough" agreement on the medical criteria that will determine who will be eligible for compensation for asbestos-related illnesses. The pact reached by Judiciary Chairman Hatch and ranking member Patrick Leahy , D-Vt., creates 10 categories of asbestos-related diseases, encompassing five kinds of cancer, some of which were not in the original bill. Hatch said he plans Thursday to finish work on the bill, which establishes a \$108 billion trust fund to compensate the victims of illnesses caused by asbestos exposure.  
ÿÿÿÿÿÿHatch and Leahy also agreed during intense negotiations over the weekend to eliminate the separate court system that the original Hatch bill called for to hear asbestos cases. Leahy had complained that establishing a separate court system would be burdensome and prevent victims from being compensated quickly. During today's markup session that was delayed because of a lack of quorum, Hatch said he hoped to keep additional amendments to a minimum and that the committee would quickly finish marking up the bill. But Leahy said medical criteria was not the only outstanding issue and that committee members needed more time to negotiate consensus on compensation awards to victims and a mechanism that would ensure that the fund does not run dry. "One down, two to go," Leahy said.  
ÿÿÿÿÿÿMeanwhile, the U.S. Chamber of Commerce Institute for Legal Reform

released a study showing that while most people know very little about the problems plaguing the asbestos litigation system, they support the idea of a trust fund. The poll was conducted by Harris Interactive and surveyed 305 union members and 908 nonunion members to gauge public reaction to the proposal the Judiciary Committee is considering. Seventy-one percent of nonunion members and 70 percent of union members polled agreed that Congress should set up a fund for asbestos claims. -- by Emily Heil

---

**From:** Kaplan, Joel  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/24/2003 4:33:42 PM  
**Subject:** Re: to consider for Josh

Did u ck back on nepd?

---

**From:** CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/24/2003 12:34:59 PM  
**Subject:** : Re: to consider for Josh

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
CREATION DATE/TIME:24-JUN-2003 16:34:59.00  
SUBJECT:: Re: to consider for Josh  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Did u ck back on nepd?

.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Joel Kaplan/WHO/EOP@Exchange [ UNKNOWN ] <Joel Kaplan>  
**Sent:** 6/24/2003 12:42:39 PM  
**Subject:** : Re: to consider for Josh

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-JUN-2003 16:42:39.00  
SUBJECT:: Re: to consider for Josh  
TO:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

yes

From: Joel Kaplan/WHO/EOP@Exchange on 06/24/2003 04:33:42 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: to consider for Josh

Did u ck back on nepd?

.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Joel Kaplan/WHO/EOP@Exchange [ UNKNOWN ] <Joel Kaplan>  
**Sent:** 6/24/2003 12:59:50 PM  
**Subject:** : Re: to consider for Josh

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-JUN-2003 16:59:50.00  
SUBJECT:: Re: to consider for Josh  
TO:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Don't answer the question.

From: Joel Kaplan/WHO/EOP@Exchange on 06/24/2003 04:45:15 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: to consider for Josh

And?; If asked by a member of cong the answr is?

.

---

**From:** CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/24/2003 1:07:29 PM  
**Subject:** : Re: to consider for Josh

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
CREATION DATE/TIME:24-JUN-2003 17:07:29.00  
SUBJECT:: Re: to consider for Josh  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

What is the precise answer if asked "but these were mtgs with outside groups?"  
.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** wittesb@washpost.com @ inet [ UNKNOWN ] <wittesb@washpost.com @ inet>  
**Sent:** 6/24/2003 1:59:38 PM  
**Subject:** : called you back

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:24-JUN-2003 17:59:38.00  
SUBJECT:: called you back  
TO:wittesb@washpost.com @ inet ( wittesb@washpost.com @ inet [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####



---

**From:** Litkenhaus, Colleen  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/24/2003 6:50:44 PM  
**Subject:** RE: Issues to discuss

Great. Any of these resolved yet?

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Monday, June 23, 2003 3:45 PM  
**To:** Litkenhaus, Colleen  
**Subject:** Issues to discuss

see issue 1 below

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/23/2003 03:44 PM -----



Brett M. Kavanaugh  
06/23/2003 07:46:39 AM  
Record Type: Record

**To:** tomj@georgewbush.com @ inet, cspies@rnchq.org @ inet  
**cc:**  
**Subject:** Issues to discuss << OLE Object: StdOleLink >>

1. Advance Staff on mixed official/BC trips who work on both events -- split costs or BC pay entire?
2. Rooms used for both official and campaign purposes on BC or mixed trips -- split costs or BC pay entire?
3. Appearances by Admin officials as special guests at fundraisers for entities other than parties or candidates that raise more than fed limits (e.g., RGA or RAGA events) -- legal and policy review?
4. Spreadsheet/chart of Admin officials traveling for BC events/activities to ensure that BC campaign is paying all relevant costs for Admin officials
5. Official travelers

---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**Sent:** 6/24/2003 7:30:38 PM  
**Subject:** White House Global Messenger -- 6/25/03  
**Attachments:** GM 6-25-03 FINAL.doc

wouldn't it be good to have emails like this each day if Supreme Court vacancy?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/24/2003 07:30 PM -----

**Office of Global Communications**

06/24/2003 06:30:59 PM

Please respond to Office of Global Communications

Record Type: Record

To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP

cc:

Subject: White House Global Messenger -- 6/25/03

(See attached file: GM 6-25-03 FINAL.doc)

THE GLOBAL MESSENGER

Wednesday, June 25, 2003

\*\*\*\*\*KEY POINTS ON PAKISTAN\*\*\*\*\*

From the President's meeting with President Musharraf

\*Pakistan and the United States are working together closely on common challenges.

Both countries are threatened by global terror and are determined to defeat it.

Pakistan's support was essential in the campaign against the Taliban in Afghanistan.

\*As part of the Global War on Terrorism, Pakistan has apprehended more than 500 Al Qaeda and Taliban terrorists.

\*The United States has cancelled \$1 billion of debt owed by Pakistan.

\*The Administration will work with Congress to provide \$3 billion in development and security assistance to Pakistan over five years, in annual installments of

**REV\_00124376**

\$600 million.

\*In addition, the Administration has requested \$120 million in FY 2004 for Pakistan in development assistance, health, law enforcement, and other programs.

\*A Trade and Investment Framework Agreement will be concluded to create a formal structure that will expand our bilateral economic partnership and promote investment.

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Daylight. Subject to Change.

12:30 pm State Department Briefing

1:20 pm The President participates in a joint press availability with E.U. Summit Leaders, East Room

\*\*\*\*\*KEY QUOTE ON PAKISTAN\*\*\*\*\*

"Today, both our countries are working with the Afghan government to build a stable democratic Afghanistan with secure border regions that are free from terror and free from extremism. Pakistan and the United States also share a determination to bring the... benefits of security and freedom to the people of Iraq. And I look forward to working with President Musharraf on this critical goal. ...

"For more than 50 years, the United States and Pakistan have worked together for the security and prosperity of South Asia. Today, we reaffirm a friendship that has brought great benefits to our people."

-- President Bush, 6/24/03

\*\*\*\*\*IRAQ HUMANITARIAN AND RECONSTRUCTION UPDATE\*\*\*\*\*

\*Demining activities are ongoing in 62 minefields in the northern directorates of Arbil, Dahuk, and As Sulaymaniyah. From June 1 to June 19, demining NGO's marked 386,376 square meters of minefields in northern directorates.

\*The United Nations launched a new humanitarian appeal for Iraq today, calling for an additional \$259 million for relief operations.

\*The four southern governorates of Al Basrah, Al Muthanna, Dhi Qar, and Maysan each received \$5 million to purchase the local harvest.

\*As of June 18, 902,045 metric tons of food has been distributed in Iraq.

\*As of June 19, UNICEF has delivered 135 million liters of clean water to beneficiaries in southern Iraq.

\*\*\*SUPPORTING HUMAN RIGHTS AND DEMOCRACY: THE U.S. RECORD 2002-2003\*\*\*

For the first time in a systematic way, this report captures the work of the U.S. Government to promote democratic structures and respect for human rights. View this report at:

<http://www.state.gov/g/drl/rls/shrd/>

"U.S. policy to protect human rights springs from American ideals and our sense of national interest. But even more important than our high aspirations and purposes is the work and will that Americans have put into achieving them."

-- Secretary Powell, 6/24/03

THE WHITE HOUSE

Office of Global Communications

For more information log on to

<http://www.whitehouse.gov/ogc>

\*\*\*\*\*

You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.

- GM 6-25-03 FINAL.doc <>

REV\_00124378



# THE GLOBAL MESSENGER

Wednesday, June 25, 2003



## **TODAY'S SCHEDULE**

*All Times Eastern Daylight. Subject to Change.*

1:20 pm The President participates in a joint press availability with E.U. Summit Leaders, East Room  
TBA State Department Briefing

## **IRAQ HUMANITARIAN AND RECONSTRUCTION UPDATE**

*From USAID reports*

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-- Secretary Powell, 6/24/03

## **KEY POINTS ON PAKISTAN**

*From the President's meeting with President Musharraf*

- Pakistan and the United States are working together closely on common challenges. Both countries are threatened by global terror and are determined to defeat it. Pakistan's support was essential in the campaign against the Taliban in Afghanistan.
- As part of the Global War on Terrorism, Pakistan has apprehended more than 500 Al Qaeda and Taliban terrorists.
- The United States has cancelled \$1 billion of debt owed by Pakistan.
- The Administration will work with Congress to provide \$3 billion in development and security assistance to Pakistan over five years, in annual installments of \$600 million.
- In addition, the Administration has requested \$120 million in FY 2004 for Pakistan in development assistance, health, law enforcement, and other programs.
- A Trade and Investment Framework Agreement will be concluded to create a formal structure that will expand our bilateral economic partnership and promote investment.

## **KEY QUOTE ON PAKISTAN**

"Today, both our countries are working with the Afghan government to build a stable democratic Afghanistan with secure border regions that are free from terror and free from extremism. Pakistan and the United States also share a determination to bring the... benefits of security and freedom to the people of Iraq. And I look forward to working with President Musharraf on this critical goal. ...

"For more than 50 years, the United States and Pakistan have worked together for the security and prosperity of South Asia. Today, we reaffirm a friendship that has brought great benefits to our people."

-- President Bush, 6/24/03

**THE WHITE HOUSE**  
**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00124379

---

**From:** Kavanaugh, Brett M.  
**To:** <Douglass, Kimberly A.>  
**Sent:** 6/24/2003 7:33:06 PM  
**Subject:** Re: trip summaries

yup

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/24/2003 05:24:15 PM

Record Type: Record

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

cc:

Subject: trip summaries

Will you be in tomorrow? Can I schedule about 10 minutes you to sign a stack of trip summaries?

I also have to do one for the first campaign trip (Georgia.) Did you have a chance to come up with some standard wording? Maybe we can discuss this tomorrow as well.

Just let me know when you will be around. Thanks!!!

---

**From:** Nelson, Carolyn  
**To:** <Grubbs, Wendy J.>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 6/24/2003 7:43:38 PM  
**Subject:** Re: Is the Collins Judge meeting set?

Yes, but they requested that we wait until they are back from recess- brett says it's ok to hold off. I'll email details tomorrow morning.

---

**From:** Leitch, David G.  
**To:** Paul.D.Clement@usdoj.gov <Paul.D.Clement@usdoj.gov>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 6/25/2003 7:14:35 AM  
**Subject:**

Brett and I would like to attend tomorrow's S. Ct. session. Can we tag along with your crew?



---

**From:** Kavanaugh, Brett M.  
**To:** <Grubbs, Wendy J.>  
**Sent:** 6/25/2003 7:50:21 AM  
**Subject:** question

Did the judegship bill pass the Senate (as opposed to Committee)? I thought so but maybe not.

---

**From:** Kavanaugh, Brett M.  
**To:** <Ralston, Susan B.>  
**CC:** <Schlapp, Matthew A.>  
**Sent:** 6/25/2003 8:05:51 AM  
**Subject:** Re: Fw: UVA Center for Politics

I assume the event itself would not be a fundraiser? If so, certainly not a problem. If it is, check back with me but still probably ok.

From: Susan B. Ralston/WHO/EOP@Exchange on 06/24/2003 03:47:54 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP

cc:

Subject: Fw: UVA Center for Politics

Guidance please:

-----Original Message-----

From: Karl Rove

To: mtoner@fec.gov

Sent: Tue Jun 24 15:43:31 2003

Subject: Re: UVA Center for Politics

Running it by counsel and political

-----

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

-----Original Message-----

From: mtoner@fec.gov

To: Karl Rove

Sent: Tue Jun 24 14:41:40 2003

REV\_00124387

Subject: Re: UVA Center for Politics

It was good seeing you at the party for Logan and Kate; they will be sorely missed here.

What is your preference on the UVA Center invite?

Karl Rove on 06/16/2003 10:19:57 AM

To: mtoner@fec.gov

cc:

Subject: Re: UVA Center for Politics

Let me check and I will be back with you in a day or two.

On 6/16/03 8:26 AM, "mtoner@fec.gov" wrote:

>

>

>

>

>

>

> Karl --

>

> What do you think about this? Do you recommend that I inquire with  
someone

> else?

>

> Michael

REV\_00124388

>

>

> ----- Forwarded by Michael Toner/FEC/US on 06/16/2003

> 08:56 AM -----

>

>

> Michael Toner

> 05/30/2003 11:07 AM

>

> To: KR@GeorgeWBush.com

> cc:

>

> Subject: UVA Center for Politics

>

>

> Karl --

>

> Would you be willing to consider attending an event to raise funds for

the

> UVA Center for Politics? The Center is a tax-exempt 501(c)(3) foundation

> that Larry Sabato founded in 1998 and runs today. The Center would be

> willing to build an event entirely around your schedule (in Washington or

> Charlottesville or elsewhere; evening or mid-day; week-day or weekend,

> etc.) that could be as short or long as you prefer. Larry Sabato is

> attempting to make the Center one of the best institutions on American

> politics in the country, and they have clearly come a long way in only

five

> years. I am particularly impressed with their Youth Leadership

Initiative,

> which promotes technology-based civics projects (nearly 250,000 students

> have participated thus far), and they have staged several interesting

> academic conferences during the last couple of years (including one on

> electoral reform that helped generate some proposals that were included  
in  
> the election reform bill).  
>  
> Larry Sabato and the Center would love to host you at an event that they  
> believe would be very helpful in providing critical funding for the  
Center.  
> Please let me know if you would like further information on the Center  
and  
> its programs (there is an excellent overview at [CenterforPolitics.org](http://CenterforPolitics.org)).  
> Thank you for your consideration.  
>  
> Michael  
>  
>

(See attached file: C.htm)

---

**From:** Nelson, Carolyn  
**To:** <Grubbs, Wendy J.>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 6/25/2003 8:12:49 AM  
**Subject:** RE: Is the Collins Judge meeting set?

following up, meeting is on Monday, 7-7 at 4:30pm.

-----Original Message-----

**From:** Grubbs, Wendy J.  
**Sent:** Tuesday, June 24, 2003 7:28 PM  
**To:** Nelson, Carolyn  
**Cc:** Kavanaugh, Brett M.  
**Subject:** Is the Collins Judge meeting set?

---

**From:** Paul.D.Clement@usdoj.gov  
**To:** <Leitch, David G.>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 6/25/2003 9:05:15 AM  
**Subject:** RE:

Absolutely. I will confirm once we have the arrangements finalized. I assume you plan to go directly to the Court rather than stop by here, but let me know if you have a different plan.

-----Original Message-----

From: David\_G\_Leitch@who.eop.gov [[mailto:David\\_G\\_Leitch@who.eop.gov](mailto:David_G_Leitch@who.eop.gov)]  
Sent: Wednesday, June 25, 2003 7:15 AM  
To: Clement, Paul D  
Cc: bkavanau@who.eop.gov  
Subject:

Brett and I would like to attend tomorrow's S. Ct. session. Can we tag along with your crew?

---

**From:** Elwood, Courtney S.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/25/2003 9:38:35 AM  
**Subject:** RE: issues

Did you have the call?

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, June 24, 2003 10:14 AM  
**To:** Elwood, Courtney S.  
**Subject:** issues

1. Advance Staff on mixed official/BC trips who work on both events -- split costs or BC pay entire?
2. Rooms used for both official and campaign purposes on BC or mixed trips -- split costs or BC pay entire?
3. Appearances by Admin officials as special guests at fundraisers for entities other than parties or candidates that raise more than fed limits (e.g., RGA or RAGA events) -- legal and policy review?
4. Spreadsheet/chart of Admin officials traveling for BC events/activities to ensure that BC campaign is paying all relevant costs for Admin officials
5. Cars
6. Official travelers



---

**From:** Nina.Graham-Wyatt@usdoj.gov  
**To:** Evelyn.M.Buggs@usdoj.gov <Evelyn.M.Buggs@usdoj.gov>  
**CC:** Paul.D.Clement@usdoj.gov <Paul.D.Clement@usdoj.gov>; Paul.D.Clement@usdoj.gov  
<Kavanaugh, Brett M.>; Paul.D.Clement@usdoj.gov <Leitch, David G.>  
**Sent:** 6/25/2003 10:08:32 AM  
**Subject:** Supreme Court

I will submit their names to the Court today.

-----Original Message-----

From: Buggs, Evelyn M  
Sent: Wednesday, June 25, 2003 10:02 AM  
To: Graham-Wyatt, Nina  
Subject: FW:

I will submit their names to the Court today.

Thanks.

Nina

Can we make arrangements with the Court to reserve seats in the bar section for Brett and David? Thanks.

-----Original Message-----

From: David\_G\_Leitch@who.eop.gov [[mailto:David\\_G\\_Leitch@who.eop.gov](mailto:David_G_Leitch@who.eop.gov)]  
Sent: Wednesday, June 25, 2003 7:15 AM  
To: Clement, Paul D  
Cc: bkavanau@who.eop.gov  
Subject:

Brett and I would like to attend tomorrow's S. Ct. session. Can we tag along with your crew?

---

**From:** Leitch, David G.  
**To:** Paul.D.Clement@usdoj.gov <Paul.D.Clement@usdoj.gov>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 6/25/2003 10:10:40 AM  
**Subject:** RE:

We'll meet you there.

-----Original Message-----

From: Paul.D.Clement@usdoj.gov [<mailto:Paul.D.Clement@usdoj.gov>]  
Sent: Wednesday, June 25, 2003 9:05 AM  
To: Leitch, David G.  
Cc: Kavanaugh, Brett M.  
Subject: RE:

Absolutely. I will confirm once we have the arrangements finalized. I assume you plan to go directly to the Court rather than stop by here, but let me know if you have a different plan.

-----Original Message-----

From: David\_G\_Leitch@who.eop.gov [[mailto:David\\_G\\_Leitch@who.eop.gov](mailto:David_G_Leitch@who.eop.gov)]  
Sent: Wednesday, June 25, 2003 7:15 AM  
To: Clement, Paul D  
Cc: bkavanau@who.eop.gov  
Subject:

Brett and I would like to attend tomorrow's S. Ct. session. Can we tag along with your crew?

---

**From:** Kavanaugh, Brett M.  
**To:** <Elwood, Courtney S.>  
**Sent:** 6/25/2003 10:15:26 AM  
**Subject:** RE: issues

briefly talked to him early this a.m. about advance/car; let's discuss

From: Courtney S. Elwood/OVP/EOP@Exchange on 06/25/2003 09:38:35 AM

Record Type: Record

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

cc:

Subject: RE: issues

Did you have the call?

-----Original Message-----

**From:** Kavanaugh, Brett M.

**Sent:** Tuesday, June 24, 2003 10:14 AM

**To:** Elwood, Courtney S.

**Subject:** Issues

1. Advance Staff on mixed official/BC trips who work on both events --  
split

costs or BC pay entire?

2. Rooms used for both official and campaign purposes on BC or mixed  
trips --

split costs or BC pay entire?

3. Appearances by Admin officials as special guests at fundraisers for  
entities

other than parties or candidates that raise more than fed limits (e.g.,  
RGA or

RAGA events) -- legal and policy review?

REV\_00124398

4. Spreadsheet/chart of Admin officials traveling for BC

events/activities to

ensure that BC campaign is paying all relevant costs for Admin officials

5. Cars

6. Official travelers

---

**From:** CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/25/2003 10:24:40 AM  
**Subject:** : Question on Mechanics

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [ OVP ] )  
CREATION DATE/TIME:25-JUN-2003 14:24:40.00  
SUBJECT:: Question on Mechanics  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

When you say "costs paid by campaign directly," is the campaign paying for the plane tickets, rental cars, hotel rooms and per diem expenses in advance?; Or is the staff or volunteer incurring the expense, and seeking reimbursement from the campaign?

---

**From:** Kavanaugh, Brett M.  
**To:** <Litkenhaus, Colleen>  
**Sent:** 6/25/2003 10:38:56 AM  
**Subject:** press costs

11 CFR 9034.6

§ 9034.6 Expenditures for transportation and services made available to media personnel; reimbursements.

(a) General. (1) Expenditures by an authorized committee for transportation, ground services or facilities (including air travel, ground transportation, housing, meals, telephone service, typewriters, and computers) provided to media personnel, Secret Service personnel or national security staff will be considered qualified campaign expenses, and, except for costs relating to Secret Service personnel or national security staff, will be subject to the overall expenditure limitations of 11 CFR 9035.1(a).

(2) Subject to the limitations in paragraphs (b) and (c) of this section, committees may seek reimbursement from the media for the expenses described in paragraph (a)(3) of this section, and may deduct reimbursements received from media representatives from the amount of expenditures subject to the overall expenditure limitation of 11 CFR 9035.1(a). Expenses for which the committee receives no reimbursement will be considered qualified campaign expenses, and, with the exception of those expenses relating to Secret Service personnel and national security staff, will be subject to the overall expenditure limitation.

(3) Committees may seek reimbursement from the media only for the billable items specified in the White House Press Corps Travel Policies and Procedures issued by the **White House Travel Office**.

(b) Reimbursement limits; billing.

(1) The amount of reimbursement sought from a media representative under paragraph (a)(2) of this section shall not exceed 110% of the media representative's pro rata share (or a reasonable estimate of the media representative's pro rata share) of the actual cost of the transportation and services made available. Any reimbursement received in excess of this amount shall be disposed of in accordance with paragraph (d)(1) of this section.

(2) For the purposes of this section, a media representative's pro rata share shall be calculated by dividing the total actual cost of the transportation and services provided by the total number of individuals to whom such transportation and services are made available. For purposes of this calculation, the total number of individuals shall include committee staff, media personnel, Secret Service personnel, national security staff and any other individuals to whom such transportation and services are made available, except that, when seeking reimbursement for transportation costs paid by the committee under 11 CFR 9034.7(b)(5)(i)(C), the total number of individuals shall not include national security staff.

(3) No later than sixty (60) days of the campaign trip or event, the committee shall provide each media representative attending the event with an itemized bill that specifies the amounts charged for air and ground transportation for each segment of the trip, housing, meals, telephone service, and other billable items specified in the White House Press Corps Travel Policies and Procedures issued by the **White House Travel Office**. Payments shall be due sixty (60) days from the date of the bill, unless the media representative disputes the charges.

(c) Deduction of reimbursements from expenditures subject to the overall expenditure limitation.

(1) The Committee may deduct from the amount of expenditures subject to the overall expenditure limitation:

(i) The amount of reimbursements received from media representatives in payment for the transportation and services described in paragraph (a) of this section, up to the actual cost of the transportation and services provided to media representatives; and

(ii) An additional amount of the reimbursements received from media representatives, representing the administrative costs incurred by the committee in providing these services to the media representatives and seeking reimbursement for them, equal to:

(A) Three percent of the actual cost of transportation and services provided to the media representatives under this section; or

(B) An amount in excess of 3% representing the administrative costs actually incurred by the committee in providing services to the media representatives, provided that the committee is able to document the total amount of administrative costs actually

incurred.

(2) For the purposes of this paragraph, "administrative costs" includes all costs incurred by the committee in making travel arrangements and seeking reimbursement, whether these services are performed by committee staff or by independent contractors.

(d) Disposal of excess reimbursements. If the committee receives reimbursements in excess of the amount deductible under paragraph (c) of this section, it shall dispose of the excess amount in the following manner:

(1) Any reimbursement received in excess of 110% of the actual pro rata cost of the transportation and services made available to a media representative shall be returned to the media representative.

(2) Any amount in excess of the amount deductible under paragraph (c) of this section that is not required to be returned to the media representative under paragraph (d)(1) of this section shall be paid to the Treasury.

(e) Reporting. The total amount paid by an authorized committee for the services and facilities described in paragraph (a)(1) of this section, plus the administrative costs incurred by the committee in providing these services and facilities and seeking reimbursement for them, shall be reported as an expenditure in accordance with 11 CFR 104.3(b)(2)(i). Any reimbursement received by such committee under paragraph (b)(1) of this section shall be reported in accordance with 11 CFR 104.3(a)(3)(ix).

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>  
**Sent:** 6/25/2003 11:53:45 AM  
**Subject:** : Feeding frenzy

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:25-JUN-2003 15:53:45.00  
SUBJECT:: Feeding frenzy  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Dan Bartlett just came by to say that John King of CNN called to confirm a report that SOC had informed the President of her retirement.; Of course, nothing of the sort has occurred.;



---

**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>  
**Sent:** 6/25/2003 11:53:45 AM  
**Subject:** Re:

Sounds like Reg had sent Bolick an initial email?

---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/25/2003 11:58:16 AM  
**Subject:** RE:

Yes, I'll forward it to you.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Wednesday, June 25, 2003 11:54 AM  
**To:** Leitch, David G.  
**Subject:** Re:

Sounds like Reg had sent Bolick an initial email?

---

**From:** Douglass, Kimberly A.  
**To:** <Kavanaugh, Brett M.>  
**CC:** <Litkenhaus, Colleen>  
**Sent:** 6/25/2003 12:27:31 PM  
**Subject:** FW: TA Request for Return Travel from Tampa FL

Please approve.

-----Original Message-----

**From:** Smith, Courtney  
**Sent:** Wednesday, June 25, 2003 10:39 AM  
**To:** Douglass, Kimberly A.  
**Cc:** Linder, Stephanie E.; Baumgardner, Healy E.  
**Subject:** TA Request for Return Travel from Tampa FL

Approval is needed to process the TA for the travel of one (2) advance representatives, returning from the visit of the President to Tampa, FL 2003 for a Bush/Cheney 2004 Fundraiser.

1)DeWitt Zemp

**July 1-7:05am**

US Airways Flt#0384, Tampa FL to DCA

**Air:\$234.50**

2)Sarah Thilman

**July 1-9:20am**

United Flt#0899, Tampa FL to Chicago Ohare

**Air:\$451.50**

---

**From:** Kavanaugh, Brett M.  
**To:** <Douglass, Kimberly A.>  
**CC:** <Litkenhaus, Colleen>  
**Sent:** 6/25/2003 12:31:38 PM  
**Subject:** Re: FW: TA Request for Return Travel from Tampa FL

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/25/2003 12:27:31 PM

Record Type: Record

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

cc: Colleen Litkenhaus/WHO/EOP@Exchange

Subject: FW: TA Request for Return Travel from Tampa FL

Please approve.

-----Original Message-----

**From:** Smith, Courtney

**Sent:** Wednesday, June 25, 2003 10:39 AM

**To:** Douglass, Kimberly A.

**Cc:** Lhder, Stephanie E.; Baumgardner, Healy E.

**Subject:** TA Request for Return Travel from Tampa FL

Approval is needed to process the TA for the travel of one (2) advance representatives, returning from the visit of the President to Tampa, FL 2003 for a Bush/Cheney 2004 Fundraiser.

1)DeWitt Zemp

**July 1-7:05am**

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**Air:\$234.50**

2)Sarah Thilman

**July 1-9:20am**

United Flt#0899, Tampa FL to Chicago Ohare

**Air:\$451.50**

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>  
**Sent:** 6/25/2003 12:41:06 PM  
**Subject:** : reaction on Michigan/general

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-JUN-2003 16:41:06.00  
SUBJECT:: reaction on Michigan/general  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Michigan did not come up at Weyrich or Grover meetings today,  
according to Goeglein. That is good.

Also, at the Paul Weyrich lunch, Goeglein gave a statement about  
Judge noting who he has hired, who he has helped recommend as judges, what  
he has done on legal issues, and concluding that this is most conservative  
and most responsible White House Counsel's office in modern Presidency.  
Then, Weyrich added he has been here for more than 30 years and agreed  
with Tim and said that this is best White House Counsel's office he has  
seen and best judicial nominees he has seen. All very good.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>  
**Sent:** 6/25/2003 12:52:29 PM  
**Subject:** : PLA executive order-related issues

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-JUN-2003 16:52:29.00  
SUBJECT:: PLA executive order-related issues  
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This issue was in Helgi's labor docket and transferred over to me because one issue technically falls under DOT. But it really is a labor issue. Any interest? I think it is a good assignment relatively speaking.

---

**From:** Douglass, Kimberly A.  
**To:** <Kavanaugh, Brett M.>  
**CC:** <Litkenhaus, Colleen>  
**Sent:** 6/25/2003 1:35:16 PM  
**Subject:** FW: Updated TA request for San Francisco

Please approve.

-----Original Message-----

**From:** Smith, Courtney  
**Sent:** Wednesday, June 25, 2003 1:32 PM  
**To:** Douglass, Kimberly A.  
**Cc:** Baumgardner, Healy E.; Linder, Stephanie E.  
**Subject:** Updated TA request for San Francisco

Approval is needed to process the TA for the travel of one (1) advance representative, returning from the visit of the President to San Francisco, CA 2003 for a Bush/Cheney 2004 Fundraiser.

3)Mike Heath  
**June 27-11:10pm**  
United Flt#0190, Oakland to Dulles  
  
**Air:**\$286.50



---

**From:** CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>  
**Sent:** 6/25/2003 9:41:29 AM  
**Subject:** : FW: Updated TA request for San Francisco

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:25-JUN-2003 13:41:29.00  
SUBJECT:: FW: Updated TA request for San Francisco  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Please approve.

-----Original Message-----

From: Smith, Courtney  
Sent: Wednesday, June 25, 2003 1:32 PM  
To: Douglass, Kimberly A.  
Cc: Baumgardner, Healy E.; Linder, Stephanie E.  
Subject: Updated TA request for San Francisco

Approval is needed to process the TA for the travel of one (1) advance representative, returning from the visit of the President to San Francisco, CA 2003 for a Bush/Cheney 2004 Fundraiser.

3)Mike Heath  
June 27-11:10pm  
United Flt#0190, Oakland to Dulles

Air:\$286.50

---

**From:** Leitch, David G.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/25/2003 1:41:57 PM  
**Subject:** RE:

Not really. It's an event to raise money for the UJA Foundation of New York.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Wednesday, June 25, 2003 1:00 PM  
**To:** Leitch, David G.  
**Subject:**

Do you have more information about the Steve Friedman event you mentioned to me the other day?

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/25/2003 9:43:24 AM  
**Subject:** : RE:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:25-JUN-2003 13:43:24.00  
SUBJECT:: RE:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Not really. It's an event to raise money for the UJA Foundation of New York.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, June 25, 2003 1:00 PM  
To: Leitch, David G.  
Subject:

Do you have more information about the Steve Friedman event you mentioned to me the other day?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>  
**CC:** colleen litkenhaus/who/eop@exchange [ WHO ] <colleen litkenhaus>  
**Sent:** 6/25/2003 9:47:49 AM  
**Subject:** : Re: FW: Updated TA request for San Francisco

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-JUN-2003 13:47:49.00  
SUBJECT:: Re: FW: Updated TA request for San Francisco  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:colleen litkenhaus ( CN=colleen litkenhaus/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/25/2003 01:35:16  
PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Colleen Litkenhaus/WHO/EOP@Exchange  
Subject: FW: Updated TA request for San Francisco

Please approve.

-----Original Message-----

From: Smith, Courtney  
Sent: Wednesday, June 25, 2003 1:32 PM  
To: Douglass, Kimberly A.  
Cc: Baumgardner, Healy E.; Linder, Stephanie E.  
Subject: Updated TA request for San Francisco

Approval is needed to process the TA for the travel of one (1) advance representative, returning from the visit of the President to San Francisco, CA 2003 for a Bush/Cheney 2004 Fundraiser.

3)Mike Heath  
June 27-11:10pm  
United Flt#0190, Oakland to Dulles

Air:\$286.50

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Steven A. Atkiss/WHO/EOP@EOP [ WHO ] <Steven A. Atkiss>;Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Susan B. Ralston/WHO/EOP@Exchange [ WHO ] <Susan B. Ralston>  
**Sent:** 6/25/2003 10:09:41 AM  
**Subject:** : event tracking spreadsheet  
**Attachments:** P\_26CHH003\_WHO.TXT\_1.xlw

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:25-JUN-2003 14:09:41.00  
SUBJECT:: event tracking spreadsheet  
TO:Steven A. Atkiss ( CN=Steven A. Atkiss/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I think this will be a very useful tool for us to track expenses by event. We can use it to make sure we are keeping under budget and then share it as a report so that we can monitor expenses overall weekly.

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_26CHH003\_WHO.TXT\_1>

**Document Produced Natively**

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Susan B. Ralston/WHO/EOP@Exchange [ WHO ] <Susan B. Ralston>;Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Steven A. Atkiss/WHO/EOP@EOP [ WHO ] <Steven A. Atkiss>  
**Sent:** 6/25/2003 10:13:39 AM  
**Subject:** : travel voucher  
**Attachments:** P\_GHCHH003\_WHO.TXT\_1.xlw

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:25-JUN-2003 14:13:39.00  
SUBJECT:: travel voucher  
TO:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Steven A. Atkiss ( CN=Steven A. Atkiss/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Also, I think we should ask them tomorrow if this expense report can be filled out and emailed or faxed directly to the campaign - if there aren't receipts attached.; Steve - this is the version you were looking at that adds it all up.

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_GHCHH003\_WHO.TXT\_1>

**Document Produced Natively**



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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Diana L. Schacht/OPD/EOP@EOP [ OPD ] <Diana L. Schacht>  
**Sent:** 6/25/2003 10:19:41 AM  
**Subject:** : returned call

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-JUN-2003 14:19:41.00  
SUBJECT:: returned call  
TO:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Elwood, Courtney S.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/25/2003 2:23:23 PM  
**Subject:** Question on Mechanics

When you say "costs paid by campaign directly," is the campaign paying for the plane tickets, rental cars, hotel rooms and per diem expenses in advance? Or is the staff or volunteer incurring the expense, and seeking reimbursement from the campaign?

---

**From:** Snee, Ashley  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/25/2003 3:18:50 PM  
**Subject:** call me

---

**From:** CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/25/2003 11:20:09 AM  
**Subject:** : call me

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:25-JUN-2003 15:20:09.00  
SUBJECT:: call me  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

;

---

**From:** Paul.D.Clement@usdoj.gov  
**To:** <Leitch, David G.>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 6/25/2003 4:14:00 PM  
**Subject:** RE:

I am told you are all confirmed for tomorrow. See you up there.

-----Original Message-----

From: David\_G\_Leitch@who.eop.gov [mailto:David\_G\_Leitch@who.eop.gov]  
Sent: Wednesday, June 25, 2003 7:15 AM  
To: Clement, Paul D  
Cc: bkavanau@who.eop.gov  
Subject:

Brett and I would like to attend tomorrow's S. Ct. session. Can we tag along with your crew?

---

**From:** CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; David W. Hobbs/WHO/EOP@Exchange [ WHO ] <David W. Hobbs>; Eric C. Pelletier/WHO/EOP@Exchange [ WHO ] <Eric C. Pelletier>; Ziad Ojakli/WHO/EOP@Exchange [ UNKNOWN ] <Ziad Ojakli>  
**Sent:** 6/25/2003 12:26:15 PM  
**Subject:** : FW: Colleague Letter!

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 25-JUN-2003 16:26:15.00  
SUBJECT:: FW: Colleague Letter!  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Eric C. Pelletier ( CN=Eric C. Pelletier/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
TO: Ziad Ojakli ( CN=Ziad Ojakli/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

;

-----Original Message-----

From: Miranda, Manuel (Frist) [mailto:Manuel\_Miranda@frist.senate.gov]  
Sent: Wednesday, June 25, 2003 4:24 PM  
To: Simmons, Kyle (McConnell); Abegg, John (McConnell); Grubbs, Wendy J.; Delrahim, Makan (Judiciary); Dahl, Alex (Judiciary)  
Subject: Colleague Letter!  
Importance: High

Just FYI, the Frist is out to colleagues. But note, Hatch told me personally and I think he told the Leader as well that he was against sending the Letter of 51. ;

---

**From:** CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/25/2003 12:40:17 PM  
**Subject:** : FW: TA Approval for Burch to Miami, FL - 06/30/03 Event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:25-JUN-2003 16:40:17.00  
SUBJECT:: FW: TA Approval for Burch to Miami, FL - 06/30/03 Event  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The Advance team was booked to the Campaign for this trip because there is an official event and a fundraiser. Therese is going down only to do quality control for the official event. Can we send her down as an official traveler?

-----Original Message-----

From: Kalambur, Guhan  
Sent: Wednesday, June 25, 2003 4:28 PM  
To: Douglass, Kimberly A.  
Cc: Howard, Rothley; Williams, Rasheed D.  
Subject: TA Approval for Burch to Miami, FL - 06/30/03 Event

Mgmt approval is needed to process the TA of traveler supporting the President's visit to Miami, FL on Monday - June 30, 2003. Therese Burch will be serving as the advance office's quality control person, since the lead advance (George Gigicos) on the ground is doing their first staff lead. Will this be a WH or Political cost?

1)Therese Burch - T3B01307  
June 26-5:30pm  
United Flt#915,Dulles to Miami FL

June 30, 2003  
Not Available (possible return on AF-1)

Air:\$224.41 (govt rate)  
Per Diem:\$207.00  
Lodging:\$125.00/night (gov't unknown at time of booking)  
Rental Car:\$41/day-Fullsize-Hertz

---

**From:** Kavanaugh, Brett M.  
**To:** <Douglass, Kimberly A.>  
**Sent:** 6/25/2003 4:40:32 PM  
**Subject:** Re: FW: TA Approval for Burch to Miami, FL - 06/30/03 Event

Yes, as described.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/25/2003 04:38:44 PM

Record Type: Record

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

cc:

Subject: FW: TA Approval for Burch to Miami, FL - 06/30/03 Event

The Advance team was booked to the Campaign for this trip because there is an official event and a fundraiser. There is going down only to do quality control for the official event. Can we send her down as an official traveler?

-----Original Message-----

**From:** Kalambur, Guhan

**Sent:** Wednesday, June 25, 2003 4:28 PM

**To:** Douglass, Kimberly A.

**Cc:** Howard, Rothley; Williams, Rasheed D.

**Subject:** TA Approval for Burch to Miami, FL - 06/30/03 Event

Mgmt approval is needed to process the TA of traveler supporting the President's visit to Miami, FL on Monday - June 30, 2003. Therese Burch will be serving as the advance office's quality control person, since the lead advance (George Gigicos) on the ground is doing their first staff lead. Will this be a WH or Political cost?

**1)Therese Burch - T3B01307**

**June 26-5:30pm**

United Flt#915,Dulles to Miami FL

**June 30, 2003**

Not Available (possible return on AF-1)

**Air:\$224.41 (govt rate)**

**REV\_00124478**



**Per Diem:\$207.00**

**Lodging:\$125.00/night (gov't unknown at time of booking)**

**Rental Car:\$41/day-Fullsize-Hertz**

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>  
**Sent:** 6/25/2003 12:41:35 PM  
**Subject:** : Re: FW: TA Approval for Burch to Miami, FL - 06/30/03 Event

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-JUN-2003 16:41:35.00  
SUBJECT:: Re: FW: TA Approval for Burch to Miami, FL - 06/30/03 Event  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes, as described.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/25/2003 04:38:44 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Subject: FW: TA Approval for Burch to Miami, FL - 06/30/03 Event

The Advance team was booked to the Campaign for this trip because there is an official event and a fundraiser. Therese is going down only to do quality control for the official event. Can we send her down as an official traveler?

-----Original Message-----

From: Kalambur, Guhan  
Sent: Wednesday, June 25, 2003 4:28 PM  
To: Douglass, Kimberly A.  
Cc: Howard, Rothley; Williams, Rasheed D.  
Subject: TA Approval for Burch to Miami, FL - 06/30/03 Event

Mgmt approval is needed to process the TA of traveler supporting the President's visit to Miami, FL on Monday - June 30, 2003. Therese Burch will be serving as the advance office's quality control person, since the lead advance (George Gigicos) on the ground is doing their first staff lead. Will this be a WH or Political cost?

1)Therese Burch - T3B01307  
June 26-5:30pm  
United Flt#915,Dulles to Miami FL

June 30, 2003  
Not Available (possible return on AF-1)

Air:\$224.41 (govt rate)  
Per Diem:\$207.00  
Lodging:\$125.00/night (gov't unknown at time of booking)  
Rental Car:\$41/day-Fullsize-Hertz

---

**From:** CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/25/2003 12:47:30 PM  
**Subject:** : Re: reaction on Michigan/general

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:25-JUN-2003 16:47:30.00  
SUBJECT:: Re: reaction on Michigan/general  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks for your help on this, please pass along my appreciation to Tim.

---

**From:** Kavanaugh, Brett M.  
**To:** <Grubbs, Wendy J.>  
**Sent:** 6/25/2003 4:57:46 PM  
**Subject:** Call me

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Wendy J. Grubbs/WHO/EOP@Exchange [ WHO ] <Wendy J. Grubbs>  
**Sent:** 6/25/2003 12:58:48 PM  
**Subject:** : Call me

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-JUN-2003 16:58:48.00  
SUBJECT:: Call me  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/25/2003 1:12:21 PM  
**Subject:** : S. 1247, Women's Business Centers Preservation Act of 2003

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 25-JUN-2003 17:12:21.00

SUBJECT:: S. 1247, Women's Business Centers Preservation Act of 2003

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Anyone worked on this? Who has SBA?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>  
**Sent:** 6/25/2003 1:17:52 PM  
**Subject:** : Re: S. 1247, Women's Business Centers Preservation Act of 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-JUN-2003 17:17:52.00  
SUBJECT:: Re: S. 1247, Women's Business Centers Preservation Act of 2003  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I did. I believe I said that DPC needed to be consulted on draft SBA letter.

Kyle Sampson  
06/25/2003 05:11:16 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: S. 1247, Women's Business Centers Preservation Act of 2003

Anyone worked on this? Who has SBA?

Message Sent

To: \_\_\_\_\_  
Brett M. Kavanaugh/WHO/EOP@EOP  
H. Christopher Bartolomucci/WHO/EOP@EOP  
Theodore W. Ulliot/WHO/EOP@EOP  
Jennifer G. Newstead/WHO/EOP@EOP  
Benjamin A. Powell/WHO/EOP@EOP  
Jennifer R. Brosnahan/WHO/EOP@EOP  
Reginald J. Brown/WHO/EOP@EOP

---

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/25/2003 1:19:05 PM  
**Subject:** : Re: S. 1247, Women's Business Centers Preservation Act of 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 25-JUN-2003 17:19:05.00  
SUBJECT: : Re: S. 1247, Women's Business Centers Preservation Act of 2003  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Forwarding you something now.

Brett M. Kavanaugh  
06/25/2003 05:16:50 PM  
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: S. 1247, Women's Business Centers Preservation Act of 2003

I did. I believe I said that DPC needed to be consulted on draft SBA letter.

Kyle Sampson  
06/25/2003 05:11:16 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: S. 1247, Women's Business Centers Preservation Act of 2003

Anyone worked on this? Who has SBA?

Message Sent

To: \_\_\_\_\_  
Brett M. Kavanaugh/WHO/EOP@EOP  
H. Christopher Bartolomucci/WHO/EOP@EOP  
Theodore W. Ulliyot/WHO/EOP@EOP  
Jennifer G. Newstead/WHO/EOP@EOP  
Benjamin A. Powell/WHO/EOP@EOP  
Jennifer R. Brosnahan/WHO/EOP@EOP  
Reginald J. Brown/WHO/EOP@EOP

REV\_00124487





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**From:** CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/25/2003 1:51:20 PM  
**Subject:** : I couldn't open your last email

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jeffrey F. Kupfer ( CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:25-JUN-2003 17:51:20.00  
SUBJECT:: I couldn't open your last email  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

got some weird beep and "this operation failed" ; could you send again?;  
Thanks.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>  
**Sent:** 6/25/2003 2:18:04 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-JUN-2003 18:18:04.00  
SUBJECT: :  
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I mentioned Weyrich lunch comments to Judge, and he said to pass on his appreciation to you. Thanks.

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/25/2003 2:35:21 PM  
**Subject:** : White House Global Messenger - 6/26/03  
**Attachments:** P\_RVTHH003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )  
CREATION DATE/TIME:25-JUN-2003 18:35:21.00  
SUBJECT:: White House Global Messenger - 6/26/03  
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(See attached file: GM 6-26-03 FINAL.doc)

THE GLOBAL MESSENGER  
Thursday, June 26, 2003

\*\*\*\*\*KEY POINTS: U.S.-EU SUMMIT\*\*\*\*\*  
From President Bush's remarks on 6/25/03, East Room

-Since the end of World War II, the United States has strongly supported European unity as the best path to European peace and prosperity.

-On Wednesday, the U.S. and EU signed new agreements to increase our legal cooperation in the war on terror, and to expedite the extradition of terrorists. We will form joint investigative teams, share information on suspect bank accounts, and expand the range of offenses that qualify for extradition.

-The U.S. and EU also took new steps to help stop the proliferation of nuclear, biological and chemical weapons, including strengthening export controls on dangerous materials and active interdiction to stop illicit trade in weapons of mass destruction.

-Iran has pledged not to develop nuclear weapons, and the entire international community must hold the regime to its commitments. The United States and the EU are determined to make the world not only safer, but also better.

-The U.S. and EU will work together to help the people of Iraq build a future of security, prosperity and freedom. We will work together to confront global poverty, disease and oppression, and will stand together for a just and comprehensive peace in

REV\_00124496

the  
Middle East.

-President Bush urges Europe's leaders and those around the world to take swift, decisive action against terror groups such as Hamas by cutting off their funding and support as we have in the United States.

-The vital trade relationship between the U.S. and EU brings growth and job creation to America, to all the nations of the EU, and to the world. Today, we are launching negotiations on Open Skies, have agreed to accelerate the commercial use of multilateral agreement to ban market-distorting steel subsidies, and agreed on the importance of making the upcoming World Trade Organization meeting a success.

\*\*\*\*\*TODAY'S SCHEDULE\*\*\*\*\*

All Times Eastern Daylight. Subject to Change.

11:10 am President Bush meets with the President of Panama, Oval Office  
11:45 am White House briefing  
12:25 pm President Bush delivers remarks at the Corporate Council on Africa's U.S.-Africa Business Summit, Washington, DC  
12:30 pm State Department briefing  
3:25 pm The President meets with the Prime Minister of Mauritius, Oval Office  
TBA State Department briefing

\*\*\*\*\*HOUSE VOTES TO HONOR PM BLAIR\*\*\*\*\*

The House of Representatives voted Wednesday to award British Prime Minister Tony Blair a Congressional gold medal for "his outstanding and enduring contributions to maintaining the security of all freedom-loving nations."

Members of the House also acknowledged that the British Prime Minister "has clearly demonstrated during a very trying and historic time for our two countries, that he is a staunch and steadfast ally of the United States of America."

\*\*\*\*\*KEY QUOTE\*\*\*\*\*

"Look at what we've accomplished in the last 12 weeks. We've fought a very successful war with very few casualties, almost no collateral damage. We've liberated a people of 24 million from 30 years of dictatorship.

"We avoided all of the predictions everybody said would happen. There's been no humanitarian crisis. There's no refugee crisis. The oil wells were not set on fire. In fact, the refineries are back and operating now. We've restored the basic services - electricity,

water, health  
care. And we're in the process of installing an interim Iraqi government  
here."  
--Ambassador Bremer, Presidential Envoy to Iraq, 6/25/03 on NBC's "Today"  
show

THE WHITE HOUSE  
Office of Global Communications  
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<http://www.whitehouse.gov/ogc>

\*\*\*\*\*  
You have previously expressed interest in obtaining  
news and information from the White House.

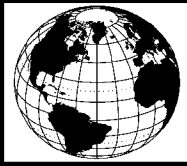
The White House Office of Global Communications  
distributes information about the President's  
messages to the world. This office distributes  
updates on major international topics such  
as the global war on terror, the case for regime  
change in Iraq, and more broadly, the ways in  
which we can all better communicate the aspirations  
and interests that Americans share with freedom-loving  
people everywhere.

- GM 6-26-03 FINAL.doc  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_RVTHH003\_WHO.TXT\_1>



# THE GLOBAL MESSENGER

Thursday, June 26, 2003



## **TODAY'S SCHEDULE**

*All Times Eastern Daylight. Subject to Change*

|          |  |
|----------|--|
| 11:10 am | President Bush meets with the President of Panama, Oval Office   |
| 11:45 am | White House briefing   |
| 12:25 pm | President Bush delivers remarks at the Corporate Council on Africa's U.S. – Africa Business Summit, Washington, DC |
| 12:30 pm | State Department briefing  |
| 3:25 pm  | The President meets with the Prime Minister of Mauritius, Oval Office  |
| TBA      | State Department briefing  |

## **HOUSE VOTES TO HONOR PM BLAIR**

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Members of the House also acknowledged that the British Prime Minister "has clearly demonstrated during a very trying and historic time for our two countries, that he is a staunch and steadfast ally of the United States of America."

## **KEY QUOTE**

"Look at what we've accomplished in the last 12 weeks. We've fought a very successful war with very few casualties, almost no collateral damage. We've liberated a people of 24 million from 30 years of dictatorship.

"We avoided all of the predictions everybody said would happen. There's been no humanitarian crisis. There's no refugee crisis. The oil wells were not set on fire. In fact, the refineries are back and operating now. We've restored the basic services – electricity, water, health care. And we're in the process of installing an interim Iraqi government here."

--Ambassador Bremer, Presidential Envoy to Iraq, 6/25/03 on NBC's "Today" show

## **KEY POINTS: U.S.-EU SUMMIT**

*From President Bush's remarks on 6/25/03, East Room*

- Since the end of World War II, the United States has strongly supported European unity as the best path to European peace and prosperity.
- On Wednesday, the U.S. and EU signed new agreements to increase our legal cooperation in the war on terror, and to expedite the extradition of terrorists. We will form joint investigative teams, share information on suspect bank accounts, and expand the range of offenses that qualify for extradition.
- The U.S. and EU also took new steps to help stop the proliferation of nuclear, biological and chemical weapons, including strengthening export controls on dangerous materials and active interdiction to stop illicit trade in weapons of mass destruction.
- Iran has pledged not to develop nuclear weapons, and the entire international community must hold the regime to its commitments. The United States and the EU are determined to make the world not only safer, but also better.
- The U.S. and EU will work together to help the people of Iraq build a future of security, prosperity and freedom. We will work together to confront global poverty, disease and oppression, and will stand together for a just and comprehensive peace in the Middle East.
- President Bush urges Europe's leaders and those around the world to take swift, decisive action against terror groups such as Hamas by cutting off their funding and support as we have in the United States.
- The vital trade relationship between the U.S. and EU brings growth and job creation to America, to all the nations of the EU, and to the world. Today, we are launching negotiations on Open Skies, have agreed to accelerate the commercial use of multilateral agreement to ban market-distorting steel subsidies, and agreed on the importance of making the upcoming World Trade Organization meeting a success.

**THE WHITE HOUSE**

**Office of Global Communications**

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REV\_00124499

---

**From:** Kavanaugh, Brett M.  
**To:** <Kaplan, Joel>  
**Sent:** 6/25/2003 8:53:13 PM  
**Subject:**

This related to a Klayman complaint regarding an NRCC invitation in early 2001 that listed Josh and others as "invited guests" to an upcoming event. Another Klayman publicity matter. As I recall it, we actually reamed out NRCC for the invite and Hastert did as well and he refused to attend.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Joel D. Kaplan/WHO/EOP@Exchange@EOP [ WHO ] <Joel D. Kaplan>  
**Sent:** 6/25/2003 5:12:05 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:25-JUN-2003 21:12:05.00  
SUBJECT:  
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

This related to a Klayman complaint regarding an NRCC invitation in early 2001 that listed Josh and others as "invited guests" to an upcoming event. Another Klayman publicity matter. As I recall it, we actually reamed out NRCC for the invite and Hastert did as well and he refused to attend.

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Daniel J. Bartlett/WHO/EOP@Exchange [ WHO ] <Daniel J. Bartlett>; Lawrence A. Fleischer/WHO/EOP@Exchange [ WHO ] <Lawrence A. Fleischer>  
**Sent:** 6/26/2003 5:01:02 AM  
**Subject:** : Moussaoui

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 26-JUN-2003 09:01:02.00

SUBJECT:: Moussaoui

TO: David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ: UNKNOWN

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

CC: Daniel J. Bartlett ( CN=Daniel J. Bartlett/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

CC: Lawrence A. Fleischer ( CN=Lawrence A. Fleischer/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

The Fourth Circuit today dismissed our appeal in Moussaoui for lack of jurisdiction.; I should have the opinion shortly.; It's an odd and unexpected result.

REV\_00124508

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Daniel J. Bartlett/WHO/EOP@Exchange [ WHO ] <Daniel J. Bartlett>; Lawrence A. Fleischer/WHO/EOP@Exchange [ WHO ] <Lawrence A. Fleischer>  
**Sent:** 6/26/2003 5:01:24 AM  
**Subject:** : Moussaoui

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 26-JUN-2003 09:01:24.00

SUBJECT:: Moussaoui

TO: David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )

READ: UNKNOWN

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

CC: Daniel J. Bartlett ( CN=Daniel J. Bartlett/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

CC: Lawrence A. Fleischer ( CN=Lawrence A. Fleischer/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

The Fourth Circuit today dismissed our appeal in Moussaoui for lack of jurisdiction. I should have the opinion shortly. It's an odd and unexpected result.

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/26/2003 1:23:33 AM  
**Subject:** : OpinionJournal - On the Editorial Page - June 26, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME:26-JUN-2003 05:23:33.00  
SUBJECT:: OpinionJournal - On the Editorial Page - June 26, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY WILLIAM MCGURN  
<http://www.opinionjournal.com/editorial/?id=110003673>

An American woman is free at last. But her kids are still Saudi prisoners.  
12:01 a.m. EDT

John Fund's Political Diary  
<http://www.opinionjournal.com/diary/?id=110003674>

The California jurist who may replace Justice O'Connor.  
12:01 a.m. EDT

Leisure & Arts BY BARBARA D. PHILLIPS  
<http://www.opinionjournal.com/la/?id=110003672>

Spike Lee's lawsuit deserves to get spiked.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

The War Isn't Over  
The Baathists return. Is Saddam next?  
Jun 26 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105658251621944100,00.html%3Fmod%3Dopinion>

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Greenspan's Animal Spirits  
Now let's hear nothing from the Fed for a while.  
Jun 26 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105658269923772300,00.html%3Fmod%3Dopinion>

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What Seniors Want  
Voters are unimpressed by the Medicare drug plan.  
Jun 26 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105658282797702000,00.html%3Fmod%3Dopinion>

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#### Commentary

##### A Victory for White Guilt

We're now at the threshold of legally sanctioned racialism.

By SHELBY STEELE

Jun 26 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105658322953473200,00.html%3Fmod%3Dopinion>

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##### An American Makes It Home

Sarah Saga makes it to America, but her children are still in Saudi Arabia.

By WILLIAM MCGURN

Jun 26 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105658343824347900,00.html%3Fmod%3Dopinion>

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##### On Heroes and Victims

Honor my brother as a fireman.

By MICHAEL BURKE

Jun 26 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105658386597964600,00.html%3Fmod%3Dopinion>

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#### Politics & People

##### Justice O'Connor's Real World Wisdom

Logic isn't always everything.

By ALBERT R. HUNT

Jun 26 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105658170855380400,00.html%3Fmod%3Dopinion>

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#### Leisure & Arts

##### Music

Was Roger Daltrey Counselor?

A fantasy camp that lets people know what it's like to be a rock star for a week.

By JOANNE KAUFMAN

Jun 26 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB10565883451742200,00.html%3Fmod%3Dopinion>

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##### Mo' Better Spikes?

Lee claims the name that many share.

By BARBARA D. PHILLIPS

Jun 26 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB10565891233859700,00.html%3Fmod%3Dopinion>

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The Gallery  
'More Reasonable but Magic World'  
"Landscape of Memory: The Art of Mu Xin," Asia Society through Sept. 7.  
By TERRY TEACHOUT  
Jun 26 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105658778480834200,00.html%3Fmod%3Dopinion>

~~~~~

Books  
The Perils of Captivity  
"The Last Escape"  
By DANIEL FORD  
Jun 26 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105658993978616800,00.html%3Fmod%3Dopinion>

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Time Off  
Diversions  
A Paradise for Boys and Girls: Children's Camps in the Adirondacks; A  
Passion for Plants: Contemporary Art From the Shirley Sherwood Collection;  
Tiffany Windows  
Jun 26 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105641998835135200,00.html%3Fmod%3Dopinion>

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## International

Cut Germany Some Slack  
The European Commission should start supporting pro-growth tax policies.  
From The Wall Street Journal Europe  
Jun 26 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105657850421875900,00.html%3Fmod%3Dopinion>

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A Job for Super Europe  
Europe could help overhaul the Balkans.  
By MATTHEW KAMINSKI  
From The Wall Street Journal Europe  
Jun 26 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105657719419380700,00.html%3Fmod%3Dopinion>

~~~~~

SARS Shows Need to Put Health Care Ahead of Exports  
Beijing should work with the G-8 nations to fund a massive health-care  
program for China.  
By JOHN F. VAIL  
From The Asian Wall Street Journal  
Jun 26 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105657986223946200,00.html%3Fmod%3Dopinion>

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**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/26/2003 6:51:22 AM  
**Subject:** : Dyck

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-JUN-2003 10:51:22.00  
SUBJECT:: Dyck  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Any luck on this? They are pushing hard for it.  
----- Forwarded by Jonathan F. Ganter/WHO/EOP on  
06/26/2003 10:49 AM -----

Paul B. Dyck  
06/26/2003 10:39:17 AM  
Record Type: Record

To: Jonathan F. Ganter/WHO/EOP@EOP  
cc: William C. Minnis/WHO/EOP@EOP  
Subject:

ganter - you gottas help me out on those GA (Max Burns) drafts cooper sent  
down yesterday. think we can get back pretty soon?



---

**From:** CN=Alicia P. Clark/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/26/2003 6:53:34 AM  
**Subject:** : Permissable Political Activity?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Alicia P. Clark ( CN=Alicia P. Clark/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-JUN-2003 10:53:34.00  
SUBJECT:: Permissable Political Activity?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I may give a contribution and attend a political fundraiser for a Member of Congress. I am not participating in the event program or in any formal capacity. Is this permissable?

---

**From:** CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/26/2003 6:57:27 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-JUN-2003 10:57:27.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

What about having the Judge on to discuss the Supreme Court?

I know, a long shot. But do you see an advantage to doing so?

---

**From:** CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/26/2003 3:30:28 AM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-JUN-2003 07:30:28.00  
SUBJECT:: Re:  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Regards

tsg

Brett M. Kavanaugh  
06/25/2003 06:17:03 PM  
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP  
cc:  
Subject:

I mentioned Weyrich lunch comments to Judge, and he said to pass on his appreciation to you. Thanks.

---

**From:** CN=Gregory J. Jenkins/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Steven A. Atkiss/WHO/EOP@EOP [ WHO ] <Steven A. Atkiss>  
**Sent:** 6/26/2003 3:40:30 AM  
**Subject:** : Campaign Travel

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Gregory J. Jenkins ( CN=Gregory J. Jenkins/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-JUN-2003 07:40:30.00  
SUBJECT:: Campaign Travel  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Steven A. Atkiss ( CN=Steven A. Atkiss/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett, I need a ruling as soon as possible on a travel issue. We've got a boatload of advance folks out on the road right now on political (campaign) travel. From their last stops scattered around the country (mostly in California and Florida) I need to send many of those people on official travel to Africa. State Department wants to bill the campaign for the air fare difference assuming they had originated from Dulles. In some cases, the difference amount exceeds \$3,000. All together we're talking about \$9,000 differential.

I'd like to be able to tell State Department that it's legal for them to pay the flights from advance people's last stops to Africa without bringing them back home first. Please advise.

You can give me a buzz at 65301 if you'd like to chat.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Gregory J. Jenkins/WHO/EOP@EOP [ WHO ] <Gregory J. Jenkins>  
**CC:** Steven A. Atkiss/WHO/EOP@EOP [ WHO ] <Steven A. Atkiss>  
**Sent:** 6/26/2003 3:59:54 AM  
**Subject:** : Re: Campaign Travel

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 26-JUN-2003 07:59:54.00  
SUBJECT:: Re: Campaign Travel  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Gregory J. Jenkins ( CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
CC: Steven A. Atkiss ( CN=Steven A. Atkiss/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

They do not need to come home but campaign needs to pay/reimburse govt equivalent of a return flight back to DC for each. Does that help?

.

----- Original Message -----  
From: Gregory J. Jenkins/WHO/EOP  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
Cc: Steven A. Atkiss/WHO/EOP@EOP  
Date: 06/26/2003 07:39:25 AM  
Subject: Campaign Travel

Brett, I need a ruling as soon as possible on a travel issue. We've got a boatload of advance folks out on the road right now on political (campaign) travel. From their last stops scattered around the country (mostly in California and Florida) I need to send many of those people on official travel to Africa. State Department wants to bill the campaign for the air fare difference assuming they had originated from Dulles. In some cases, the difference amount exceeds \$3,000. All together we're talking about \$9,000 differential.

I'd like to be able to tell State Department that it's legal for them to pay the flights from advance people's last stops to Africa without bringing them back home first. Please advise.

You can give me a buzz at 65301 if you'd like to chat.

---

**From:** CN=Gregory J. Jenkins/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Steven A. Atkiss/WHO/EOP@EOP [ WHO ] <Steven A. Atkiss>  
**Sent:** 6/26/2003 4:02:22 AM  
**Subject:** : Re: Campaign Travel

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Gregory J. Jenkins ( CN=Gregory J. Jenkins/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-JUN-2003 08:02:22.00  
SUBJECT:: Re: Campaign Travel  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Steven A. Atkiss ( CN=Steven A. Atkiss/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Let me check the costs and see. Thanks for your quick response.

Brett M. Kavanaugh  
06/26/2003 07:58:36 AM  
Record Type: Record

To: Gregory J. Jenkins/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Steven A. Atkiss/WHO/EOP@EOP  
Subject: Re: Campaign Travel

They do not need to come home but campaign needs to pay/reimburse govt equivalent of a return flight back to DC for each. Does that help?

.

----- Original Message -----  
From:Gregory J. Jenkins/WHO/EOP  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:Steven A. Atkiss/WHO/EOP@EOP  
Date: 06/26/2003 07:39:25 AM  
Subject: Campaign Travel

Brett, I need a ruling as soon as possible on a travel issue. We've got a boatload of advance folks out on the road right now on political (campaign) travel. From their last stops scattered around the country (mostly in California and Florida) I need to send many of those people on official travel to Africa. State Department wants to bill the campaign for the air fare difference assuming they had originated from Dulles. In some cases, the difference amount exceeds \$3,000. All together we're talking about \$9,000 differential.

I'd like to be able to tell State Department that it's legal for them to pay the flights from advance people's last stops to Africa without bringing them back home first. Please advise.

You can give me a buzz at 65301 if you'd like to chat.

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** David S. Addington@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/Ffab5a7d-85b03435-852569db-569229@EX@Exchange [ OVP ] <RECIPIENTS>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/26/2003 8:13:10 AM  
**Subject:** : Report from the Court

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 26-JUN-2003 12:13:10.00

SUBJECT: : Report from the Court

TO: RECIPIENTS ( David S. Addington@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Ffab5a7d-85b03435-852569db-569229@EX@Exchange [ OVP ] )

READ: UNKNOWN

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Greg Garre reports:

The Chief ended today's session by saying that he was, with sadness, "announcing the retirement of . . . the Court's librarian."; (You could hear the air being sucked out of the room until people figured out that he was referring to the librarian.)

---

**From:** CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/26/2003 4:41:17 AM  
**Subject:** : Re: Richard Cohen op-ed

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:26-JUN-2003 08:41:17.00

SUBJECT:: Re: Richard Cohen op-ed

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Interesting stuff



---

**From:** Kaplan, Joel  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 6/26/2003 10:36:31 AM  
**Subject:**

shocker

---

**From:** CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/26/2003 6:37:53 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )  
CREATION DATE/TIME:26-JUN-2003 10:37:53.00  
SUBJECT: :  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

shocker

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Taylor, Steve (Judiciary) <Steve\_Taylor@Judiciary.senate.gov>; Groover, Chad (Judiciary) <Chad\_Groover@Judiciary.senate.gov>; Roberts, Brooke (Craig) <brooke\_roberts@craig.senate.gov>; Brown, Frank (Specter) <Frank\_Brown@specter.senate.gov>; Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>; Freeman, Peter <Peter.Freeman@mail.house.gov>; Stewart, Don (Cornyn) <Don\_Stewart@cornyn.senate.gov>; Monica.Goodling@usdoj.gov [ UNKNOWN ] <Monica.Goodling@usdoj.gov>; Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>; Tapia, Margarita (Judiciary) <Margarita\_Tapia@Judiciary.senate.gov>; Ho, James (Judiciary) <James\_Ho@Judiciary.senate.gov>; Snell, BethAnn (Judiciary) <BethAnn\_Snell@Judiciary.senate.gov>; Dahl, Alex (Judiciary) <Alex\_Dahl@Judiciary.senate.gov>; Abegg, John (McConnell) <John\_Abegg@mccconnell.senate.gov>; Higgins, Stephen (Judiciary) <Stephen\_Higgins@Judiciary.senate.gov>; Lari, Rita (Judiciary) <Rita\_Lari@Judiciary.senate.gov>; Gillies, John (Chambliss) <John\_Gillies@chambliss.senate.gov>; Heilbrun, Mark (Specter) <Mark\_Heilbrun@specter.senate.gov>; Haywood, Amy (Judiciary) <Amy\_Haywood@Judiciary.senate.gov>; neil.bradley@mail.house.gov [ UNKNOWN ] <neil.bradley@mail.house.gov>; Mark.Corallo@usdoj.gov [ UNKNOWN ] <Mark.Corallo@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Snee, Ashley <Ashley\_M.\_Snee@who.eop.gov>; Galyean, James (L. Graham) <James\_Galyean@lgraham.senate.gov>; Delrahim, Makan (Judiciary) <Makan\_Delrahim@Judiciary.senate.gov>; Caramanica, Jessica (Judiciary) <Jessica\_Caramanica@Judiciary.senate.gov>; Comisac, RenaJohnson (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
**Sent:** 6/26/2003 6:39:47 AM  
**Subject:** : Frist in PDF  
**Attachments:** P\_XHBIH003\_WHO.TXT\_1.html; P\_XHBIH003\_WHO.TXT\_2

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:26-JUN-2003 10:39:47.00

SUBJECT:: Frist in PDF

TO:"Taylor, Steve (Judiciary)" <Steve\_Taylor@Judiciary.senate.gov> ( "Taylor, Steve (Judiciary)" <Steve\_Taylor@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Groover, Chad (Judiciary)" <Chad\_Groover@Judiciary.senate.gov> ( "Groover, Chad (Judiciary)" <Chad\_Groover@Judiciary.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Roberts, Brooke (Craig)" <brooke\_roberts@craig.senate.gov> ( "Roberts, Brooke (Craig)" <brooke\_roberts@craig.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Brown, Frank (Specter)" <Frank\_Brown@specter.senate.gov> ( "Brown, Frank (Specter)" <Frank\_Brown@specter.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:"Freeman, Peter" <Peter.Freeman@mail.house.gov> ( "Freeman, Peter" <Peter.Freeman@mail.house.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Stewart, Don (Cornyn)" <Don\_Stewart@cornyn.senate.gov> ( "Stewart, Don (Cornyn)" <Don\_Stewart@cornyn.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:Monica.Goodling@usdoj.gov ( Monica.Goodling@usdoj.gov [ UNKNOWN ] )

READ:UNKNOWN

TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

REV\_00124551

TO:"Tapia, Margarita (Judiciary)" <Margarita\_Tapia@Judiciary.senate.gov> ( "Tapia, Margarita (Judiciary)" <Margarita\_Tapia@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> ( "Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Snell, BethAnn (Judiciary)" <BethAnn\_Snell@Judiciary.senate.gov> ( "Snell, BethAnn (Judiciary)" <BethAnn\_Snell@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov> ( "Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Abegg, John (McConnell)" <John\_Abegg@mccconnell.senate.gov> ( "Abegg, John (McConnell)" <John\_Abegg@mccconnell.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Higgins, Stephen (Judiciary)" <Stephen\_Higgins@Judiciary.senate.gov> ( "Higgins, Stephen (Judiciary)" <Stephen\_Higgins@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Lari, Rita (Judiciary)" <Rita\_Lari@Judiciary.senate.gov> ( "Lari, Rita (Judiciary)" <Rita\_Lari@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Gillies, John (Chambliss)" <John\_Gillies@chambliss.senate.gov> ( "Gillies, John (Chambliss)" <John\_Gillies@chambliss.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Heilbrun, Mark (Specter)" <Mark\_Heilbrun@specter.senate.gov> ( "Heilbrun, Mark (Specter)" <Mark\_Heilbrun@specter.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Haywood, Amy (Judiciary)" <Amy\_Haywood@Judiciary.senate.gov> ( "Haywood, Amy (Judiciary)" <Amy\_Haywood@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:neil.bradley@mail.house.gov ( neil.bradley@mail.house.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Mark.Corallo@usdoj.gov ( Mark.Corallo@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Snee, Ashley" <Ashley\_M.\_Snee@who.eop.gov> ( "Snee, Ashley" <Ashley\_M.\_Snee@who.eop.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Galyean, James (L. Graham)" <James\_Galyean@lgraham.senate.gov> ( "Galyean, James (L. Graham)" <James\_Galyean@lgraham.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> ( "Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Caramanica, Jessica (Judiciary)" <Jessica\_Caramanica@Judiciary.senate.gov> ( "Caramanica, Jessica (Judiciary)" <Jessica\_Caramanica@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> ( "Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Please pass to your press secretaries.  
- att1.htm - frist-nominat...pdf  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_XHBIH003\_WHO.TXT\_1>

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_XHBIH003\_WHO.TXT\_2>

Please pass to your press secretaries.

## United States Senate

OFFICE OF THE MAJORITY LEADER  
WASHINGTON, DC 20510-7000

June 25, 2003

Dear Colleague,

In light of numerous letters of colleagues addressing the possibility of a Supreme Court nomination this summer, I wanted to write to outline my expectations of a fair and orderly process for Senate consideration of a Supreme Court nomination if any Justice retires at the end of this Supreme Court Term.

First, to perform our obligations to the Supreme Court and the American people, the Senate should act on any nominee within a reasonable time to ensure, if possible, that a new Justice can assume office before the Supreme Court resumes hearing cases this fall.

In most instances in the past, the Senate has acted promptly to consider a President's nominee to the Supreme Court. Most recently, for example, both of President Clinton's nominees to the Supreme Court received Senate votes before the Senate's August recess, after receiving Judiciary Committee hearings in July. Consistent with that schedule, if there is a retirement at the end of the Supreme Court's Term and a nomination is submitted shortly thereafter, I anticipate the Judiciary Committee would hold hearings in July and the full Senate would vote on the nomination before the Senate recess in August.

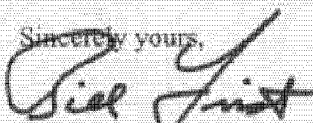
Second, the Senate must vote on the President's nominee to either confirm or reject the nominee. The Constitution provides that the Senate shall advise and consent on a President's nominees to the Supreme Court. Since 1789, in accord with the Constitution and to fulfill its Constitutional responsibility, the Senate has consistently afforded Presidential nominees to the Supreme Court a vote of the Senate (except, of course, when the nominee withdrew before a vote).

Any tactics to endlessly delay the process and prevent the Senate from performing its Constitutional responsibility to vote on a Supreme Court nomination would be inconsistent with the Constitution and contrary to the Senate's traditional practice for more than 200 years.

As Majority Leader, I will work to ensure that a Supreme Court nominee by a President of either party receives a fair up or down vote in the Senate.

The Senate has few Constitutional responsibilities as important as exercising its advice and consent on a President's nominee to the Supreme Court. I look forward to working with each of you to ensure a fair and orderly Senate process in the event of a Supreme Court nomination this summer or in the future.

Sincerely yours,



Bill Frist, M.D.

**From:** Miranda, Manuel (Frist) <Manuel\_Miranda@frist.senate.gov>  
**To:** Taylor, Steve (Judiciary) <Steve\_Taylor@Judiciary.senate.gov>; Groover, Chad (Judiciary) <Chad\_Groover@Judiciary.senate.gov>; Roberts, Brooke (Craig) <brooke\_roberts@craig.senate.gov>; Brown, Frank (Specter) <Frank\_Brown@specter.senate.gov>; Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>; Freeman, Peter <Peter.Freeman@mail.house.gov>; Stewart, Don (Cornyn) <Don\_Stewart@cornyn.senate.gov>; Monica Goodling@usdoj.gov [ UNKNOWN ] <Monica.Goodling@usdoj.gov>; Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>; Tapia, Margarita (Judiciary) <Margarita\_Tapia@Judiciary.senate.gov>; Ho, James (Judiciary) <James\_Ho@Judiciary.senate.gov>; Snell, BethAnn (Judiciary) <BethAnn\_Snell@Judiciary.senate.gov>; Dahl, Alex (Judiciary) <Alex\_Dahl@Judiciary.senate.gov>; Abegg, John (McConnell) <John\_Abegg@mccconnell.senate.gov>; Higgins, Stephen (Judiciary) <Stephen\_Higgins@Judiciary.senate.gov>; Lari, Rita (Judiciary) <Rita\_Lari@Judiciary.senate.gov>; Gillies, John (Chambliss) <John\_Gillies@chambliss.senate.gov>; Heilbrun, Mark (Specter) <Mark\_Heilbrun@specter.senate.gov>; Haywood, Amy (Judiciary) <Amy\_Haywood@Judiciary.senate.gov>; neil.bradley@mail.house.gov [ UNKNOWN ] <neil.bradley@mail.house.gov>; Mark.Corallo@usdoj.gov [ UNKNOWN ] <Mark.Corallo@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Snee, Ashley <Ashley\_M.\_Snee@who.eop.gov>; Galyean, James (L. Graham) <James\_Galyean@lgraham.senate.gov>; Delrahim, Makan (Judiciary) <Makan\_Delrahim@Judiciary.senate.gov>; Caramanica, Jessica (Judiciary) <Jessica\_Caramanica@Judiciary.senate.gov>; Comisac, RenaJohnson (Judiciary) <Rena\_Johnson\_Comisac@Judiciary.senate.gov>  
**Sent:** 6/26/2003 6:40:02 AM  
**Subject:** : Frist in PDF  
**Attachments:** P\_9JBIH003\_WHO.TXT\_1

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:26-JUN-2003 10:40:02.00  
SUBJECT:: Frist in PDF  
TO:"Taylor, Steve (Judiciary)" <Steve\_Taylor@Judiciary.senate.gov> ( "Taylor, Steve (Judiciary)" <Steve\_Taylor@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Groover, Chad (Judiciary)" <Chad\_Groover@Judiciary.senate.gov> ( "Groover, Chad (Judiciary)" <Chad\_Groover@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Roberts, Brooke (Craig)" <brooke\_roberts@craig.senate.gov> ( "Roberts, Brooke (Craig)" <brooke\_roberts@craig.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Brown, Frank (Specter)" <Frank\_Brown@specter.senate.gov> ( "Brown, Frank (Specter)" <Frank\_Brown@specter.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Freeman, Peter" <Peter.Freeman@mail.house.gov> ( "Freeman, Peter" <Peter.Freeman@mail.house.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Stewart, Don (Cornyn)" <Don\_Stewart@cornyn.senate.gov> ( "Stewart, Don (Cornyn)" <Don\_Stewart@cornyn.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Monica.Goodling@usdoj.gov ( Monica.Goodling@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Tapia, Margarita (Judiciary)" <Margarita\_Tapia@Judiciary.senate.gov> ( "Tapia, Margarita (Judiciary)" <Margarita\_Tapia@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> ( "Ho, James (Judiciary)"

<James\_Ho@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Snell, BethAnn (Judiciary)" <BethAnn\_Snell@Judiciary.senate.gov> ( "Snell, BethAnn  
(Judiciary)" <BethAnn\_Snell@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Dahl, Alex (Judiciary)" <Alex\_Dahl@Judiciary.senate.gov> ( "Dahl, Alex (Judiciary)"  
<Alex\_Dahl@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Abegg, John (McConnell)" <John\_Abegg@mcconnell.senate.gov> ( "Abegg, John (McConnell)"  
<John\_Abegg@mcconnell.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Higgins, Stephen (Judiciary)" <Stephen\_Higgins@Judiciary.senate.gov> ( "Higgins,  
Stephen (Judiciary)" <Stephen\_Higgins@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Lari, Rita (Judiciary)" <Rita\_Lari@Judiciary.senate.gov> ( "Lari, Rita (Judiciary)"  
<Rita\_Lari@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Gillies, John (Chambliss)" <John\_Gillies@chambliss.senate.gov> ( "Gillies, John  
(Chambliss)" <John\_Gillies@chambliss.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Heilbrun, Mark (Specter)" <Mark\_Heilbrun@specter.senate.gov> ( "Heilbrun, Mark  
(Specter)" <Mark\_Heilbrun@specter.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Haywood, Amy (Judiciary)" <Amy\_Haywood@Judiciary.senate.gov> ( "Haywood, Amy  
(Judiciary)" <Amy\_Haywood@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:neil.bradley@mail.house.gov ( neil.bradley@mail.house.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Mark.Corallo@usdoj.gov ( Mark.Corallo@usdoj.gov [ UNKNOWN ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:"Snee, Ashley" <Ashley\_M.\_Snee@who.eop.gov> ( "Snee, Ashley"  
<Ashley\_M.\_Snee@who.eop.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Galyean, James (L. Graham)" <James\_Galyean@lgraham.senate.gov> ( "Galyean, James (L.  
Graham)" <James\_Galyean@lgraham.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Delrahim, Makan (Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> ( "Delrahim, Makan  
(Judiciary)" <Makan\_Delrahim@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Caramanica, Jessica (Judiciary)" <Jessica\_Caramanica@Judiciary.senate.gov> (  
"Caramanica, Jessica (Judiciary)" <Jessica\_Caramanica@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
TO:"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> (  
"Comisac, RenaJohnson (Judiciary)" <Rena\_Johnson\_Comisac@Judiciary.senate.gov> [ UNKNOWN ]  
)  
READ:UNKNOWN  
##### End Original ARMS Header #####

Please pass to your press secretaries. - frist-nominat...pdf  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_9JBIH003\_WHO.TXT\_1>



BILL FRIST  
TENNESSEE

## United States Senate

OFFICE OF THE MAJORITY LEADER

WASHINGTON, DC 20510-7000

June 25, 2003

Dear Colleague,

In light of numerous letters of colleagues addressing the possibility of a Supreme Court nomination this summer, I wanted to write to outline my expectations of a fair and orderly process for Senate consideration of a Supreme Court nomination if any Justice retires at the end of this Supreme Court Term.

First, to perform our obligations to the Supreme Court and the American people, the Senate should act on any nominee within a reasonable time to ensure, if possible, that a new Justice can assume office before the Supreme Court resumes hearing cases this fall.

In most instances in the past, the Senate has acted promptly to consider a President's nominee to the Supreme Court. Most recently, for example, both of President Clinton's nominees to the Supreme Court received Senate votes before the Senate's August recess, after receiving Judiciary Committee hearings in July. Consistent with that schedule, if there is a retirement at the end of the Supreme Court's Term and a nomination is submitted shortly thereafter, I anticipate the Judiciary Committee would hold hearings in July and the full Senate would vote on the nomination before the Senate recess in August.

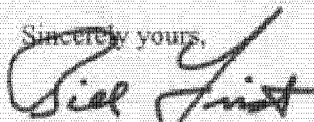
Second, the Senate must vote on the President's nominee to either confirm or reject the nominee. The Constitution provides that the Senate shall advise and consent on a President's nominees to the Supreme Court. Since 1789, in accord with the Constitution and to fulfill its Constitutional responsibility, the Senate has consistently afforded Presidential nominees to the Supreme Court a vote of the Senate (except, of course, when the nominee withdrew before a vote).

Any tactics to endlessly delay the process and prevent the Senate from performing its Constitutional responsibility to vote on a Supreme Court nomination would be inconsistent with the Constitution and contrary to the Senate's traditional practice for more than 200 years.

As Majority Leader, I will work to ensure that a Supreme Court nominee by a President of either party receives a fair up or down vote in the Senate.

The Senate has few Constitutional responsibilities as important as exercising its advice and consent on a President's nominee to the Supreme Court. I look forward to working with each of you to ensure a fair and orderly Senate process in the event of a Supreme Court nomination this summer or in the future.

Sincerely yours,



Bill Frist, M.D.

REV\_00124557

---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/26/2003 6:55:33 AM  
**Subject:** : Any word yet?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-JUN-2003 10:55:33.00  
SUBJECT:: Any word yet?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>  
**Sent:** 6/26/2003 7:16:58 AM  
**Subject:** : Re: Any word yet?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-JUN-2003 11:16:58.00  
SUBJECT:: Re: Any word yet?  
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Nope. Unlikely but certainly not out of the question at this point.

Matthew E. Smith

06/26/2003 10:54:28 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Any word yet?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Alicia P. Clark/WHO/EOP@EOP [ WHO ] <Alicia P. Clark>  
**Sent:** 6/26/2003 7:17:12 AM  
**Subject:** : Re: Permissable Political Activity?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-JUN-2003 11:17:12.00  
SUBJECT:: Re: Permissable Political Activity?  
TO:Alicia P. Clark ( CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

All permissible.

Alicia P. Clark  
06/26/2003 10:52:29 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Permissable Political Activity?

I may give a contribution and attend a political fundraiser for a Member of Congress. I am not participating in the event program or in any formal capacity. Is this permissible?

---

**From:** CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>  
**Sent:** 6/26/2003 12:06:00 PM  
**Subject:** : RE: Fw: UVA Center for Politics

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:26-JUN-2003 16:06:00.00  
SUBJECT:: RE: Fw: UVA Center for Politics  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes, the event is a fundraiser for a 501c(3) org affiliated w/ UVA.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Wednesday, June 25, 2003 8:06 AM  
To: Ralston, Susan B.  
Cc: Schlapp, Matthew A.  
Subject: Re: Fw: UVA Center for Politics

I assume the event itself would not be a fundraiser? If so, certainly not a problem. If it is, check back with me but still probably ok.

From: Susan B. Ralston/WHO/EOP@Exchange on 06/24/2003 03:47:54 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP  
cc:  
Subject: Fw: UVA Center for Politics

Guidance please:

-----Original Message-----

From: Karl Rove <KR@georgewbush.com>  
To: mtoner@fec.gov <mtoner@fec.gov>  
Sent: Tue Jun 24 15:43:31 2003  
Subject: Re: UVA Center for Politics

Running it by counsel and political

-----  
Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net  
<www.BlackBerry.net>)

-----Original Message-----

From: mtoner@fec.gov <mtoner@fec.gov>  
To: Karl Rove <KR@georgewbush.com>  
Sent: Tue Jun 24 14:41:40 2003  
Subject: Re: UVA Center for Politics

REV\_00124562

It was good seeing you at the party for Logan and Kate; they will be sorely missed here.

What is your preference on the UVA Center invite?

Karl Rove <kr@georgewbush.com> on 06/16/2003 10:19:57 AM

To: mtoner@fec.gov  
cc:

Subject: Re: UVA Center for Politics

Let me check and I will be back with you in a day or two.

On 6/16/03 8:26 AM, "mtoner@fec.gov" <mtoner@fec.gov> wrote:

>  
>  
>  
>  
>  
>  
>  
> Karl --  
>  
> What do you think about this? Do you recommend that I inquire with  
someone  
> else?  
>  
> Michael  
>  
>  
> ----- Forwarded by Michael Toner/FEC/US on 06/16/2003  
> 08:56 AM -----  
>  
>  
> Michael Toner  
> 05/30/2003 11:07 AM  
>  
> To: KR@GeorgeWBush.com  
> cc:  
>  
> Subject: UVA Center for Politics  
>  
>  
> Karl --  
>  
> Would you be willing to consider attending an event to raise funds for  
the  
> UVA Center for Politics? The Center is a tax-exempt 501(c)(3)  
foundation  
> that Larry Sabato founded in 1998 and runs today. The Center would be  
> willing to build an event entirely around your schedule (in Washington  
or  
> Charlottesville or elsewhere; evening or mid-day; week-day or weekend,  
> etc.) that could be as short or long as you prefer. Larry Sabato is

> attempting to make the Center one of the best institutions on American  
> politics in the country, and they have clearly come a long way in only  
five  
> years. I am particularly impressed with their Youth Leadership  
Initiative,  
> which promotes technology-based civics projects (nearly 250,000 students  
> have participated thus far), and they have staged several interesting  
> academic conferences during the last couple of years (including one on  
> electoral reform that helped generate some proposals that were included  
in  
> the election reform bill).  
>  
> Larry Sabato and the Center would love to host you at an event that they  
> believe would be very helpful in providing critical funding for the  
Center.  
> Please let me know if you would like further information on the Center  
and  
> its programs (there is an excellent overview at [CenterforPolitics.org](http://CenterforPolitics.org)).  
> Thank you for your consideration.  
>  
> Michael  
>  
>

(See attached file: C.htm)

---

**From:** CN=Christie Parell/OU=WHO/O=EOP [ WHO ]  
**To:** Peter S. Sobich/WHO/EOP [ WHO ] <Peter S. Sobich>;Jesse O. Villarreal/WHO/EOP [ WHO ] <Jesse O. Villarreal>;Tevi Troy/WHO/EOP@Exchange [ WHO ] <Tevi Troy>;Sarah Pfeifer/WHO/EOP [ WHO ] <Sarah Pfeifer>;Taylor A. Hughes/WHO/EOP@Exchange [ WHO ] <Taylor A. Hughes>;Brian D. Montgomery/WHO/EOP@Exchange [ WHO ] <Brian D. Montgomery>;Carmen M. Ingwell/WHO/EOP [ WHO ] <Carmen M. Ingwell>;Christie Parell/WHO/EOP [ WHO ] <Christie Parell>;Matthew Koch/WHO/EOP [ WHO ] <Matthew Koch>;Ali H. Tulbah/WHO/EOP [ WHO ] <Ali H. Tulbah>;Edward Ingle/WHO/EOP [ WHO ] <Edward Ingle>;Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/26/2003 12:08:06 PM  
**Subject:** : Agency FOIA Requests  
**Attachments:** P\_9SVIH003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Christie Parell ( CN=Christie Parell/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-JUN-2003 16:08:06.00  
SUBJECT:: Agency FOIA Requests  
TO:Peter S. Sobich ( CN=Peter S. Sobich/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Jesse O. Villarreal ( CN=Jesse O. Villarreal/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Tevi Troy ( CN=Tevi Troy/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Sarah Pfeifer ( CN=Sarah Pfeifer/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Taylor A. Hughes ( CN=Taylor A. Hughes/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
TO:Carmen M. Ingwell ( CN=Carmen M. Ingwell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Christie Parell ( CN=Christie Parell/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Matthew Koch ( CN=Matthew Koch/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Ali H. Tulbah ( CN=Ali H. Tulbah/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
TO:Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_9SVIH003\_WHO.TXT\_1>



## AGENCY FOIA REQUESTS

### *DOC*

Received on 6/13/03, from **Steve George, Willie R. Etheridge Seafood Company**, requesting data on large coastal shark landing in longline category 07.

Received 6/16/03, from **Rosario Z. Isip, eCivis, LLC**, Pasadena, California, requesting copies of a city or county's funded grant application from the most recent award cycle for the following programs: (a) Economic Development support for Planning Program; (b) Economic Development Technical Assistance Program.

Received 6/17/03, from **Larry Shelton**, requesting information regarding petroleum industry contracts in Iraq.

Received 6/17/03, from **Aaron Colangelo, Natural Resources Defense Council**, requesting all records reflecting communications between the National Marine Fisheries Service and the Environmental Protection Agency on the effects or potential effects of atrazine on threatened or endangered species or their habitat, and any records of any formal or informal consultations on atrazine under the Endangered Species Act.

Received 6/17/03, from **Carol Iancu, The Commonwealth of Massachusetts**, request for records on NOAA=s role in the preparation and review of the Climate Action Report, as well as the Environmental Protection Agency=s role in the preparation and submittal of the report to the United Nations.

Received 6/19/03, from **Sajit Gandhi** of the **National Security Archive**, requesting all records concerning the potential impact of Peru's Camisea Natural Gas Project on the environment and people living in proximity to the project area

Received 6/19/03, from **Douglas Barnes**, requesting records concerning two reports issued by the Working Group on Intellectual Property Rights of the Information Infrastructure Task Force.

Received 6/19/03, from **Daniel Harris, Harris & Hull, PLC**, requesting a copy of all documents on the January or February 2003 incident in which six American crab boats were caught by the United States Coast Guard fishing in Russian waters, - - in particular, the Notices of Violations and Assessment issued by the National Marine Fisheries Service which were served between March 12, 2003, and March 20, 2003.

## ***DoEd***

**Becki J. Lesser**, Attorney at Law, has requested copies of all correspondence between the Department and Congressmen Dennis Hastert and Tom DeLay, from 1995 to the present, and all correspondence with Congressman Thomas Reynolds from 1998 to the present.

**Jason T. Sauer** has requested copies of all correspondence between the Department and Congressman Ernest L. Fletcher, from 1999 through June 1, 2003.

**Bradley Katz** of the **Democratic Senatorial Campaign Committee** has requested copies of all FOIA requests received by the Department since January 1, 2003, concerning the following Senators: Patty Murray, Ron Wyden, Barbara Boxer, Harry Reid, Byron Dorgan, Tom Daschle, Blanche Lincoln, John Breaux, Russ Feingold, Evan Bayh, Bob Graham, Ernest Hollings, John Edwards, Barbara Mikulski, Chris Dodd, Charles Schumer, and Pat Leahy.

## ***HHS***

7/2/03

**The Detroit Free Press** requested grant applications and HRSA communications regarding unsuccessful Federally Qualified Health Center applicants from the Detroit area during the past 5 years.

## ***DHS***

### FOIA/PA REQUESTS FROM 6 -16-2003 TO 6 -20 -2003

Number of requests: 6

Who from and Subject of Request:

1. **Brian Jones**: physical fitness requirements for law enforcement trainees
2. **Meghann K. Peterlin**: correspondence between DHS and numerous Senators
3. **Martin F. McMahon & Associates**: Usama Bin Laden documents and communication with Treasury
4. **Robert O'Harrow, Washington Post** staff writer: contracts from certain companies and budget summaries
5. **Newhouse News Service, Brett Lieberman**: correspondence between DHS and Congressman Gekas
6. **Democratic Senatorial Campaign Committee**: correspondence between Asa Hutchinson and 2 companies

Disposition and Outstanding actions:

1. **Brian Jones**: awaiting assignment within BTS directorate
2. **Meghann K. Peterlin**: awaiting assignment within DHS legislative affairs
3. **Martin F. McMahon & associates**: awaiting assignment within DHS directorates
4. **Robert O'Harrow, *Washington Post*** staff writer: awaiting assignment to DHS contracting officer and budget office
5. **Newhouse News Service, Brett Lieberman**: awaiting assignment within DHS legislative affairs
6. **Democratic Senatorial Campaign Committee**: awaiting assignment within BTS directorate

FOIA/PA REQUESTS FROM 6 -9-2003 TO 6 -13 -2003

Number of requests: 15

Who from and Subject of Request:

1. **Stanley Myatt**: info about self (PA)
2. **Antony Tseng**: grants available to local EMS-only entities in New York
3. **John Mondragon**: employee relations and benefits administration contracts/costs
4. **Babyleadfoot**: info about husband from INS
5. ***Dallas Morning News*, Allen Pusey**: Texas plane tapes between Texas DPS and AMICC
6. **Carroll Publishing, Thomas E. Carroll**: contact information regarding senior government officials
7. **Vicki Baker**: info regarding investigation of TSA in Dayton Ohio
8. ***Fort Worth Star Telegram*, Maria Recio**: Texas plane tapes between Texas DPS and AMICC
9. **Leblang, Sobel and Ashbaugh**: info about Maria Socorro Serrano Vda de Vega
10. **Philip H Joiner-El**: no request, no questions, just a statement
11. **Mary K Hickox**: info about self (PA)
12. **Gabriel Cornilescu**: info about self (PA)
13. **Jeffery Martin Sierzega**: info about self and instruments that monitor him
14. **John S. Dickerson Jr.**: info about self (PA)

15. ***Milwaukee Journal Sentinel*, Scott Williams**: list of Wisconsin residents investigated under the Patriot Act

### ***EPA***

During the week of June 16 – June 20, 2003, the Agency received 263 FOIA requests. Of the total, 72 were received in Headquarters. Year-to-date totals are 1,753 for Headquarters and 9,277 agency-wide. Significant FOIA requests received this week include:

- (3) **John Gardner of EarthJustice** has requested all correspondence between Rep. Richard Pombo, any EPA employees or agents, and any other state or federal agency;
- (4) **Geoff Dutton of The Columbia Dispatch** has requested a copy of the EPA's analysis of Clean Water Act enforcement, which the agency completed in February;
- (5) **Patti Goldman of EarthJustice** has requested, on behalf of a number of public interest groups, all communications between the U.S. Department of Commerce, NOAA, NMFS, the Environmental Protection Agency, the U.S. Department of the Interior, the U.S. Fish and Wildlife Service, United States Department of Agriculture, the Council on Environmental Quality, the Office of Management and Budget, the National Economic Council, the Department of Justice, and representatives of pesticide user groups, pesticide registrants, pesticide or agricultural trade groups, and/or members of Congress concerning threatened or endangered species;
- (6) **William L. Kovacs of the Chamber of Commerce** of the United States of America has requested copies of the responses and attachments from Carol M. Browner to various members of the House Committee on Science;
- (7) **Jim Hecker of the Trial Lawyers for Public Justice** has requested information related to the preparation of the Environmental Impact Statement on mountaintop mining and valley fills in the Appalachian coalfields.

### ***DOI***

***Mountaintop Mining.*** On June 13, the Secretary of the Interior, the Office of Surface Mining, the Fish and Wildlife Service and the Environmental Protection Agency received identical Freedom of Information Act requests for documents related to the draft Mountaintop Mining/Valley Fill Environmental Impact Statement. The request, from Trial Lawyers for Public Justice on behalf of the West Virginia Highlands Conservancy, seeks documents related to the Mountaintop Mining/Valley Fill Environmental Impact Statement generated since the last request in April 2002, that are: 1) part of the administrative record; 2) records of communications between the agencies and anyone outside the executive branch; and 3) records of communications by or among members of the Environmental Impact Statement Steering Committee.

## ***DOL***

**Benjamin Jones, Research Director, Democratic Senatorial Campaign Committee,** Washington, D.C., is seeking:  
all direct correspondence and other information requested by or provided to Representative Harry Reid, 1/1/82 – 12/31/86 and Senator Harry Reid, 1/1/87 – present (including letters, reports, requests and other relevant material.)

**Jason T. Sauer, Lexington, KY,** is seeking:  
copies of all correspondence between the Department of Labor and the Office of Representative Ernest L. Fletcher of KY, between the dates of January 1, 1999 and June 1, 2002.

**David Hafetz, *Austin American-Statesman*,** is seeking:  
case files from the Austin, TX, Office concerning a trenching fatality and one injury on Jan. 8, 2003 in Bremon, TX.

**Deborah Solomon, *The Wall Street Journal*,** is seeking:  
a list of all complaints filed under Sarbanes-Oxley.

**Jim Morris, *Dallas Morning News*,** is seeking:  
a list of all Air-21 whistleblower complaints broken out by airline

## ***OPM***

**Reporter Michael Scherer of *Mother Jones Magazine*** has filed a number of FOIA requests seeking to evaluate the effectiveness of the US Investigative Service (USIS) in delivering investigations services for OPM and the amount of savings the government has realized since privatizing the Office of Federal Investigations in 1996 through an Employee Stock Ownership Plan (ESOP). An off-the-record interview is being arranged for the reporter.

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** David S. Addington@/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/Ffab5a7d-85b03435-852569db-569229@EX@Exchange [ OVP ] <RECIPIENTS>; Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>; Theodore W. Ulyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulyot>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/26/2003 8:13:05 AM  
**Subject:** : Report from the Court

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 26-JUN-2003 12:13:05.00

SUBJECT: : Report from the Court

TO: RECIPIENTS ( David S. Addington@/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Ffab5a7d-85b03435-852569db-569229@EX@Exchange [ OVP ] )

READ: UNKNOWN

TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: Theodore W. Ulyot ( CN=Theodore W. Ulyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

##### End Original ARMS Header #####

Greg Garre reports:

The Chief ended today's session by saying that he was, with sadness, "announcing the retirement of . . . the Court's librarian." (You could hear the air being sucked out of the room until people figured out that he was referring to the librarian.)

---

**From:** CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Jennifer L. Davis/WHO/EOP@EOP [ WHO ] <Jennifer L. Davis>; mschlapp@georgewbush.com @ inet [ WHO ] <mschlapp@georgewbush.com @ inet>; Israel Hernandez/WHO/EOP@Exchange@EOP [ WHO ] <Israel Hernandez>; Susan B. Ralston/WHO/EOP@Exchange@EOP [ WHO ] <Susan B. Ralston>; Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>  
**Sent:** 6/26/2003 12:58:08 PM  
**Subject:** : Photo Office Meeting

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 26-JUN-2003 16:58:08.00  
SUBJECT:: Photo Office Meeting  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Jennifer L. Davis ( CN=Jennifer L. Davis/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
TO: mschlapp@georgewbush.com @ inet ( mschlapp@georgewbush.com @ inet [ WHO ] )  
READ: UNKNOWN  
TO: Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Per Matt and Jennifer's request, are you guys available for a meeting on Monday, June 30, at 2:30 PM in Matt's office?

This meeting is in regards to the appropriate procedure for photos-campaign vs. official.

Thank you,  
Tracy

---

**From:** CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/26/2003 9:01:29 AM  
**Subject:** : heads up

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:26-JUN-2003 13:01:29.00

SUBJECT:: heads up

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Jamil Jaffer said that you said you could meet with him this afternoon.;  
Fair warning--- he's WAVEd over here so he might wonder over.;



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>  
**Sent:** 6/26/2003 1:11:40 PM  
**Subject:** : Pres Records; call me

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-JUN-2003 17:11:40.00  
SUBJECT:: Pres Records; call me  
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>  
**Sent:** 6/26/2003 9:44:19 AM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-JUN-2003 13:44:19.00  
SUBJECT:  
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Attorney General Bill Pryor, who wrote a brief supporting the Texas law, issued a brief statement Thursday saying the ruling was a "new interpretation of the Constitution." He said the decision means that Alabama's law, "which prohibits consensual sodomy between unmarried persons, is now unenforceable."

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>  
**Sent:** 6/26/2003 11:21:55 AM  
**Subject:** : Bashman analysis

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-JUN-2003 15:21:55.00  
SUBJECT:: Bashman analysis  
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Not sure I agree with this, but here it is.

When to move off tenterhooks: The idea of a U.S. Supreme Court Justice announcing retirement from the bench on the last day of the Term is a bit overrated. Why hold your colleagues captive for that, and why share the spotlight (or divert the spotlight from today's newsworthy rulings)? Instead, in recent memory, the announcement usually comes from behind a podium before the press corps. Accordingly, I would suggest waiting until the end of the day tomorrow before moving off the tenterhooks.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ashley Snee/WHO/EOP@Exchange [ WHO ] <Ashley Snee>  
**Sent:** 6/26/2003 11:38:18 AM  
**Subject:** : RE: q & a

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-JUN-2003 15:38:18.00  
SUBJECT:: RE: q & a  
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

agree. thx.

From: Ashley Snee/WHO/EOP@Exchange on 06/26/2003 03:31:39 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: q & a

Yes, it is necessary. This will go to all of the spokespeople here and it should be made clear in the guidance - to be sure the message is repeated- no matter how the questions are asked.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Thursday, June 26, 2003 3:24 PM  
To: Snee, Ashley  
Subject: Re: q & a

good. redundant answers, but that is necessary.

From: Ashley Snee/WHO/EOP@Exchange on 06/26/2003 03:07:22 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: q & a

made a couple small changes - i'm going to send this updated around.  
obviously, based on circumstances this may be tweaked - but for now.. <<  
File: judges sct q and a 6 25 031.doc >>

---

**From:** Ralston, Susan B.  
**To:** <Kavanaugh, Brett M.>  
**CC:** <Schlapp, Matthew A.>  
**Sent:** 6/26/2003 4:04:45 PM  
**Subject:** RE: Fw: UVA Center for Politics

Yes, the event is a fundraiser for a 501c(3) org affiliated w/ UVA.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Wednesday, June 25, 2003 8:06 AM  
**To:** Ralston, Susan B.  
**Cc:** Schlapp, Matthew A.  
**Subject:** Re: Fw: UVA Center for Politics

I assume the event itself would not be a fundraiser? If so, certainly not a problem. If it is, check back with me but still probably ok.

From: Susan B. Ralston/WHO/EOP@Exchange on 06/24/2003 03:47:54 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP  
cc:  
Subject: Fw: UVA Center for Politics

Guidance please:

-----Original Message-----

From: Karl Rove  
To: mtoner@fec.gov  
Sent: Tue Jun 24 15:43:31 2003  
Subject: Re: UVA Center for Politics

Running it by counsel and political

-----  
Sent from my BlackBerry Wireless Handheld ([www.BlackBerry.net](http://www.BlackBerry.net))

-----Original Message-----

From: mtoner@fec.gov  
To: Karl Rove  
Sent: Tue Jun 24 14:41:40 2003  
Subject: Re: UVA Center for Politics

REV\_00124603

It was good seeing you at the party for Logan and Kate; they will be sorely missed here.

What is your preference on the UVA Center invite?

Karl Rove on 06/16/2003 10:19:57 AM

To: mtoner@fec.gov

cc:

Subject: Re: UVA Center for Politics

Let me check and I will be back with you in a day or two.

On 6/16/03 8:26 AM, "mtoner@fec.gov" wrote:

>  
>  
>  
>  
>  
>  
>  
> Karl --  
>  
> What do you think about this? Do you recommend that I inquire with  
someone  
> else?  
>  
> Michael  
>  
>  
> ----- Forwarded by Michael Toner/FEC/US on 06/16/2003  
> 08:56 AM -----  
>  
>  
> Michael Toner  
> 05/30/2003 11:07 AM  
>  
> To: KR@GeorgeWBush.com  
> cc:  
>  
> Subject: UVA Center for Politics  
>  
>  
> Karl --

>  
> Would you be willing to consider attending an event to raise funds for  
the  
> UVA Center for Politics? The Center is a tax-exempt 501(c)(3) foundation  
> that Larry Sabato founded in 1998 and runs today. The Center would be  
> willing to build an event entirely around your schedule (in Washington or  
> Charlottesville or elsewhere; evening or mid-day; week-day or weekend,  
> etc.) that could be as short or long as you prefer. Larry Sabato is  
> attempting to make the Center one of the best institutions on American  
> politics in the country, and they have clearly come a long way in only  
five  
> years. I am particularly impressed with their Youth Leadership  
Initiative,  
> which promotes technology-based civics projects (nearly 250,000 students  
> have participated thus far), and they have staged several interesting  
> academic conferences during the last couple of years (including one on  
> electoral reform that helped generate some proposals that were included  
in  
> the election reform bill).  
>  
> Larry Sabato and the Center would love to host you at an event that they  
> believe would be very helpful in providing critical funding for the  
Center.  
> Please let me know if you would like further information on the Center  
and  
> its programs (there is an excellent overview at [CenterforPolitics.org](http://CenterforPolitics.org)).  
> Thank you for your consideration.  
>  
> Michael  
>  
>

(See attached file: C.htm)

---

**From:** CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Matthew A. Schlapp/WHO/EOP@EOP [ WHO ] <Matthew A. Schlapp>  
**Sent:** 6/26/2003 12:06:04 PM  
**Subject:** : RE: Fw: UVA Center for Politics

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:26-JUN-2003 16:06:04.00  
SUBJECT:: RE: Fw: UVA Center for Politics  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes, the event is a fundraiser for a 501c(3) org affiliated w/ UVA.

;-----Original Message-----  
From: ; Kavanaugh, Brett M.;  
Sent;;; Wednesday, June 25, 2003 8:06 AM  
To;;;; Ralston, Susan B.  
Cc;;;; Schlapp, Matthew A.  
Subject:;;;;;; Re: Fw: UVA Center for Politics

I assume the event itself would not be a fundraiser?; If so,  
certainly not a problem.; If it is, check back with me but still probably  
ok.

From;;; Susan B. Ralston/WHO/EOP@Exchange on 06/24/2003 03:47:54  
PM  
Record Type;;; Record

To;;;;; Brett M. Kavanaugh/WHO/EOP@EOP, Matthew A.  
Schlapp/WHO/EOP@EOP  
cc;;;;;  
Subject:;;;;;; Fw: UVA Center for Politics

Guidance please:

-----Original Message-----  
From: Karl Rove <KR@georgewbush.com>  
To: mtoner@fec.gov <mtoner@fec.gov>  
Sent: Tue Jun 24 15:43:31 2003  
Subject: Re: UVA Center for Politics

Running it by counsel and political

-----  
Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net  
<file://www.BlackBerry.net>)

-----Original Message-----  
From: mtoner@fec.gov <mtoner@fec.gov>  
To: Karl Rove <KR@georgewbush.com>



Sent: Tue Jun 24 14:41:40 2003  
Subject: Re: UVA Center for Politics

It was good seeing you at the party for Logan and Kate; they will be sorely missed here.

What is your preference on the UVA Center invite?

Karl Rove <kr@georgewbush.com> on 06/16/2003 10:19:57 AM

To:;;; mtoner@fec.gov  
cc:

Subject:;;; Re: UVA Center for Politics

Let me check and I will be back with you in a day or two.

On 6/16/03 8:26 AM, "mtoner@fec.gov" <mtoner@fec.gov> wrote:

>  
>  
>  
>  
>  
>  
>  
> Karl --  
>  
> What do you think about this?; Do you recommend that I inquire with  
someone  
> else?  
>  
> Michael  
>  
>  
> ----- Forwarded by Michael Toner/FEC/US on 06/16/2003  
> 08:56 AM -----  
>  
>  
> Michael Toner  
> 05/30/2003 11:07 AM  
>  
> To:;;; KR@GeorgeWBush.com  
> cc:  
>  
> Subject:;;; UVA Center for Politics  
>  
>  
> Karl --  
>  
> Would you be willing to consider attending an event to raise funds for  
the  
> UVA Center for Politics?; The Center is a tax-exempt 501(c)(3)  
foundation  
> that Larry Sabato founded in 1998 and runs today.; The Center would be  
> willing to build an event entirely around your schedule (in Washington

REV\_00124607

or  
> Charlottesville or elsewhere; evening or mid-day; week-day or weekend,  
> etc.) that could be as short or long as you prefer.; Larry Sabato is  
> attempting to make the Center one of the best institutions on American  
> politics in the country, and they have clearly come a long way in only  
five  
> years.; I am particularly impressed with their Youth Leadership  
Initiative,  
> which promotes technology-based civics projects (nearly 250,000 students  
> have participated thus far), and they have staged several interesting  
> academic conferences during the last couple of years (including one on  
> electoral reform that helped generate some proposals that were included  
in  
> the election reform bill).  
>  
> Larry Sabato and the Center would love to host you at an event that they  
> believe would be very helpful in providing critical funding for the  
Center.  
> Please let me know if you would like further information on the Center  
and  
> its programs (there is an excellent overview at [CenterforPolitics.org](http://CenterforPolitics.org)).  
> Thank you for your consideration.  
>  
> Michael  
>  
>

(See attached file: C.htm)

---

**From:** M.Edward.Whelan@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/26/2003 12:23:50 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"M.Edward.Whelan@usdoj.gov" <M.Edward.Whelan@usdoj.gov> (  
"M.Edward.Whelan@usdoj.gov" <M.Edward.Whelan@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:26-JUN-2003 16:23:50.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

So is it time to conclude that there won't be a S Ct retirement this summer? Or do we have to wait a day or more to have a high degree of confidence of that?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** M.Edward.Whelan@usdoj.gov <M.Edward.Whelan@usdoj.gov>  
**Sent:** 6/26/2003 12:29:28 PM  
**Subject:** : Re:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 26-JUN-2003 16:29:28.00

SUBJECT:: Re:

TO: "M.Edward.Whelan@usdoj.gov" <M.Edward.Whelan@usdoj.gov> ( "M.Edward.Whelan@usdoj.gov" <M.Edward.Whelan@usdoj.gov> [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

I think we need to wait until end of tomorrow to be sure that there is no voluntary retirement.

"M.Edward.Whelan@usdoj.gov" <M.Edward.Whelan@usdoj.gov>  
06/26/2003 04:12:05 PM  
Record Type: Record

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

So is it time to conclude that there won't be a S Ct retirement this summer? Or do we have to wait a day or more to have a high degree of confidence of that?

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/26/2003 12:38:16 PM  
**Subject:** :

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME:26-JUN-2003 16:38:16.00  
SUBJECT::  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Will you go to Senior Staff tomorrow?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>  
**Sent:** 6/26/2003 12:43:35 PM  
**Subject:** : Re:

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:26-JUN-2003 16:43:35.00  
SUBJECT:: Re:  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

yes, David mentioned it.

From: Carolyn Nelson/WHO/EOP@Exchange on 06/26/2003 04:37:00 PM  
Record Type: Record

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

Will you go to Senior Staff tomorrow?

---

**From:** CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/26/2003 1:13:16 PM  
**Subject:** : Pres Records; call me

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:26-JUN-2003 17:13:16.00

SUBJECT:: Pres Records; call me

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Brett M. Kavanaugh  
06/26/2003 05:10:39 PM  
Record Type: Record

To: Jennifer R. Brosnahan/WHO/EOP@EOP  
cc:  
Subject: Pres Records; call me

---

**From:** Bumatay, Patrick J.  
**To:** <Ganter, Jonathan F.>;<Farrell, J. Elizabeth>;<Nelson, Carolyn>;<Montiel, Charlotte L.>;<Ulliot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>  
**Sent:** 6/26/2003 5:37:12 PM  
**Subject:** FW: O'Connor's Swan Song

-----Original Message-----

**From:** Stiles, Ryan P.  
**Sent:** Thursday, June 26, 2003 5:32 PM  
**To:** Bumatay, Patrick J.; Riepenhoff, Allison L.  
**Subject:** O'Connor's Swan Song

Number of 5-4 decisions this term: 13  
Number of times O'Connor voted with the majority: 13  
Number of dissents authored by O'Connor: ZERO



**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>;J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;Theodore W. Ulliot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliot>;Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>;Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 6/26/2003 1:38:25 PM  
**Subject:** : FW: O'Connor's Swan Song

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:26-JUN-2003 17:38:25.00

SUBJECT:: FW: O'Connor's Swan Song

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

-----Original Message-----

From: Stiles, Ryan P.

Sent: Thursday, June 26, 2003 5:32 PM

To: Bumatay, Patrick J.; Riepenhoff, Allison L.

Subject: O'Connor's Swan Song

Number of 5-4 decisions this term: 13

Number of times O'Connor voted with the majority: 13

Number of dissents authored by O'Connor: ZERO

REV\_00124626

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>;J. Elizabeth Farrell/WHO/EOP@EOP [ WHO ] <J. Elizabeth Farrell>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;Theodore W. Ulliot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliot>;Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>;Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>  
**Sent:** 6/26/2003 1:38:39 PM  
**Subject:** : FW: O'Connor's Swan Song

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:26-JUN-2003 17:38:39.00

SUBJECT:: FW: O'Connor's Swan Song

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

;-----Original Message-----

From: ; Stiles, Ryan P.;

Sent;;; Thursday, June 26, 2003 5:32 PM

To:;;; Bumatay, Patrick J.; Riepenhoff, Allison L.

Subject:;;;;;; O'Connor's Swan Song

Number of 5-4 decisions this term: 13

Number of times O'Connor voted with the majority: 13

Number of dissents authored by O'Connor: ZERO

REV\_00124627

---

**From:** Bumatay, Patrick J.  
**To:** <Ulyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>  
**Sent:** 6/26/2003 6:02:51 PM  
**Subject:** No staff meeting tomorrow

---

**From:** CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>;Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>;Theodore W. Ulliyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ulliyot>  
**Sent:** 6/26/2003 2:04:10 PM  
**Subject:** : No staff meeting tomorrow

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME:26-JUN-2003 18:04:10.00

SUBJECT:: No staff meeting tomorrow

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Theodore W. Ulliyot ( CN=Theodore W. Ulliyot/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

;

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Patrick J. Bumatay/WHO/EOP@Exchange@EOP [ WHO ] <Patrick J. Bumatay>  
**Sent:** 6/27/2003 4:43:55 AM  
**Subject:** : political speeches are not coming around in staffing; why not?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-JUN-2003 08:43:55.00  
SUBJECT:: political speeches are not coming around in staffing; why not?  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/27/2003 1:23:31 AM  
**Subject:** : OpinionJournal - On the Editorial Page - June 27, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME:27-JUN-2003 05:23:31.00  
SUBJECT:: OpinionJournal - On the Editorial Page - June 27, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003683>

A Roe v. Wade for gay rights.  
12:01 a.m. EDT

Wonder Land BY DANIEL HENNINGER  
<http://www.opinionjournal.com/columnists/dhenninger/?id=110003682>

Beating racism is a moral fight, not a legal one.  
12:01 a.m. EDT

On the Taste Page  
<http://opinionjournal.com/taste/>

Fidel's sex problem. Plus rude marketing and more.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Sodomy and Sneakers  
A  
Jun 27 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105667156234128800,00.html%3Fmod%3Dopinion>

~~~~~

Gray Davis's Word  
California has to live with the energy contracts the governor signed.  
Jun 27 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105667192915633900,00.html%3Fmod%3Dopinion>

~~~~~

The Greening of America  
The environment is getting cleaner all the time.  
Jun 27 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105667206049644400,00.html%3Fmod%3Dopinion>

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#### Commentary

A Better Fix for Medicare  
There's no need to spend billions of tax dollars.  
By JOHN C. GOODMAN  
Jun 27 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105667221093149600,00.html%3Fmod%3Dopinion>

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The Politics of Mass Destruction  
The facts are clear: Saddam maintained a WMD program.  
By RICHARD SPERTZEL  
Jun 27 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105667247412949300,00.html%3Fmod%3Dopinion>

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#### Wonder Land

40 Years After Rev. King's Speech  
Beating racism is a moral fight, not a legal one.  
By DANIEL HENNINGER  
Jun 27 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB10566710079646800,00.html%3Fmod%3Dopinion>

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#### The Americas

Don't Harm U.S.-Chile Relations  
Free trade will spread American values in Latin America.  
By JOAQUIN LAVIN  
Jun 27 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105667061226303700,00.html%3Fmod%3Dopinion>

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#### International

LeBron Who?  
Foreign players have livened up the NBA.  
From The Wall Street Journal Europe  
Jun 27 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105666603510698900,00.html%3Fmod%3Dopinion>

~~~~~

Capped, but Not Scrapped  
The EU is paying the farmers without making them farm in return.  
From The Wall Street Journal Europe  
Jun 27 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105666638238404900,00.html%3Fmod%3Dopinion>

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Fischler Helps Ringfence CAP  
The radical reform of the EU's farm subsidies may not be so radical.  
By NEAL PARISH  
From The Wall Street Journal Europe  
Jun 27 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105666253991645000,00.html%3Fmod%3Dopinion>

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The Iron Husband  
Denis Thatcher contributed behind the scenes to Margaret Thatcher's administration.  
By ANDREW ROBERTS  
From The Wall Street Journal Europe  
Jun 27 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105666417370773100,00.html%3Fmod%3Dopinion>

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Will the EU Become Europe's Main Peacekeeper?  
The EU is looking at Moldova to test its emergent peace-support capabilities.  
By VLADIMIR SOCOR  
From The Wall Street Journal Europe  
Jun 27 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105666523957650100,00.html%3Fmod%3Dopinion>

~~~~~

Don't Mess With Taiwan's Democracy  
The U.S. has been quietly telling Taiwan not to hold referendums.  
By HUGO RESTALL  
From The Wall Street Journal Europe  
Jun 27 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB10566673049554500,00.html%3Fmod%3Dopinion>

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Tokyo and the Junta  
Japan has a history of going soft on Burma.  
From The Asian Wall Street Journal  
Jun 27 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105666812218360900,00.html%3Fmod%3Dopinion>

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Don't Revalue the Yuan  
A floating yuan may have severe deflationary consequences for China.  
By RONALD I. MCKINNON  
From The Asian Wall Street Journal  
Jun 27 2003



<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105666677269582600,00.html%3Fmod%3Dopinion>

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<http://cj.careercast.com/taxis/jm/jobPostForm.html?lookid=cj&jp=C>

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Colleen Litkenhaus/WHO/EOP@Exchange [ WHO ] <Colleen Litkenhaus>  
**Sent:** 6/27/2003 6:06:04 AM  
**Subject:** : Re: FW: Campaign travel

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 27-JUN-2003 10:06:04.00  
SUBJECT: : Re: FW: Campaign travel  
TO: Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

When they are traveling for official purposes only, they are official travelers and need not be paid for by the campaign and may return on Afl. This applies to Keith and the Mil Aides, based on this description.

FYI that my draft memo is coming around today on some of these permutations, although there always will be new questions of course.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 06/27/2003 10:01:42 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: FW: Campaign travel

help

-----Original Message-----  
From: Bourns, Lindsay J.  
Sent: Friday, June 27, 2003 9:45 AM  
To: Litkenhaus, Colleen  
Cc: Riepenhoff, Allison L.  
Subject: Campaign travel

Colleen-

I have a campaign-related travel question for you... I'm sure it's your first one, right?!

When trips are mixed (official and political portions), what are the rules on staff traveling for the official portion only continuing on to the other stops? For example, Monday's trip to Florida. The first event of the day is in Miami and it's official - Keith Hennessey from OPD is requesting to travel. The other stop is Tampa and strictly political. Is he allowed to return to DC on Afl, or does he need to return commercially? Also in this category are Milaides requesting rides home from their stops.

We have been told that Advance representatives will not be approved to return home on Afl from political trips because the campaign would have to pay the equivalent of a 1st class ticket for them. Does this rule apply above as well?

I hope that I haven't confused you - I've confused myself.

Thanks,  
Lindsay

REV\_00124651



---

**From:** Ho, James (Judiciary) <James\_Ho@Judiciary.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/27/2003 6:33:22 AM  
**Subject:** : Kennedy letter

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> ( "Ho, James (Judiciary)"  
<James\_Ho@Judiciary.senate.gov> [ UNKNOWN ] )

CREATION DATE/TIME:27-JUN-2003 10:33:22.00

SUBJECT:: Kennedy letter

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

I understand there,s a Kennedy letter on consultation.ÿ Is there someone  
in your office who could fax it over?ÿ (202) 228-2281 (fax).ÿ Thanks so  
much!

ÿ

James C. Ho

Chief Counsel

U.S.Senate Subcommittee on the Constitution, Civil Rights & Property  
Rights

U.S. Senator John Cornyn, Chairman

Dirksen Senate Office Building Room 139

(202) 224-7840 (office)

(202) 228-2281 (fax)

ÿ

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Patrick J. Bumatay/WHO/EOP@Exchange@EOP [ WHO ] <Patrick J. Bumatay>  
**Sent:** 6/27/2003 6:42:42 AM  
**Subject:** : Kennedy letter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-JUN-2003 10:42:42.00  
SUBJECT:: Kennedy letter  
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on  
06/27/2003 10:31 AM -----

"Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov>  
06/27/2003 10:29:49 AM  
Record Type: Record

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

I understand there,s a Kennedy letter on consultation. Is there someone  
in your office who could fax it over? (202) 228-2281 (fax). Thanks so  
much!

James C. Ho  
Chief Counsel  
U.S. Senate Subcommittee on the Constitution, Civil Rights & Property  
Rights  
U.S. Senator John Cornyn, Chairman  
Dirksen Senate Office Building Room 139  
(202) 224-7840 (office)  
(202) 228-2281 (fax)

---

**From:** Kavanaugh, Brett M.  
**To:** <Bumatay, Patrick J.>  
**Sent:** 6/27/2003 8:42:29 AM  
**Subject:** political speeches are not coming around in staffing; why not?

Message

**From:** Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange [ WHO ] ) [Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange [ WHO ] )]  
**Sent:** 6/27/2003 10:12:00 AM  
**To:** Mary Kate Johnson @SMTP@Exchange ( Mary Kate Johnson <mjohnson@cassidy.com>@SMTP@Exchange [ UNKNOWN ] ) [mjohnson@cassidy.com]; Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] ); Heather Larrison @SMTP@Exchange ( Heather Larrison [PRA 6]@SMTP@Exchange [ UNKNOWN ] ) [PRA 6] Julie Dorbandt @SMTP@Exchange ( Julie Dorbandt <jdorbandt@SicolaMartin.com>@SMTP@Exchange [ UNKNOWN ] ) [jdorbandt@SicolaMartin.com]; Brown, Amber @SMTP@Exchange ( "Brown, Amber" <AmberBrown@arn.com>@SMTP@Exchange [ UNKNOWN ] ) [AmberBrown@arn.com]; DAD @SMTP@Exchange ( DAD <jeestes@paalp.com>@SMTP@Exchange [ UNKNOWN ] ) [jeestes@paalp.com]; [PRA 6] Kearney @SMTP@Exchange ( Kearney [PRA 6]@SMTP@Exchange [ UNKNOWN ] ) [PRA 6] Heather Chesney @SMTP@Exchange ( Heather Chesney <hchesney@wscvb.com>@SMTP@Exchange [ UNKNOWN ] ) [hchesney@wscvb.com]; Jodi Wood @SMTP@Exchange ( Jodi Wood <wood\_jodi@hotmail.com>@SMTP@Exchange [ UNKNOWN ] ) [PRA 6] Bailes @SMTP@Exchange ( [PRA 6]@SMTP@Exchange [ UNKNOWN ] ) [baileykinney@earthlink.net]; MOM @SMTP@Exchange ( MOM <NEstes@hendrickhealth.org>@SMTP@Exchange [ UNKNOWN ] ) [NEstes@hendrickhealth.org]  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 27-JUN-2003 10:12:00.00

SUBJECT: :

TO: Mary Kate Johnson <mjohnson@cassidy.com>@SMTP@Exchange ( Mary Kate Johnson

<mjohnson@cassidy.com>@SMTP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: Heather Larrison <heather\_larrison@hotmail.com>@SMTP@Exchange ( Heather Larrison

[PRA 6]@SMTP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

TO: Julie Dorbandt <jdorbandt@SicolaMartin.com>@SMTP@Exchange ( Julie Dorbandt

<jdorbandt@SicolaMartin.com>@SMTP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

TO: "Brown, Amber" <AmberBrown@arn.com>@SMTP@Exchange ( "Brown, Amber" <AmberBrown@arn.com>@SMTP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

TO: DAD <jeestes@paalp.com>@SMTP@Exchange ( DAD <jeestes@paalp.com>@SMTP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

TO: egwa [PRA 6]@SMTP@Exchange [PRA 6]@SMTP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

TO: Kearney [PRA 6].com>@SMTP@Exchange [PRA 6]@SMTP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

TO: Heather Chesney <hchesney@wscvb.com>@SMTP@Exchange ( Heather Chesney

<hchesney@wscvb.com>@SMTP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

TO: Jodi Wood [PRA 6]@SMTP@Exchange ( Jodi Wood [PRA 6]@SMTP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

TO: Bailes [PRA 6]@SMTP@Exchange ( Bailes [PRA 6]@SMTP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

TO: MOM <NEstes@hendrickhealth.org>@SMTP@Exchange ( MOM <NEstes@hendrickhealth.org>@SMTP@Exchange [ UNKNOWN ] )

READ: UNKNOWN

##### End Original ARMS Header #####

the president just announced a new initiative to cut out telemarketers. ;  
you can now block your home and cell #'s from being called. ; your # won't  
be removed from their lists until october - but i think it's worth it to  
sign up. ; you can do it online at ; www.donotcall.gov  
<http://www.donotcall.gov> ; - it takes less than a minute to register.

REV\_00124689

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Ho, James (Judiciary) <James\_Ho@Judiciary.senate.gov>  
**Sent:** 6/27/2003 6:42:43 AM  
**Subject:** : Re: Kennedy letter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-JUN-2003 10:42:43.00  
SUBJECT:: Re: Kennedy letter  
TO:"Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> ( "Ho, James (Judiciary)"  
<James\_Ho@Judiciary.senate.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

on its way

"Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov>  
06/27/2003 10:29:49 AM  
Record Type: Record

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

I understand there,s a Kennedy letter on consultation. Is there someone  
in your office who could fax it over? (202) 228-2281 (fax). Thanks so  
much!

James C. Ho  
Chief Counsel  
U.S. Senate Subcommittee on the Constitution, Civil Rights & Property  
Rights  
U.S. Senator John Cornyn, Chairman  
Dirksen Senate Office Building Room 139  
(202) 224-7840 (office)  
(202) 228-2281 (fax)



---

**From:** Ho, James (Judiciary) <James\_Ho@Judiciary.senate.gov>  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/27/2003 6:48:53 AM  
**Subject:** : RE: Kennedy letter

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Ho, James (Judiciary)" <James\_Ho@Judiciary.senate.gov> ( "Ho, James (Judiciary)"  
<James\_Ho@Judiciary.senate.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:27-JUN-2003 10:48:53.00  
SUBJECT:: RE: Kennedy letter  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Thanks so much -- I understand that it's the most effective letter yet  
from the Dem side.

-----Original Message-----  
From: Brett M. Kavanaugh@who.eop.gov  
[mailto:Brett\_M.\_Kavanaugh@who.eop.gov]  
Sent: Friday, June 27, 2003 10:32 AM  
To: Ho, James (Judiciary)  
Subject: Re: Kennedy letter

on its way

(Embedded  
image moved "Ho, James (Judiciary)"  
to file: <James\_Ho@Judiciary.senate.gov>  
pic24415.pcx) 06/27/2003 10:29:49 AM

Record Type: Record

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

cc:  
Subject: Kennedy letter

I understand there

---

**From:** CN=Theodore W. Ulliot/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 6/27/2003 6:49:49 AM  
**Subject:** : Berenson

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME:27-JUN-2003 10:49:49.00  
SUBJECT:: Berenson  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Did he make it onto the news last night? All I saw from ABC was  
Nightline, which at least while I was watching had nothing about the  
Court, so no Berenson.

---

**From:** Ganter, Jonathan F.  
**To:** <Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Bartolomucci, H. Christopher>;<Kavanaugh, Brett M.>;<Sampson, Kyle>;<Powell, Benjamin A.>;<Newstead, Jennifer G.>;<Ullyot, Theodore W.>  
**CC:** <Bumatay, Patrick J.>;<Farrell, J. Elizabeth>  
**Sent:** 6/27/2003 5:28:47 PM  
**Subject:** Correspondence

FYI- We received a bulk delivery of letters this week that are from February of 2002. Although many may regard issues which have been overtaken by events, I still logged them into the system using the normal process. We are still trying to discern if this delay was related to the anthrax scare or if it is all somehow Patrick's fault. I will be sure to let you know.

Have a good weekend.

Jon

---

**From:** Ralston, Susan B.  
**To:** <Litkenhaus, Colleen>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 6/27/2003 5:40:38 PM  
**Subject:** RE: 3:00 Working Group today - Room 180 and call in for those on the road

Izzy explained that this is a standing meeting that takes place for all upcoming WH events. If a BC'04 event is on the schedule, the campaign personnel get to participate just for that portion of the discussion. For today's call, they did discuss Monday's BC'04 events in FL, but they also discussed 4th of July in OH. That's the background. I'll let Brett decide re: reimbursement of any cost. What is the cost associated for having a conference call like this?

-----Original Message-----

**From:** Litkenhaus, Colleen  
**Sent:** Friday, June 27, 2003 12:37 PM  
**To:** Ralston, Susan B.  
**Subject:** FW: 3:00 Working Group today - Room 180 and call in for those on the road

Is this an example of a conference call that should be paid for by the campaign?

-----Original Message-----

**From:** Bearson, Darren W.  
**Sent:** Friday, June 27, 2003 11:37 AM  
**To:** Linder, Stephanie E.; Bourns, Lindsay J.; Beyer, Todd W.; Gannon, Kelley; Reid, Margaret A.; Drummond, Ashley D.; Opa - Political Affairs; Cook Media Affairs, Jane M.; Walsh, Edmund A.; Iga Intergovernmental Affairs; Dickens, Reed; Gottesman, Blake; Sforza, Scott N.; virginia t. gregory/who/eop@eop; Steen, Gretchen P.; Office Of Media Affairs; Litkenhaus, Colleen; lindsey c. kozberg/opd/eop@eop; Otto, Eric H.; Hernandez, Israel; Young, Tracy; Viana, Mercedes M.; Gonzalez, Emilio T.; Dayspring, Bradford D.; Oca - Office Of Cabinet Affairs; Deckard, Josh ; Thomas, Julianne H.; Estes, John D.; Medina, Sonya E.; Jones, Brian C.; Snee, Ashley; Opl - Public Liaison; White, Jeremy L.; Kuo, David; Atkiss, Steven A.; Warsh, Kevin; Mynster, Kathleen; Mallea, Jose; Pipes, Kasey S.; Riepenhoff, Alison L.; Parell, Christie; Fulerton, Laura F.; West, Christal R.; Holbrook, Ashley ; Ingols, Adam B.; Campbell, Anne E.; Vargo, Erin A.; Jenkins, Gregory J.; Wray, Jennifer A.; Reardon, Brian; Besanceney, Brian R.; Elliott, Ruth E.; Douglass, Kimberly A.; Godfrey, Georgia D.; Schake, Kori N.; Gray, Terra ; Burkhart, Shannon; Healy, Erin E.; Lineberry, Stephen M.; Dunlap, Kady ; Atkiss, Steven A.; Lineberry, Stephen M.; Villarreal, Jesse O.; Waters, James A.  
**Cc:** cjohnson@georgewbush.com  
**Subject:** 3:00 Working Group today - Room 180 and call in for those on the road

Florida 3:00 to 3:10  
Ohio 3:10 to 3:20

Call in #

1-877-787-4413  
Code: 736939#

---

**From:** Litkenhaus, Colleen  
**To:** <Ralston, Susan B.>  
**CC:** <Kavanaugh, Brett M.>  
**Sent:** 6/28/2003 4:15:18 PM  
**Subject:** Re: 3:00 Working Group today - Room 180 and call in for those on the road

I'm not worried about the cost on our end. Just wanted to make sure we weren't breaking any rules.

-----Original Message-----

From: Ralston, Susan B.  
To: Litkenhaus, Colleen  
CC: Kavanaugh, Brett M.  
Sent: Fri Jun 27 17:40:38 2003  
Subject: RE: 3:00 Working Group today - Room 180 and call in for those on the road

Izzy explained that this is a standing meeting that takes place for all upcoming WH events. If a BC'04 event is on the schedule, the campaign personnel get to participate just for that portion of the discussion. For today's call, they did discuss Monday's BC'04 events in FL, but they also discussed 4th of July in OH. That's the background. I'll let Brett decide re: reimbursement of any cost. What is the cost associated for having a conference call like this?

-----Original Message-----

From: Litkenhaus, Colleen  
Sent: Friday, June 27, 2003 12:37 PM  
To: Ralston, Susan B.  
Subject: FW: 3:00 Working Group today - Room 180 and call in for those on the road

Is this an example of a conference call that should be paid for by the campaign?

-----Original Message-----

From: Bearson, Darren W.  
Sent: Friday, June 27, 2003 11:37 AM  
To: Linder, Stephanie E.; Bourns, Lindsay J.; Beyer, Todd W.; Gannon, Kelley; Reid, Margaret A.; Drummond, Ashley D.; Opa - Political Affairs; Cook Media Affairs, Jane M.; Walsh, Edmund A.; Iga Intergovernmental Affairs; Dickens, Reed; Gottesman, Blake; Sforza, Scott N.; virginia t. gregory/who/eop@eop; Steen, Gretchen P.; Office Of Media Affairs; Litkenhaus, Colleen; lindsey c. kozberg/opd/eop@eop; Otto, Eric H.; Hernandez, Israel; Young, Tracy; Viana, Mercedes M.; Gonzalez, Emilio T.; Dayspring, Bradford D.; Oca - Office Of Cabinet Affairs; Deckard, Josh; Thomas, Julianne H.; Estes, John D.; Medina, Sonya E.; Jones, Brian C.; Snee, Ashley; Opl - Public Liaison; White, Jeremy L.; Kuo, David; Atkiss, Steven A.; Warsh, Kevin; Mynster, Kathleen; Mallea, Jose; Pipes, Kasey S.; Riepenhoff, Allison L.; Parell, Christie; Fullerton, Laura F.; West, Christal R.; Holbrook, Ashley; Ingols, Adam B.; Campbell, Anne E.; Vargo, Erin A.; Jenkins, Gregory J.; Wray, Jennifer A.; Reardon, Brian; Besanceney, Brian R.; Elliott, Ruth E.; Douglass, Kimberly A.; Godfrey, Georgia D.; Schake, Kori N.; Gray, Terra; Burkhart, Shannon; Healy, Erin E.; Lineberry, Stephen M.; Dunlap, Kady; Atkiss, Steven A.; Lineberry, Stephen M.; Villarreal, Jesse O.; Waters, James A.

Cc: cjohnson@georgewbush.com  
Subject: 3:00 Working Group today - Room 180 and call in for those on the road

Florida 3:00 to 3:10  
Ohio 3:10 to 3:20

Call in #

1-877-787-4413  
Code: 736939#

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 6/30/2003 1:29:44 AM  
**Subject:** : OpinionJournal - On the Editorial Page - June 30, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME:30-JUN-2003 05:29:44.00  
SUBJECT:: OpinionJournal - On the Editorial Page - June 30, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY CYNTHIA OZICK  
<http://www.opinionjournal.com/editorial/?id=110003690>

Palestine: Nation or death cult?

12:01 a.m. EDT

Thinking Things Over BY ROBERT L. BARTLEY  
<http://www.opinionjournal.com/columnists/rbartley/?id=110003691>

Does the global economy need a global currency?

12:01 a.m. EDT

Extra BY JAMES TARANTO  
<http://www.opinionjournal.com/extra/?id=110003689>

Howard Dean wins an online "primary." Will Al Gore regret having helped create the Internet?

12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

A Comeback for MSAs  
Medical-savings accounts need Bush's help in the Senate.  
Jun 30 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB10569369744179200,00.html%3Fmod%3Dopinion>

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Lawyers v. First Amendment  
Speak out and you may be sued.  
Jun 30 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105693717642723000,00.html%3Fmod%3Dopinion>

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French De-Capitation  
They don't mind unilateralism when it comes to farm subsidies.  
Jun 30 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105693742017810200,00.html%3Fmod%3Dopinion>

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#### Commentary

Where Hatred Trumps Bread  
What does the Palestinian nation offer the world?  
By CYNTHIA OZICK  
Jun 30 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105693802368469500,00.html%3Fmod%3Dopinion>

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Nike and the Free-Speech Knot  
Can't companies engage in public debate?  
By EUGENE VOLOKH  
Jun 30 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105693842910086500,00.html%3Fmod%3Dopinion>

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Salivating Over Fast-Food Torts  
Obesity is the next trial-lawyer target.  
By JASON L. RILEY  
Jun 30 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105693827658675000,00.html%3Fmod%3Dopinion>

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#### Thinking Things Over

World Money at the Palazzo Mundell  
Does the global economy need a global currency?  
By ROBERT L. BARTLEY  
Jun 30 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105693869914451900,00.html%3Fmod%3Dopinion>

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#### International

Anger in Hong Kong  
The sixth anniversary of the return to Chinese rule will not be a happy occasion.  
From The Wall Street Journal Europe  
Jun 30 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105691964253235700,00.html%3Fmod%3Dopinion>

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Zero Tolerance for Anti-Semitism  
America is demanding firm action while Europe tries to downplay the

problem.

By DANIEL FREEDMAN

From The Wall Street Journal Europe

Jun 30 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105692157554656300,00.html%3Fmod%3Dopinion>

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Global Vice Squad

Companies are tapped to rid the world of corruption.

By MATTHEW KAMINSKI

From The Wall Street Journal Europe

Jun 30 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105692207424142600,00.html%3Fmod%3Dopinion>

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A Chinese Roadmap for Korea

Only Beijing can broker a multilateral package deal and verify the dismantling of Pyongyang's nuclear programs.

By JOHN S. PARK

From The Asian Wall Street Journal

Jun 30 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105692001380520800,00.html%3Fmod%3Dopinion>

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**From:** Deziel, Dennis R.  
**To:** <Schacht, Diana L.>;<Kavanaugh, Brett M.>;<Warsh, Kevin>;<Kupfer, Jeffrey F.>  
**Sent:** 6/30/2003 11:29:20 AM  
**Subject:** Asbestos Meeting

The EPA asbestos meeting tomorrow will be at 722 Jackson Place, 1-2. Thanks. Dennis

----- Forwarded by Dennis R. Deziel/CEQ/EOP on 06/30/2003 11:29 AM -----

Dennis R. Deziel

06/16/2003 03:11:40 PM

Record Type: Record

To: Diana L. Schacht/OPD/EOP@EOP

cc: Brett M. Kavanaugh/WHO/EOP@EOP, Kevin Warsh/OPD/EOP@EOP, Jeffrey F. Kupfer/WHO/EOP@Exchange@EOP

Subject: Asbestos Meeting

EPA is scheduled to brief the EOP on the pros and cons of an asbestos ban on July 1st, from 1pm-2pm. This is not intended to be a decisional meeting, but to begin a process for understanding the use of asbestos in products in the US, and discuss the pros and cons of regulatory and/or legislative approaches to deal with asbestos. Attendees for the EOP are expected to include CEQ, OMB, CEA, OVP, and DPC (represented by one or all of you).

There is no clear link to the asbestos litigation reform issue DPC is working on, but you may be interested in looking at an asbestos issue from a different angle. Your participation would be appreciated if possible.

Please let me know. Thanks Dennis

---

**From:** Litkenhaus, Colleen  
**To:** <Litkenhaus, Colleen>; <Atkiss, Steven A.>; <Jenkins, Gregory J.>; <O'Donnell, Claire M.>; <Gray, Terra>; <Douglass, Kimberly A.>; <Prendergast, Katherine M.>  
**CC:** <Kavanaugh, Brett M.>; <Ralston, Susan B.>; <Boisvenue, Michael J.>  
**Sent:** 6/30/2003 12:28:58 PM  
**Subject:** RE:

If folks have receipts for gas or supplies, the expense report can be faxed to Mike at 703-647-2997.

-----Original Message-----

**From:** Litkenhaus, Colleen  
**Sent:** Monday, June 30, 2003 8:29 AM  
**To:** Atkiss, Steven A.; Jenkins, Gregory J.; O'Donnell, Claire M.; Gray, Terra ; Douglass, Kimberly A.; Prendergast, Katherine M.  
**Cc:** Kavanaugh, Brett M.; Ralston, Susan B.; Boisvenue, Michael J.  
**Subject:**

Per Diem

The campaign will be paying \$25 for partial days (travel days) and \$40 for full days. No receipts are required. Commissioned Officers will not get per diem. Please have everyone email the expense reports to [mike@georgewbush.com](mailto:mike@georgewbush.com).

THANKS!

(am I forgetting to email this expense report form to anyone? please forward if I am)

---

**From:** Kavanaugh, Brett M.  
**To:** <Snee, Ashley>  
**CC:** <Litkenhaus, Colleen>  
**Sent:** 6/30/2003 4:06:07 PM  
**Subject:** CNN/John King

just said that scheduling of official events with political events (as today in Miami) defrays cost to campaign of the travel. That was true for mid-terms but not true with hypothetical formula that is used for Presidential campaigns. Ashley, can you call John King about this?

---

**From:** Kavanaugh, Brett M.  
**To:** <Montiel, Charlotte L.>;<Kavanaugh, Brett M.>  
**Sent:** 6/30/2003 9:54:51 PM  
**Subject:** Re: staffing memo

Need to review.

.

----- Original Message -----

From:Charlotte L. Montiel/WHO/EOP@Exchange

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

Cc:

Date: 06/30/2003 06:34:56 PM

Subject: staffing memo

do you have comments on the form responses to autism and economy?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Charlotte L. Montiel/WHO/EOP@EOP [ WHO ] <Charlotte L. Montiel>  
**Sent:** 7/1/2003 4:09:53 AM  
**Subject:** : Re: staffing memo

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUL-2003 08:09:53.00  
SUBJECT:: Re: staffing memo  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Ok. When you do that, it helps to let people know.

.

----- Original Message -----  
From:Charlotte L. Montiel/WHO/EOP@Exchange  
To:Brett M. Kavanaugh/WHO/EOP@EOP  
Cc:  
Date: 07/01/2003 07:35:02 AM  
Subject: Re: staffing memo

Got kyle to do it.

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 7/1/2003 1:21:41 AM  
**Subject:** : OpinionJournal - On the Editorial Page - July 1, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME: 1-JUL-2003 05:21:41.00  
SUBJECT:: OpinionJournal - On the Editorial Page - July 1, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY DIANE RAVITCH  
<http://www.opinionjournal.com/editorial/?id=110003695>

Want to stop educators from dumbing down books and tests? Laugh at them.  
12:01 a.m. EDT

The Western Front BY BRENDAN MINITER  
<http://www.opinionjournal.com/columnists/bminiter/?id=110003693>

On the edges of Ground Zero, things no longer seem so raw.  
12:01 a.m. EDT

Leisure & Arts BY JOE MORGENSTERN  
<http://www.opinionjournal.com/la/?id=110003694>

Katharine Hepburn was no siren. She didn't have to be.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

The Decline of Hong Kong  
China betrayed the promise to let the people of Hong Kong rule Hong Kong.  
Jul 01 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105701839366093500,00.html%3Fmod%3Dopinion>

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The Subsidy Express  
Congress tries to give Amtrak twice even what the railroad says it needs.  
Jul 01 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10570185345030600,00.html%3Fmod%3Dopinion>

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Asbestos Takes the Senate  
And we thought this mess couldn't get any worse.  
Jul 01 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105701865540496700,00.html%3Fmod%3Dopinion>

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#### Commentary

##### The Kashmir Impasse

Giving Pakistan guns and money won't stabilize Southeast Asia.

By PERVEZ HOODBHOY

Jul 01 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105701912654479200,00.html%3Fmod%3Dopinion>

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##### Wired Patients

Digitized health records would save money and lives.

By LAURA LANDRO

Jul 01 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105701931935645600,00.html%3Fmod%3Dopinion>

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##### Cut on the Bias

Want to stop educators from dumbing down tests? Try laughing at them.

By DIANE RAVITCH

Jul 01 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105701947422718500,00.html%3Fmod%3Dopinion>

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#### Global View

##### Banks in Public Policy Court Trouble

How not having a monetary policy saved Bulgaria.

By GEORGE MELLOAN

Jul 01 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105701664945746200,00.html%3Fmod%3Dopinion>

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#### Leisure & Arts

##### Music

It's Been 'All in Good Time'

In the world of jazz, being English, white and a woman were considered three strikes against Marian McPartland.

By JOANNE KAUFMAN

Jul 01 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105702174623627900,00.html%3Fmod%3Dopinion>

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##### Sabermetrics Goes Mainstream

So why do baseball writers rely on outmoded stats?

By CARL BIALIK

Jul 01 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105702342689980000,00.html%3Fmod%3Dopinion>

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Opera  
A Truly Hellish 'La Damnation de Faust'  
The San Francisco Opera and the Ojai Music Festival.  
By DAVID LITTLEJOHN  
Jul 01 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105702230463930400,00.html%3Fmod%3Dopinion>

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Mourning the Glory That Was Kate  
Katherine Hepburn was no siren. She didn't have to be.  
By JOE MORGENSTERN  
Jul 01 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB10570220362714200,00.html%3Fmod%3Dopinion>

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Books  
Trade in the Watery Part of the World  
"Transatlantic"  
By DAVID M. SHRIBMAN  
Jul 01 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105702402645495500,00.html%3Fmod%3Dopinion>

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Time Off  
Diversions  
The Declaration of Independence  
Jul 01 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105702151264908900,00.html%3Fmod%3Dopinion>

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International

Dr. Schroder and Mr. Hyde  
The tax-cutting chancellor is back again.  
From The Wall Street Journal Europe  
Jul 01 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105700700516230900,00.html%3Fmod%3Dopinion>

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Peace in Our Times?  
A cease-fire with terrorists is always a double-edged sword.  
From The Wall Street Journal Europe  
Jul 01 2003

<http://www.wsj.com/wsjpgate?source=jopinaowsj&URI=/article/0,,SB105700738018225400,00.html%3Fmod%3Dopinion>

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A Bad Sales Job  
Vox populi and science are a bad mix.  
By HENRY I. MILLER  
From The Wall Street Journal Europe  
Jul 01 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105700644163464600,00.html%3Fmod%3Dopinion>

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**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>  
**Sent:** 7/1/2003 6:52:12 AM  
**Subject:** : please call re warner call

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUL-2003 10:52:12.00  
SUBJECT:: please call re warner call  
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

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**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 7/1/2003 7:35:33 AM  
**Subject:** : RE: please call re warner call

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 1-JUL-2003 11:35:33.00  
SUBJECT:: RE: please call re warner call  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Called you back. Call me.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, July 01, 2003 10:51 AM  
To: Nelson, Carolyn  
Subject: please call re warner call

---

**From:** CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 7/1/2003 3:36:22 AM  
**Subject:** : Re: staffing memo

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 1-JUL-2003 07:36:22.00

SUBJECT:: Re: staffing memo

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Got kyle to do it.

---

**From:** Kavanaugh, Brett M.  
**To:** <Montiel, Charlotte L.>  
**Sent:** 7/1/2003 8:37:46 AM  
**Subject:** Re: staffing memo

Did he have any comments? When did he turn this in?

From: Charlotte L. Montiel/WHO/EOP@Exchange on 07/01/2003 07:35:02 AM

Record Type: Record

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

cc:

Subject: Re: staffing memo

Got kyle to do it.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Charlotte L. Montiel/WHO/EOP@Exchange [ WHO ] <Charlotte L. Montiel>  
**Sent:** 7/1/2003 4:38:50 AM  
**Subject:** : Re: staffing memo

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUL-2003 08:38:50.00  
SUBJECT:: Re: staffing memo  
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Did he have any comments? When did he turn this in?

From: Charlotte L. Montiel/WHO/EOP@Exchange on 07/01/2003 07:35:02  
AM  
Record Type: Record  
  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: staffing memo

Got kyle to do it.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Daryl L. Joseffer/OMB/EOP@EOP [ OMB ] <Daryl L. Joseffer>  
**Sent:** 7/1/2003 4:40:44 AM  
**Subject:** : race

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUL-2003 08:40:44.00  
SUBJECT:: race  
TO:Daryl L. Joseffer ( CN=Daryl L. Joseffer/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Do you have a summary of all of the current race-based programs that we need to do something with in the short term (reauths, 8a, etc.)?

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>  
**Sent:** 7/1/2003 5:02:24 AM  
**Subject:** : do you have a phone number for Warner?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUL-2003 09:02:24.00  
SUBJECT:: do you have a phone number for Warner?  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>  
**Sent:** 7/1/2003 5:05:10 AM  
**Subject:** : what is name of woman being announced today?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUL-2003 09:05:10.00  
SUBJECT:: what is name of woman being announced today?  
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Susan B. Ralston/WHO/EOP@Exchange [ WHO ] <Susan B. Ralston>  
**CC:** Israel Hernandez/WHO/EOP@Exchange [ WHO ] <Israel Hernandez>  
**Sent:** 7/1/2003 9:54:45 AM  
**Subject:** : RE: Ethics Briefing for WH Staff

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 1-JUL-2003 13:54:45.00  
SUBJECT:: RE: Ethics Briefing for WH Staff  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Here is my proposal. Thoughts? Changes? What am I not thinking about?

Briefing One (Harriet)  
Staff Secretary 6  
Correspondence\* 62  
Exec. Clerk\* 10  
Records Management\* 24  
102 total

Briefing Two (Rove/Card)  
Intergov 9  
OPA 8  
OSI 13  
OPA 12  
COS 10  
OOO 3  
55 total

Briefing Three (Bartlett/Gerson/Fleischer)  
Communications 12  
Global 9  
Media Affairs 11  
Speechwriting 12  
Press Sec 12  
56 total

Briefing Four (Hagin)  
M&A WW 4  
Room One 8  
Personnel 3  
Photo Office\* 12  
Operators\* 15  
Travel Office 8  
Visitor's Office 5  
WHMO 1  
Scheduling 10  
Advance 19  
First Lady's Office 19  
104 total

Briefing Five (Harriet/Hobbs)  
DPC 18  
Aids 4  
NEC 15  
Faith Based 10

Freedom Corp 13  
Leg Affairs 25  
Cabinet Affairs 10  
95 total

ú Are there any offices above that we do not need to include? I put an \* next to the offices that I'm really wondering about.

ú Is it ok that we are not doing briefings for the following WH Offices: PPO, Counsel and HSC

ú Should they be mandatory?

ú Should we take attendance and have make-up sessions?

I've held 450 for Tues, Wed and Thursday at both 9am and 4pm. Let me know if you want to go with morning or afternoon - so I can release the room.

THANKS

-----Original Message-----

From: Ralston, Susan B.  
Sent: Tuesday, July 01, 2003 11:05 AM  
To: Kavanaugh, Brett M.  
Cc: Litkenhaus, Colleen; Hernandez, Israel  
Subject: RE: Ethics Briefing for WH Staff

I'll work w/ Colleen.

-----Original Message-----

From: Kavanaugh, Brett M.  
Sent: Tuesday, July 01, 2003 10:39 AM  
To: Ralston, Susan B.  
Subject: Re: Ethics Briefing for WH Staff

We can do this the week of the 7th. Note that if it is a briefing for WH staff, it should be done by us and Tom should not do it. How should we set it up?

From: Susan B. Ralston/WHO/EOP@Exchange on 06/27/2003 12:04:05 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP,  
tjosefiak@georgewbush.com@SMTP@Exchange  
cc:  
Subject: Ethics Briefing for WH Staff

When do you think you'll be ready to do a briefing for the WH staff re: working w/ the campaign and all the ethical guidelines we should follow?

REV\_00124822

---

**From:** Sean Rushton <SRushton@CommitteeforJustice.org>  
**To:** SRushton@CommitteeforJustice.org [ UNKNOWN ] <SRushton@CommitteeforJustice.org>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 7/1/2003 6:05:06 AM  
**Subject:** : CFJ in People.

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Sean Rushton <SRushton@CommitteeforJustice.org> ( Sean Rushton  
<SRushton@CommitteeforJustice.org> [ UNKNOWN ] )  
CREATION DATE/TIME: 1-JUL-2003 10:05:06.00  
SUBJECT:: CFJ in People.  
TO:SRushton@CommitteeforJustice.org ( SRushton@CommitteeforJustice.org [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

People

June 30, 2003

Bachelor Bush to Change His Ways Soon

STEPHEN M. SILVERMAN and SARAH ELKINS

The Bush family's most eligible bachelor . presidential nephew George Prescott Bush . seems to have found true love and wants to "start a family as soon as possible," reports PEOPLE.

The recent University of Texas Law School grad was in Washington on Friday with his girlfriend of two years, Amanda Williams, to support the Committee for Justice, a group that backs the President's  
<<http://people.aol.com/people/profiles/basicfacts/0,9855,104915,00.html>>  
's judicial choices, and the younger Bush (who's the son of Florida Gov. Jeb Bush and Mexican-born Columba Bush), says he plans to work for his uncle's re-election campaign.

Bush, 27, and Williams, also a University of Texas Law School grad, will both be taking the bar in Texas in the next month, and he says he intends to practice in Texas. She intends to become a litigator.

When asked if his plans include entering politics, Bush said, "My grandmother (Barbara Bush), who I always seek advice from, told me that before you enter politics -- or even think about entering politics -- you should distinguish yourself outside of politics by doing something in the business world or any other world.

"Make a name for yourself, have a family, marry someone great, have some kids, buy a house, pay taxes, and do the things everyone also does instead of just running out and saying, 'Hey, I'm the nephew of or the son of or the grandson of..."

Bush met Williams in a trial advocacy class at the University of Texas Law School. He sat behind her and passed notes during class, asking her if she wanted to play golf with him.

His "most eligible" status and mention as one of PEOPLE's top Bachelors in 2000 didn't bother Williams, he said. "It was hard at first, but she's a very level-headed person so it hasn't really been that much of an issue."

Without revealing wedding plans, Bush told PEOPLE that he and Williams hope to start a family "as soon as possible. I'm very excited to. I want a lot of kids."

Ÿ

Sean Rushton

Executive Director

Committee for Justice

1275 Pennsylvania Avenue, NW

Tenth Floor

Washington, DC20004

202-481-6850 phone

202-487-6439 mobile

[www.committeeforjustice.org](http://www.committeeforjustice.org)

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**From:** Leitch, David G.  
**To:** <Gonzales, Alberto R.>;<Addington, David S.>;<Bellinger, John B.>;<Kavanaugh, Brett M.>  
**Sent:** 7/1/2003 10:09:05 AM  
**Subject:**

New DC Circuit decision re Algiers Accords and authority of Congress to abrogate:

<http://pacer.cadc.uscourts.gov/docs/common/opinions/200307/02-5145a.pdf>

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**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>;<Gonzales, Alberto R.>;<Addington, David S.>  
**Sent:** 7/1/2003 10:12:40 AM  
**Subject:** CADC

I also would expect Judicial Watch decision before Friday, although that is just speculation on my part.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>  
**CC:** colleen litkenhaus/who/eop@exchange [ WHO ] <colleen litkenhaus>  
**Sent:** 7/1/2003 6:42:30 AM  
**Subject:** : Re: FW: TA for Deaborn MI

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUL-2003 10:42:30.00  
SUBJECT:: Re: FW: TA for Deaborn MI  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:colleen litkenhaus ( CN=colleen litkenhaus/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/30/2003 05:13:44 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Colleen Litkenhaus/WHO/EOP@Exchange  
Subject: FW: TA for Deaborn MI

Please approve

-----Original Message-----

From: Smith, Courtney  
Sent: Monday, June 30, 2003 4:17 PM  
To: Douglass, Kimberly A.  
Subject: TA for Deaborn MI

Approval is needed to process the TA for the travel of two (2) advance representatives, for the visit of the President to Dearborn, MI2003 for a Bush/Cheney 2004 Fundraiser.

1)Joe Ellis  
July 18, 2003-7:45am  
Northwest Flt#0244, DCA to Detroit Metro

July 25, 2003-7:10am  
Northwest Flt#0234 , Detroit Metro to DCA

Air:\$282.00  
Per Diem:  
Lodging:  
Car Rental:\$32.47/day hertz-full-size

2)William Hughes  
July 18, 2003-7:45am  
Northwest Flt#0244, DCA to Detroit Metro

July 25, 2003-7:10am  
Northwest Flt#0234 , Detroit Metro to DCA

Air:\$282.00  
Per Diem:  
Lodging:



Car Rental:\$32.47/day hertz-full-size

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>  
**CC:** colleen litkenhaus/who/eop@exchange [ WHO ] <colleen litkenhaus>  
**Sent:** 7/1/2003 6:42:58 AM  
**Subject:** : Re: FW: TA for Portland OR

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUL-2003 10:42:58.00  
SUBJECT:: Re: FW: TA for Portland OR  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:colleen litkenhaus ( CN=colleen litkenhaus/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/30/2003 05:14:52 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Colleen Litkenhaus/WHO/EOP@Exchange  
Subject: FW: TA for Portland OR

Please approve

-----Original Message-----  
From: Smith, Courtney  
Sent: Monday, June 30, 2003 4:59 PM  
To: Douglass, Kimberly A.  
Subject: TA for Portland OR

Approval is needed to process the TA for the travel of one (1) advance representatives, for the visit of the President to Portland, OR for a Bush/Cheney 2004 Fundraiser.

1) Mike Heath  
August 15, 2003-10:15am  
Delta Flt#0287, BWI to Atlanta GA

August 15, 2003-1:15pm  
Delta FLt#0467Atlanta GA to Dallas TX

August 15, 2003-3:40pm  
Delta Flt#0467DFW to Portland OR

August 21, 2003-9:55pm  
Delta Flt# 1576Portland OR to Atlanta

August 22, 2003-6:50am  
Delta Flt#2102Atlanta to BWI  
Air:\$532.50  
Per Diem:  
Lodging:  
Car Rental:\$38.23/day, National-Full-Size



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>  
**CC:** colleen litkenhaus/who/eop@exchange [ WHO ] <colleen litkenhaus>  
**Sent:** 7/1/2003 6:42:41 AM  
**Subject:** : Re: FW: TA for Houston TX

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUL-2003 10:42:41.00  
SUBJECT:: Re: FW: TA for Houston TX  
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
CC:colleen litkenhaus ( CN=colleen litkenhaus/OU=who/O=eop@exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/30/2003 05:14:12 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: Colleen Litkenhaus/WHO/EOP@Exchange  
Subject: FW: TA for Houston TX

Please approve

-----Original Message-----

From: Smith, Courtney  
Sent: Monday, June 30, 2003 3:54 PM  
To: Douglass, Kimberly A.  
Subject: TA for Houston TX

Approval is needed to process the TA for the travel of two (2) advance representatives, for the visit of the President to Houston, TX 2003 for a Bush/Cheney 2004 Fundraiser.

1)Susie Eckelkamp  
July 13, 2003-11:30am  
Southwest Flt#0259, St. Louis to Houston TX

July 20, 2003-7:45am  
Southwest Flt#2440, Houston to St. Louis  
Air:\$283.50  
Per Diem:  
Lodging:  
Car Rental:\$29.71/day-Alamo-Full-Size

2)Peter Watkins  
July 13, 2003-8:45am  
Continental Flt#1919, BWI to Houston

July 20, 2003-8:10am  
Continental Flt#0126  
Air:\$431.50  
Per Diem:  
Lodging:  
Car Rental:\$29.71/day-Alamo-Full-Size

REV\_00124834



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>  
**Sent:** 7/1/2003 6:43:16 AM  
**Subject:** : Re: FW: TA for Denver CO

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUL-2003 10:43:16.00  
SUBJECT:: Re: FW: TA for Denver CO  
TO: Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/30/2003 05:44:47 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: FW: TA for Denver CO

Please approve

-----Original Message-----

From: Smith, Courtney  
Sent: Monday, June 30, 2003 5:14 PM  
To: Douglass, Kimberly A.  
Subject: TA for Denver CO

Approval is needed to process the TA for the travel of one (1) advance representatives, for the visit of the President to Denver, CO 2003 for a Bush/Cheney 2004 Fundraiser.

1) Joe Ellis  
August 6, 2003-9:55am  
United Flt#2155, DCA to Pittsburgh, PA

August 6, 2003-11:50am  
United Flt#2156, Pittsburgh to Denver

August 12, 2003-8:00am  
United Flt#0262, Denver to Chicago O'hare

August 12, 2003-12:00pm  
United Flt#0612, Chicago to Denver  
Air: \$425.00  
Per Diem:  
Lodging:  
Car Rental: \$47.87, Thrifty-Full-Size

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>  
**Sent:** 7/1/2003 6:43:26 AM  
**Subject:** : Re: FW: TA for Orlando FL

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUL-2003 10:43:26.00  
SUBJECT:: Re: FW: TA for Orlando FL  
TO: Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/30/2003 05:45:03  
PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: FW: TA for Orlando FL

Please approve

-----Original Message-----  
From: Smith, Courtney  
Sent: Monday, June 30, 2003 5:31 PM  
To: Douglass, Kimberly A.  
Subject: TA for Orlando FL

Approval is needed to process the TA for the travel of one (1) advance representatives, for the visit of the President to Orland, FL 2003 for a Bush/Cheney 2004 Fundraiser.

1) Therese Burch  
August 20, 2003-10:00am  
US Airways Flt#0515, DCA to Orlando

No return

Air: \$147.00  
Per Diem:  
Lodging:  
Car Rental: \$27.96/day, Thrifty-Full-Size

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Coffin, Shannen <Shannen.Coffin@usdoj.gov>  
**Sent:** 7/1/2003 6:55:34 AM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 1-JUL-2003 10:55:34.00

SUBJECT::

TO:"Coffin, Shannen" <Shannen.Coffin@usdoj.gov> ( "Coffin, Shannen"  
<Shannen.Coffin@usdoj.gov> [ UNKNOWN ] )

READ:UNKNOWN

##### End Original ARMS Header #####

any thoughts on when Judicial Watch will come down?



---

**From:** Ralston, Susan B.  
**To:** <Kavanaugh, Brett M.>  
**CC:** <Litkenhaus, Colleen>; <Hernandez, Israel>  
**Sent:** 7/1/2003 11:04:57 AM  
**Subject:** RE: Ethics Briefing for WH Staff

I'll work w/ Colleen.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, July 01, 2003 10:39 AM  
**To:** Ralston, Susan B.  
**Subject:** Re: Ethics Briefing for WH Staff

We can do this the week of the 7th. Note that if it is a briefing for WH staff, it should be done by us and Tom should not do it. How should we set it up?

From: Susan B. Ralston/WHO/EOP@Exchange on 06/27/2003 12:04:05 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, tjosefiak@georgewbush.com@SMTP@Exchange  
cc:  
Subject: Ethics Briefing for WH Staff

When do you think you'll be ready to do a briefing for the WH staff re: working w/ the campaign and all the ethical guidelines we should follow?

---

**From:** CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**CC:** Georgia D. Godfrey/WHO/EOP@Exchange [ WHO ] <Georgia D. Godfrey>  
**Sent:** 7/1/2003 7:32:34 AM  
**Subject:** : FW: Question

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 1-JUL-2003 11:32:34.00  
SUBJECT:: FW: Question  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
CC:Georgia D. Godfrey ( CN=Georgia D. Godfrey/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett- will you pls advise?

-----Original Message-----

From: Godfrey, Georgia D.  
Sent: Tuesday, July 01, 2003 11:28 AM  
To: Nelson, Carolyn  
Subject: Question

I'm sorry...I have no idea who to ask this to, so I thought I would start with you.

;  
1.; Can we (as the White House Press Office) release dubbed tape copies of the President's Campaign events?!?; We always have requests for Presidential events that we release with out hesitation, we just wanted to make sure that we weren't doing anything wrong releasing the Campaign events.

;  
2.; Can we release dubbed tape copies of the President's Presidential events to Partisan organizations?!?; For example, we have RepublicanTV.org requesting some footage of some events.; Is that okay to release to them?!?;

;  
We just want to make sure we aren't mixing in places we shouldn't and doing anything wrong.

;  
I didn't know who to ask in our office so I thought you might!; You are the best, thanks so much!

;  
G  
;  
Georgia Godfrey  
White House Press Office  
202-456-2580  
;

---

**From:** CN=Theodore W. Ulliot/OU=WHO/O=EOP [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>  
**Sent:** 7/1/2003 7:36:29 AM  
**Subject:** : Millenium Challenge Account

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Theodore W. Ulliot ( CN=Theodore W. Ulliot/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 1-JUL-2003 11:36:29.00

SUBJECT:: Millenium Challenge Account

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Is anyone working on this, or has anyone worked on this in the past?

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Jay P. Lefkowitz/OPD/EOP@Exchange [ OPD ] <Jay P. Lefkowitz>;David S. Addington/OVP/EOP@Exchange [ OVP ] <David S. Addington>;Philip J. Perry/OMB/EOP@EOP [ OMB ] <Philip J. Perry>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>  
**Sent:** 7/1/2003 7:40:07 AM  
**Subject:** :

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 1-JUL-2003 11:40:07.00

SUBJECT::

TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )

READ:UNKNOWN

TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@Exchange [ OVP ] )

READ:UNKNOWN

TO:Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

Today's DC Circuit decison on the Iranian hostage litigation and the Algiers accords will;no doubt revive Senator Allen's interest in legislation specifically abrogating the accords and the push for a terrorist victim compensation scheme.;

---

**From:** Kavanaugh, Brett M.  
**To:** <Leitch, David G.>  
**CC:** <Gonzales, Alberto R.>; <Addington, David S.>; <Lefkowitz, Jay P.>; <Perry, Philip J.>  
**Sent:** 7/1/2003 11:45:04 AM  
**Subject:** Re:

Note that we have sent up the Admin's proposal on victim compensation since our last go-around on this.

From: David G. Leitch/WHO/EOP@Exchange on 07/01/2003 11:38:35 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject:

Today's DC Circuit decision on the Iranian hostage litigation and the Algiers accords will no doubt revive Senator Allen's interest in legislation specifically abrogating the accords and the push for a terrorist victim compensation scheme.

Message Sent To: \_\_\_\_\_

Alberto R. Gonzales/WHO/EOP@Exchange

David S. Addington/OVP/EOP@Exchange

Brett M. Kavanaugh/WHO/EOP@EOP

Jay P. Lefkowitz/OPD/EOP@Exchange

Philip J. Perry/OMB/EOP@EOP

---

**From:** Leitch, David G.  
**To:** <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Newstead, Jennifer G.>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Powell, Benjamin A.>  
**Sent:** 7/1/2003 11:56:11 AM  
**Subject:** Newsweek Article on SOC

<http://www.msnbc.com/news/931802.asp>

---

**From:** CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Benjamin A. Powell/WHO/EOP@EOP [ WHO ] <Benjamin A. Powell>; Jennifer R. Brosnahan/WHO/EOP@EOP [ WHO ] <Jennifer R. Brosnahan>; Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Reginald J. Brown/WHO/EOP@EOP [ WHO ] <Reginald J. Brown>; Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] <Jennifer G. Newstead>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Alberto R. Gonzales/WHO/EOP@Exchange [ WHO ] <Alberto R. Gonzales>  
**Sent:** 7/1/2003 7:57:34 AM  
**Subject:** : Newsweek Article on SOC

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

CREATION DATE/TIME: 1-JUL-2003 11:57:34.00

SUBJECT:: Newsweek Article on SOC

TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

<http://www.msnbc.com/news/931802.asp>

<<http://www.msnbc.com/news/931802.asp>>

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Tracy Jucas/WHO/EOP@EOP [ WHO ] <Tracy Jucas>  
**Sent:** 7/1/2003 9:11:28 AM  
**Subject:** : Re: Photo Office

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUL-2003 13:11:28.00  
SUBJECT:: Re: Photo Office  
TO: Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

is this happening?

Tracy Jucas  
06/27/2003 05:49:36 PM  
Record Type: Record

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

Great-sorry about that.

Brett M. Kavanaugh  
06/27/2003 05:48:18 PM  
Record Type: Record

To: Tracy Jucas/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Photo Office

yes

Tracy Jucas  
06/27/2003 05:43:17 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: Photo Office

I'm sorry about changing the date, but Monday will not work for a photo meeting anymore. How about Tuesday, July 1 at 1:30 PM in Matt's Office? Please confirm as soon as possible.

Thank you,  
Tracy

REV\_00124853



Message Sent

To:

---

Jennifer L. Davis/WHO/EOP@EOP

Matthew A. Schlapp/WHO/EOP@EOP

Erin Benit/OVP/EOP@Exchange@EOP

Susan B. Ralston/WHO/EOP@Exchange@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Israel Hernandez/WHO/EOP@Exchange@EOP

---

**From:** CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 7/1/2003 9:12:23 AM  
**Subject:** : Re: Photo Office

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUL-2003 13:12:23.00  
SUBJECT:: Re: Photo Office  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Yes-1:30 in Matt's office-Rm. 100

Brett M. Kavanaugh  
07/01/2003 01:10:26 PM  
Record Type: Record

To: Tracy Jucas/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Photo Office

is this happening?

Tracy Jucas  
06/27/2003 05:49:36 PM  
Record Type: Record

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

Great-sorry about that.

Brett M. Kavanaugh  
06/27/2003 05:48:18 PM  
Record Type: Record

To: Tracy Jucas/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Photo Office

yes

Tracy Jucas

06/27/2003 05:43:17 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Photo Office

I'm sorry about changing the date, but Monday will not work for a photo meeting anymore. How about Tuesday, July 1 at 1:30 PM in Matt's Office? Please confirm as soon as possible.

Thank you,

Tracy

Message Sent

To:

Jennifer L. Davis/WHO/EOP@EOP

Matthew A. Schlapp/WHO/EOP@EOP

Erin Benit/OVP/EOP@Exchange@EOP

Susan B. Ralston/WHO/EOP@Exchange@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Israel Hernandez/WHO/EOP@Exchange@EOP

REV\_00124856

---

**From:** Peter.D.Keisler@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 7/1/2003 3:35:01 PM  
**Subject:** : Swearing in

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Peter.D.Keisler@usdoj.gov" <Peter.D.Keisler@usdoj.gov> (  
"Peter.D.Keisler@usdoj.gov" <Peter.D.Keisler@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 1-JUL-2003 19:35:01.00  
SUBJECT:: Swearing in  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett: Thanks again for helping to arrange the signing of the  
Commission. It did indeed enable me to be sworn in by Justice Kennedy in  
his chambers prior to his departure for Austria, which was very meaningful  
for me. Peter

---

**From:** Leitch, David G.  
**To:** <Gonzales, Alberto R.>; <Kavanaugh, Brett M.>  
**Sent:** 7/1/2003 3:38:38 PM  
**Subject:**

Ari today on Lawrence:

The Washington Post reports, "during the last presidential campaign, whenever George W. Bush was asked what he would seek in a Supreme Court appointee, the first name he brought up as his ideal was Justice Antonin Scalia." Justice Scalia's dissent in the Lawrence versus Texas sodomy case notes that "every single one of these laws against bigamy, same-sex marriage, adult incest, prostitution, adultery --

Q Question?

Q -- fornication, bestiality and obscenity is called into question by today's decision." And my question is, does the President now think that Justice Scalia is wrong about the Court's overruling a law of the state of which he was governor?

MR. FLEISCHER: No. The President said what he said because he meant it. When he was asked what justices he admires most, he answered that question, and that's because the President meant it.

Q But he did support it.

MR. FLEISCHER: Go ahead, Terry.

Q He did support that law.

MR. FLEISCHER: On this case, the administration did not file a brief because it is not a federal matter. As governor of Texas, the President supported the law in his capacity as governor of Texas, correct.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Heidi M. Smith/WHO/EOP@EOP [ WHO ] <Heidi M. Smith>  
**Sent:** 7/1/2003 3:49:32 PM  
**Subject:** : Re: Campaign contributions received in mail

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUL-2003 19:49:32.00  
SUBJECT:: Re: Campaign contributions received in mail  
TO: Heidi M. Smith ( CN=Heidi M. Smith/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

What kind of gifts are you referring to? If it were a gift for the purpose of influencing the election (e.g., equipment for the campaign headquarters), that obviously would be different. But I thought you were referring to the ordinary kinds of trinkets that he would receive?

HEIDI M.  
SMITH  
06/30/2003 09:37:05 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Campaign contributions received in mail

We always get political contribution checks and return them with a note explaining that the WH can not accept political contributions. As for the gifts, you mentioned handling gifts given to the President during political events in the same fashion we do all other gifts. This is ok and won't be considered a political contribution?

thanks for all your help with all of my questions.

Brett M. Kavanaugh  
06/27/2003 05:03:46 PM  
Record Type: Record

To: Heidi M. Smith/WHO/EOP@EOP  
cc:  
Subject: Campaign contributions received in mail

Please contact me if Correspondence ever receives any checks in the mail, but I wanted to reiterate that our policy remains that we will return the contributions and indicate to the sender that political contributions should be sent to appropriate political campaigns or entities and not to the White House.



---

**From:** Shannen.Coffin@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 7/1/2003 4:03:23 PM  
**Subject:** : Re:

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Shannen.Coffin@usdoj.gov" <Shannen.Coffin@usdoj.gov> ( "Shannen.Coffin@usdoj.gov"  
<Shannen.Coffin@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 1-JUL-2003 20:03:23.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

I was thinking this week, since Ray is going on vacation soon, or has gone. But I guess not, sincw it wasn't in the decisions today. I didn't get your message until tonight, so sorry I didn't respond earlier.

Shannen W. Coffin

Civil Division

U.S. Department of Justice

(202) 514-3310 (phone)

(202) 514-8071 (fax)

shannen.coffin@usdoj.gov

-----Original Message-----

From: Brett\_M.\_Kavanaugh@who.eop.gov <Brett\_M.\_Kavanaugh@who.eop.gov>

To: Coffin, Shannen <SCoffin@CIV.USDOJ.GOV>

Sent: Tue Jul 01 10:54:31 2003

Subject:

any thoughts on when Judicial Watch will come down?



---

**From:** Bumatay, Patrick J.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 7/1/2003 4:37:47 PM  
**Subject:** RE: BIOGRAPHICAL INFORMATION FOR JUDICIAL NOMINEE

That's annoying. That's not what I sent down.

-----Original Message-----

**From:** Kavanaugh, Brett M.  
**Sent:** Tuesday, July 01, 2003 4:36 PM  
**To:** Bumatay, Patrick J.  
**Subject:** BIOGRAPHICAL INFORMATION FOR JUDICIAL NOMINEE

the margins for this got screwed up a little

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 07/01/2003 04:36 PM -----



Elizabeth H. Donnan  
07/01/2003 04:35:26 PM  
Record Type: Record

**To:**  
**cc:**  
**Subject:** BIOGRAPHICAL INFORMATION FOR JUDICIAL NOMINEE

<< File: 7-1-03 bio for judicial nominee.doc >>

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kimberly A. Douglass/WHO/EOP@Exchange [ WHO ] <Kimberly A. Douglass>  
**Sent:** 7/1/2003 1:35:10 PM  
**Subject:** : Re: Fw: TA for Denver CO

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUL-2003 17:35:10.00  
SUBJECT:: Re: Fw: TA for Denver CO  
TO: Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 07/01/2003 05:09:09 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Fw: TA for Denver CO

Please approve

.

-----Original Message-----  
From: Smith, Courtney <CSmith@WHO.eop.gov>  
To: Prendergast, Katherine M. <Katherine\_M.\_Prendergast@who.eop.gov>  
CC: Douglass, Kimberly A. <Kimberly\_A.\_Douglass@who.eop.gov>  
Sent: Mon Jun 30 17:13:40 2003  
Subject: TA for Denver CO

Kathy and Kim-

This is an updated staffing list with the addition of Peter and Bruce for the Denver trip. The return flight number and time changed; for Joe Ellis but the price did not.

Approval is needed to process the TA for the travel of three (3) advance representatives, for the visit of the President to Denver, CO 2003 for a Bush/Cheney 2004 Fundraiser.

1) Joe Ellis  
August 6, 2003-9:55am  
United Flt#2155, DCA to Pittsburgh, PA

August 6, 2003-11:50am  
United Flt#2156, Pittsburgh to Denver

August 12, 2003-10:30am  
United Flt#0244, Denver to Chicago O'hare

August 12, 2003-1:44pm  
United Flt#0612, Chicago to Denver  
Air: \$425.00  
Per Diem:  
Lodging:  
Car Rental: \$46.19, Thrifty-Full-Size

REV\_00124874

2)Peter Watkins  
August 6, 2003-9:55am  
United Flt#2155, DCA to Pittsburgh, PA

August 6, 2003-11:50am  
United Flt#2156, Pittsburgh to Denver

August 12, 2003-10:30am  
United Flt#0244, Denver to Chcago O'hare

August 12, 2003-1:44pm  
United Flt#0612, Chicago to Denver  
Air:\$425.00  
Per Diem:  
Lodging:  
Car Rental:\$47.87, Thrifty-Full-Size

3)Bruce Goodwin  
August 6, 2003-9:55am  
United Flt#2155, DCA to Pittsburgh, PA

August 6, 2003-11:50am  
United Flt#2156, Pittsburgh to Denver

August 12, 2003-10:30am  
United Flt#0244, Denver to Chcago O'hare

August 12, 2003-1:44pm  
United Flt#0612, Chicago to Denver  
Air:\$425.00  
Per Diem:  
Lodging:  
Car Rental:

---

**From:** Office of Global Communications <Global.Messenger@WhiteHouse.Gov>  
**To:** Andrew Liggett Office of Global Communications/WHO/EOP@EOP [ WHO ] <Andrew Liggett Office of Global Communications>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 7/1/2003 3:03:07 PM  
**Subject:** : In Summary: The President on Fighting Terror  
**Attachments:** P\_OJYKH003\_WHO.TXT\_1.doc

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 1-JUL-2003 19:03:07.00  
SUBJECT:: In Summary: The President on Fighting Terror  
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

(See attached file: In Summary-Fighting Terror.doc)

IN SUMMARY  
The President on Fighting Terror

Tuesday, June 1, 2003

"Terrorists that remain can be certain of this: We will hunt them, by day and by night, in every corner of the world, until they are no longer a threat to America and our friends."  
--President Bush

Today, President Bush thanked the men and women who chose to re-enlist in the United States Armed Forces, particularly at a time when America is confronting terror. As long as terrorists and their allies plot to harm America, he said, we are at war. He also said:

-Our servicemen and women are answering the highest call of citizenship by reenlisting. They have stood between the American people and the dangers of the world -- and we are grateful.

-In Iraq, coalition forces are engaging remnants of the former regime, as well as members of terrorist groups. We met the major combat objectives in Operation Iraqi Freedom. We ended a regime that possessed weapons of mass destruction, harbored and supported terrorists, suppressed human rights, and defied the just demands of the United Nations and the world.

-We've seen Saddam's mass graves, torture chambers, and the jail cells for children. Now we

REV\_00124887

are moving forward with reconstruction, maintaining order, searching for hidden weapons, and helping Iraqis to establish a representative government.

-The rise of Iraq as an example of moderation, democracy, and prosperity, is a massive and long-term undertaking. The restoration of that country is critical to the defeat of terror and radicalism throughout the Middle East.

-In Iraq, we face challenges such as former Baath Party and security officials, who will stop at nothing to regain their power and privilege. But there will be no return of tyranny in Iraq.

-Terrorist groups seek to spread chaos in Iraq, and to attack American and coalition forces. Among these terrorists are members of Ansar al-Islam, which operated in Iraq before the war, and is now active in the Sunni heartland of the country. We suspect that the remnants of a group tied to al Qaeda associate al-Zarqawi are still in Iraq, waiting for an opportunity to strike. We are also beginning to see foreign fighters enter Iraq.

-Our goal is a swift transition to Iraqi control of their own affairs. The people of Iraq will be secure -- and the people of Iraq will run their own country.

-Some 230,000 Americans are serving in or near Iraq. The United States recognizes that our people in uniform face continuing danger. We appreciate their service under difficult circumstances, and their willingness to fight for American security and Iraqi freedom.

-Of those directly involved in organizing the September the 11th attacks, almost all are now in custody or confirmed dead. Of the senior al Qaeda leaders, operational managers, and key facilitators we have been tracking, 65 percent have been captured or killed.

-Still, we recognize that al Qaeda has trained thousands of foot soldiers in many nations and that new leaders may emerge. We suspect that some al Qaeda deserters will attach themselves to other terrorist groups in order to strike American targets. Terrorists that remain can be certain of this: We will hunt them by day and by night in every corner of the world until they are no longer a threat to America and our friends.

-American and allied forces continue the work of fighting terrorists and

establishing order in  
Afghanistan. When we removed the Taliban from power, surviving al Qaeda  
members  
fled from most  
of that country. However, many terrorists sought sanctuary along the  
Afghanistan-Pakistan  
border, and some are still hiding there.

-These al Qaeda and Taliban holdouts have attacked allied bases with  
unguided  
rockets,  
conducted ambushes, and fired upon border posts. In close cooperation with  
the  
Afghan and  
Pakistani governments, America is engaged in operations to find and destroy  
these terrorists.

-Since the beginning of Operation Enduring Freedom, it is important for our  
fellow citizens to  
know that Pakistan has apprehended more than 500 terrorists, including  
hundreds  
of members of  
al Qaeda and the Taliban.

-The people of Afghanistan are moving forward with the reconstruction of  
their  
country and the  
founding of a democratic government. They have selected a President, are  
building a national  
army and are now in the final stages of drafting a new constitution.

-Afghanistan still has many challenges, but that country is making  
progress and  
its people are  
a world away from the nightmare they endured under the Taliban. Pakistan  
and  
Afghanistan are  
among many governments that understand the threat of terror and are  
determined  
to root it out.

\*\*\*\*\*  
You have previously expressed interest in obtaining  
news and information from the White House.

The White House Office of Global Communications  
distributes information about the President's  
messages to the world. This office distributes  
updates on major international topics such  
as the global war on terror, the case for regime  
change in Iraq, and more broadly, the ways in  
which we can all better communicate the aspirations  
and interests that Americans share with freedom-loving  
people everywhere.

- In Summary-Fighting Terror.doc  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_OJYKH003\_WHO.TXT\_1>



# IN SUMMARY

## Remarks by the President on Fighting Terror

Tuesday, July 1, 2003



*"Terrorists that remain can be certain of this: We will hunt them, by day and by night, in every corner of the world, until they are no longer a threat to America and our friends."*

**--President Bush**

Today, President Bush thanked the men and women who chose to re-enlist in the United States Armed Forces, particularly at a time when America is confronting terror. As long as terrorists and their allies plot to harm America, he said, we are at war. He also said:

- Our servicemen and women are answering the highest call of citizenship by reenlisting. They have stood between the American people and the dangers of the world – and we are grateful.
- In Iraq, coalition forces are engaging remnants of the former regime, as well as members of terrorist groups. We met the major combat objectives in Operation Iraqi Freedom. We ended a regime that possessed weapons of mass destruction, harbored and supported terrorists, suppressed human rights, and defied the just demands of the United Nations and the world.
- We've seen Saddam's mass graves, torture chambers, and the jail cells for children. Now we are moving forward with reconstruction, maintaining order, searching for hidden weapons, and helping Iraqis to establish a representative government.
- The rise of Iraq as an example of moderation, democracy, and prosperity, is a massive and long-term undertaking. The restoration of that country is critical to the defeat of terror and radicalism throughout the Middle East.
- In Iraq, we face challenges such as former Baath Party and security officials, who will stop at nothing to regain their power and privilege. But there will be no return of tyranny in Iraq.
- Terrorist groups seek to spread chaos in Iraq, and to attack American and coalition forces. Among these terrorists are members of Ansar al-Islam, which operated in Iraq before the war, and is now active in the Sunni heartland of the country. We suspect that the remnants of a group tied to al Qaeda associate al-Zarqawi are still in Iraq, waiting for an opportunity to strike. We are also beginning to see foreign fighters enter Iraq.

**THE WHITE HOUSE**

**Office of Global Communications**

For more information log on to [www.whitehouse.gov/ogc](http://www.whitehouse.gov/ogc)

REV\_00124890

- Our goal is a swift transition to Iraqi control of their own affairs. The people of Iraq will be secure – and the people of Iraq will run their own country.
- Some 230,000 Americans are serving in or near Iraq. The United States recognizes that our people in uniform face continuing danger. We appreciate their service under difficult circumstances, and their willingness to fight for American security and Iraqi freedom.
- Of those directly involved in organizing the September the 11<sup>th</sup> attacks, almost all are now in custody or confirmed dead. Of the senior al Qaeda leaders, operational managers, and key facilitators we have been tracking, 65 percent have been captured or killed.
- Still, we recognize that al Qaeda has trained thousands of foot soldiers in many nations and that new leaders may emerge. We suspect that some al Qaeda deserters will attach themselves to other terrorist groups in order to strike American targets. Terrorists that remain can be certain of this: We will hunt them by day and by night in every corner of the world until they are no longer a threat to America and our friends.
- American and allied forces continue the work of fighting terrorists and establishing order in Afghanistan. When we removed the Taliban from power, surviving al Qaeda members fled from most of that country. However, many terrorists sought sanctuary along the Afghanistan-Pakistan border, and some are still hiding there.
- These al Qaeda and Taliban holdouts have attacked allied bases with unguided rockets, conducted ambushes, and fired upon border posts. In close cooperation with the Afghan and Pakistani governments, America is engaged in operations to find and destroy these terrorists.
- Since the beginning of Operation Enduring Freedom, it is important for our fellow citizens to know that Pakistan has apprehended more than 500 terrorists, including hundreds of members of al Qaeda and the Taliban.
- The people of Afghanistan are moving forward with the reconstruction of their country and the founding of a democratic government. They have selected a President, are building a national army and are now in the final stages of drafting a new constitution.
- Afghanistan still has many challenges, but that country is making progress and its people are a world away from the nightmare they endured under the Taliban. Pakistan and Afghanistan are among many governments that understand the threat of terror and are determined to root it out.



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Peter.D.Keisler@usdoj.gov <Peter.D.Keisler@usdoj.gov>  
**Sent:** 7/1/2003 3:38:55 PM  
**Subject:** : Re: Swearing in

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 1-JUL-2003 19:38:55.00  
SUBJECT:: Re: Swearing in  
TO:"Peter.D.Keisler@usdoj.gov" <Peter.D.Keisler@usdoj.gov> ( "Peter.D.Keisler@usdoj.gov"  
<Peter.D.Keisler@usdoj.gov> [ UNKNOWN ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I am very glad it worked out. And congratulations again.

"Peter.D.Keisler@usdoj.gov" <Peter.D.Keisler  
07/01/2003 07:33:17 PM  
Record Type: Record

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

Brett: Thanks again for helping to arrange the signing of the  
Commission. It did indeed enable me to be sworn in by Justice Kennedy in  
his chambers prior to his departure for Austria, which was very meaningful  
for me. Peter

---

**From:** CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 7/1/2003 5:26:21 PM  
**Subject:** : Re: Invitation to a Summer Networking Reception

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jeffrey F. Kupfer ( CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 1-JUL-2003 21:26:21.00  
SUBJECT:: Re: Invitation to a Summer Networking Reception  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

No. Almost got out but then had to chat with the new boss - and that's harriet, not joel;  
.

-----Original Message-----  
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>  
To: Kupfer, Jeffrey F. <Jeffrey\_F\_Kupfer@who.eop.gov>  
Sent: Tue Jul 01 19:55:32 2003  
Subject: RE: FW: Invitation to a Summer Networking Reception

;;;;;;;; did you go??

;;;;;;;; From;;; Jeffrey F. Kupfer/WHO/EOP@Exchange on 07/01/2003 06:35:35 PM

;;;;;;;; Record Type;;; Record

;;;;;;;; To;;;; Brett M. Kavanaugh/WHO/EOP@EOP  
;;;;;;;; CC;;;;  
;;;;;;;; Subject;;;;;;;;; RE: FW: Invitation to a Summer Networking Reception

;;;;;;;; You're a tease;

;;;;;;;; I'll give you a report if I get motivated to go.;

;;;;;;;; ;;;;;;;;; -----Original Message-----  
;;;;;;;; ;;;;;;;;; From: ; Kavanaugh, Brett M.;  
;;;;;;;; ;;;;;;;;; Sent;;; Tuesday, July 01, 2003 6:33 PM  
;;;;;;;; ;;;;;;;;; To;;;;; Kupfer, Jeffrey F.  
;;;;;;;; ;;;;;;;;; Subject;;;;;;;;; RE: FW: Invitation to a Summer Networking Reception

;;;;;;;; ;;;;;;;;; ;;;;;;;;; Sorry, but I need to pass.

;;;;;;;; ;;;;;;;;; ;;;;;;;;; From;;; Jeffrey F. Kupfer/WHO/EOP@Exchange on 07/01/2003 06:22:55 PM

;;;;;;;; ;;;;;;;;; ;;;;;;;;; Record Type;;; Record

;;;;;;;; ;;;;;;;;; ;;;;;;;;; To;;;;; Brett M. Kavanaugh/WHO/EOP@EOP  
;;;;;;;; ;;;;;;;;; ;;;;;;;;; CC;;;;;  
;;;;;;;; ;;;;;;;;; ;;;;;;;;; Subject;;;;;;;;; RE: FW: Invitation to a Summer Networking Reception

////////// I'd actually go on the early side -- like next 10  
or 15 minutes -- and then come back here after.

////////// -----Original Message-----  
////////// From: ; Kavanaugh, Brett M.;  
////////// Sent: Tuesday, July 01, 2003 6:02 PM  
////////// To: Kupfer, Jeffrey F.  
////////// Subject: Re: FW: Invitation to a  
Summer Networking Reception

////////// I think we will be old guys there,  
but sure.; what time?;

////////// From: Jeffrey F.  
Kupfer/WHO/EOP@Exchange on 07/01/2003 05:39:12 PM  
////////// Record Type: Record

////////// To: Brett M.  
Kavanaugh/WHO/EOP@EOP  
////////// cc:  
////////// Subject: FW: Invitation to  
a Summer Networking Reception

////////// I just noticed that I had this  
email; I didn't RSVP but was thinking about wandering over at some point  
just to see what it was all about -- any interest?

////////// -----Original Message-----  
////////// From: UCS Internships [  
mailto:internships.ucs@yale.edu <mailto:internships.ucs@yale.edu> <  
mailto:internships.ucs@yale.edu <mailto:internships.ucs@yale.edu>> <  
mailto:internships.ucs@yale.edu  
<mailto:internships.ucs@yale.edu%20<mailto:internships.ucs@yale.edu>>>]  
////////// Sent: Wednesday, June 18, 2003  
2:42 PM  
////////// Subject: Invitation to a Summer  
Networking Reception

////////// To: Yale Alumni in the Washington,  
DC, Area  
////////// Re: Invitation to a Summer  
Networking Reception

////////// You are invited to join us for our  
Summer Networking Reception  
on July 1  
at the National Press Club.

////////// Yale UCS (Undergraduate Career  
Services) invites all area alumni to join  
us. This event will provide  
current students with the opportunity to  
approach alumni and learn about  
their careers, to ask for advice, and to  
establish potentially helpful  
contacts for identifying future internship  
and job leads. Whatever your  
industry and job function, you are welcome!

////////// Please register by email. Include  
your full name, year of graduation,  
residential college (or Yale  
graduate or professional school), job title,

////////// company, and industry. Email your  
reservation to internships.ucs@yale.edu.  
////////// If you cannot email us, contact  
the internships office at (203) 764-5672.

////////// Directions and  
public-transportation information are posted on our website at  
<http://www.yale.edu/career/receptions.html>  
<<http://www.yale.edu/career/receptions.html>> <  
<http://www.yale.edu/career/receptions.html>>> <  
<http://www.yale.edu/career/receptions.html>>>  
<<http://www.yale.edu/career/receptions.html>>><<http://www.yale.edu/career/r>  
[eceptions.html](http://www.yale.edu/career/receptions.html)>>>.

////////// Tuesday, July 1, 2003  
////////// 6:30 to 8:30 p.m.  
////////// The National Press Club  
////////// 529 14th Street, NW  
////////// Washington, DC

////////// Please respond by June 23, 2003.  
////////// Business-casual attire  
////////// Hors d'oeuvres and refreshments  
will be served.

////////// We hope to have alumni present  
from all career fields, including: Law, Politics, Policy, Sciences, Health  
Care, Human Services,  
////////// Education/Teaching,  
////////// Advertising/Public Relations,  
Business, Consulting, Arts,  
////////// Communication/Media, Publishing,  
Museums, Recreation, Fashion/Retail

////////// Your career experiences and advice  
can be invaluable to current Yale  
////////// students, and we look forward to  
seeing you on July 1.

---

**From:** Marc.Kesselman@usdoj.gov  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 7/1/2003 6:32:47 PM  
**Subject:** : Small request

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:"Marc.Kesselman@usdoj.gov" <Marc.Kesselman@usdoj.gov> ( "Marc.Kesselman@usdoj.gov"  
<Marc.Kesselman@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME: 1-JUL-2003 22:32:47.00  
SUBJECT:: Small request  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett,

Hope that all is going well. If you have a minute on Wednesday, please give me a quick call. I'd like to discuss what role, if any, you played during the recount efforts.

Thanks!

Marc  
Marc L. Kesselman  
U.S. Department of Justice  
Office of Legal Policy

(202) 305-4870

---

**From:** CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Barbara J. Goergen/WHO/EOP@Exchange@EOP [ WHO ] <Barbara J. Goergen>  
**Sent:** 7/2/2003 3:27:31 AM  
**Subject:** : Alberto Gonzales - potential Bush Supreme Court Nominee - Column by Terry Jeffrey, editor of Human Events

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUL-2003 07:27:31.00  
SUBJECT:: Alberto Gonzales - potential Bush Supreme Court Nominee - Column by Terry Jeffrey, editor of Human Events  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
TO:Barbara J. Goergen ( CN=Barbara J. Goergen/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Karl and Brett:

This continues to float out everywhere.

tsg

The Conservative Case Against Al Gonzales  
by Terence P. Jeffrey  
Posted Jan 27, 2003

Presidential aides are floating White House Counsel Al Gonzales as a potential Supreme Court nominee.

But nominating Gonzales could pit President Bush against some of his own supporters in a bitter confirmation battle.

Citing "administration officials," the Washington Post reports that despite "frank opposition among conservative activists" Gonzales "is still very much in the running and might well be nominated-if not first, then eventually."

Many Senate Democrats will oppose any Bush pick. But why would conservatives oppose Gonzales? At first glance, he seems like the perfect nominee.

Gonzales is the President's longtime friend. Bush could make him the first Latino named to the court. Like Clarence Thomas, his life story (son of migrant laborers goes to Harvard Law) evokes the colorblind vision of America conservatives want to promote.

"Conservatives," says the Post, "are concerned about Gonzales's views on affirmative action and abortion."

In truth, the case against Gonzales revolves around one question: Is he a judicial activist?

The answer-Yes!-was delivered by none other than Justice Priscilla Owen, whom Bush has nominated twice for an appeals court seat, and with whom Gonzales served on the Texas Supreme Court.

Owen and Gonzales took opposite stands on Re Jane Doe, which involved Texas's parental notification law.

Jane Doe, 17, came from the sort of household most likely to support Bush. Her parents were church-going pro-lifers, who had just bought her a car

and intended to pay her expenses when she attended college.

She did not tell them she planned to abort their grandchild.

The law said a judge could exempt a teenager from telling her parents if:  
1) she was "mature and sufficiently well informed to make the decision,"  
2) notification would not be in her "best interests," or 3) "notification might lead to physical, sexual or emotional abuse."

Doe sought the "mature and sufficiently well informed" exemption because, as Owen later noted, she "feared that her parents would no longer provide financial assistance to her if they knew she had an abortion."

A judge said Doe had to tell her parents. An appeals court agreed. The Texas Supreme Court said the judge and appeals courts had not erred, but remanded the case for a new trial anyway.

In doing so, the majority wrote a "rule" defining "sufficiently well informed" so that Doe need not be informed at all about the new life within her. She need only consult a health care provider about the risks of abortion (Doe consulted an abortion clinic), understand the alternatives (Doe consulted an abortion clinic) and be aware of abortion's emotional and psychological "aspects" (Doe consulted three friends, her home-economics teacher and an abortion clinic).

Gonzales co-wrote the rule. Owen dissented. Justice David Souter in *Planned Parenthood v. Casey*, she noted, conceded the state had a legitimate interest in compelling women to comprehend fetal life because, as Casey put it, "most women considering an abortion would deem the impact on the fetus relevant, if not dispositive to the decision."

Doe had a second trial. The judge did not issue a specific finding, but presumably failed her on the "mature" test. The appeals court upheld his ruling.

Less than 48 hours after receiving the trial record, the Texas Supreme Court, in a 5-to-4 decision, sent Doe to get an abortion in 15th week of pregnancy without telling her parents. Gonzales joined the decision. Owen dissented.

Ultimately, the issue was the legitimate power of the state Supreme Court.

"The question in this case is not whether this court would have ruled differently when confronted with all the evidence that the trial court heard," wrote Owen. "The question is whether legally sufficient evidence supports the trial court's judgment. The answer to this later question is yes. Longstanding principles of appellate review and our Texas Constitution do not permit this court to substitute its judgment for that of the trial court and or to ignore the evidence, as it has done."

Gonzales and four colleagues converted the Supreme Court into a trial court, retried a case in which they had not seen the witnesses, and sent a teenager to a secret abortion.

Don't take my word for it. Take Priscilla Owen's. "The court," she said, "has disregarded the law and has trampled the process on which the legitimacy of our law depends."

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 7/2/2003 1:24:26 AM  
**Subject:** : OpinionJournal - On the Editorial Page - July 2, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME: 2-JUL-2003 05:24:26.00  
SUBJECT:: OpinionJournal - On the Editorial Page - July 2, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page  
<http://www.opinionjournal.com/editorial/?id=110003697>

Let the Justice Department, not State, deal with Saudi kidnapping.  
12:01 a.m. EDT

Scene & Heard BY COLLIN LEVEY  
<http://www.opinionjournal.com/columnists/clevey/?id=110003699>

Health nuts try to dictate women's diets--just in case of pregnancy.  
12:01 a.m. EDT

Leisure & Arts BY AMY FINNERTY  
<http://www.opinionjournal.com/la/?id=110003698>

A children's author who wrote about reality, not sociology.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

State's Saudi Problem  
Let the Justice Department, not Foggy Bottom, deal with Saudi kidnapping.  
Jul 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105710383785667300,00.html%3Fmod%3Dopinion>

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The Republican Gray Davis  
Nevada's governor is suing for a tax increase.  
Jul 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105710403783892900,00.html%3Fmod%3Dopinion>

~~~~~

Teacher Liberation  
What matters is what they know, not how they know it.  
Jul 02 2003



<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105710414522406500,00.html%3Fmod%3Dopinion>

~~~~~

#### Commentary

The Caravan to Cancun

The U.S., EU, and the poorer countries have all let down the cause of truly free trade.

By JAGDISH BHAGWATI

Jul 02 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105710302025563900,00.html%3Fmod%3Dopinion>

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No Left Turn

Democrats fighting over the direction of the party is a good thing.

By AL FROM and BRUCE REED

Jul 02 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB1057103255415200,00.html%3Fmod%3Dopinion>

~~~~~

Sir Denis

May Mr. Thatcher rest in peace.

By QUENTIN LETTS

Jul 02 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105710339740288100,00.html%3Fmod%3Dopinion>

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Disclaim This!

The e-mail disclaimer disease is reaching pandemic proportions.

By BRIAN M. CARNEY

Jul 02 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105710364189247200,00.html%3Fmod%3Dopinion>

~~~~~

#### Business World

Let's Go Hunting Cartels

Global cops look for price fixers behind every tree.

By HOLMAN W. JENKINS JR.

Jul 02 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105710266649202800,00.html%3Fmod%3Dopinion>

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#### Leisure & Arts

Theater

Forget the Failures

Sondheim's "Bounce" at Chicago's Goodman Theatre through Aug. 10.

By JOEL HENNING

Jul 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105710674017489600,00.html%3Fmod%3Dopinion>

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#### Film Review

Meet Ms. Terminatrix

"Terminator 3" is a big B-movie shrewdly designed to resemble its two distinguished predecessors; "Legally Blonde 2" is an abysmally mirthless comedy; and more.

By JOE MORGENSTERN

Jul 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10570977161504600,00.html%3Fmod%3Dopinion>

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#### Books

A Practical Man, Difficult Too

"Benjamin Franklin"

By JAY WINIK

Jul 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105710710033058000,00.html%3Fmod%3Dopinion>

~~~~~

#### The Real World in Children's Books

Best to go back half a century to find children's literature worth reading to kids.

By AMY FINNERTY

Jul 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105710638096732400,00.html%3Fmod%3Dopinion>

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#### Time Off

Diversions

"The Boundless Deep . . .": The European Conquest of the Oceans, 1450 to 1840; The Declaration of Independence

Jul 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105702151264908900,00.html%3Fmod%3Dopinion>

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#### International

Beeb Brother

It's time to cut the BBC loose to fend for itself.

From The Wall Street Journal Europe

Jul 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105709610943963900,00.html%3Fmod%3Dopinion>

~~~~~

#### Public Enemy No. 1

Berlusconi's pro-American stance rankles Europe's left.

From The Wall Street Journal Europe

Jul 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105709666523159400,00.html%3Fmod%3Dopinion>

~~~~~

A Message for Beijing  
A lack of democracy is destabilizing Hong Kong.  
From The Wall Street Journal Europe  
Jul 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105709744266518100,00.html%3Fmod%3Dopinion>

~~~~~

Labour vs. the BBC  
The masses are turning off the BBC propaganda machine.  
By EBEN WILSON  
From The Wall Street Journal Europe  
Jul 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105709475820369800,00.html%3Fmod%3Dopinion>

~~~~~

Guess Who's Taken the Helm of Europe?  
The EU needs Berlusconi's skills of compromise and persuasion.  
By FRANCIS X. ROCCA  
From The Wall Street Journal Europe  
Jul 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105709370534213600,00.html%3Fmod%3Dopinion>

~~~~~

Five Million Reasons France Opposed the War  
France's population is now 10% ethnically Arab.  
By MICHAEL GONZALEZ  
From The Wall Street Journal Europe  
Jul 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105709253421028900,00.html%3Fmod%3Dopinion>

~~~~~

Stick to Your Guns, Koizumi  
Further reforms are critical to Japan's long-term success.  
By ICHIZO OHARA  
From The Asian Wall Street Journal  
Jul 02 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105709803825233000,00.html%3Fmod%3Dopinion>

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#### ADVERTISEMENT

Whether you're moving up, relocating, seeking a new neighborhood or merely curious about your current home's market value, you'll find answers at RealEstateJournal.com, a free site from The Wall Street Journal. It offers a complete online guide to buying, selling and maintaining a residential property, and includes 1.5 million active home listings, as well as content from many top real-estate information providers. Please take a minute to visit RealEstateJournal.com today.

<http://RealEstateJournal.com>

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**From:** Goeglein, Tim  
**To:** <Goergen, Barbara J.>;<Kavanaugh, Brett M.>  
**Sent:** 7/2/2003 7:25:39 AM  
**Subject:** Alberto Gonzales - potential Bush Supreme Court Nominee - Column by Terry Jeffrey, editor of Human Events

Karl and Brett:

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tsg

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by Terence P. Jeffrey

Posted Jan 27, 2003

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Ultimately, the issue was the legitimate power of the state Supreme Court.

"The question in this case is not whether this court would have ruled differently when confronted with all the evidence that the trial court heard," wrote Owen. "The question is whether legally sufficient evidence supports the trial court's judgment. The answer to this later question is yes. Longstanding principles of appellate review and our Texas Constitution do not permit this court to substitute its judgment for that of the trial court and or to ignore the evidence, as it has done."

Gonzales and four colleagues converted the Supreme Court into a trial court, retried a case in which they had not seen the witnesses, and sent a teenager to a secret abortion.

Don't take my word for it. Take Priscilla Owen's. "The court," she said, "has disregarded the law and has trampled the process on which the legitimacy of our law depends."

---

**From:** Good, Terry W.  
**To:** <Gambatesa, Linda M.>  
**CC:** <Miers, Harriet>; <Kavanaugh, Brett M.>; <Hanusa, Mary Ann>  
**Sent:** 7/2/2003 12:35:02 PM  
**Subject:** RE: Traveling Bullhorn

Linda:

I appreciate being included in the bullhorn matter.

In all the years that I have been in this line of work, both at NARA and the WHO, I don't recall hearing or reading of any Smithsonian traveling exhibits

that were damaged or stolen. I would assume that the Smithsonian is unsurpassed, both in experience and success, in the traveling exhibit field.

However, Mary Ann could very softly include some questions on that matter among many others if she were to meet with the Smithsonian reps.

I would hope that the Smithsonian would have a fairly firm itinerary in place before they would expect the White House to allow the bullhorn

to be included in the exhibit. And I believe that it is reasonable to include in the agreement the right to recall the bullhorn for whatever reason.

Terry

---

**From:** Bennett, Melissa S.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 7/2/2003 2:43:08 PM  
**Subject:** COS

The Chief was wondering if you had some time to get together with him today. Will you give me a call when you have a chance?

Thanks.  
Melissa



---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Jeffrey F. Kupfer/WHO/EOP@Exchange@EOP [ WHO ] <Jeffrey F. Kupfer>; Joel D. Kaplan/WHO/EOP@Exchange@EOP [ WHO ] <Joel D. Kaplan>  
**Sent:** 7/2/2003 3:43:27 PM  
**Subject:** : 8:45 at Cafe Deluxe in Northwest

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 2-JUL-2003 19:43:27.00  
SUBJECT:: 8:45 at Cafe Deluxe in Northwest  
TO: Jeffrey F. Kupfer ( CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
TO: Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

---

**From:** Kupfer, Jeffrey F.  
**To:** <Kavanaugh, Brett M.>  
**Sent:** 7/2/2003 8:50:48 PM  
**Subject:** Re: 8:45 at Cafe Deluxe in Northwest

Ok. Will probably show around 9 30 so let me know if you're going somewhere else.

---

**From:** CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 7/2/2003 4:52:06 PM  
**Subject:** : Re: 8:45 at Cafe Deluxe in Northwest

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jeffrey F. Kupfer ( CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 2-JUL-2003 20:52:06.00  
SUBJECT:: Re: 8:45 at Cafe Deluxe in Northwest  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Ok. Will proabably show around 9 30 so let me know if you're going  
somewhere else.

.

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 7/3/2003 4:49:47 AM  
**Subject:** : I put in another call on the AC

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-JUL-2003 08:49:47.00  
SUBJECT:: I put in another call on the AC  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

---

**From:** OpinionJournal <OpinionJournal@wsj.com>  
**To:** otep@djoj.opinionjournal.com [ UNKNOWN ] <otep@djoj.opinionjournal.com>  
**BCC:** Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )  
**Sent:** 7/3/2003 1:24:10 AM  
**Subject:** : OpinionJournal - On the Editorial Page - July 3, 2003

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:OpinionJournal <OpinionJournal@wsj.com> ( OpinionJournal <OpinionJournal@wsj.com> [ UNKNOWN ] )  
CREATION DATE/TIME: 3-JUL-2003 05:24:10.00  
SUBJECT:: OpinionJournal - On the Editorial Page - July 3, 2003  
TO:otep@djoj.opinionjournal.com ( otep@djoj.opinionjournal.com [ UNKNOWN ] )  
READ:UNKNOWN  
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

From OpinionJournal.com (<http://opinionjournal.com>)

TODAY ON OPINIONJOURNAL

On the Editorial Page BY FOUAD AJAMI  
<http://www.opinionjournal.com/editorial/?id=110003703>

Do foreigners really hate America--or is it just pollsters?

12:01 a.m. EDT

The Western Front BY BRENDAN MINITER  
<http://www.opinionjournal.com/columnists/bminiter/?id=110003701>

The Founders understood the importance of free immigration.  
12:01 a.m. EDT

Leisure & Arts BY WOODY HOCHSWENDER  
<http://www.opinionjournal.com/la/?id=110003702>

I mow, therefore I am.  
12:01 a.m. EDT

FOR WALL STREET JOURNAL ONLINE SUBSCRIBERS  
Review & Outlook

Liberating Liberia  
The U.N. discovers a U.S. intervention it likes.  
Jul 03 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105719131120337500,00.html%3Fmod%3Dopinion>

~~~~~

The Carafe Is Half Full  
The Federal Trade Commission finds state bans on interstate wine shipments  
anti-competitive and harmful to consumers.  
Jul 03 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105719170693939800,00.html%3Fmod%3Dopinion>

~~~~~

The Wisdom of Pollack  
A judge tells investors the truth about their Internet losses.

Jul 03 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105719181423446800,00.html%3Fmod%3Dopinion>

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#### Commentary

The Constitution's Philosopher-Poet

You may not know Gouverneur Morris, but you know his words.

By RICHARD BROOKHISER

Jul 03 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105719254731542500,00.html%3Fmod%3Dopinion>

~~~~~

The Anti-Americans

In lands where dreams of modernism turn sour, it is so convenient to curse America.

By FOUAD AJAMI

Jul 03 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105719212421504100,00.html%3Fmod%3Dopinion>

~~~~~

#### Politics & People

Lots of Conservatism, Little Compassion

While Bush's rhetoric is strong, his administration's mismanagement and indifference will hurt AmeriCorps volunteers.

By ALBERT R. HUNT

Jul 03 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105718751011885300,00.html%3Fmod%3Dopinion>

~~~~~

#### Leisure & Arts

The Backyard Philosopher

He mows, therefore he is.

By WOODY HOCHSWENDER

Jul 03 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105718161861815600,00.html%3Fmod%3Dopinion>

~~~~~

How Did They Get to Carnegie Hall?

Pondering a planetary shift in New York's classical universe.

By GREG SANDOW

Jul 03 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105718144033905900,00.html%3Fmod%3Dopinion>

~~~~~

#### Books

From Hard Living, Memorable Writing

"A Tragic Honesty"

By JEFFREY BURKE  
Jul 03 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB10571818783295700,00.html%3Fmod%3Dopinion>

~~~~~

Choristers Storm Out of the Bastille  
Strikes in France and London theater.  
By MANUELA HOELTERHOFF  
Jul 03 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105718106599508100,00.html%3Fmod%3Dopinion>

~~~~~

Time Off  
Diversions  
Smithsonian Folklife Festival; "The Boundless Deep . . .": The European  
Conquest of the Oceans, 1450 to 1840; The Declaration of Independence  
Jul 03 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105702151264908900,00.html%3Fmod%3Dopinion>

~~~~~

International

Mighty Madeira  
Now non-European firms have to levy a value-added tax on their customers.  
From The Wall Street Journal Europe  
Jul 03 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105718337696150900,00.html%3Fmod%3Dopinion>

~~~~~

Now Onto an Economic Road Map  
The Mideast needs a massive international effort to create more productive  
jobs.  
By ODED ERAN  
From The Wall Street Journal Europe  
Jul 03 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105718072881256300,00.html%3Fmod%3Dopinion>

~~~~~

Europe's Moral Authority  
EU law often conflicts with the laws of member states.  
By JASON STEORTS  
From The Wall Street Journal Europe  
Jul 03 2003

<http://www.wsj.com/wsagate?source=jopinaowsj&URI=/article/0,,SB105717957552797800,00.html%3Fmod%3Dopinion>

~~~~~

Don't Overregulate Hong Kong  
Too much securities regulation will endanger Hong Kong's success.  
By GREG TERRY  
From The Asian Wall Street Journal

Jul 03 2003

<http://www.wsj.com/wsjgate?source=jopinaowsj&URI=/article/0,,SB105717858584326400,00.html%3Fmod%3Dopinion>

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**From:** Bumatay, Patrick J.  
**To:** <Kavanaugh, Brett M.>;<Sampson, Kyle>  
**Sent:** 7/3/2003 8:42:16 AM  
**Subject:** Keisler - Allen article

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The Daily Record (Baltimore, MD)

July 3, 2003 Thursday

**SECTION:** NEWS

**LENGTH:** 1228 words

**HEADLINE:** Md.Republicans change traditions of judicial appointments, Democrats weigh their next move

**BYLINE:** Lawrence Hurley

**BODY:**

They won't admit it, but Maryland's two Democratic senators might just be wondering whether their decision to oppose a Bush administration nominee for the 4th U.S. Circuit Court of Appeals two years ago was such a good idea.

In 2001, both Sens. Paul S. Sarbanes and Barbara A. Mikulski blocked the nomination of Peter D. Keisler, a Washington lawyer whose residence was in Bethesda, because he was not admitted to the Maryland bar and they did not feel he had a strong track record of leadership here.

The conservative lawyer had been nominated to a seat on the court traditionally held by a Marylander, most recently vacated by the death of Francis D. Murnaghan Jr. in August 2000. As is usual in such circumstances, the senators from the state involved had a major influence on whether or not the nomination succeeded. Keisler (who could not be reached for comment) eventually withdrew his nomination in July of that year when he realized he would not get the support of the Maryland senators, which left him with no chance of making it through the Senate Judiciary Committee, then controlled by the Democrats.

They say a week is a long time in politics; that must make two years an eternity.

Fast forward to the summer of 2003 and Murnaghan's seat is still vacant, but the political map has drastically changed.

Another conservative **White House** nominee, Claude A. Allen, waits in the wings, eager to take the Murnaghan slot, but this time Sarbanes and Mikulski can do little about it for one simple reason: Allen's from Virginia.

And let's not forget that the Senate Judiciary Committee now happens to be Republican controlled, or that Virginia's senators are both Republicans.

Allen's Senate hearing has not been scheduled yet, although last week Allyson K. Duncan from North Carolina, who would become the first black woman to sit on the court, received an easy ride at her hearing.

Barring a filibuster like the one aimed at preventing Miguel Estrada taking a seat on the U.S. Court of Appeals for the D.C. Circuit, the Democrats are pretty much out of the loop, although they haven't given up yet.

"There are a number of options," says Sarbanes' spokesman, Jesse Jacobs. "Any one senator can put a hold on

**REV\_00124984**

nominations."

Mikulski's reaction is that she is "disturbed" that the **White House** decided not to follow "the usual and customary procedure in making its nominations" and she hopes that the president will "reconsider" the nomination of Allen.

But there's no real reason Bush can't ignore the traditions of the past if he so chooses, notes William L. Reynolds II, a professor at the University of Maryland School of Law. After all, he is the president. And the present is a very different place from the past.

"In the old days it made sense to have people from different states because there were different legal cultures, but that is far from true today," Reynolds explains. "It's difficult to understand why a person's state of practice should be of much significance."

Reynolds is dismissive of the politics surrounding the nominations process, describing the senators' role as "a way of protecting political turf and preserving a political plum for the bars of that state."

His conclusion is that if Keisler were nominated now, he would probably have face little opposition, and questions whether it is even worth opposing Allen's candidacy.

"If Allen lived in Bethesda and was a member of the Maryland bar, what difference would it make?" he asks.

The Maryland State Bar Association disagrees, and has written a letter to President Bush stating its opinion that "precedent would dictate that another Maryland lawyer be nominated to fill this judicial vacancy."

The organization's stance is not surprising, says Byron L. Warnken, a University of Baltimore School of Law professor, who believes Bush needlessly trampled over the custom of replacing judges with a successor from the same state.

"It's not a constitutional mandate, but it's an important tradition that the states are represented," Warnken says.

Balancing act?

The **White House** claims that Bush sees things the same way.

**Alberto R. Gonzales**, counsel to the president, justified the administration's strategy in a letter he sent to senators in April, just before Allen was nominated.

He wrote that it is the president's intention to "nominate well-qualified and well-respected individuals in a manner that will bring the circuit closer to geographical balance."

The letter then outlined that, by tradition, Maryland has two or three judges and currently has two, while Virginia normally has four or five but only has three and North Carolina is due at least four and has none.

By this reasoning, Maryland is some ways down the pecking order.

As far as Warnken is concerned, the **White House's** actions are just the latest example of how the judicial nominations process has become politicized in recent years.

He points to the Bush administration's "unprecedented" refusal to listen to the advice of the American Bar Association -- "because it's more likely to be liberal than conservative," according to Warnken -- as further evidence.

Despite being sidelined by Bush, Mikulski and Sarbanes both claim to be willing to work with the president in the

future (and the feeling is mutual according to the **White House**).

Mikulski also stresses that she supported the nomination of Richard D. Bennett and circuit court Judge William D. Quarles to the U.S. District Court in Maryland, indicating a willingness to work with "moderate" candidates.

What about Widener?

Meanwhile, the countdown to another 4th Circuit nomination carnival is on the horizon, sparked by 80-year-old Judge H. Emory Widener Jr.'s decision to step down in September.

This prompts an obvious question: As Allen, a Virginian, has been nominated to a Maryland seat, does a Marylander stand a chance of being nominated to replace Widener?

"I'm not going to comment on a seat that's not open yet," says Sarbanes' spokesman Jacobs. "We are focusing on the Murnaghan seat."

MSBA President Harry S. Johnson says it was not something he had considered either.

He explained that the MSBA's role is normally to follow the lead of the senators as "it's their responsibility."

Reynolds wonders whether Gov. Robert L. Ehrlich Jr. might have a role to play.

Although governors do not normally get involved in judicial nominations, Ehrlich's Republican affiliations, his past as a Maryland lawyer, and his Washington contacts could be utilized in this instance, Reynolds believes, but only if the governor feels strongly on the subject.

"Ehrlich must have some political capital in Washington but whether he wants to use it on this is questionable," says Reynolds.

Shareese N. DeLeaver, Ehrlich's spokeswoman, says the governor was "not surprised" by Allen's nomination, but will "continue to recommend highly qualified Maryland candidates" to President Bush.

She adds that "it's not out of the question" that Ehrlich could act as some kind of mediator between the **White House** and the Maryland senators.

Amidst all the brouhaha, one man is sitting pretty.

Earlier this year Peter Keisler was on the receiving end of another nomination, this time to the position of Assistant Attorney General in the Civil Division of the U.S. Department of Justice.

He was confirmed by the Senate last month.

---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 7/3/2003 9:00:58 AM  
**Subject:** : AC

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-JUL-2003 13:00:58.00  
SUBJECT:: AC  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Your Air Conditioner was removed, had its filters cleaned out, and put  
back in place. Let me know how it is working

jg

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>  
**Sent:** 7/3/2003 5:22:56 AM  
**Subject:** : target

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-JUL-2003 09:22:56.00  
SUBJECT:: target  
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

I think we should shoot for some time from 15th to 18th as the target day.

---

**From:** CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 7/3/2003 5:30:45 AM  
**Subject:** : Re: target

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-JUL-2003 09:30:45.00  
SUBJECT:: Re: target  
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

ok

Brett M. Kavanaugh  
07/03/2003 09:21:56 AM  
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP  
cc:  
Subject: target

I think we should shoot for some time from 15th to 18th as the target day.

---

**From:** CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
**To:** GARY FEINERMAN <GFEINERMAN@atg.state.il.us>  
**Sent:** 7/3/2003 6:50:00 AM  
**Subject:** : Re: FYI

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-JUL-2003 10:50:00.00  
SUBJECT:: Re: FYI  
TO: GARY FEINERMAN <GFEINERMAN@atg.state.il.us> ( GARY FEINERMAN  
<GFEINERMAN@atg.state.il.us> [ UNKNOWN ] )  
READ: UNKNOWN  
##### End Original ARMS Header #####

Thanks. Saw that one. I see Nan Aron's (unsurprising) theme emerging.

GARY FEINERMAN <GFEINERMAN@atg.state.il.us>  
07/03/2003 09:54:29 AM  
Record Type: Record

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

<http://www.forward.com/issues/2003/03.07.04/news1.html>

---

**From:** CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 7/3/2003 7:11:25 AM  
**Subject:** : Can you come down at 11:30?

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-JUL-2003 11:11:25.00  
SUBJECT:: Can you come down at 11:30?  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####



---

**From:** CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 7/3/2003 10:23:59 AM  
**Subject:** : FYI on Dyck's Missouri Request

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )  
CREATION DATE/TIME: 3-JUL-2003 14:23:59.00  
SUBJECT:: FYI on Dyck's Missouri Request  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

The additional forms you were looking for on the Missouri request involving Karl on your chair. Just wanted to make you aware that Dyck is trying to get them by 3.

Jon  
----- Forwarded by Jonathan F. Ganter/WHO/EOP on  
07/03/2003 02:21 PM -----

William C. Minnis  
07/03/2003 02:04:56 PM  
Record Type: Record

To: Jonathan F. Ganter/WHO/EOP@EOP  
cc:  
Subject: the missouri request

Hey, did you get those papers that I left on your desk with the note on it? Is there any way we can get this by 3pm? (the missouri/matt blunt invite) Thanks- Cooper

---

**From:** CN=Philip J. Perry/OU=OMB/O=EOP [ OMB ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 7/3/2003 11:59:20 AM  
**Subject:** : Re: preferences

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP [ OMB ] )  
CREATION DATE/TIME: 3-JUL-2003 15:59:20.00  
SUBJECT:: Re: preferences  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

sure. when is the preference mtg?

Brett M. Kavanaugh  
07/02/2003 09:01:19 AM  
Record Type: Record

To: Philip J. Perry/OMB/EOP@EOP, Daryl L. Joseffer/OMB/EOP@EOP  
cc:  
Subject: preferences

I talked to Judge about this. Also, Diana has convened a meeting on the preferences issue that you are invited to. When you have it, can you all shoot me your catalogue of the relevant programs and issues/decisions for us that you are aware of? Thanks.

---

**From:** CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
**Sent:** 7/3/2003 1:05:44 PM  
**Subject:** : Harriet

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:Melissa S. Bennett ( CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [ WHO ] )  
CREATION DATE/TIME: 3-JUL-2003 17:05:44.00  
SUBJECT:: Harriet  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

Brett;;; Harriet was hoping you could give her a call sometime.; She's up  
in our office .. 456-1600.;; I think she wants to make a time to get  
together and talk.;;; Thanks a ton.;; Melissa

**From:** CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ]  
**To:** Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>  
**Sent:** 7/4/2003 1:02:42 PM  
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Enraged Democratic Lefties Are Sabotaging Judicial Nominations  
EDITORIAL  
TAMPA TRIBUNE

Published: Jul 5, 2003

Some people bet President Bush is chafing at the bit to appoint a Supreme Court justice this year.

Others speculate he would prefer to gamble and wait until after the 2004 election in the hope that he will be returned to office (and so that abortion will not become a campaign issue, which it likely will be regardless).

Democratic presidential candidate and Massachusetts Sen. John Kerry offers a three-word summation of why he thinks Bush must be defeated: the Supreme Court.

One Senator's List Of Values

"I need you to join me in keeping the Supreme Court out of the hands of right-wing ideologues," Kerry writes in a letter seeking the support of members of the political action committee Move-On.

"I am prepared to filibuster, if necessary, any Supreme Court nominee who would turn back the clock on a woman's right to choose, on civil rights and individual liberties, and on the laws protecting workers and the environment."

Indeed, abortion-supporting Democrats, presuming that the president will appoint a pro-life lawyer to the high court, promise to fight any Bush appointment, and some groups have already put advertisements on the airwaves to stir up the party's left-wing base.

Moreover, left-wing ideologues in the Senate, who accuse Bush of filling the judiciary with right-wingers, have prevented confirmation votes on two of the president's nominees, even though both have enough senators supporting them to be confirmed.

In disgust, some GOP senators have hatched a plan to change Senate rules to make it easier to break the Senate filibusters.

The 10 Republicans on the Senate Rules Committee recently passed a resolution to change the rule to provide for a series of votes in which the 60-vote threshold for cloture would gradually decrease until a simple majority would overcome it.

Bill Frist, the Senate majority leader from Tennessee, says he will bring up the resolution for a Senate vote sometime after July 4, but it seems unlikely to pass, since the rule change itself would require 67 votes.

And so some Republicans are talking up the so-called nuclear option: having Vice President Cheney rule from the chair that Senate rules do not allow filibusters for judicial nominees. It would take only 51 votes to impose that ruling.

And it would start a war. The Democrats threaten further unpleasantness, which raises the question of just how much cooperation there really is between the parties now.

The truth is the angry base to which the Senate Democrats are appealing with their filibuster threats consists of voters who believe their party failed in 2000 to stand up to dastardly Republicans who will no doubt do anything to hold on to power.

That base does not want cooperation between the parties, and its ideological representatives in the Senate are controlling the confirmation process.

In the meantime, some Republicans worry that their leaders won't be tough enough, that they will keep backing down to subversive tactics like the judicial filibuster and continue to let the Democrats have their way.

Both parties are walking a fine line, and the senators would do well to remember they are but one election away from reversing roles.

Unjust Treatment Of Estrada And Owen

Judicial selection and the proper role of the Senate in the confirmation process will be a major election issue. It's not yet time to exercise the nuclear option.

But the filibusters of stymied nominees Miguel Estrada and Priscilla Owen are manifestly unfair, and if the Democrats continue along this track with other Bush nominees - most especially a nominee to the Supreme Court - the Republicans will have reason to exercise it.